



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

January 26, 2023

The Honorable David Pekoske
Administrator
Transportation Security Administration
U.S. Department of Homeland Security
6595 Springfield Center Drive
Springfield, VA 20598-6005

Dear Administrator Pekoske:

We write concerning recent media reporting that a Switzerland-based cyber actor was able to access recent versions of the Federal Terrorist Screening Dataset, as well as a critical derivative of the dataset, the No-Fly List, maintained by the Transportation Security Administration (TSA).¹ Based on this reporting, the Committee understands that as many as 1.5 million data entries, including names, dates of birth, and aliases of individuals prohibited from flying into, out of, within, or over the United States was accessed on an unsecure Amazon Web Services server belonging to CommuteAir, which operates flights exclusively for United Airlines across several major hubs in the United States, including Washington Dulles, Denver, and Houston.²

Additionally, the hacker claimed they may have been able to exploit their access to the server to cancel or delay flights and even switch out crew members.³ If this were to be the case, the national security implications of this are alarming. As you are keenly aware, the transportation systems sector is one of 16 critical infrastructure sectors in the United States, ensuring the free movement of people and goods essential to the American economy and way of life. The notion that such a consequential database be left unsecure is a matter concerning cybersecurity, aviation security, as well as civil rights and liberties.

¹ Pandolfo, Chris, "TSA 'No-Fly' List Leaked after being Found on Unsecure Airline Server," Fox Business, 21 January 2023, <<https://www.foxbusiness.com/politics/tsa-no-fly-list-discovered-unsecured-airline-server-leaked-trans-lesbian-anarchist-kitten-hacker>>.

² Pellish, Aaron and Sonnet Swire, "Republican Lawmaker Indicates Congress will Investigate TSA No-Fly List Breach," CNN, 21 January 2023, <<https://www.cnn.com/2023/01/21/politics/congress-dan-bishop-investigate-tsa-no-fly-list-breach/index.html>>.

³ Greig, Jonathan, "Congressman 'coming for answers' after 'no-fly list' hack," The Record, 23 January 2023 <<https://therecord.media/congressman-coming-for-answers-after-no-fly-list-hack/>>.

While the Committee has now engaged with TSA to receive additional information related to this incident, concerningly, we were not notified proactively that this breach had occurred. It is incumbent upon the Members of the Committee on Homeland Security to conduct necessary oversight to ensure threats to Americans' transportation systems and civil rights and liberties are taken seriously. To that end, please provide answers to the following questions no later than Wednesday, February 8, 2023:

1. When did TSA first learn of the incident in which this data was accessed by a cyber actor and shared in a public manner?
 - a. What actions were taken in coordination with airline partners, to subsequently secure the information?
 - b. What steps has TSA taken to ensure this or similar datasets do not exist elsewhere on unsecure systems operated by air carriers?
2. Has TSA identified any deficiencies on the part of United Airlines or CommuteAir which may have led to this information being placed on an unsecure server?
3. What privacy or civil rights and liberties reviews have been conducted in response to this incident by TSA regarding the information of any American citizens that may have been released as part of this breach?
4. What, if any, threat assessments have been conducted in the wake of this incident related to aviation security or cybersecurity of critical transportation infrastructure?
5. Does TSA place any cybersecurity requirements on air carriers related to protecting sensitive information such as the No-Fly list? If so, please list.
6. Is TSA considering any updated or additional guidance or requirements, specifically in TSA's updated aviation Security Directive, to safeguard this sort of data in the future?
7. It has been reported that the revealed list includes Victor Bout, a Russian arms dealer recently released by the Biden administration in relation to a prisoner swap. Can TSA confirm whether Victor Bout remains on the U.S. No-Fly List?
8. Was the ability to switch out pilots, gate attendants, or other security personnel available to those who had access to the documents on this server?
 - a. What are the national security implications of an individual being able to cancel flights, delay flights, or switch out crew members—a capability claimed by the cyber actor who accessed the sensitive data?
9. Do airlines have the ability to verify that flight cancellations, flight delays, or alterations to crew assignments are being made by individuals authorized to do so?
10. To the agency's knowledge, have there been any instances of unauthorized individuals cancelling flights, delaying flights, or altering assignments of crew members?

Thank you for your prompt attention to this matter. Should you or your staff have any questions, please contact Eric Heighberger on the Committee staff at (202) 226-8417.

Sincerely,

Handwritten signature of Mark E. Green in black ink.

MARK E. GREEN, MD
Chairman

Handwritten signature of Dan Bishop in blue ink.

DAN BISHOP
Member of Congress

cc:
The Honorable Jen Easterly, Director
Cybersecurity and Infrastructure Security Agency



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

January 30, 2023

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, D.C. 20593

Dear Mr. Secretary Mayorkas:

I remain extremely concerned with the Biden Administration's decision in 2021 to terminate border barrier contracts for construction along the southern border. In just the first three months of this fiscal year, Customs and Border Protection has apprehended over 700,000 migrants at the southwest border.¹ These numbers are unsustainable. At a time when our borders remain porous, it is apparent now, more than ever, that the decision to cancel common sense border barrier contracts has been perilous to our homeland security.

In January 2017, then President Trump issued an Executive Order² declaring a state of emergency at the southern border and ordering the Secretary of the Department of Homeland Security (DHS) to begin the process of constructing a physical wall along the border. For nearly three years, significant time, funding, and manpower was spent implementing the necessary mandates of the Order. But in January 2021, President Biden issued a proclamation abruptly terminating the emergency at the southern border and redirecting the funds allocated to border wall construction.³

This abrupt and harmful shift in policy has cost American taxpayers millions of dollars – on cancelled contracts, wasted materials, and government manpower. As a steward for the American taxpayer and the Chairman of the committee of jurisdiction over the DHS, I have concerns about these costs. Therefore, I write as a follow-up to the letter you received in December 2022 from the Ranking Member of the Committee requesting that you preserve documents pertaining to the decision to cancel border barrier contracts. Specifically, I request that you provide the following:

¹ <https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/US59B8~1.PDF>.

² Exec. Order No. 13767 82 F.R. 8793 (2017), <https://www.federalregister.gov/documents/2017/01/30/2017-02095/border-security-and-immigration-enforcement-improvements>.

³ Proclamation No. 10142, 86 F.R. 7225 (2021), <https://www.federalregister.gov/documents/2021/01/27/2021-01922/termination-of-emergency-with-respect-to-the-southern-border-of-the-united-states-and-redirecting-of>

1. From January 1, 2021, to the present, all emails and communications among CBP, the Secretary of DHS, the Deputy Secretary of DHS, and any other DHS employee of official, the Secretary of Defense, any other Department of Defense official, the U.S. Army Corps of Engineers, and the Director of the Office of Management and Budget from January 1, 2021, to the present pertaining to:
 - (a) the decision to cancel border barrier contracts;
 - (b) the subsequent cancellation of border barrier contracts; and
 - (c) the impact of border barrier contract cancellations at the southwest border;
2. From January 1, 2021, to the present, all emails, and communications between any DHS official or employee and non-governmental parties pertaining to:
 - (a) The decision to cancel border barrier contracts;
 - (b) The subsequent cancellation of border barrier contracts; and
 - (c) The impact of border barrier contract cancellations at the southwest border;
3. From January 1, 2021, to the present, all emails and communications between any DHS officials and third-party contractors affected by the decision to cancel border barrier contracts;
4. All documents, emails, and communications created in response to President Biden's proclamation, including those:
 - (a) relating to any assessment of the legality of the funding and contracting methods used to construct the wall;
 - (b) relating to any assessment of the administrative and contractual consequences of ceasing each wall construction project;
 - (c) relating to the creation and implementation of the plan developed in accordance with section 2 of President Biden's 2021 proclamation; and
 - (d) relating to any compilation of information on all southern border wall construction contracts, the completion status of each wall construction process, and the funds used for wall construction since February 15, 2019; including directly appropriated funds and funds drawn from the Treasury Forfeiture Fund, the Department of Defense Drug

Interdiction and Counter-Drug Activities account, and the Department of Defense Military Construction account.

Thank you for your prompt attention to and compliance with this request. Please provide a response no later than February 28, 2023. Should you or your staff have any questions, please do not hesitate to reach out to Elizabeth O'Connor on my Committee Staff at (202) 226-8417.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive, slightly slanted style.

MARK E. GREEN, MD
Chairman



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

January 30, 2023

Tae D. Johnson
Acting Director for U.S Immigration and Customs Enforcement
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, D.C. 20593

Dear Acting Director Johnson:

The Committee on Homeland Security continues to conduct oversight of contracts for housing illegal migrants encountered at the Southwest Border. I write as a follow-up to the letter you received in December 2022 from the Committee's Ranking Member requesting that you preserve documents pertaining to contracts for housing migrants at the southwest border.

In 2021, the Committee on Oversight and Reform and the Committee on Homeland Security Republicans began oversight of two massive, sole source contracts that the Department of Homeland Security (DHS) awarded to nonprofit Family Endeavors, Inc (Endeavors). Since that oversight began, the Inspector General issued a report, finding that ICE did not adequately justify the need for the sole source contract and spent nearly \$17 million on hotel space and services that went largely unused.¹ Recent reporting also suggests that these contracts included superfluous accommodations to illegal immigrants at taxpayer expense.²

In the first three months of this fiscal year alone, Customs and Border Protection (CBP) has apprehended over 700,000 migrants at the southwest border - more than in any full fiscal year between 2009 and 2018.³ Of those 700,000 migrants, over 200,000 were family units⁴ that DHS scrambled to house before releasing them into the interior of the United States. Instead of pursuing cogent policies at the border, the Biden Administration has been aimlessly throwing taxpayer dollars at the issue, hoping to cure a problem it has only exacerbated.

¹ Office of the Inspector General, ICE Spent Funds on Unused Beds, Missed COVID-19 Protocols and Detention Standards while Housing Migrant Families in Hotels, OIG-22-37 (April 12, 2022), <https://www.oig.dhs.gov/sites/default/files/assets/2022-04/OIG-22-37-Apr22.pdf>

² Stephan Dinan, Feds paid room service, laundry, and babysitters for illegal immigrants kept at hotels, The Washington Time (Nov. 6, 2022), <https://www.washingtontimes.com/news/2022/nov/6/feds-paid-room-service-laundry-and-babysitters-ill/>.

³ <https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/US59B8~1.PDF>.

⁴ <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

The Committee has a responsibility to ensure that the federal government engages in contracts fairly and competitively and utilizes taxpayer money efficiently. As such, I have concerns about the Administration's contracts for housing migrants at the Southwest Border. To help understand DHS's decision to award a sole-source contract to Endeavors, I hereby request that you provide the following information as soon as possible, but no later than noon on February 28, 2023: from January 1, 2021, to the present, as to the contract⁵ DHS awarded to Family Endeavors, Inc. that began March 16, 2021:

1. All documents, emails, and communications about the need for contract migrant housing at the southwest border to accommodate an anticipated surge of migrants in early 2021;
2. All documents, emails, and communications about investigations of any potential vendors for contract migrant housing services at the southwest border to accommodate an anticipated surge of migrants in early 2021;
3. All emails and communications that refer to the contract, between any DHS employee and any Endeavors employee, personnel, executives, agents, affiliates, or representatives;
4. All emails and communications between any DHS employee and Andrew Lorenzen-Strait;
5. A copy of the sole source contract awarded to Endeavors;
6. A copy of any file for the sole-source contract kept by DHS contracting officials;
7. A copy of any proposals by Endeavors to initiate the sole source contract;
8. All documents and communications DHS contracting officials used to award the contract as a no-bid sole source contract;
9. All communications about the justification and approval document used for the sole source contract; and
10. The final draft of the justification and approval document used for the sole source contract.

In accordance with House Rule X, the Committee has jurisdiction over border security and shall "review and study on a continuing basis all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of

⁵ https://www.usaspending.gov/award/CONT_AWD_70CDCR21C00000001_7012_-NONE-_NONE-

Homeland Security". This request and any documents created as a result of this request will be deemed congressional documents and property of the House Committee on Homeland Security.

Thank you for your prompt attention to and compliance with this request. Please provide your response no later than February 28, 2023. Should you or your staff have any questions, please do not hesitate to reach out to Elizabeth O'Connor on my Committee Staff at (202) 226-8417.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive style with a large, stylized "M" and "G".

MARK E. GREEN, MD
Chairman



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

February 7, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, DC 20593

Dear Mr. Secretary:

We write with grave concern for our homeland security and the Biden Administration's latest failure to defend the homeland. On Thursday night, Americans became aware a Chinese surveillance balloon had invaded our sovereign airspace and was traveling overhead across our country. There is no reason this information should have been kept from the United States Congress—a co-equal branch of government—leaving us to find out from the press.

The Pentagon acknowledged that they had been monitoring this surveillance balloon for several days, yet took no action to prevent it from entering U.S. airspace. Even worse, news reports indicate that the Biden Administration knew about the spy balloon for more than a week before it was shot down. This inaction is both dangerous and egregious.

While the Pentagon has stated that the balloon was "not a threat," such an assertion could not be further from the truth. All Chinese espionage is a threat and must be taken seriously and addressed immediately. The Chinese Communist Party (CCP) uses aggressive espionage campaigns to circumvent and destroy the rules-based order, promote their national strategy of Military-Civil Fusion to create the most technologically advanced military in the world, and ensure that their authoritarian regime is accountable to no one.

This surveillance balloon is yet another scenario where the CCP sought to steal information from the United States. We know that the CCP continues to exploit our academic and scientific communities through Confucius Institutes and talent recruitment programs. They also work to infiltrate our cyber networks and industrial control systems to steal American intellectual property and technology across all sectors. What kind of sensitive information did this balloon collect as it traveled, unabated, across the United States? Why did the Administration not intercept this balloon before it crossed our border? Why did the Administration wait several days before shooting it down?

The Chinese government maintains that this balloon is a civilian airship mainly used for weather research, but this explanation is not believable and does not placate our concerns. China's 2017 National Intelligence Law requires organizations and citizens to "support, assist and cooperate with the state intelligence work." Therefore, no Chinese research organization, company, or citizen has autonomy from the Chinese State and is legally obligated to commit espionage for the CCP.

The CCP's espionage in our skies—left unaddressed by this Administration—is a serious concern to Americans. As members of the Committee with jurisdiction over the Department of Homeland Security (DHS), we must understand DHS' role in identifying, assessing, and tracking this threat. Therefore, we request a response to the following questions as soon as possible, but no later than February 17, 2023.

1. The Chinese surveillance balloon was reported to have flown over the Aleutian Islands in Alaska last week and then through Canada before hovering over sensitive locations in the United States. U.S. defense officials tracked the route of the Chinese surveillance balloon for several days. When did DHS first become aware of the Chinese surveillance balloon's presence in the U.S. homeland?
2. After becoming aware of the Chinese surveillance balloon's presence in the U.S. homeland, what action did DHS, particularly the Office of Intelligence and Analysis, take to monitor and share information throughout the Homeland Security Enterprise regarding the Chinese surveillance balloon?
3. What role has DHS, particularly the Office of Intelligence and Analysis, performed in information sharing amongst the interagency, especially the Intelligence Community, regarding the Chinese surveillance balloon?
4. Has DHS, particularly the Cybersecurity and Infrastructure Security Agency, taken any actions to secure from CCP exploitation, any sensitive assets and critical infrastructure, both publicly and privately owned, along the Chinese surveillance balloon's flight path?
5. When was the decision made to shoot the Chinese surveillance balloon down, and when was DHS made aware of it?

In addition to the above questions, please provide the following documents to the Committee no later than February 17, 2023.

1. All documents and communications between or among the Department of Homeland Security's Office of Intelligence and Analysis, the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency, the Department of Homeland Security's U.S. Coast Guard, the Federal Bureau of Investigation, or the Department of Defense, referring or relating to the Chinese surveillance balloon; and
2. All documents and communications referring or relating to the actions taken or plan to be taken by the Department of Homeland Security to mitigate the homeland security risks posed by the Chinese surveillance balloon.

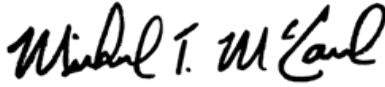
A CCP surveillance balloon invading sovereign U.S. airspace is a serious threat to our homeland security. The failure to defend the homeland and the lack of response by the Biden Administration is baffling and unacceptable. As representatives of the American people—and we reiterate, a co-equal branch of the federal government—we expect the Department to do everything in its power to secure the homeland and keep the U.S. Congress informed.

Please reach out to Mary Croghan on the House Homeland Security Committee staff at 202-226-8417 should you or your staff have any questions.

Sincerely,



MARK E. GREEN, MD
Chairman



MICHAEL T. MCCAUL
Member of Congress



CLAY HIGGINS
Member of Congress



MICHAEL GUEST
Member of Congress



DAN BISHOP
Member of Congress



CARLOS A. GIMENEZ
Member of Congress



AUGUST PLFUGER
Member of Congress



ANDREW R. GARBARINO
Member of Congress



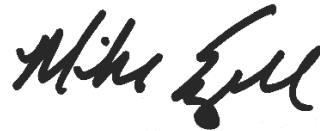
MAJORIE TAYLOR GREENE
Member of Congress



TONY GOZALES
Member of Congress



NICK LALOTA
Member of Congress



MIKE EZELL
Member of Congress



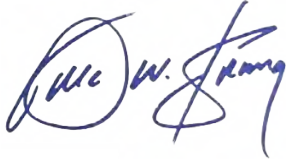
ANTHONY D'ESPOSITO
Member of Congress



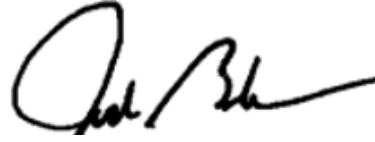
LAUREL M. LEE
Member of Congress



MORGAN LUTTRELL
Member of Congress

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DALE W. STRONG
Member of Congress

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JOSH BRECHEEN
Member of Congress

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ELIJAH CRANE
Member of Congress



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

February 9, 2023

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, D.C. 20593

Dear Mr. Secretary:

The Committee on Homeland Security is conducting oversight on the processing, detention, and release of illegal aliens encountered at the Southwest Border (SWB). In the first four months of this fiscal year alone, Customs and Border Protection (CBP) has recorded over 700,000¹ alien encounters at the SWB – more than in any full fiscal year between 2009 and 2018.² With these record setting encounters come record setting releases. In December 2022 alone, CBP released into the U.S. interior over 160,000 migrants from the SWB.³

As you know, under the Immigration and Nationality Act (INA), Congress mandated that the Department of Homeland Security (DHS) detain illegal aliens encountered at the border, while pending expedited removal⁴ or removal proceedings under INA § 240.⁵ Congress also gave DHS limited authority to grant parole to release these otherwise detainable illegal aliens applying for admission on a case-by-case basis for “urgent humanitarian reasons or significant public benefit.”⁶ The administration heavily relies on the very limited parole authority to justify its policy of releasing illegal aliens *en masse*, including tens of thousands without issuing a Notice to Appear.⁷ Additionally, the administration cites this limited parole authority to justify its new policy to allow

¹ <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

² <https://www.cbp.gov/sites/default/files/assets/documents/2021-Aug/US59B8~1.PDF>.

³ <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics>.

⁴ INA § 235(b)(1)(B)(ii), (iii)(IV).

⁵ INA § 235(a)(1), (b)(2).

⁶ INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A).

⁷ Press Release, Sen. Johnson, Sen. Johnson Releases Immigration Data Showing Failures of the Biden Administration’s Disastrous Border Policies (Jan. 11, 2022), <https://www.ronjohnson.senate.gov/2022/1/sen-johnson-releases-immigration-data-showing-failures-of-the-biden-administration-s-disastrous-border-policies>.

30,000 Venezuelans, Cubans, Haitians, and Nicaraguans per month to apply from outside the United States and gain entry into the United States.⁸

The Committee has a responsibility to ensure that the laws impacting border security are effective and that DHS is conducting border operations in accordance with those laws and in a manner that ensures that the homeland is secure. To assist the Committee with its oversight, please provide responses to the following questions:

- Since January 1, 2021, has DHS received any input, formal or informal, from non-government organizations, either for- or non-profit, on its policies and procedures for apprehension, detention, and removal of aliens encountered at the SWB? If so, please provide the organization name, date of input received, and summary of input.
- Since January 1, 2021, how many illegal aliens have been apprehended by CBP at the SWB and released into the United States? Please break out by processing outcome (i.e., warrant of arrest/Notice to Appear (NTA), NTA/Own Recognizance, Parole + ATD).
- Since January 1, 2021, how many aliens, who presented themselves for inspection at a SWB port of entry without travel documents, has CBP released into the United States? Please break out by processing outcome (i.e., warrant of arrest/NTA, NTA/Own Recognizance, Parole + ATD).
- Since January 1, 2021, as to all the aliens that CBP released into the United States, does DHS track each alien until the alien has reported to an Enforcement and Removal Operations (ERO) field office, given that in some locations appointment backlog for scheduling an ERO appointment is booked years out (in some field offices through June 2028)?
- Since January 1, 2021, how many aliens, either apprehended by CBP or who presented themselves for inspection at a SWB port of entry without travel documents, had a prior order of removal reinstated and were removed? How many remained detained pending the adjudication of a reasonable fear review? How many were released pending the adjudication of a reasonable fear review?
- Since CBP began issuing Notices to Report, how many aliens reported?
 - Of the aliens that reported, how many were issued a Notice to Appear?

⁸ The White House, FACT SHEET: Biden-Harris Administration Announces New Border Enforcement Actions (Jan. 5, 2023), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/>.

- Since January 1, 2021, how many aliens have been released from CBP custody on Alternatives to Detention (ATD)?
- Since CBP began release on the Parole + ATD program, how many aliens reported for supervision?
 - Of the aliens that reported, how many were issued a Notice to Appear?

To help understand DHS's decisions about processing, detention, and release of aliens at the SWB, the Committee requests that DHS produce the following documents, in electronic format:

- From January 1, 2021, to the present:
 - copies of all formal policies and procedures issued regarding the apprehension, detention, and removal of aliens encountered at the SWB;
 - all documents and communications, either formal or informal, pertaining to guidance on parole decision making at the SWB;
 - all documents and communications, either formal or informal, that address policies and/or procedures for expedited processing of aliens;
 - all documents and communications pertaining to the decision to establish a Notice to Report process for aliens at the SWB;
 - all documents and communications pertaining to the decision to establish a Parole + ATD program to process aliens at the SWB;
 - all documents and communications from CBP Headquarters providing guidance to the field offices about processing illegal aliens, including but not limited to:
 - not assigning Alien Numbers to reduce processing times;
 - implementing the Notice to Report Processing;
 - Implementing the Parole + ATD program;
 - The April 26, 2022, email from U.S. Border Patrol's Law Enforcement Operations Directorate regarding issuing Alien Numbers for the Parole + ATD program

- a written summary of all procedures regarding the apprehension, detention, and removal of aliens encountered at the SWB that have been verbally communicated from headquarters to CBP sector leads.
- Any checklists or criteria that CBP officers or Border Patrol agents use to track release, parole, or detention decisions;
- Prior to November 2, 2021, all documents and communications addressing guidance, formal or informal, about CBP issuing Notices to Report to aliens at the SWB;
- Any memo issued on or around November 2, 2021, ending the use of the Notice to Report and implementing the Parole + ATD program; and
- Any memo issued on or around July 18, 2022, about implementing the Parole + ATD program.

To assist in its oversight efforts and confirm CBP's policies and procedures that have been implemented, the Committee requests the following sampling of data and documents, in electronic format:

- On October 10, 2021:
 - The total number of aliens encountered at the SWB, broken down by classification;
 - For each single adult encountered at the border:
 - Form I213;
 - Form I385;
 - Any forms or notes documenting the decision making to determine the processing outcome; and
 - The processing outcome;
- On July 28, 2022:
 - The total number of aliens encountered at the SWB, broken down by classification;
 - For the lead member of each family unit encountered at the border:

- Form I213;
- Form I385;
- Any forms or notes documenting the decision making to determine the processing outcome; and
- The processing outcome.

In accordance with House Rule X, the Committee has jurisdiction over border security and shall “review and study on a continuing basis all Government activities relating to homeland security”. DHS border operations are unquestionably the first line of defense to our homeland security and squarely within the Committee’s jurisdiction. In addition, this request and any documents created because of this request are and will be deemed Congressional documents and property of the House Committee on Homeland Security.

Thank you for your prompt attention to and compliance with this request. Please provide your response no later than February 28, 2023. Should you or your staff have any questions, please do not hesitate to reach out to Elizabeth O’Connor on my Committee Staff at (202) 226-8417.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive, slightly slanted style.

MARK E. GREEN, MD



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

February 14, 2023

General Glen D. VanHerck
Commander
USNORTHCOM & NORAD
250 Vandenberg Street
Peterson SFB, CO 80914

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Dear General VanHerck and Mr. Secretary:

We write to request a briefing for the House Homeland Security Committee on the recent incursions of our nation's airspace by a Chinese surveillance balloon. The foreign aircraft posed a serious threat to the American homeland, with administration officials indicating the Chinese surveillance balloon was capable of conducting intelligence collection operations.¹ It is even more concerning that prior such Chinese espionage missions have occurred without being detected.

North American Aerospace Defense Command (NORAD)'s primary mission is to conduct airspace warning operations, airspace control, and maritime warning in the defense of North America.² As we learned on that fateful day in September 2001, airspace control and defense is a critical pillar in securing our nation against foreign threats. Since the Committee's founding in 2005 it has worked tirelessly to identify and deter homeland threats, secure our borders, and provide oversight over the Department of Homeland Security.

Given the pertinent homeland equities involved in the Chinese surveillance balloon incident, it is unacceptable that we learned about these incidents through news reports. As a co-equal branch of the government, Congress deserves candid answers as to why these incursions have taken place and understand the steps the Executive Branch is taking to mitigate these threats in the future.

In order to conduct proper oversight for the Chinese surveillance balloon incident, we request that you brief the Committee by March 10, 2023 in an classified setting. During the briefing, we expect you to discuss with us all of the capabilities that these aircrafts possess that pose a threat to the homeland.

¹ Atwood, K., Britsky, H., Hansler, J., Herb, J., & Raju, M. *US officials disclosed new details about the balloon's capabilities*. Here's what we know. CNN. <https://www.cnn.com/2023/02/09/politics/spy-balloon-technology/index.html>

² *About NORAD*. North American Aerospace Defense Command. <https://www.norad.mil/About-NORAD/#:~:text=The%20North%20American%20Aerospace%20Defense,maritime%20warning%20for%20North%20America.>

If you have any questions about this request, please contact Mary Croghan on Committee staff at (202) 226-8417. Thank you for your prompt attention to this matter.

Sincerely,



MARK E. GREEN, MD
Chairman



AUGUST PFLUGER
Chairman of the Subcommittee
on Counterterrorism, Law
Enforcement, and Intelligence



DAN BISHOP
Member of Congress



TONY GONZALES
Member of Congress



ANTHONY D'ESPOSITO
Member of Congress



ELIJAH CRANE
Member of Congress

Congress of the United States
Washington, DC 20515

February 26, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20593

Dear Mr. Secretary:

We write to express our serious concerns about an upcoming visit to the United States by Cuban regime officials as part of the United States Coast Guard's (USCG) International Port Security Program.

During the week of February 27, a Cuban delegation consisting of officials from Cuba's Border Guard and Ministry of Foreign Affairs is expected to visit the United States to meet with the U.S. Coast Guard and tour U.S. port facilities. According to the U.S. Department of State's Bureau of Legislative Affairs, the Cuban delegation will visit the U.S. Coast Guard headquarters in Washington, DC before touring port facilities in Wilmington, North Carolina under the supervision of U.S. Coast Guard personnel.¹

We are deeply concerned about the U.S. national security implications of allowing government officials with a known adversarial foreign intelligence service to access sensitive U.S. Federal Government facilities. Not only is Cuba still a U.S. designated State Sponsor of Terrorism along with North Korea, Iran, and Syria², but Cuba remains a chief counterintelligence threat. The U.S. Director of National Intelligence consistently identifies Cuba as a core and continuing counterintelligence mission, similar to Iran and North Korea.³ Additionally, Cuba and Russia have continued to deepen bilateral relations, including in security cooperation, amplifying the threat to U.S. national security.

On January 15, 2021, the U.S. Department of the Treasury's Office of Foreign Assets Control placed Global Magnitsky Sanctions on the Cuban Ministry of Interior for its complicity in serious human rights abuses in Cuba.⁴ The Cuban Ministry of Interior is responsible for Cuba's internal security and frequent oppressive and deadly crackdowns against Cuban citizens. The Ministry of Interior also oversees Cuba's Directorate of Border Guard Troops. Inviting this

¹ U.S. Dep't of State, Bureau of Leg. Affairs, *U.S. Department of State Message to Congress on Cuban Officials Visiting United States for International Port Security Program*, (February 24, 2023) (On file with the Committee).

² U.S. Dep't of State, Bureau of Counterterrorism, *State Sponsors of Terrorism*, (retrieved February 25, 2023) at <https://www.state.gov/state-sponsors-of-terrorism/>

³ Office of the Director of National Intelligence, *National Counterintelligence Strategy of the United States of America*, (February 2, 2020)

⁴ U.S. Dep't of the Treasury, *Treasury Sanctions the Cuban Ministry of the Interior and Its Leader for Serious Human Rights Abuse*, Press Release (January 15, 2023) at <https://home.treasury.gov/news/press-releases/sm1237>

same Border Guard entity to visit the United States and tour U.S. Federal Government facilities would have serious intelligence and national security consequences.

We strongly urge you to table the consideration of such a visit that ignores the Cuban regime's brutality, its repression of its citizens, and its designation as a State Sponsor of Terrorism, while also exposing our Nation's port infrastructure to potential vulnerabilities and jeopardizing our national security.

To better understand the security implications of a visit by the Cuban delegation to the United States, and the Department of Homeland Security's actions and interagency coordination to extend such an invitation, we respectfully request that you provide the following information:

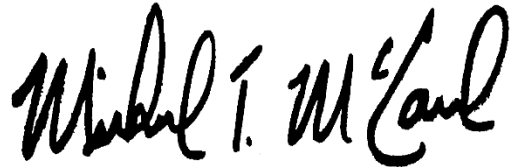
- a. Which federal agency was the lead for this coordination?
- b. Please provide documents relating to all background checks conducted on members of the Cuban delegation, as well as any documents suggesting the degree, if any, to which the U.S. Department of Homeland Security synchronized their vetting efforts with the Federal Bureau of Investigation, the U.S. Department of State, and other agencies within the Intelligence Community.
- c. Please provide records and information for each member of Cuba's Border Guard and Ministry of Foreign Affairs visiting the United States including the visa category pursuant to which each of these officials will be admitted to the United States, the port of entry where they will be admitted, and the expected dates of admission and departure.
- d. The Cuban delegation was invited to visit the United States as participants in the U.S. Coast Guard's International Port Security Program. Is this construct governed by a memorandum of understanding or other agreement? If so, please generally describe the agreement.
- e. Which U.S. Coast Guard or senior officials within the U.S. Department of Homeland Security were responsible for developing plans for the visit to the United States by the Cuban Delegation? Please identify the office and the most senior official serving within that office. If this was an interagency effort, please identify which department and official led this initiative.
- f. Since January 20, 2021, have any other officials from a country designated as a State Sponsor of Terrorism visited U.S. Federal Government facilities within the interior of the United States under the International Port Security Program?
- g. Did any DHS Visa Security Unit personnel review applications of the Cuban delegation? If so, please identify the location of the DHS personnel that conducted the review, whether the review included background check vetting, and whether DHS was aware that Cuba's Ministry of Interior is placed under Global Magnitsky Sanctions.

Please provide responses to these questions as soon as possible, but by no later than 5:00 p.m. on Monday, February 27, 2023. If you have any questions about this request, please contact Roland Hernandez of Chairman Green's staff at (202) 226-8417, and Ana Quintana of Chairman McCaul's staff at (202) 225-5021. Thank you for your attention to this important matter.

Sincerely,



Mark Green, MD
Chairman
Committee on Homeland Security



Michael McCaul
Chairman
Committee on Foreign Affairs



Carlos A. Gimenez
Chairman
Subcommittee on Transportation
and Maritime Security
Committee on Homeland Security



Maria Elvira Salazar
Chairman
Subcommittee on Western Hemisphere
Committee on Foreign Affairs

cc: The Honorable Antony Blinken
U.S. Secretary of State



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

March 03, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, N.W.
Washington, DC 20535

The Honorable David Pekoske
Administrator
Transportation Security Administration
U.S. Department of Homeland Security
6595 Springfield Center Drive
Springfield, VA 20598-6005

Dear Director Wray and Administrator Pekoske:

On March 1, 2023, the Transportation Security Administration (TSA) announced that TSA officers prevented an explosive device from being loaded onto a flight at Lehigh Valley International Airport (ABE).¹ The suspect, Mark Muffley, was arrested on Monday, February 27, 2023, by the Federal Bureau of Investigation (FBI) and charged with possessing an explosive device in an airport and attempting to have placed an explosive device on an aircraft.²

According to court records, on February 27, 2023, the suspect checked in a suitcase at the Allegiant airline counter at ABE.³ Prior to the suitcase being loaded into the cargo area of the Allegiant aircraft, TSA officers screened the suitcase. Upon screening the suitcase, TSA officers were alerted to the contents and proceeded with a physical inspection. During the inspection, a small device with two fuses and a concealed powder mixture suspected to be explosive material was discovered, though the device was reportedly not operational. TSA contacted the FBI to examine the explosive device and assist in the identification of the suspect. The FBI arrested the suspect later that day.

¹ Press Release, Transportation Security Administration, *TSA officers prevent explosive device from being loaded on plane at Lehigh Valley International Airport*, (Mar. 1, 2023) at <https://www.tsa.gov/news/releases/2023/03/01/tsa-officers-prevent-explosive-device-being-loaded-plane-lehigh>.

² Criminal Complaint, United States of America v. Mark Muffley, United States District Court for the Eastern District of Pennsylvania (Feb. 27, 2023).

³ *Id.*

To better understand the actions taken by TSA to secure the explosive device and ensure the safety of passengers within the airport, as well as the progress and extent of the FBI's investigation, please provide a briefing to the Committee as soon as possible, but no later than March 16, 2023.

To schedule the briefing or if you have any questions about this request, please ask your staff to contact Homeland Security Committee staff at (202) 226-8417. Thank you for your prompt attention to this important matter.

Sincerely,



Mark E. Green, MD
Chairman
Committee on Homeland Security



Bennie G. Thompson
Ranking Member
Committee on Homeland Security



Carlos A. Gimenez
Chairman
Subcommittee on Transportation
and Maritime Security



Shri Thanedar
Ranking Member
Subcommittee on Transportation
and Maritime Security



August Pfluger
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence



Seth Magaziner
Ranking Member
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

cc: The Honorable Alejandro Mayorkas
Secretary of Homeland Security



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

March 13, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, DC 20593

Dear Mr. Secretary:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (Department) Overt Human Intelligence Collection Program (OHIC) operated by the Office of Intelligence and Analysis (I&A). OHIC, a domestic intelligence program, raises serious concerns about the Department's overreach of its statutory mandate and potential violations of Americans' fundamental civil liberties.

According to a recent media report, I&A employees share "widespread internal concerns about legally questionable tactics and political pressure" about the Office's domestic intelligence program.¹ While I&A used the program "to gather information about threats to the U.S. . . ." the OHIC also included directly questioning "incarcerated people – circumventing their lawyers . . . ," which caused many I&A employees to "fear that they [were] breaking the law."² These fears seemingly caused the temporary halting of "the portion of the program involving interviews with prisoners who had received their Miranda rights . . ."³ Some field employees were "worried so much about the legality of their activities that they wanted their employer to cover liability insurance."⁴

There are also reported concerns about potential retaliation against I&A employees. As described in the media account, a documented workforce survey of I&A states, "Numerous narrative comments, as well as inquiries prior to taking the survey, indicate the members of the workforce did not want to provide feedback due to fear of retaliation."⁵ Even under fear of reprisal, a former Director of I&A's Field Operations Division's (FOD) listening sessions

¹ Betsy Woodruff Swan, *Documents: DHS Has a Domestic Intelligence Program – And Virtually No One Knows About it*, POLITICO, Mar. 6, 2023, <https://www.politico.com/news/2023/03/06/dhs-domestic-intelligence-program-00085544>.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

revealed that one individual stated that “FOD leadership is ‘shady’ and ‘runs like a corrupt government.’”⁶

These reports are even more concerning when viewed in the context of the Department’s now-scuttled, Disinformation Governance Board (Board), created under the Biden Administration to police alleged disinformation and misinformation.⁷ The Board was terminated, and its charter rescinded, but only after significant public scrutiny about the serious threat to curtail Americans’ constitutionally protected free speech.⁸ Similarly, the Department’s Cybersecurity and Infrastructure Agency (CISA) modified its webpage last week to remove its previous public declaration that it classified domestic opinions deemed “misinformation” as an attack on “democratic institutions,” now only referencing foreign actors.⁹ There appears a pattern of mission creep and overreach by the Department emerging at the expense of Americans more than foreign actors who threaten the homeland. Meanwhile, whether upon public backlash, significant employee discountenance, or through subtle communications changes, the Department continues to alter its public facing tones. Public statements or website revisions alone, however, do not evidence actual course corrections.

Thoroughly reviewing I&A’s organization and operations is critical to deciphering if such actual course corrections are being made. On February 27, 2023, the Committee sent you a letter, requesting information about I&A’s activities, to include a status update and any preliminary findings from the Department’s ongoing “360” review of I&A.¹⁰ The deadline to respond to that letter is today, March 13, 2023, at 5:00 p.m. We expect that you comply with the Committee requests in full, especially in light of these new reports.

To assist the Committee in its oversight of I&A, please provide a briefing to Committee staff on OHIC as soon as possible, but no later than 5:00 p.m. on March 27, 2023. In addition, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on March 27, 2023:

⁶ *Id.*

⁷ Bradford Betz, *Mayorkas Testifies DHS Is Creating ‘Disinformation Governance Board’*, FOX NEWS, Apr. 27, 2022, <https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board>.

⁸ Timothy H.J. Nerozzi, *Mayorkas Officially Cancels Homeland Security Disinformation Governance Board*, FOX NEWS, Aug. 25, 2022, <https://www.foxnews.com/politics/mayorkas-officially-cancels-homeland-security-disinformation-governance-board>. See also Press Release, U.S. Dep’t of Homeland Sec., Following HSAC Recommendation, DHS Terminates Disinformation Governance Board (Aug. 24, 2022).

⁹ See Aaron Kliegman, *DHS Agency Appears to be ‘Burying’ Evidence of Involvement with ‘Domestic Censorship Activities’*: Expert, Fox News, Mar. 7, 2023, <https://www.foxnews.com/politics/dhs-agency-appears-burying-evidence-involvement-domestic-censorship-activities-expert>.

¹⁰ Letter from Rep. Mark E. Green et al., Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas (Feb. 27, 2023). (“We are stepping back right now and doing a 360 review . . . that entails taking a look at the organization and seeing where [the DHS Office of Intelligence and Analysis] has the most value to our partners, particular state and locals”) See also *Examining the Operations of the Office of Intelligence and Analysis: Hearing Before the H. Comm. on Homeland Sec.*, 117th Cong. (Dec. 13, 2022) (testimony of Hon. Kenneth L. Wainstein, Under Sec’y for Intelligence and Analysis, Dep’t of Homeland Sec.).

1. An unredacted copy of the “document from 2016,” as reported in the March 6, 2023 article published by Politico¹¹ explaining how the Department’s Overt Human Intelligence Collection Program operated;
2. All documents and communications referring or relating to the establishment of the Department’s Overt Human Intelligence Collection Program from January 1, 2016 to the present;
3. All documents and communications referring or relating to any modification of the Department’s Overt Human Intelligence Collection Program from January 1, 2016 to the present;
4. All documents and communications referring or relating to the Department’s assessment of the legality of the Overt Human Intelligence Collection Program from January 1, 2016 to present;
5. Documents sufficient to show Secretary Mayorkas’ consultation with the Department’s attorneys in the Office of Intelligence and Analysis, the Office of the General Counsel, and any other Department office or agency regarding the establishment and continuation of the Overt Human Intelligence Collection Program or any portion thereof.
6. Any and all documents, including but not limited to, internal memoranda, guidelines, and recommendations, sufficient to show the analyses of the Overt Human Intelligence Collection Program’s compliance or noncompliance with Title 50 of the United States Code, Executive Order 12333, Executive Order 13462, and the Homeland Security Act of 2002;
7. Documents sufficient to show the number of “collectors” or federal and contractor employees who conduct interviews through the Overt Human Intelligence Collection Program, and the General Schedule grade of those individuals or contractor status, if applicable, categorized by calendar year from 2016 to the present; and
8. Documents sufficient to show the number of individuals interviewed under the Overt Human Intelligence Collection Program, the incarceration status of those interviewees at the time of the interviews, and the country of citizenship of those interviewees at the time of the interviews, categorized by calendar year from 2016 to the present.

To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover. An attachment contains instructions for responding to this request.

Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

¹¹ *Supra* note 1.

The Honorable Alejandro Mayorkas

March 13, 2023

Page 4

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this matter.

Sincerely,

Handwritten signature of Mark E. Green in black ink.

MARK E. GREEN, MD
Chairman

Handwritten signature of Dan Bishop in blue ink.

DAN BISHOP
Chairman
Subcommittee on Oversight, Investigations,
and Accountability

Handwritten signature of August Pfluger in blue ink.

AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism, Law
Enforcement, and Intelligence



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

April 3, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write today to express our concern about existing vulnerabilities at our nation's maritime ports. We are particularly concerned about technology employed by Chinese-manufactured cranes operating in U.S. ports, which significantly increases the cybersecurity risk to business operations systems and terminal industrial control systems.

To address these concerns, the Committee on Homeland Security is conducting oversight of vulnerabilities in our nation's maritime ports and the Department of Homeland Security's (DHS) resilience strategies to address them. As you know, DHS is the lead federal agency responsible for our nation's maritime port security and cybersecurity. America's supply chain and economic security are largely dependent on maritime ports, which help facilitate \$5.4 trillion worth of commercial and military goods, annually.¹

Maritime port security is vital to our national security. On November 30, 2022, a bicameral group of Members sent a letter to President Biden urging action and decisive response to the threats posed by China at our nation's ports.² We renew that call. Among other issues, we find troubling that Chinese-made cranes manufactured by Shanghai Zhenhua Heavy Industries Co., also known as ZPMC, are utilized in 80 percent of U.S. ports.³

As described recently in the *Wall Street Journal*, these cranes "contain sophisticated sensors that can register and track the provenance and destination of containers, prompting concerns that China could capture information about materiel being shipped in or out of the country to support U.S. military operations around the world."⁴ If this report is correct, data

¹ *Exports, Jobs & Economic Growth*, American Association of Port Authorities, <https://www.aapa-ports.org/advocating/content.aspx?ItemNumber=21150>.

² Letter from Sen. Tom Cotton et al., to President Joseph R. Biden (Nov. 30, 2022) available at <https://www.cotton.senate.gov/imo/media/doc/logink.pdf>.

³ Aruna Viswanatha, Gordon Lubold, and Kate O'Keeffe, *Pentagon Sees Giant Cargo Cranes as Possible Chinese Spying Tools*, WALL STREET J., Mar. 5, 2023, <https://www.wsj.com/articles/pentagon-sees-giant-cargo-cranes-as-possible-chinese-spying-tools-887c4ade>.

⁴ *Id.*

collection of military shipments and visibility into our nation's defense industrial base presents an enormous threat to our military strategic competitive advantages.

Even more concerning, the parent company of ZPMC, China Communications Construction Co. (CCCC), is a leading Belt and Road Initiative⁵ contractor with close ties to the People's Liberation Army (PLA) and participates in military civil fusion.⁶ In July 2018, the CCCC's "military-civilian fusion office signed a 'strategic cooperation' agreement with the PLA's Naval Logistics Academy, pledging to collaborate on matters related to the development of maritime defense projects, theoretical research and big-data, among other areas."⁷ ZPMC's relationship with CCCC is disconcerting, especially given the prevalence of ZPMC cranes in U.S. ports.

Furthermore, if an adversary exploits the operational technology (OT) system of these cranes, port operations could completely shut down, suspending all commercial activity which would also disrupt our nation's military and commercial supply chains.⁸ According to a former top U.S. counterintelligence official, "[c]ranes can be the new Huawei."⁹ Any potential port shut down could create catastrophic economic and security consequences. These vulnerabilities could provide opportunities to near-peer nation-state adversaries, such as China, to cripple our economy from behind a computer screen.

To assist the Committee in its oversight of DHS's maritime port security efforts, please schedule a briefing to Committee staff on maritime port security with a focus on maritime port cybersecurity as well as the vulnerabilities ZPMC's cranes in U.S. ports may pose, as soon as possible, but no later than 5:00 p.m. on April 14, 2023. In addition, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on April 17, 2023:

1. All documents and communications referring or relating to security vulnerabilities ZPMC or other foreign-manufactured cranes employed at U.S. ports pose to U.S. maritime ports from January 1, 2000 to the present;
2. Documents sufficient to show the risk assessment and emergency preparedness measures in place by sector risk management agencies (SRMAs) as directed by the FY21 National Defense Authorization Act for the Transportation System Sector, specifically as it relates to the maritime transportation sector;

⁵ *The Belt and Road Initiative (BRI) is central to China's primary foreign policy strategy. The BRI aims to spread Chinese economic, political, and military influence by investing in critical infrastructure projects in Africa, Asia, the Middle East, Europe, and Latin America, focusing on developing nations.*

⁶ *Supra* note 2.

⁷ Kate O'Keefe and Chun Han Wong, *U.S. Sanctions Chinese Firms and Executives Active in Contested South China Sea*, WALL STREET J., Aug. 26, 2020, https://www.wsj.com/articles/u-s-imposes-visa-export-restrictions-on-chinese-firms-and-executives-active-in-contested-south-china-sea-11598446551?mod=Searchresults_pos1&page=1&mod=article_inline.

⁸ *Supra* note 2.

⁹ *Id.*

Secretary Mayorkas

April 3, 2023

Page 3

3. Documents sufficient to show the United States Coast Guard's (USCG) Maritime Cyber Readiness Branch (MCRB) standard operating procedures to assess, address, and mitigate cybersecurity risks to maritime ports;
4. Documents sufficient to show how DHS, including the USCG, engages with the maritime port industry, including private companies, about cybersecurity threats;
5. A document sufficient to show the percentage of private maritime transportation companies that voluntarily report cybersecurity incidents to DHS;
6. A document sufficient to show the average response time of DHS, including the Cybersecurity and Infrastructure Security Agency (CISA) and USCG, for reported maritime port cybersecurity incidents; and
7. Documents sufficient to show which private companies received Federal Emergency Management Agency (FEMA) Port Security Grant program funding for FY20, FY21, FY22, and FY23 and how awardees utilized grant dollars for those fiscal years.

To the maximum extent possible, provide unclassified responses to these requests. Any classified information provided in response to this letter should be provided under separate cover. An attachment contains instructions for responding to this request.

Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, MD
Chairman



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability

Secretary Mayorkas

April 3, 2023

Page 4



CARLOS GIMENEZ
Chairman
Subcommittee on Transportation
and Maritime Security



ANDREW GARBARINO
Chairman
Subcommittee on Cybersecurity
and Infrastructure Protection

cc: The Honorable Bennie G. Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Shri Thanedar, Ranking Member
Subcommittee on Transportation and Maritime Security

The Honorable Eric Swalwell, Ranking Member
Subcommittee on Cybersecurity and Infrastructure Protection



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

April 20, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
Washington, DC 20535

Dear Secretary Mayorkas and Director Wray:

The Committee on Homeland Security (Committee) is conducting oversight of the recent violent attack on law enforcement officers and property at the site of the future Atlanta Public Safety Training Center in Atlanta, Georgia. On March 5, 2023, the Atlanta Police Department arrested 35 suspected violent extremists who carried out the attack.¹ The Georgia Bureau of Investigation (GBI) later charged 23 of those arrested with domestic terrorism under Georgia state law.² Unfortunately, these extremist tactics and violent acts resemble the sustained violence by anarchists and violent left-wing extremists in 2020 when they vandalized and destroyed federal property in Portland, Oregon.³

According to reports by the Atlanta Police Department, “a group of violent agitators used the cover of a peaceful protest” to carry out “a coordinated attack on construction equipment and police officers.”⁴ The reports continued that “[t]hey changed into black clothing and entered the construction area and began to throw large rocks, bricks, Molotov cocktails, and fireworks at

¹ Press Release, Atlanta Police Dep’t, *Update: Mugshots and Arrestee Info Added- 3/5/2023 Atlanta Public Safety Training Center Demonstrations* (Mar. 5, 2023) <https://www.atlantapd.org/Home/Components/News/News/3927/631>.

² See Matt Delaney, *Dozens arrested following attack at Atlanta’s future police training facility*, WASH. TIMES (Mar. 6, 2023) <https://www.washingtontimes.com/news/2023/mar/6/dozens-arrested-following-attack-atlantas-future-p>. See also Press Release, Georgia Bureau of Investigation, *GBI Charges 23 People with Domestic Terrorism Following Attack on Site of Future Atlanta Public Safety Training Center* (Mar. 6, 2023) <https://gbi.georgia.gov/press-releases/2023-03-06/gbi-charges-23-people-domestic-terrorism-following-attack-site-future>.

³ Tom Batchelor, *Portland Protestors Have Caused \$2.3 Million in Damage to Federal Buildings*, NEWSWEEK (Feb. 4, 2021) <https://www.newsweek.com/portland-protesters-damage-cost-federal-buildings-1566821>.

⁴ Press Release, *Georgia Bureau of Investigation, GBI Charges 23 People with Domestic Terrorism Following Attack on Site of Future Atlanta Public Safety Training Center* (Mar. 6, 2023) <https://gbi.georgia.gov/press-releases/2023-03-06/gbi-charges-23-people-domestic-terrorism-following-attack-site-future>.

police officers. The agitators destroyed multiple pieces of construction equipment by arson and vandalism.”⁵ The Atlanta Police Department officers, however, exercised restraint and used nonlethal enforcement methods to disband the group and arrest those involved.⁶

While the GBI has charged 23 agitators with domestic terrorism under Georgia state law, the Federal Bureau of Investigation’s (FBI) Atlanta Field Office is working to determine if any federal laws were violated in connection with the violent attacks.⁷ According to the Atlanta Police Department, only two of the suspected anarchists live in Georgia.⁸ The remaining offenders traveled from various states across the country,⁹ suggesting a nationally coordinated, organized, and developed plan of attack.

Notably, one of the individuals charged with domestic terrorism at the site of the Atlanta Public Safety Training Center is an employee of the Southern Poverty Law Center (SPLC), a biased and far-left organization.¹⁰ Following the violent attack, the SPLC released a statement denouncing the employee’s arrest and blaming police “escalation” for the violence.¹¹ This statement is concerning as both the Department of Homeland Security (DHS) and FBI have cited and relied upon SPLC’s opinions for official products, raising serious questions about those products’ objectivity and impartiality. For example, on January 23, 2023, the FBI’s Richmond Field Office published an analysis that identified “radical-traditionalist Catholic[s]” as “racially or ethnically motivated violent extremists.”¹² The document cited the SPLC as a prominent source used to support this assessment.¹³ The FBI eventually rescinded the document after it was widely denounced.¹⁴ Additionally, in a 2021 quarterly bulletin by DHS’s Office of Intelligence and Analysis (I&A) regarding a national threat report, I&A cited an SPLC assessment about extremist movements.¹⁵

⁵ *Id.*

⁶ *Supra* note 1.

⁷ See FBI Atlanta (@FBIAtlanta), TWITTER (Mar. 6, 2023, 3:30 PM). To date, the FBI has not made any determinations.

⁸ *Supra* note 1.

⁹ One offender is from Canada and another from France. See *supra*, note 1.

¹⁰ Matthew Impelli, *Lawyer’s Arrest at Atlanta Protest Speaks Criticism of SPLC*, NEWSWEEK, Mar. 6, 2023, <https://www.newsweek.com/lawyers-arrest-atlanta-protest-sparks-criticism-splc-1785889>.

¹¹ Press Release, Southern Poverty Law Center, *NLG AND SPLC STATEMENTS ON ARREST OF LEGAL OBSERVER*, (Mar. 6, 2023).

¹² Fed. Bureau of Investigation, U.S. Dep’t of Justice, *Domain Perspective, Interest of Racially or Ethnically Motivated Violent Extremist Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities* (Jan. 23, 2023).

¹³ *Id.*

¹⁴ See e.g., Jerry Dunleavy, *Unreliable sources: FBI’s string of embarrassing failures with left-wing sources exposed*, WASH. EXAM. (Feb. 13, 2023) (Statement from FBI to the Wash. Exam. (“This particular field office product . . . does not meet the exacting standards of the FBI. Upon learning of the document, FBI Headquarters quickly began taking action to remove the document from FBI systems and conduct a review of the basis for the document. Upon learning of the document, FBI Headquarters quickly began taking action to remove the document from FBI systems and conduct a review of the basis for the document.”)). *Id.*

¹⁵ U.S. Dep’t of Homeland Sec., Office of Intelligence and Analysis, *National Threat Evaluation and Reporting, Quarter 4 – 2021*.

To assist the Committee in its oversight of the roles of DHS and FBI in monitoring and conducting oversight of the recent violent attack that occurred at the Atlanta Public Safety Training Center site, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on May 4, 2023:

1. All documents and communications, including but not limited to, memoranda, intelligence bulletins, threat assessments, situational information reports, briefing materials, and requests for assistance, referring or relating to the Atlanta Public Safety Training Center site, from January 1, 2022 to the present;
2. A document sufficient to show a list of each instance that DHS or the FBI has cited or used in any of its documents, information from any SPLC reports or assessments, from January 2021 to the present;
3. A document sufficient to describe DHS and the FBI's knowledge about whether and how the violent attack on the Atlanta Public Safety Training Center was coordinated around the country, including but not limited to, internal participant communication, any communications DHS and the FBI had with technology companies before the attacks, posts on their social media platforms regarding plans for violence at the Atlanta Public Safety Training Center site, and any funding mechanisms used to support the violent activities;
4. A document sufficient to explain what information DHS and the FBI shared with federal, state, or local law enforcement departments and agencies about possible violence at the Atlanta Public Safety Training Center site, including to which entities DHS and the FBI disseminated information and dates of transmittal;
5. A document sufficient to explain whether any DHS or FBI employees communicated with any of the participants in the violent attack at the Atlanta Public Safety Training Center site, including whether the FBI had any related undercover employees, online covert employees, or confidential human sources;
6. A document sufficient to explain if any of the individuals now charged with domestic terrorism as a result of the attack at the Atlanta Public Safety Training Center are listed on any federal government watchlists or in any federal government systems, including any identification as an individual affiliated with domestic violent extremist movements; and
7. A document sufficient to explain what actions DHS and the FBI are taking to support state and local law enforcement partners to prevent future acts of violence and destruction against the Atlanta Public Safety Training Center site or similar facilities.

Secretary Mayorkas
Director Wray
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Upon providing the requested documents and information, please provide a briefing to Committee staff as soon as possible, but no later than May 4, 2023. We also request that the FBI notify the Committee as soon as it determines whether any participants in the violent attack at the Atlanta Public Safety Training Center site committed any federal crimes.

An attachment contains instructions for responding to this request. If you have any questions about this request, please contact Homeland Security Majority Committee staff at (202) 226-8417.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this matter.

Sincerely,



MARK E. GREEN, MD
Chairman



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence



DAN BISHOP
Chairman
Subcommittee on Oversight, Investigations,
and Accountability

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

Secretary Mayorkas
Director Wray
April 20, 2023
Page 5

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability



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

April 24, 2023

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, D.C. 20535

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Director Wray and Secretary Mayorkas:

We write to request additional information about an illegal Chinese government police station in Manhattan, New York. On April 17, 2023, the Federal Bureau of Investigation (FBI) arrested two individuals for operating a Chinese police station in Lower Manhattan and obstructing justice by destroying evidence.¹ In a related case, the FBI charged 40 officers of China's national police for their involvement in transnational repression schemes targeting U.S. residents, which is when foreign governments illegally stalk, intimidate, or assault people in the United States.² These two plots were designed by the Chinese Communist Party (CCP) to harass Chinese nationals residing in the United States and suppress dissidents from speaking out against the CCP's oppressive regime.

The Chinese police station located in Manhattan drew national outrage when the non-governmental organization Safeguard Defenders released a report in September 2022 revealing the presence of 110 Chinese police stations located around the world, including in New York.³ The FBI then indicated it was investigating the Manhattan-based Chinese police station, culminating in the April 17th arrests. Two men, "Harry" Lu Jianwang, 61, of the Bronx, and Chen Jinping, 59, of Manhattan, were charged with conspiring to act as agents of the CCP.⁴ The defendants worked together to establish the first overseas policed station in the U.S. on behalf of

¹ Press Release, U.S. Dep't of Justice, *Two Arrested for Operating Illegal Overseas Police Station of the Chinese Government*, <https://www.justice.gov/opa/pr/two-arrested-operating-illegal-overseas-police-station-chinese-government> (last visited April 17, 2023).

² Press Release, U.S. Dep't of Justice, *40 Officers of China's National Police Charged in Transnational Repression Schemes Targeting U.S. Residents*, <https://www.justice.gov/opa/pr/40-officers-china-s-national-police-charged-transnational-repression-schemes-targeting-us> (last visited April 17, 2023); Fed. Bureau of Investigation, *Transnational Repression*, <https://www.fbi.gov/investigate/counterintelligence/transnational-repression> (last visited April 17, 2023).

³ *110 Overseas Chinese Transnational Policing Gone Wild*, SAFEGUARD DEFENDERS <https://safeguarddefenders.com/sites/default/files/pdf/110%20Overseas%20%28v5%29.pdf> (last visited April 17, 2023).

⁴ Press Release, U.S. Dep't of Justice, *Two Arrested for Operating Illegal Overseas Police Station of the Chinese Government*, <https://www.justice.gov/opa/pr/two-arrested-operating-illegal-overseas-police-station-chinese-government> (last visited April 17, 2023).

the CCP's Ministry of Public Security (MPS). In the related case, the defendants, including 40 MPS officers and two officials in the Cyberspace Administration of China (CAC), allegedly targeted and repressed U.S. residents whose political views and actions are disfavored by the CCP, such as advocating for democracy in the People's Republic of China.⁵ The presence of this police station not only violated U.S. sovereignty, but circumvented both judicial and law enforcement cooperating procedures.⁶

The Committee is examining the persistent threats posed by the CCP to U.S. homeland security, in which the CCP continues to brazenly violate U.S. autonomy.⁷ In February 2023, the CCP flew a surveillance balloon across the majority of the continental United States, collecting intelligence on sensitive military and homeland security sites.⁸ The Committee continues to monitor and take action against Chinese Confucius Institutes and other Chinese entities of concern, which are operated on U.S. college campuses at the behest of the CCP to commit academic espionage. While the New York Chinese police station has been shut down, our work to mitigate CCP threats to the homeland is far from over. Therefore, we request responses to the following questions as soon as possible, but no later than May 8, 2023.

1. When was the FBI and the Department of Homeland Security (DHS) notified of the Chinese police station operating in Manhattan, New York as well as the Chinese national police officers working to repress U.S. residents?
2. When did the FBI begin its investigation of the Chinese police station operating in Manhattan, New York as well as the Chinese national police officers working to repress U.S. residents?
3. What actions has DHS taken to mitigate the malign impact of the Chinese police station operating in Manhattan, New York as well as the Chinese national police officers working to repress U.S. residents?
4. In addition to the Chinese police station operating in Manhattan, New York, there are allegations of these illegal organizations operating in a separate location in New York, NY, Los Angeles, California, San Francisco, California, Houston, Texas, as well as

⁵ Press Release, U.S. Dep't of Justice, *40 Officers of China's National Police Charged in Transnational Repression Schemes Targeting U.S. Residents*, <https://www.justice.gov/opa/pr/40-officers-china-s-national-police-charged-transnational-repression-schemes-targeting-us> (last visited April 17, 2023)

⁶ Press Release, U.S. Dep't of Justice, *Two Arrested for Operating Illegal Overseas Police Station of the Chinese Government*, <https://www.justice.gov/opa/pr/two-arrested-operating-illegal-overseas-police-station-chinese-government> (last visited April 17, 2023).

⁷ *Confronting Threats Posed by the Chinese Community Party to the U.S. Homeland: Hearing Before the Subcomm. on Counterterrorism, Law Enforcement, and Intelligence of the H. Comm. on Homeland Sec.*, 118th Cong. (Mar. 9, 2023).

⁸ Natasha Bertrand, *Chinese spy balloon was able to transmit information back to Beijing*, CNN <https://www.cnn.com/2023/04/03/politics/chinese-spy-balloon/index.html> (last visited April 17, 2023).

Director Wray
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cities in Nebraska and Minnesota.⁹ What is DHS and the FBI doing to combat the malign influence occurring in these additional locations and across the homeland?

After you have provided this information in writing, we request the FBI and DHS provide Committee staff a briefing about the CCP's malign influence operations within the U.S. homeland, to include but not limited to the activities of a Chinese police station in New York no later than May 22, 2023. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this matter.

Sincerely,



MARK E. GREEN, MD
Chairman



AUGUST PFLUGER
Chairman of the Subcommittee
on Counterterrorism, Law
Enforcement, and Intelligence

⁹ Isabel Vincent, *After FBI busts Chinese 'police station' in NYC, six more exposed in US*, New York Post <https://nypost.com/2023/04/18/chinese-police-stations-allegedly-spying-on-nyc-la-more/> (last visited April 17, 2023).



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

April 27, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (DHS) Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) parole program¹ that assists large swathes of illegal aliens into the interior of the United States. DHS has repeatedly reached far beyond its Congressionally authorized statutory authority to choose the groups it prefers to grant entry into the United States, a direct insult to those who have waited years to enter with a lawful visa.²

Per the Immigration and Nationality Act, Congress gave DHS limited authority to grant parole to release detainable illegal aliens applying for admission "on a case-by-case basis for urgent humanitarian reasons or significant public benefit . . ."³ The Biden administration relies on this very limited parole authority to justify its myriad parole programs, including Afghans under Operation Allies Welcome,⁴ Ukrainians under Uniting for Ukraine,⁵ Cubans, Haitians, Nicaraguans, and Venezuelans under the CHNV parole program, and children from El Salvador, Guatemala, and Honduras under the Central American Minors Refugee and Parole Program.⁶

Additionally, DHS expanded the use of the U.S. Customs and Border Protection's CBP One mobile application from scheduling customs cargo inspection to allowing illegal immigrants who participate in the CHNV parole program to schedule appointments to appear at interior ports

¹ U.S. Citizenship and Immigr. Services, Processes for Cubans, Haitians, Nicaraguans, and Venezuelans, <https://www.uscis.gov/CHNV> (last visited Apr. 5, 2023).

² U.S. DEP'T. OF STATE BUREAU OF CONSULAR AFFAIRS, X VISA BULLETIN 75 (Mar. 2023), https://travel.state.gov/content/dam/visas/Bulletins/visabulletin_April2023.pdf (The State Dep't Visa Bulletin for Apr. 2023, shows that Mexican unmarried sons and daughters of U.S. citizens may only apply for a visa if their petitions were approved on or before April 1, 2001, or over twenty-two years ago).

³ Immigr. and Nationality Act § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A).

⁴ U.S. Citizenship and Immigr. Services, Operation Allies Welcome, <https://www.dhs.gov/allieswelcome> (last visited Apr. 5, 2023).

⁵ U.S. Citizenship and Immigr. Services, Uniting for Ukraine, <https://www.uscis.gov/ukraine> (last visited Apr. 5, 2023).

⁶ U.S. Citizenship and Immigr. Services, Central American Minors (CAM) Refugee Parole Program, <https://www.uscis.gov/CAM> (last visited Apr. 5, 2023).

of entry.⁷ While these immigrants do not have valid entry documents, DHS indicated that CBP will inspect these immigrants to grant parole for up to two years into the United States with work authorization.⁸ Not only does this program exceed what Congress contemplated in granting the Secretary of Homeland Security's very limited parole authority,⁹ but will further incentivize immigrants hoping to seek a two-year work authorization "lottery." DHS must conduct border operations in accordance with applicable law and in a manner that ensures that the homeland is secure.

To assist the Committee with its oversight of the CHNV parole program, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on May 11, 2023:

1. All documents and communications, including but not limited to, e-mails, internal memoranda, and guidance, referring or relating to the establishment of the CHNV parole program to assist in the parole of Cuban, Haitian, Nicaraguan, and Venezuelan nationals from October 1, 2022, to present;
2. Documents sufficient to show all policies and procedures regarding the parole of Cuban, Haitian, Nicaraguan, and Venezuelan nationals under the CHNV parole program;
3. Copies of any and all lesson plans or training materials used to implement the CHNV parole program;
4. Copies of any and all checklists or criteria that CBP officers or other DHS officials used or use to document parole decision-making for Cuban, Haitian, Nicaraguan, and Venezuelan nationals under the CHNV parole program;
5. Documents sufficient to show all data and analyses conducted to determine the impact of the CHNV parole program on migration to the southwest border;
6. A document sufficient to show a list of all non-profit organizations, including but not limited to, churches and other religious organizations, that have submitted either a solo or joint Form I-134A for a beneficiary for the CHNV parole program;
7. Any unpublished U.S. Citizenship and Immigration Services decisions that refer to the CHNV parole program;

⁷ Nick Miroff, *How Biden Officials Aim to Use a Mobile App to Cut Illegal U.S. Entries*, WASH. POST, Feb. 20, 2023, <https://www.washingtonpost.com/immigration/2023/02/20/cbpone-boder-app-biden-migrants>.

⁸ U.S. Citizenship and Immigr. Services, *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, <https://www.uscis.gov/CHNV> (last visited Apr. 5, 2023).

⁹ INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A).

8. Documents referring or relating to agreements or commitments by the Mexican government regarding to the CHNV parole program; and
9. Specific information related to the implementation of Customs and Border Protection's policies and procedures for the CHNV parole program from January 1, 2023, to present:
 - a. The monthly number of Form I-134As filed by beneficiaries and the total number of beneficiaries from each acceptable supporter status;
 - b. The monthly number of applicants for travel authorization from each country;
 - c. The monthly number of applicants from each country for which travel authorization was granted;
 - d. The monthly number of family unit applications from each country for which travel authorization was granted;
 - e. The monthly number of family unit applications from each country for which travel authorization was granted that included a "common law" spouse;
 - f. The monthly number of applicants from each country for which travel authorization was issued and who were paroled into the United States;
 - g. The monthly number of applicants processed for parole at any U.S. airport port of entry, organized by U.S. airport;
 - h. The monthly number of applicants from each country for which travel authorization was issued, who were denied entry at a point of entry and the reason for each denial;
 - i. The monthly number of applicants from each country for which travel authorization was issued who were found to be inadmissible at a port of entry but released into the United States; and
 - j. The current backlog of applicants from each country who are waiting for travel authorization.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all

Secretary Mayorkas

April 27, 2023

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Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement

Encl.

cc: The Honorable Bennie Thompson, Ranking Minority Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement



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

May 1, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is continuing to examine the Biden administration's catastrophic August 2021 withdrawal from Afghanistan.¹ The chaotic withdrawal of U.S. troops from Afghanistan led to widespread Taliban control of the country in a matter of days and the tragic death of 13 U.S. service members, along with hundreds of Afghans in an ISIS-Khorasan (ISIS-K) orchestrated terrorist attack.² The withdrawal also established a power vacuum that emboldened terrorist groups and threatened our national security interests. In fact, on March 16, 2023, General Michael Kurilla, Commander of U.S. Central Command, testified before the U.S. Senate that the Islamic State's Afghan affiliate, ISIS-K, "can do an external operation against U.S. or Western interests abroad in under six months with little to no warning," which raises serious concerns.³

Furthermore, months after the withdrawal, the U.S. government resettled approximately 88,500 Afghan nationals in the United States.⁴ On September 6, 2022, the Department of Homeland Security (DHS) Office of Inspector General (OIG) published a report stating that DHS encountered obstacles to screen, vet, and inspect all evacuees during the crisis following the U.S. withdrawal from Afghanistan.⁵ The DHS OIG reported that U.S. Customs and Border Protection (CBP) lacked critical data to properly vet evacuees, but CBP still admitted or paroled evacuees who were not fully vetted into the United States. This shortfall in DHS's screening and

¹ *The Homeland Security Cost of the Biden Administration's Catastrophic Withdrawal from Afghanistan: Hearing Before the Subcomm. on Counterterrorism, Law Enforcement, and Intelligence of the H. Comm. on Homeland Sec.*, 118th Cong. (Apr. 18, 2023).

² Cami Mondeaux, *Timeline of Terror: How Biden's Afghanistan Withdrawal Disaster Unfolded*, WASH. EXAM'R, Aug. 17, 2022, <https://www.washingtonexaminer.com/policy/how-afghanistan-withdrawal-disaster-unfolded>.

³ Caitlin Doornbos, *ISIS Could Hit US, West from Afghanistan in 'Under 6 Months': General*, N.Y. POST, Mar. 16, 2023, <https://nypost.com/2023/03/16/isis-could-hit-us-west-from-afghanistan-in-under-6-months-general>.

⁴ Press Release, U.S. Dep't of Homeland Sec., Operation Allies Welcome Announces Departure of All Afghan Nationals from the National Conference Center Safe Haven in Leesburg, VA (Sept. 27, 2022) (on file with author), available at <https://www.dhs.gov/news/2022/09/27/operation-allies-welcome-announces-departure-all-afghan-nationals-national>.

⁵ OFFICE OF INSPECTOR GEN., DEP'T OF HOMELAND SEC., OIG-22-64, DHS ENCOUNTERED OBSTACLES TO SCREEN, VET, AND INSPECT ALL EVACUEES DURING THE RECENT AFGHANISTAN CRISIS (REDACTED) (Sept. 6, 2022) [hereinafter DHS OIG Report].

vetting capabilities raises serious national security concerns for the state of U.S. homeland security.

This comes at a time when President Biden and his administration refuse to accept responsibility, while shamelessly shifting blame for imprudent decisions and indecisions that resulted in the deadly withdrawal from Afghanistan in August 2021.⁶ During an April 18, 2023 hearing before the Committee's Subcommittee on Counterterrorism, Law Enforcement, and Intelligence, multiple witnesses testified that no one from the Biden administration has been held accountable for the catastrophic withdrawal from Afghanistan.⁷ The Biden administration's continuous denial and downplaying of what happened is an insult to Americans and our Afghan allies. On April 6, 2023, John Kirby, the Biden administration's coordinator for strategic communications at the National Security Council disgracefully said the administration is "proud" of its catastrophic withdrawal from Afghanistan and how "for all this talk of chaos, I [Kirby] just didn't see it, not from my perch," even though horrific images and footage of the evacuation depict the contrary.⁸ President Biden and his administration must be held accountable, and we will ensure its compliance with the Committee's serious requests.

DHS must be forthcoming and transparent to the Committee and the American people about the Biden administration's disastrous withdrawal from Afghanistan. To date, DHS has stonewalled requests from Committee members for information about the withdrawal. The Committee transmitted multiple requests for documents and information concerning the withdrawal, dating back to August 2021. These requests remain either wholly unsatisfied or insufficiently satisfied. On September 16, 2021, Committee members sent you a letter highlighting serious concerns regarding DHS's screening and vetting for Afghan evacuees.⁹ On November 12, 2021, members of the Committee sent another letter to you reiterating the requests for information in the September 16, 2021, letter.¹⁰

This letter renews those outstanding requests with additional requests for documents and information. Accordingly, to assist the Committee's ongoing oversight of DHS's role and processes regarding the Biden administration's disastrous withdrawal from Afghanistan, please

⁶ The White House, *Press Briefing by Press Secretary Karine Jean-Pierre and National Security Council Coordinator for Strategic Communications John Kirby* (Apr. 6, 2023, 1:30 PM EDT), <https://www.whitehouse.gov/briefing-room/press-briefings/2023/04/06/press-briefing-by-press-secretary-karine-jean-pierre-and-national-security-council-coordinator-for-strategic-communications-john-kirby-9>.

⁷ *The Homeland Security Cost of the Biden Administration's Catastrophic Withdrawal from Afghanistan: Hearing Before the Subcomm. on Counterterrorism, Law Enforcement, and Intelligence of the H. Comm. on Homeland Sec.*, 118th Cong. (Apr. 18, 2023).

⁸ The White House, *Press Briefing by Press Secretary Karine Jean-Pierre and National Security Council Coordinator for Strategic Communications John Kirby* (Apr. 6, 2023, 1:30 PM EDT), <https://www.whitehouse.gov/briefing-room/press-briefings/2023/04/06/press-briefing-by-press-secretary-karine-jean-pierre-and-national-security-council-coordinator-for-strategic-communications-john-kirby-9>.

⁹ Letter from Rep. August Pfluger et al., Ranking Member, Subcomm. on Intelligence and Counterterrorism of the H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Sept. 16, 2021).

¹⁰ Letter from Rep. August Pfluger et al., Ranking Member, Subcomm. on Intelligence and Counterterrorism of the H. Comm on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Nov. 12, 2021).

Secretary Mayorkas

May 1, 2023

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provide the following documents and information as soon as possible, but no later than 5:00 p.m. on May 15, 2023:

1. All documents and communications between or among employees of DHS, the U.S. Department of State, and the U.S. Department of Defense referring or relating to the disastrous withdrawal from Afghanistan from January 1, 2021, to the present;
2. All documents and communications between or among employees of DHS referring or relating to CBP's screening, vetting, or inspection of Afghan evacuees at U.S. Ports of Entry, including, but not limited to, "facilitation document[s],"¹¹ travel document data, or records in CBP's Treasury Enforcement Communications System considered to establish an evacuee's identity from January 1, 2021, to the present; and
3. Documents sufficient to justify why DHS has not concurred with the two recommendations from the DHS OIG's September 6, 2022, report OIG-22-64, which remains open over six months later.

To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, MD
Chairman



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

¹¹ DHS OIG Report, *supra* note 4 at 10.

Secretary Mayorkas

May 1, 2023

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CLAY HIGGINS

Chairman

Subcommittee on Border Security
and Enforcement



DAN BISHOP

Chairman

Subcommittee on Oversight, Investigations,
and Accountability

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

Congress of the United States
Washington, DC 20515

May 10, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas,

The Committee on Homeland Security and the Select Committee on the Strategic Competition between the United States and the Chinese Communist Party (Select Committee on China) (Committees) are conducting oversight of the presence of Chinese software and operational technology in U.S. port infrastructure. This includes software used for cranes, terminal industrial control systems, power systems, and telecommunications equipment.

On April 3, 2023, Members of the Committee on Homeland Security sent a letter to the Department of Homeland Security (DHS) requesting a briefing on DHS' maritime port security responsibilities.¹ The letter, among other requests, asked for documents sufficient to show DHS' efforts to address security vulnerabilities related to the use of Chinese-manufactured cranes at U.S. ports by April 17, 2023. To date, however, DHS has failed to provide a briefing or documentation, and these requests remain outstanding. We seek your immediate compliance.

We remain concerned about the security risks associated with the widespread use of Chinese-manufactured cranes that threaten to undermine our national security, particularly those made by Shanghai Zhenhua Heavy Industries (ZPMC), a Chinese state-owned business whose governing shareholder is China Communications Construction Company. We request additional information on the prevalence of such equipment and technology at U.S. ports and DHS actions to address the potential national security threats posed by the Chinese Communist Party's (CCP) use of this technology in U.S. port infrastructure.

ZPMC has operated under the umbrella of the Chinese state since its conception and has rapidly grown to be the dominant global manufacturer of ship-to-shore cranes.² Today, ZPMC controls around 70 percent of the global market share for cranes and accounts for nearly 80 percent of the ship-to-shore cranes in use at U.S. ports, posing significant risk to U.S. homeland security.³ These security risks include cyberattacks, espionage, and supply chain vulnerabilities due to the shared software and interconnectivity among ZPMC cranes operating at our nation's ports. According to the *Wall Street Journal*, "[s]ome national-security and Pentagon officials have compared ship-to-shore cranes made by the China-based manufacturer, ZPMC, to a Trojan

¹ Letter from Rep. Mark E. Green, Chairman, H. Comm. on Homeland Sec. et al., to Hon. Alejandro Mayorkas, Sec'y, Dep't of Homeland Sec., (Apr. 3, 2023).

² Grady McGregor, *China's Crane Reign*, THE WIRE CHINA, Mar. 26, 2023, <https://www.thewirechina.com/2023/03/26/chinas-crane-reign-zpmc>.

³ Aruna Viswanatha, Gordon Lubold, and Kate O'Keefe, *Pentagon Sees Giant Cargo Cranes as Possible Chinese Spying Tools*, WALL ST. J., Mar. 5, 2023, <https://www.wsj.com/articles/pentagon-sees-giant-cargo-cranes-as-possible-chinese-spying-tools-887c4ade>.

horse.”⁴ ZPMC cranes pose a potential risk for intelligence gathering purposes and we find it disconcerting that CCP-backed entities may use their access to ZPMC cranes to target and disrupt our nation’s ports in the event of a Chinese invasion of Taiwan.

As stated recently in *Politico*, “President Joe Biden has committed multiple times to sending U.S. troops to Taiwan in the event of a Chinese invasion, something China would want to stop. This could include targeting the networks of ports on the West Coast, airfields, and other transportation networks that move troops.”⁵ These transportation networks include our nation’s ports, pipelines, and freight railways. As a Co-Sector Risk Management Agency for the Transportation Systems Sector, DHS is responsible for securing these networks and providing response and recovery assistance to impacted entities.

In February 2023, Jen Easterly, the Director of the Cybersecurity and Infrastructure Security Agency, stated that in the event of a Chinese invasion of Taiwan, the CCP may target “multiple U.S. gas pipelines; the mass pollution of our water systems; the hijacking of our telecommunications systems; the crippling of our transportation nodes—all designed to incite chaos and panic across our country”⁶ In testimony before the Committee on Homeland Security on April 27, 2023, Director Easterly emphasized that DHS must be able to help mitigate, recover, and “have the resilience to get our nation back up and running again if there is a major [cyber] attack [from China]”.⁷ To prepare for potential threats to our critical infrastructure, DHS must assess its current capabilities to combat them, and make clear to Congress what resources and authorities DHS may need to do so.

Given the security risks associated with the extensive use of Chinese-manufactured cranes that threaten to undermine our national security and to assist the Committees with their oversight of operational technology in U.S. port infrastructure, please provide a full production in response to the April 3, 2023 Committee on Homeland Security letter, and the following documents and information as soon as possible, but no later than 5:00 p.m. on May 24, 2023:

1. All documents and communications, including but not limited to memoranda, intelligence bulletins, threat assessments, and briefing materials referring or relating to ZPMC and/or any other Chinese-based crane manufacturer for the period of January 1, 2000, to the present;

⁴ *Id.*

⁵ Maggie Miller, *What it Will Look Like if China Launches Cyberattacks in the U.S.*, POLITICO, Apr. 16, 2023, <https://www.politico.com/news/2023/04/16/chinese-hackers-military-taiwan-invasion-00092189>.

⁶ CYBERSECURITY & INFRASTRUCTURE SECURITY AGENCY, *CISA Director Easterly Remarks at Carnegie Mellon University* (Feb. 27, 2023), <https://www.cisa.gov/cisa-director-easterly-remarks-carnegie-mellon-university>. See also: *Annual Threat Assessment of the U.S. Intelligence Community*, OFFICE OF THE DIR. OF NAT’L INTELLIGENCE (Feb. 6, 2023), www.dni.gov/files/ODNI/documents/assessments/ATA-2023-Unclassified-Report.pdf.

⁷ See *CISA 2025: The State of American Cybersecurity from CISA’s Perspective*. Hearing Before the H. Comm. on Homeland Sec., 118th Cong. (April 27, 2023) (statement of Jen Easterly, Director, Cybersecurity and Infrastructure Security Agency), <https://homeland.house.gov/tomorrow-at-2pm-garbarino-to-lead-subcommittee-hearing-with-cisa-director-jen-easterly/>.

2. All documents sufficient to describe the steps DHS has taken to identify, assess, and mitigate the risks associated with Chinese software and operational technology in U.S. ports;
3. All documents sufficient to describe any existing DHS collaborations or partnerships with private sector entities, state and local governments, and international partners to address the issue of Chinese software and operational technology in U.S. ports;
4. All documents sufficient to describe any training or education initiatives provided to DHS personnel, state and local governments, and private sector entities to identify and respond to the risks associated with Chinese software and operational technology in U.S. ports;
5. All documents sufficient to describe any and all outreach efforts made to foreign allies and partners to raise awareness about the risks of Chinese software and operational technology in their ports;
6. All documents listing any and all known or suspected incidents of cyber-attacks or espionage linked to Chinese software and operational technology in U.S. ports from January 1, 2000, to the present;
7. All documents sufficient to show an analysis of the potential long-term consequences of continued reliance on Chinese software and operational technology in U.S. port infrastructure and any potential threats to U.S. national security posed by the presence of Chinese software and operational technology in U.S. ports;
8. All documents sufficient to describe how DHS coordinates with other federal agencies, such as the Department of Commerce, the Department of Defense, and the Committee on Foreign Investment in the United States (CFIUS), to address the issue of Chinese software and operational technology in U.S. ports; and
9. All documents sufficient to describe ongoing research and development initiatives within DHS or in collaboration with external partners, aimed at creating secure alternatives to Chinese software and operational technology in U.S. ports.

Additionally, please provide a staff-level briefing to the committees as soon as possible, but no later than May 31, 2023.

An attachment contains instructions for responding to this request. To the maximum extent possible, provide unclassified responses to these requests. Any classified information provided in response to this letter should be provided under separate cover.

Please contact China Select Committee Majority staff at (202) 226-9678 and Homeland Security Committee Majority staff at (202) 226-8417 with any questions about this request.

Secretary Mayorkas

May 10, 2023

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The House Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party has broad authority to “investigate and submit policy recommendations on the status of the Chinese Communist Party’s economic, technological, and security progress and its competition with the United States” under H. Res. 11.

Under Rule X of the U.S. House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your attention to this important matter and your prompt reply.

Sincerely,



Mark E. Green, M.D.
Chairman
Committee on Homeland Security



Mike Gallagher
Chairman
Select Committee on China



Carlos A. Gimenez
Chairman
Subcommittee on Transportation and
Maritime Security



Andrew R. Garbarino
Chairman
Subcommittee on Cybersecurity and
Infrastructure Protection



Dan Bishop
Chairman
Subcommittee on Oversight,
Investigations, and Accountability



August Pfluger
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

Secretary Mayorkas

May 10, 2023

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Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Raja Krishnamoorthi, Ranking Member
Select Committee on China

The Honorable Shri Thanedar, Ranking Member
Subcommittee on Transportation and Maritime Security

The Honorable Eric Swalwell, Ranking Member
Subcommittee on Cybersecurity and Infrastructure Protection

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence



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

May 10, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security's Subcommittee on Oversight, Investigations, and Accountability (Subcommittee) is investigating the Department of Homeland Security's (Department) actions related to what the Department and other Executive Branch components elaborately categorize as "mis-, dis-, and malinformation" (MDM), particularly for online content posted by or denied to U.S. citizens. News reports emerging from the release of business records by Twitter suggest that the Department, especially through the Cybersecurity and Infrastructure Security Agency (CISA), distorted its mission to protect the nation's critical cyber and physical infrastructure into an Orwellian ministry of information bent on controlling what Americans can say and what speech is accessible online.¹

Official assurances that the Department and CISA take no part in censorship² are repeatedly belied by disturbing anecdotes like the plotting for the Disinformation Governance Board³ or the embrace of terminology like "cognitive infrastructure."⁴ CISA's undertaking a "switchboarding"⁵ function to encourage censorship by social media platforms, and the funding

¹ Joseph A. Wulfsohn, *Twitter Files Part 6 reveals FBI's Ties to Tech Giant: 'As if it Were a Subsidiary'*, FOX NEWS, Dec. 16, 2022, <https://www.foxnews.com/media/twitter-files-part-6-reveals-fbis-ties-tech-giant>

² Ben Weingarten, *Taxpayer Dollars Must Not Fund the Government-Led Censorship Regime*, NEWSWEEK, Apr. 7, 2022, <https://www.newsweek.com/taxpayer-dollars-must-not-fund-government-led-censorship-regime-opinion-1792828>; *Hearing on the FY24 DHS Budget Request: Hearing Before S. Comm. on Homeland Security and Governmental Affairs, 118th Cong.* (Apr. 18, 2023) (testimony of Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec.), <https://www.hsgac.senate.gov/hearings/the-fy24-dhs-budget-resources-and-authorities-requested-to-protect-and-secure-the-homeland/>.

³ Bradford Betz, *Mayorkas Testifies DHS Is Creating 'Disinformation Governance Board'*, FOX NEWS, Apr. 27, 2022, <https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board>. See also Timothy H.J. Nerozzi, *Mayorkas Officially Cancels Homeland Security Disinformation Governance Board*, FOX NEWS, Aug. 25, 2022, <https://www.foxnews.com/politics/mayorkas-officially-cancels-homeland-security-disinformation-governance-board>.

⁴ Tortoise, *Fireside Chat with Jen Easterly* (Oct. 5, 2021), <https://youtu.be/vox8zYvVQjc?t=1090>.

⁵ Matt Taibbi and Susan Schmidt, *Homeland Security Reorganizes, Appearing to Scrap Last Remnants of Ill-Fated 'Disinformation Governance Board'*, RACKET NEWS, Mar. 24, 2023, *Homeland Security Reorganizes, Appearing to Scrap Last Remnants of Ill-Fated "Disinformation Governance Board"*, <https://www.tabletmag.com/sections/news/articles/guide-understanding-hoax-century-thirteen-ways-looking-disinformation>.

Secretary Mayorkas

May 10, 2023

Page 2

of and interaction with entities like the Center for Internet Security (CIS), the Election Integrity Project (EIP), and their respective affiliates also accomplish indirectly the censorship in which the Department and CISA disclaim involvement.⁶ According to media reports, CISA's Cybersecurity Advisory Committee's (CSAC) Protecting Critical Infrastructure from Misinformation and Disinformation subcommittee also pushes to enlist left-wing entities and individuals to support CISA's counter-MDM efforts.⁷ In addition to the serious questions raised about the infringement on Americans' constitutional rights, CISA's counter-MDM efforts also distract from the agency's core missions. Moreover, a 2022 report from the Inspector General for the Department highlights several other areas where the Department has expanded its counter-MDM efforts.⁸

On March 13, 2023, Chairman Mark Green and I sent you a letter requesting documents and information related to the Department's Overt Human Intelligence Collection Program, which also raises questions about the Department's safeguarding of Americans' fundamental civil liberties.⁹ The seemingly emerging pattern of the Executive Branch's use of taxpayer-funded technology or activity to curtail Americans' rights is very disconcerting.

Additionally, the Subcommittee's previous review of CISA's publicly stated views on MDM and the agency's purported role in addressing foreign influence activities revealed an unsettling focus on "domestic" actors' purported dissemination of MDM. On or about February 26, 2023, however, CISA quietly modified its MDM web page to remove all references to "domestic threat actors."¹⁰ CISA also quietly scrapped the CSAC Protecting Critical Infrastructure from the Misinformation and Disinformation subcommittee.¹¹

CISA's backpedaling offers little comfort because of its previous disingenuous behavior. In 2022, the Department established the Disinformation Governance Board to police alleged disinformation and misinformation.¹² You terminated the Board after significant public outcry,¹³ but trivialized and obfuscated about the seriousness of the threat the Board presented to

⁶ Scully Dep. 59:6-64:14 (Jan. 12, 2023). *See also* Cybersecurity and Infrastructure Security Agency, JOIN THE EI-ISAC, April 25, 2023, <https://www.cisa.gov/resources-tools/groups/join-ei-isac>. Mike Benz, *DHS Censorship Agency Had Strange First Mission: Banning Speech That Casts Doubt On 'Red Mirage, Blue Shift' Election Events*, FOUNDATION FOR FREEDOM ONLINE (Nov. 9, 2022), <https://report.foundationforfreedomonline.com/11-9-22.html>.

⁷ Ailan Evans, *Exclusive: DHS Panel Courted Left-Wing Agents To Aid In 'Misinformation' Crackdown*, DAILY CALLER, Apr. 4, 2023, <https://dailycaller.com/2023/04/04/dhs-cisa-misinformation-left-wing>.

⁸ U.S. DEP'T OF HOMELAND SEC. OFFICE OF THE INSPECTOR GENERAL, OIG-22-59, DHS NEEDS A UNIFIED STRATEGY TO COUNTER DISINFORMATION CAMPAIGNS (Aug. 10, 2022), <https://www.oig.dhs.gov/sites/default/files/assets/2022-08/OIG-22-58-Aug22.pdf>.

⁹ Letter from Rep. Mark E. Green et al., Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Mar. 13, 2023).

¹⁰ Matt Taibbi and Susan Schmidt.

¹¹ *Id.*

¹² Bradford Betz, *Mayorkas Testifies DHS Is Creating 'Disinformation Governance Board'*, FOX NEWS, Apr. 27, 2022, <https://www.foxnews.com/politics/mayorkas-dhs-disinformation-governance-board>.

¹³ Timothy H.J. Nerozzi, *Mayorkas Officially Cancels Homeland Security Disinformation Governance Board*, FOX NEWS, Aug. 25, 2022, <https://www.foxnews.com/politics/mayorkas-officially-cancels-homeland-security-disinformation-governance-board>. Press Release, U.S. Dep't of Homeland Sec., Following HSAC Recommendation, DHS Terminates Disinformation Governance Board (Aug. 24, 2022).

Americans' constitutionally protected speech.¹⁴ A report from the Department's Inspector General also identified the Department's efforts to "counter disinformation" from "both foreign and domestic sources."¹⁵ Abandonment of the Board merely appears as a cosmetic bow to public attention prompting little or no introspection.

Further, despite these public alterations, CISA documents make clear the agency's continuing view that "MDM also may originate from domestic sources."¹⁶ Moreover, according to a recent media report, the Department previously drafted plans to target "inaccurate information" on a wide range of topics including "the origins of the COVID-19 pandemic, the efficacy of the COVID-19 vaccine, racial justice, U.S. withdrawal from Afghanistan, and the nature of U.S. support to Ukraine."¹⁷

CISA documents also suggest the agency is extending its purview to "misinformation" regarding "the financial system."¹⁸ This took on added poignancy when, on March 12, 2023, following Silicon Valley Bank's failure, Biden administration officials briefing members of Congress readily acceded to the idea that the government should manipulate or suppress social media content that could be seen as undermining confidence in banks.¹⁹ Each of these activities suggest a persistent notion that the Department feels justified in defining orthodox ideas — including some that turn out to have been dead wrong — and discouraging the circulation of heterodox ideas.

The Department appears to overreach and surreptitiously take tools and authorities developed to target foreign actors who threaten the homeland and apply them against American citizens whose communications CISA classifies as MDM.

¹⁴ Cristiano Lima, *DHS Tries to Right Controversial Rollout of its 'Disinformation Governance Board'*, WASH. POST, May 2, 2022, <https://www.washingtonpost.com/politics/2022/05/02/dhs-tries-right-controversial-rollout-its-disinformation-governance-board/>.

¹⁵ U.S. DEP'T OF HOMELAND SEC. OFFICE OF THE INSPECTOR GENERAL, *OIG-22-59, DHS NEEDS A UNIFIED STRATEGY TO COUNTER DISINFORMATION CAMPAIGNS* (Aug. 10, 2022), <https://www.oig.dhs.gov/sites/default/files/assets/2022-08/OIG-22-58-Aug22.pdf>.

¹⁶ Cybersecurity and Infrastructure Security Agency, *Mis-, Dis-, and Malinformation: Planning and Incident Response Guide for Election Officials 1*, https://www.cisa.gov/sites/default/files/2022-11/mdm-incident-response-guide_508.pdf. See Infrastructure Security Agency, *We're in This Together, Mis-, Dis-, and Malinformation Stops With You*, https://www.cisa.gov/sites/default/files/publications/SLTTCOVIDToolkit_FINAL_508.pdf.

¹⁷ Aaron Kliegman, *DHS Agency Appears to be 'Burying' Evidence of Involvement with 'Domestic Censorship Activities'*: *Expert*, FOX NEWS, Mar. 7, 2023, <https://www.foxnews.com/politics/dhs-agency-appears-burying-evidence-involvement-domestic-censorship-activities-expert>.

¹⁸ CISA Cybersecurity Advisory Committee, *Report to the CISA Director: Protecting Critical Infrastructure from Misinformation and Disinformation*, June 22, 2022, https://www.cisa.gov/sites/default/files/publications/June%202022%20CSAC%20Recommendations%20%E2%80%93%93%20MDM_0.pdf.

¹⁹ ADI Staff Reporter, *Mark Kelly Asked if Social Media Companies Could Censor Citizens to Prevent Bank Runs*, ARIZONAN DAILY INDEPENDENT, Mar. 13, 2023, <https://arizonadailyindependent.com/2023/03/13/mark-kelly-asked-if-social-media-companies-could-censor-citizens-to-prevent-bank-runs>.

To assist the Subcommittee with its investigation into the Department's counter-MDM efforts, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on May 24, 2023:

1. All documents and communications referring or relating to the modifications to CISA's MDM webpages that occurred on or about February 26, 2023, including, but not limited to, direction or guidance to remove or revise content related to domestic aspects of CISA's counter-MDM efforts, from November 1, 2022 to the present;
2. All documents and communications referring or relating to pending or anticipated future modifications of public content related to domestic aspects of CISA's counter-MDM efforts;
3. Documents sufficient to show how the Department and CISA currently define "malign MDM actor," "MDM," and "counter-MDM;"
4. Documents sufficient to show the Department's and CISA's standard operating procedures or other guidance regarding domestic aspects of the Department's and CISA's counter-MDM efforts;
5. A document sufficient to show the current organization chart of CISA's MDM Team (formerly the Countering Foreign Influence Task Force) to include names and locations of team members;
6. Documents sufficient to show CISA's MDM Team's current mission and active projects;
7. Documents sufficient to show the history of CISA's MDM Team's and the Countering Foreign Influence Task Force's resourcing, including operating costs and any financial support to other government or non-government entities since January 1, 2021.
8. A document sufficient to show the current organization chart of CSAC's Protecting Critical Infrastructure from Misinformation and Disinformation subcommittee, to include names of committee members and how long they have been on the subcommittee;
9. Documents sufficient to show the CSAC's Protecting Critical Infrastructure from Misinformation and Disinformation subcommittee's current status;
10. Documents sufficient to show the history of the CSAC's Protecting Critical Infrastructure from Misinformation and Disinformation subcommittee activities, including minutes from subcommittee meetings, outside groups and individuals the subcommittee has met with, and any findings and recommendations the committee has generated since December 1, 2021;

11. Documents sufficient to show the relationship between CISA and the Center for Internet Security (CIS), the Election Integrity Project (EIP), and their respective affiliates (to include activities involving the Elections Infrastructure Information Sharing & Analysis Center);
12. Documents sufficient to show any funding CISA (or the Department) have provided directly or indirectly to support CIS, EIP, and their respective affiliates and activities since January 1, 2020;
13. All documents and communications referring or related to discussions CISA held regarding the establishment of the Election Integrity Project (EIP), support or direction CISA provided in the standup of EIP, and how CISA intended to work with EIP to address election-related MDM in the 2020 election, from June 1, 2020 through November 3, 2020; and
14. All documents and communications referring or relating to CISA's decision to add delegitimization as criteria for election infrastructure-related MDM, CISA's development of the definition of delegitimization, and CISA's actions to encourage social media platforms to add delegitimization to their content moderation policies, from December 1, 2019 through the present.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



DAN BISHOP
Chairman
Subcommittee on Oversight, Investigations,
and Accountability

Secretary Mayorkas
May 10, 2023
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Encl.

cc: The Honorable Ranking Member Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

Congress of the United States

Washington, DC 20515

May 19, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Oversight and Accountability, the Committee on the Judiciary, and the Committee on Homeland Security are investigating how the Department of Homeland Security (DHS) is handling the elevated national security risk presented by an increasing number of aliens with terrorist ties illegally crossing the southwest border into the United States. Since President Biden took office and began reversing policies deterring illegal border crossings, the United States has faced historic levels of illegal immigration.¹ The number of individuals with derogatory information in terrorist screening databases illegally crossing the southwest border has also skyrocketed.² The Committees seek documents and information, including the alien files (A-files) of those apprehended on the southwest border with terrorist ties, to understand the extent of the national security risk presented by potential terrorist infiltration and to determine whether DHS ensures detention and removal in all such cases.

Aliens who are apprehended after crossing illegally in between ports of entry should have their biometric and biographic information cross-referenced against various law enforcement databases for derogatory information, including information contained in the Terrorist Screening Database (TSDB).³ The TSDB contains derogatory information about individuals with ties to terrorist activities and Known or Suspected Terrorists (KST).⁴ According to DHS data, the number of aliens with derogatory information in the TSDB has risen rapidly in recent years. So far in Fiscal Year 2023, U.S. Border Patrol (USBP) has already encountered 96 individuals with derogatory information in the TSDB, in addition to the 98 individuals encountered in Fiscal Year 2022, and 15 encountered in Fiscal Year 2021.⁵ These figures compare to only three such aliens

¹ Newsroom, *Southwest Land Border Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, available at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (accessed May 18, 2023).

² Newsroom, *CBP Enforcement Statistics Fiscal Year 2023: Terrorist Screening Data Set Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, available at <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (accessed May 18, 2023).

³ See *Privacy Impact Assessment Update for the Watchlist Service*, U.S. DEP'T OF HOMELAND SECURITY (May 5, 2016) (“The [DHS] receives a copy of the [TSDB], the U.S. Government’s consolidated database maintained by the Department of Justice (DOJ) Federal Bureau of Investigation (FBI) Terrorist Screening Center (TSC), to facilitate DHS mission-related functions, such as counterterrorism, law enforcement, border security, and inspection activities.”).

⁴ *Id.*

⁵ *Supra*, n.2.

apprehended in Fiscal Year 2020, 0 in Fiscal Year 2019, 6 in Fiscal Year 2018, and 2 in Fiscal Year 2017.⁶

At the same time, over 1.5 million illegal alien “gotaways” have successfully crossed the border undetected during the Biden-Harris Administration.⁷ These “known gotaways” do not provide biometric or biographic information to USBP agents and continue their journey into the interior of the country without background checks against law enforcement databases. Terrorists and other bad actors will attempt to exploit weaknesses in border security and vetting procedures to infiltrate the United States.⁸ We fear these known gotaways could also include illegal aliens with terrorist ties.

DHS has previously indicated in congressional correspondence that illegal aliens “with terrorism related records who are encountered at the border, after entering the country without inspection, are detained and removed.”⁹ However, public facing information on a U.S. Customs and Border Protection (CBP) website now states that “[Terrorist Screening Data Set] watchlisted individuals encountered by [USBP] after entering the country without inspection *may* be detained and removed, *to the extent possible* under CBP policy, or turned over to another government agency for subsequent detention or law enforcement action, as appropriate” (emphasis added).¹⁰ It is unclear the extent to which actual legal impediments exist to prevent detention and removal of aliens with terrorist ties, as opposed to impediments imposed by the Biden Administration’s misguided policies.

To assist the Committees in conducting oversight of DHS’s handling of the risk presented by aliens with terrorist ties, please provide the following documents and information, covering the period January 20, 2021 to the present unless otherwise indicated, as soon as possible but not later than June 2, 2023:

1. A complete and current copy of the alien file of any alien encountered by USBP agents after January 19, 2021, on the southwest border between ports of entry, with records within the TSDB at the time of their encounter;
2. All Forms I-213, Record of Deportable/Inadmissible Alien pertaining to each alien identified in response to request 1;
3. All documents and communications related to the detention history of each alien identified in response to request 1, including but not limited to all records and related annotations related to detention or custody status for each alien identified in response

⁶ *Id.*

⁷ Neil Munro, *Border Patrol Chief: 1.5 million ‘gotaway’ migrants during Biden’s term*, BREITBART (Mar. 15, 2023), available at <https://www.breitbart.com/politics/2023/03/15/border-patrol-chief-1-5-million-gotaway-migrants-during-bidens-term/>.

⁸ See *The 9/11 Commission Report: final report of the National Commission on Terrorist Attacks upon the United States*, (July 22, 2004) at pg. 383-84.

⁹ See Letter from Alice Lugo, Assistant Secretary for Legislative Affairs, Dep’t of Homeland Security to James Comer, Ranking Member, Committee on Oversight and Reform (Oct. 13, 2022).

¹⁰ *Supra*, n.2.

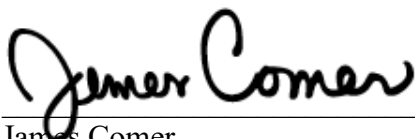
to request 1 contained within the Enforcement Integrated Database or ENFORCE Alien Removal Module;

4. All documents and communications related to the present custody status of each alien identified in response to request 1 whose removal from the United States has not yet been effectuated;
5. All documents and communications related to the disposition of removal proceedings initiated with respect to each alien identified in response to request 1, including but not limited to documentation indicating whether DHS effectuated any final orders of removal issued in those cases;
6. All documents and communications containing any analysis or estimate of the number of “gotaways” or other individuals who illegally entered the U.S. in between ports of entry without inspection;
7. All documents and communications containing any reference to a specific national security risk presented by “gotaways” with terrorist ties;
8. All documents and communications containing any analysis or warning of a heightened national security risk presented by “gotaways” with terrorist ties.

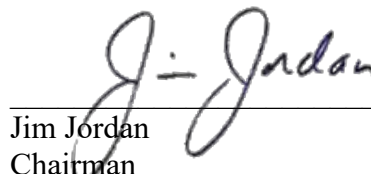
To arrange for the delivery of responsive documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Staff at (202) 225-5074, Committee on the Judiciary Staff at (202) 225-6906, and Committee on Homeland Security staff at (202) 226-8417. Attached are instructions for producing the documents and information to the Committees.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Judiciary Committee is authorized to conduct oversight of federal immigration law pursuant to the House Rule X. The Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies within the Department of Homeland Security” under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Jim Jordan
Chairman
Committee on the Judiciary

The Honorable Alejandro Mayorkas

May 19, 2023

Page 4 of 4



Mark Green

Chairman

Committee on Homeland Security

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary

The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security



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

June 1, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Secretary Mayorkas:

The Committee on Homeland Security is conducting oversight of the Department of Homeland Security's (DHS) Central American Minors (CAM) refugee and parole program.¹

CAM was originally launched in November 2014, by the Obama administration to stem increasing numbers of unaccompanied minors from El Salvador, Guatemala, and Honduras. In August 2017, the Trump administration terminated the parole component of the program, resulting in the Department of State declining to accept new applications. Since the reinstatement of the parole component by the Biden administration on March 10, 2021, and the recent changes made on April 11, 2023, it has become evident that the program lacks critical restrictions to prevent abuse. The eligibility of individuals granted Temporary Protected Status (TPS) or parole is troubling.² The concern is deepened by the fact that eligibility for qualifying parents is expanded to include anyone who is a part of the same household and economic unit, and from the child's country of origin. The policy fails to require any actual biological relation or legal responsibility to the eligible child. It simply casts a wider net over anyone associated with the household.

The concerns over the broad eligibility requirements are compounded by the mass migration currently happening at the Southwest border. The current trends indicate that Congress can expect the increase of encounters to continue; therefore, anticipating a substantially larger number of applications submitted for the CAM program. These reports, paired with the expanded, more inclusionary eligibility requirements, magnify our concerns of the program's official use and need for overall reform.

In addition to our previously mentioned concerns are the recently announced changes to the original guidelines of the CAM program, which make apparent the goal of utilizing the program beyond its original intent. Particularly, the change in course of allowing those who failed to qualify for refugee status who were interviewed between August 16, 2017, and January

¹Central American Minors (CAM) Program, [uscis.gov](https://www.uscis.gov), <https://www.uscis.gov/CAM> (last visited May 8, 2023).

² Ibid.

31, 2018, effectively failing eligibility for parole consideration, are now eligible to pursue parole. Moreover, the fact that financial supporters will simply be permitted to provide a sworn statement attesting to their financial abilities rather than requiring applicants to complete the once necessary Form I-134, Declaration of Financial Support as evidence of ability, is astonishing and frankly, ripe for fraud.³

Each aforementioned concern affirms the need for thorough oversight into the highly questionable CAM program. The boundaries of operation have clearly been skewed as a result of the Biden administration's goal to expand current eligibility requirements in an effort to explicate the CAM program beyond its original intent.⁴

To assist the Committee with its oversight of the CAM program, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on June 15, 2023:

1. Documents sufficient to explain how DHS intends to independently verify reported legal marriages and or unions from El Salvador, Honduras, and Guatemala;
 - a. Documents and communications sufficient to explain DHS' policy for approving or denying the marriages in question.
2. Concerning the recent announced changes to the program, all documents and communications providing sufficient information and explanation regarding:
 - a. The number of cases from August 2017 to January 2018 that have been approved and or denied parole;
 - b. The protocol for verifying U.S. citizens who provide sworn statements of financial support in lieu of the Form I-134; and
 - c. The income threshold to be considered financially responsible for refugees or parolees and the maximum number of people one can support based on their level of income.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

³ Departments of Homeland Security and State Announce Enhancements to the Central Amer. Minors Program, <https://www.dhs.gov/news/2023/04/12/departments-homeland-security-and-state-announce-enhancements-central-american> (last visited May. 8, 2023).

⁴ Joint Dep. of State and Dep. of Homeland Sec. Rollout of the Application Process for the CAM Program, <https://www.state.gov/joint-department-of-state-and-department-of-homeland-security-rollout-of-the-application-process-for-the-central-american-minors-cam-program/> (last visited May. 8, 2023).

Secretary Mayorkas

June 1, 2023

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Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Respectfully,

A handwritten signature in black ink that reads "Clay Higgins". The signature is written in a cursive, flowing style.

CLAY HIGGINS
Chairman
Subcommittee on Border Security and Enforcement

Encl.

cc: The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement



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

June 1, 2023

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting oversight of the expanded use of the CBP One mobile application by the Department of Homeland Security (DHS) and U.S. Customs and Border Protection (CBP). What began as a streamlined system for customs inspections has turned into a scheduling system for illegal aliens at our Southwest border. This is unacceptable and undermines the integrity of our border.

CBP One launched on October 28, 2020, to streamline entry services and inspection for legal and legitimate trade and travel. These services include allowing brokers, carriers, and forwarders to make appointments for the inspection of perishable cargo and travelers with proper entry documents to apply for and manage their Form I-94.¹ While the Committee commends DHS for developing systems to expedite legitimate trade and travel, we are deeply troubled by DHS's continued expansion of the application. First, in 2021, DHS began allowing non-government organizations to use the application to confirm whether aliens waiting in Mexico under the Migrant Protection Protocols were eligible for processing back into the United States.² Then, in 2023, DHS began allowing any alien who attested that they met certain "vulnerability criteria," to schedule an interview at certain ports of entry.³ In April 2023, in preparation for the

¹ U.S. DEP'T OF HOMELAND SEC., PRIVACY IMPACT ASSESSMENT FOR CBP FOR CBP ONE™, (2021), *available at* <https://www.dhs.gov/sites/default/files/2023-01/privacy-pia-cbp068-cbpmobileapplication-jan2023.pdf>.

² U.S. DEP'T OF HOMELAND SEC., PRIVACY IMPACT ASSESSMENT FOR THE PROCESSING INDIVIDUALS SUBJECT TO MIGRANT PROTECTION PROTOCOLS (MPP) (2021), *available at* <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp070-mpp-may2021.pdf?ref=dl-staging-website.ghost.io#:~:text=As%20announced%20by%20DHS%20on%20February%2019%2C%202021%2C,a%20technical%20and%20operational%20solution%20to%20safely%20and>.

³ Press Release, U.S. Customs and Border Protection, DHS Scheduling System for Safe, Orderly and Humane Border Processing Goes Live on CBP One™ App (Jan. 12, 2023) (on file with author), *available at* <https://www.dhs.gov/news/2023/01/12/dhs-scheduling-system-safe-orderly-and-humane-border-processing-goes-live-cbp-onetm>.

end of Title 42, DHS removed the vulnerability requirement.⁴ And in May 2023, DHS increased the number of daily appointments.⁵

DHS claims that the application's continued expansion will help provide a "safe, orderly, and lawful path" for aliens to access the U.S. legal system.⁶ But the use of this application is anything but safe, orderly, and lawful. Indeed, to schedule a time to appear at a port of entry, a migrant must still make the dangerous journey to Mexico, where there is a high probability they will be assaulted, raped, or killed.⁷ Also, the application only offers a limited number of appointments per day, creating a significant backlog of impatient migrants who are flooding into Mexico, hoping for an appointment.⁸ In addition, this application only exacerbates the security risks already plaguing our Southwest border, expediting the process for aliens to be released into the country with little vetting.

After Title 42 ended, the CBP One application can now be used by any alien wishing to make an appointment, regardless of whether they are claiming asylum. The loopholes allowed by the CBP One application are compounded by the Circumvention of Lawful Pathways final rule. The rule lists out several exceptions to those who will be presumed ineligible for asylum.⁹ These exceptions include establishing that it was not possible to access or use the application due to a language barrier, illiteracy, significant technical failure, or other ongoing and serious obstacles.¹⁰ The Biden administration's disastrous border policies continue to place our homeland security in jeopardy – and the CBP One application is no exception.

To assist the Committee in its oversight of the CBP One application and to fully assess the impact of the disconcerting application expansion, please provide the following documents

⁴ CBP One™ Mobile Application, <https://www.cbp.gov/about/mobile-apps-directory/cbpone>, (last visited May 16, 2023).

⁵ Press Release, U.S. Customs and Border Protection, CBP Makes Changes to CBP One™ App (May 5, 2023), (on file with author) *available at* <https://www.cbp.gov/newsroom/national-media-release/cbp-makes-changes-cbp-one-app>.

⁶ Press Release, Dep't. of Homeland Security, DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes (Jan. 5, 2023) (on file with author) *available at* <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.

⁷ DOCTORS WITHOUT BORDERS, FORCED TO FLEE CENTRAL AMERICAN'S NORTHERN TRIANGLE: A NEGLECTED HUMANITARIAN CRISIS 13-17 (2017) *available at* https://www.doctorswithoutborders.ca/sites/default/files/msf_forced-to-flee-central-americas-northern-triangle_0.pdf

⁸ Todd Bensman, *Mexico in Chaos after First Month of Biden's 'CBP One' Work Permit Giveaway Program*, CENTER FOR IMMIGRATION STUDIES, Feb. 7, 2023, <https://cis.org/Bensman/Mexico-Chaos-after-First-Month-Bidens-CBP-One-Work-Permit-Giveaway-Program>.

⁹ Circumvention of Lawful Pathways, 8 C.F.R. § 208 (2023).

¹⁰ Press Release, U.S. Dep't of Homeland Sec., Fact Sheet: Circumvention of Lawful Pathways Final Rule (May 11, 2023), (on file with author) *available at* <https://www.dhs.gov/news/2023/05/11/fact-sheet-circumvention-lawful-pathways-final-rule#:~:text=Under%20the%20final%20rule%2C%20noncitizens%20who%20cross%20the,for%20asylum%20unless%20they%20meet%20certain%20limited%20exceptions.>

and information as soon as possible, but no later than 5:00 p.m. on June 15, 2023:

1. The number of CBP One appointments scheduled at each port of entry from January 1, 2023, to the present.
2. Copies of any and all checklists or criteria that CBP officers or other DHS officials used or use to document parole decision-making for aliens who schedule appointments at the Southwest land ports of entry through the CBP One application.
3. The monthly number of aliens who scheduled an appointment at the Southwest land ports of entry through the CBP One application, categorized by nationality.
4. The monthly number of aliens who scheduled an appointment at the Southwest land ports of entry through the CBP One application, who did not appear for the appointment, categorized by nationality.
5. The monthly number of aliens approved for parole after scheduling an appointment at the Southwest land ports of entry through the CBP One application, categorized by nationality.
6. On the Circumvention of Lawful Pathways final rule, a significant number of exceptions are made for those who attempted to utilize the CBP One application. Please provide:
 - a. The monthly number of aliens who presented themselves at a port of entry without using the CBP One application, who claimed it was not possible to access or use the CBP One application.
 - b. The monthly number of aliens who were granted an exception based on not being able to access or use the CBP One application.
7. Documents between February 2021 to present to show cost of developing, expanding, and maintaining the CBP One application and any work that was contracted to third parties.
8. Documents sufficient to show what changes have been made to the CBP One application since Title 42 is no longer in place, including whether aliens using the CBP One application are required to state if they will claim asylum.

Secretary Mayorkas

May 31, 2023

Page 4

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.


Per House Rule X, the U.S. House of Representatives, the Committee on Homeland Security, is the principal committee of jurisdiction for overall homeland security policy and has special oversight of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, MD
Chairman



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement

Encl.

cc: The Honorable Bennie G. Thompson, Ranking Minority Member
Committee on Homeland Security

The Honorable J. Luis Correa, Ranking Member
Subcommittee on Border Security and Enforcement



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

June 5, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (Department) grant awards under the Targeted Violence and Terrorism Prevention (TVTP) grant program, particularly those grants aimed at raising media literacy and online critical thinking initiatives. According to recent media reports, one TVTP grant recipient has a troubling history of working with groups and individuals that equate mainstream right-leaning organizations and movements with violent extremist organizations and even genocidal extremists.¹ We are concerned about how the Department selects TVTP grant recipients and oversees the grant program. Such concerns are not limited to one side of the political aisle. In April, a coalition of 40 left-leaning organizations wrote to the top four members of the Senate and House appropriations committees that the "grant program and the organizations it funds pose a threat to core American values across all political lines."²

TVTP originated from the Obama administration's *Empowering Local Partners to Prevent Violent Extremism in the United States* strategy, which was largely focused on countering al-Qa'ida and its affiliates.³ The initial grants, then named "Countering Violent Extremism Grants," were awarded in January 2017.⁴ The incoming Trump administration reviewed the grant program and decided to halt it.⁵ The program reemerged in 2019, when,

¹ See e.g., Aaron Kliegman, *University Program Linking Christians, Republicans to Nazis Granted DHS Funds Under 'Anti-Terror' Initiative*, FOX NEWS, May 25, 2023, <https://www.foxnews.com/politics/university-program-linking-christians-republicans-nazis-granted-dhs-funds-part-anti-terror-initiative>.

² Letter from Brennan Center for Justice at NYU School of Law et al., to Sen. Patty Murray, Chair, S. Comm. on Appropriations et al. (Apr. 26, 2023) (on file with author), *available at* <https://www.brennancenter.org/our-work/research-reports/coalition-letter-senate-calling-defunding-dhs-grants-program-targeted>.

³ Barack Obama, *EMPOWERING LOCAL PARTNERS TO PREVENT VIOLENT EXTREMISM IN THE UNITED STATES* (2011).

⁴ Press Release, U.S. Dep't of Homeland Sec., Statement by Sec'y Jeh Johnson Announcing First Round of DHS's Countering Violent Extremism Grants (Jan. 13, 2017) (on file with author), *available at* <https://www.dhs.gov/news/2017/01/13/statement-secretary-jeh-johnson-announcing-first-round-dhss-countering-violent>.

⁵ Peter Beinart, *Trump Shut Programs to Counter Violent Extremism*, THE ATLANTIC (Oct. 29, 2018), <https://www.theatlantic.com/ideas/archive/2018/10/trump-shut-countering-violent-extremism-program/574237/>.

according to a media report, Department officials initially bypassed the White House budgeting process to secure funding for what are now called TVTP grants.⁶

The Biden administration expanded TVTP with an increased focus on domestic violent extremism, including “violent white supremacy,” and moved the program under the newly created Center for Prevention Programs and Partnerships (CP3).⁷ The revived TVTP grants program added an explicit program objective on “increasing media literacy and online critical thinking initiatives.”⁸ These initiatives involve developing and delivering media literacy or online critical thinking education through standalone courses or integrated into a larger curriculum.⁹ Thirteen of the 43 grants made in fiscal year 2022 included media literacy and online critical thinking initiatives.¹⁰ Experts have raised concerns that the methodologies behind TVTP-funded initiatives use “overly broad indicators to identify individuals who are vulnerable to radicalization,” and have relatively unsuccessful track records.¹¹

To assist the Committee with its oversight into the Department’s TVTP grant awards, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on June 19, 2023:

1. All documents and communications referring or relating to the decision to add “media literacy and online critical thinking initiatives” to the TVTP grant program objectives in fiscal year 2020;
2. All documents and communications referring or relating to specific guidance on the Department’s assessment of TVTP grant recipient programs seeking to carry out “media literacy and online critical thinking initiatives,” from fiscal year 2022 to present;
3. All documents and communications referring or relating to the Department determination of TVTP grant recipients for fiscal year 2022 to present;
4. A document sufficient to list the panel of subject matter experts used to review top scoring applications, and a document sufficient to explain how the panel of subject matter experts were selected, from fiscal year 2022 to present;

⁶ Betsy Swan, *They Tried to Get Trump to Care About Right-wing Terrorism. He Ignored Them*, POLITICO (Aug. 26, 2020), <https://www.politico.com/news/2020/08/26/trump-domestic-extemism-homeland-security-401926>.

⁷ Press Release, U.S. Dep’t of Homeland Sec., DHS Creates New Center for Prevention Programs and Partnerships and Additional Efforts to Comprehensively Combat Domestic Violent Extremism (May 11, 2021).

⁸ U.S. DEP’T OF HOMELAND SEC., NOTICE OF FUNDING AND OPPORTUNITY (NOFO): FISCAL YEAR 2020 TARGETED VIOLENCE AND TERRORISM PREVENTION (TVTP) GRANT PROGRAM (2020).

⁹ *Id.*

¹⁰ *Targeted Violence and Terrorism Prevention Grant Program*, U.S. DEP’T OF HOMELAND SEC., <https://www.dhs.gov/tvtpgrants> (last visited May 26, 2023).

¹¹ Bennett Clifford, Seamus Hughes, and Alexander Meleagrou-Hitchens, *An Abridged History of America’s Terrorism Prevention Programs: Opposition Grows, Supporters Adapt*, LAWFARE (Dec. 20, 2020), <https://www.lawfareblog.com/abridged-history-americas-terrorism-prevention-programs-opposition-grows-supporters-adapt>.

5. A copy of the complete University of Dayton fiscal year 2022 TVTP grant application;
6. All documents and communications, including but not limited to, e-mail, internal memoranda, guidance, and programmatic criteria review results, referring or relating to the Department's decision to award the University of Dayton a fiscal year 2022 TVTP grant;
7. A copy of all quarterly progress reports and any other grant reports related to the University of Dayton fiscal year 2022 TVTP grant; and
8. Any and all Department, Federal Emergency Management Agency, or third-party evaluations of the University of Dayton fiscal year 2022 TVTP grant.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, MD
Chairman



DAN BISHOP
Chairman
Subcommittee on Oversight, Investigations,
and Accountability



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism

Secretary Mayorkas

June 5, 2023

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Law Enforcement and Intelligence

Encl.

cc: The Honorable Bennie G. Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence



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

June 9, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

On May 1, 2023, the Committee on Homeland Security (Committee) requested important documents and information related to the Biden administration's vetting of Afghans relocated to the United States after the catastrophic August 2021 U.S. withdrawal from Afghanistan.¹ While we are in receipt of the Department of Homeland Security's (DHS) half-page May 2, 2023, interim response letter assuring us that "the Department's components have already begun the work of identifying responsive documents," DHS failed to produce a single substantive document.² DHS must furnish a timely and comprehensive response, as the requested materials are necessary to further our oversight.

On September 6, 2022, the DHS Office of Inspector General (OIG) found that "the U.S. Customs and Border Protection (CBP) did not always have critical data to properly screen, vet, or inspect the [Afghan] evacuees."³ According to the OIG, "DHS may have admitted or paroled individuals who pose a risk to national security and the safety of local communities."⁴ The OIG's report attributed these challenges to DHS not having a contingency plan to support emergency operations, insufficient vetting procedures for thoroughly evaluating evacuees, and no standardized polices.⁵ Unfortunately, the consequences of DHS's failed vetting processes are affecting states and localities. Multiple reports of Afghan evacuees committing violent crimes in the United States exist.⁶ While these cases of violent crimes may be infrequent, the importance

¹ Letter from Hon. Mark Green et al., Chairman, H. Comm. on Homeland Sec. to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (May 1, 2023) [hereinafter Chairman Green letter].

² Letter from Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. (May 2, 2023). Notably, as mentioned in the May 1, 2023, letter, Committee Republicans previously requested information on September 16 and November 12, 2021, concerning the withdrawal from Afghanistan. Chairman Green letter, *supra* note 1.

³ OFFICE OF INSPECTOR GEN., DEP'T OF HOMELAND SEC., OIG-22-64, DHS ENCOUNTERED OBSTACLES TO SCREEN, VET, AND INSPECT ALL EVACUEES DURING THE RECENT AFGHANISTAN CRISIS (REDACTED) (Sept. 6, 2022) [hereinafter DHS OIG report].

⁴ *Id.*

⁵ *Id.* at 8.

⁶ Adam Shaw, *Afghan Evacuee Charged with Child Sex Crime in New Mexico: Officials*, FOX NEWS, Sept. 30, 2022, <https://www.foxnews.com/politics/afghan-evacuee-charged-child-sex-crime-new-mexico-officials>; Elizabeth Faddis, *Afghan Refugee Resettled in Montana by Biden Administration Charged With Rape*, WASHINGTON EXAMINER, Oct.

of thorough DHS vetting procedures remain to ensure Americans' safety and security. To reiterate, DHS must be forthcoming and transparent to the Committee and the American people about the Biden administration's disastrous withdrawal from Afghanistan.

The May 1, 2023 letter requested that you produce documents and information by May 15, 2023. Those documents are now 25 days overdue. Our requests remain outstanding. To begin the accommodation process and expedite DHS's voluntary cooperation, we request that DHS provide Committee staff a briefing, including but not limited to its response to the OIG's September 6, 2022 report and DHS's recent announcement creating a process to re-parole eligible Afghan nationals in the U.S. through online and paper filing.⁷ Please schedule this briefing on or before June 23, 2023.

The Committee would, as an accommodation to expedite compliance, allow for a virtual briefing on a mutually agreeable platform. For your ready reference, the following documents and information were requested in the May 1, 2023 letter:

1. All documents and communications between or among employees of DHS, the U.S. Department of State, and the U.S. Department of Defense referring or relating to the disastrous withdrawal from Afghanistan from January 1, 2021, to the present;
2. All documents and communications between or among employees of DHS referring or relating to CBP's screening, vetting, or inspection of Afghan evacuees at U.S. Ports of Entry, including, but not limited to, "facilitation document[s],"¹¹ travel document data, or records in CBP's Treasury Enforcement Communications System considered to establish an evacuee's identity from January 1, 2021, to the present; and
3. Documents sufficient to justify why DHS has not concurred with the two recommendations from the DHS OIG's September 6, 2022, report OIG-22-64, which remains open over six months later.

The Committee is evaluating the need for potential legislative reforms in the House of Representatives, including but not limited to closing any gaps in the refugee and evacuee vetting process.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special

22, 2021, <https://www.washingtonexaminer.com/news/afghan-refugee-resettled-in-montana-by-biden-administration-charged-with-rape>.

⁷ Press Release, Dep't. of Homeland Sec., DHS Announces Upcoming Re-parole Process for Afghan Nationals (May 5, 2023), <https://www.dhs.gov/news/2023/05/05/dhs-announces-upcoming-re-parole-process-afghan-nationals>; Dep't of Homeland Sec., Re-Parole Process for Certain Afghans (June 8, 2023), <https://www.uscis.gov/humanitarian/information-for-afghan-nationals/re-parole-process-for-certain-afghans>.

Secretary Mayorkas

June 9, 2023

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oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, MD
Chairman
Committee on Homeland Security



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement



Dan Bishop
Chairman
Subcommittee on Oversight,
Investigations, and Accountability

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability



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

June 13, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, DC 20530

Dear Secretary Mayorkas and Director Wray:

On June 8, 2023, the *Wall Street Journal* (WSJ) reported that the People’s Republic of China (PRC) and Cuba have reached an agreement for the PRC to establish an electronic espionage facility on the island—just 100 miles from the United States—that would allow the Chinese Communist Party’s (CCP) intelligence services to collect signals intelligence throughout the southeastern United States.¹ Following publication of the WSJ report, John Kirby, spokesperson for the Biden administration’s National Security Council said the report is “not accurate.”² However, in less than 48 hours later an anonymous Biden administration official confirmed to *Politico* that the CCP is using a secret facility in Cuba to spy on the United States since at least 2019.³ This espionage facility could exploit sensitive information from our military bases and critical infrastructure sites. We write to request additional information about this imminent threat to homeland security.

This espionage facility would be the latest in a series of attempts by the CCP to exploit our national security. In February of this year, the Committee on Homeland Security (Committee) Republicans demanded answers regarding the surveillance balloon that the CCP brazenly sent over our nation, collecting intelligence from our most sensitive military and critical infrastructure sites.⁴ A mere two months later, on April 24, 2023, Committee Republicans requested information on another CCP plot—this time regarding CCP-driven police stations in the United States that were being used to spy on and repress PRC nationals.⁵ These activities

¹ Warren P. Strobel and Gordon Lubold, *Cuba to Host Secret Chinese Spy Base Focusing on U.S.*, WALL ST. J. (June 8, 2023) <https://www.wsj.com/articles/cuba-to-host-secret-chinese-spy-base-focusing-on-u-s-b2fed0e0>.

² *Id.* (“I’ve seen that press report, it’s not accurate.”).

³ Alexander Ward, *China using secret base in Cuba to spy on U.S.*, BIDEN ADMIN OFFICIAL CONFIRMS, POLITICO (June 10, 2023) <https://www.politico.com/news/2023/06/10/china-secret-base-cuba-spy-00101386>.

⁴ Letter from Rep. Mark E. Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec’y, Dep’t of Homeland Sec & Gen. Glen VanHerck, CMD, NORTHCOM/NORAD (Feb. 14, 2023) available at <https://homeland.house.gov/media/2023/02/2023-02-14-T-DHS-Secretary-and-General-VanHeck-Chinese-Surveillance-Balloon.pdf>.

⁵ Letter from Rep. Mark E. Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec’y, Dep’t of Homeland Sec & Hon. Christopher Wray, Dir., FBI (Apr. 24, 2023) available at

make it clear that the CCP will use every tactic and technique to undermine U.S. sovereignty security.

The CCP's move to expand its sphere of influence by building espionage infrastructure in Cuba echoes Russian aggression during the Cold War, and is a clear and dangerous escalation on the part of the CCP. If the CCP anticipates a major conflict with the United States, it would almost certainly consider conducting cyberattacks against our critical infrastructure.⁶ A CCP espionage facility in Cuba poses a significant counterintelligence threat by providing the CCP vital information regarding U.S. critical infrastructure. Meanwhile, the Biden administration is turning a blind eye to these warnings and failing to confront our most formidable adversary.

To assist the Committee's continued oversight of the broad and multi-faceted threats posed by the CCP,⁷ better understand the dangers presented of an electronic espionage facility on the island of Cuba, and assess DHS and FBI's efforts to combat these serious threats to U.S. homeland security, we request responses to the following questions as soon as possible, but no later than June 27, 2023.

1. When did the Biden administration become aware of the CCP espionage facility located in Cuba, and when did the facility become operational?
2. What are the known or anticipated surveillance capabilities the CCP espionage facility has in Cuba, including but not limited to collection capability, the range of such collection capability, and the potential for a facility to be weaponized against the U.S. homeland?
3. What is the exact counterintelligence threat posed by such a facility to U.S. homeland security?
4. What counterintelligence capabilities does the Department of Homeland Security (DHS) and the Federal Bureau of Investigation (FBI) have to mitigate the CCP espionage facility's collection capacity, and which of these capabilities have you deployed to mitigate the facility's collection capacity?

<https://homeland.house.gov/media/2023/04/Letter-to-Mayorkas-and-Wray-April-24-2023.pdf>. The April 24, 2023 letter requested responses to several questions by May 8, 2023. Those requests remain outstanding and are now more than one month overdue. We reiterate these long-outstanding requests for information.

⁶ Office of the Director of National Intelligence, *Annual Threat Assessment of the U.S. Intelligence Community* (Feb. 6, 2023) available at <https://www.dni.gov/files/ODNI/documents/assessments/ATA-2023-Unclassified-Report.pdf>.

⁷ *Confronting Threats Posed by the Chinese Communist Party to the U.S. Homeland: Hearing Before the Subcomm. on Counterterrorism, Law Enforcement, and Intelligence of the H. Comm. on Homeland Sec.*, 118th Cong. (Mar. 9, 2023); *A Security Sprint: Assessing the U.S. Homeland's Vulnerabilities to Chinese Communist Party Aggression: Hearing Before the Subcomm. on Counterterrorism, Law Enforcement, and Intelligence of the H. Comm. on Homeland Sec.*, 118th Cong. (May 23, 2023).

5. What are the critical infrastructure sights located within the potential range of the CCP espionage facility, and which are of most concern to national security?
6. How are DHS and the FBI engaging with U.S. critical infrastructure owners and operators to ensure they are prepared for CCP-driven acts of espionage or cyberattacks?

We request that the FBI and DHS provide Committee staff a briefing about the CCP's espionage activities against the U.S. homeland to include, but not limited to, the CCP espionage facility in Cuba, no later than June 27, 2023. To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this matter.

Sincerely,



MARK E. GREEN, MD
Chairman
Committee on Homeland Security



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

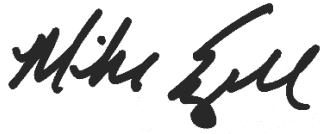


CARLOS A. GIMENEZ
Chairman
Subcommittee on Transportation and
Maritime Security



MARJORIE TAYLOR GREENE
Member of Congress

Secretary Mayorkas
Director Wray
June 13, 2023
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MIKE EZELL
Member of Congress



ANTHONY D'ESPOSITO
Chairman
Subcommittee on Emergency
Management and Technology



LAURAL LEE
Member of Congress



MORGAN LUTTRELL
Member of Congress



DALE W. STRONG
Member of Congress



JOSH BRECHEEN
Member of Congress

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence

The Honorable Shri Thanedar, Ranking Member
Subcommittee on Transportation and Maritime Security



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

June 15, 2023

The Honorable David Pekoske
Administrator
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 20598-6005

Dear Administrator Pekoske:

Thank you for your comprehensive response to the Committee on Homeland Security's (Committee) January 26, 2023, letter requesting information about the CommuteAir security breach involving the Federal Terrorist Screening Dataset and No-Fly List. The Transportation and Security Administration's (TSA) written response and briefing described the agency's immediate response to the incident and referenced steps to prevent future unauthorized access to sensitive watchlist information.

The CommuteAir security breach raises significant concerns about the security of America's transportation systems and remains a key oversight priority for the Committee. As you detailed in your communications with the Committee, TSA took important steps to address cybersecurity vulnerabilities, but those steps were long overdue. In late 2008, TSA established the Secure Flight Program which moved watchlist matching authority from aircraft operators to TSA. For nearly 14 years after TSA established the program, however, many aircraft operators still had access to sensitive watchlist information. Following the CommuteAir security breach, TSA issued Security Directive 1544-23-01, which requires carriers to destroy superseded watchlists records and imposes limits on the personnel with watchlist data access. TSA also issued an emergency amendment that removed aircraft operators' access to watchlist data. While TSA's efforts to secure watchlist data were swift, it is crucial that TSA's efforts are sufficient to protect sensitive cybersecurity information.

To assist the Committee with its continued oversight of TSA's efforts to address cybersecurity vulnerabilities associated with access to federal watchlists, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on June 29, 2023:

1. All documents and communications, including but not limited to, e-mails, letters, and guidance, between TSA officials and aircraft operators, referring or relating to SD 1544-23-01 or the March 24, 2023, emergency amendment;

2. All documents sufficient to identify cybersecurity breaches involving the No-Fly List, including the timing, nature, and response to each incident from January 1, 2018 to the present;
3. All documents sufficient to show TSA's progress and timeline for removing watchlist access from aircraft operators and other regulated parties;
4. All documents related to any TSA or Department of Homeland Security privacy or civil rights and liberties evaluations related to the CommuteAir security breach's exposure of American citizens' personal information; and
5. All documents and communications between TSA and aircraft operators, referring or related to the prevention or attempted prevention of unauthorized individuals from accessing airline cyber networks to manipulate schedules for pilots, gate attendants, other crew, or airline personnel, from January 1, 2023, to the present.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability

Administrator Pecoske

June 15, 2023

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Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability



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

June 28, 2023

Mr. Troy A. Miller
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

Dear Acting Commissioner Miller:

The Committee on Homeland Security (Committee) is conducting oversight of U.S. Customs and Border Protection (CBP)'s reporting of border encounter data.

On May 17, 2023, CBP reported 1,816,958 encounters nationwide through April for FY2023.¹ On June 20, 2023, CBP reported an increase to 2,096,346 total nationwide encounters through May of FY2023.² Based on these totals and the previously reported statistics for encounters through April, the total number of encounters for May 2023 should reflect 279,388. Instead, CBP's data portal on nationwide encounters shows only 273,141 encounters for May 2023, which is a decrease from the previous month's total encounters. To account for the discrepancy, it seems CBP adjusted the total number of nationwide border encounters every month starting at the beginning of FY2023, and in some instances, CBP changed the numbers by over 1,000 aliens.³

Similar adjustments were made to CBP's data on encounters at the Southwest land border, which account for much of the total nationwide adjustments. Specifically, numbers for encounters at the Southwest border in January and March 2023 were revised by more than 1,000 compared to originally published data.⁴ Data was also revised in both directions, with April 2023 monthly numbers decreasing, while all other months increased.

¹ Press Release, U.S. Customs and Border Protection, CBP Releases April 2023 Monthly Operational Update (May 17, 2023) (on file with author), *available at* <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-april-2023-monthly-operational-update>.

² Press Release, U.S. Customs and Border Protection, CBP Releases May 2023 Monthly Operational Update (June 20, 2023) (on file with author), *available at* <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-may-2023-monthly-operational-update>.

³ *Nationwide Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/nationwide-encounters> (last visited June 21, 2023) (previous versions on file with Committee).

⁴ *Southwest Land Border Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited June 21, 2023) (previous versions on file with Committee).

Acting Commissioner Miller

June 28, 2023

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The Committee seeks a better understanding of CBP's process and explanations for amending reported data for FY2023. To assist the Committee with its oversight of CBP's reporting of border encounters, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on July 12, 2023:

1. All documents and communications, including, but not limited to, e-mail, internal memoranda, and guidance referring or relating to CBP's revisions of the reported number of encounters at the Southwest land border and nationwide for FY2023 to date;
2. Documents, including policies or guidelines, sufficient to explain the process by which previously published encounter numbers may be amended;
3. Documents sufficient to show originally published Southwest land border and nationwide encounter numbers for each month in FY2023 to date and corresponding explanations for amending those numbers; and
4. Documents sufficient to explain the amendment to enforcement numbers in FY2023 to date compared to any amendments made in FY2021 and FY2022.

Additionally, please provide an unclassified briefing for Committee staff as soon as possible, but no later than July 14, 2023.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman

Acting Commissioner Miller
June 28, 2023
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Encl.

cc: The Honorable Bennie Thompson, Ranking Minority Member
Committee on Homeland Security



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

June 30, 2023

The Honorable David P. Pekoske
Administrator
Transportation Security Administration
6595 Springfield Center Dr.
Springfield, VA 20598-6005

Dear Administrator Pekoske:

We write to request information and documents on the Transportation Security Administration's (TSA) ongoing administrative disputes with airlines regarding security service fees. It is our understanding that current administrative disputes between airlines and TSA involve over \$50 million and, in some cases, have been pending with no timeline for resolution. Accordingly, airlines are forced to wait years to have these matters resolved.

As you know, TSA collects security service fees from air carriers to cover the cost of security services performed at airports. The fees are collected by the air carriers from the passenger and then remitted to TSA in the following month.¹ To ensure the proper amount is paid, TSA may audit the payments by the airlines.² Similarly, the airlines may seek refunds for fees that are paid mistakenly or in excess;³ for instance, if a passenger is involuntarily transferred from one airline to another, both airlines might pay the fee to TSA resulting in an overpayment.⁴

However, problems arise at TSA once a dispute concerning proper payment occurs, as an appeals process was not fully contemplated in the regulations or statute. Specifically, if an airline challenges an alleged underpayment or seeks a refund of an overpayment, they are thrust into an administrative review process that has no timelines.⁵ As such, airlines that challenge the amounts paid typically wait years to have their claims resolved—during which, the airlines have no way of determining the status of TSA's review. Thus, for extended periods of time, airlines seeking refunds are denied the use of funds (with no interest ever being due) and their day in court, and airlines challenging a TSA assessment must hold a contingent liability on their books.

Given these concerns, we are requesting that TSA provide certain information and documents to the Committee that will help assess the administrative fee disputes currently

¹ See 49 U.S.C. § 44940(d); 49 C.F.R. § 1510.13.

² 49 U.S.C. § 44940(e)(4); see also 49 C.F.R. § 1510.15, § 1510.17, § 1510.19.

³ 49 U.S.C. § 44940(g).

⁴ See *United Airlines, Inc. v. Transportation Security Admin.*, 20 F.4th 57, 62-64 (D.C. Cir. 2021).

⁵ See 49 C.F.R. § 89.21(f) (as to challenging a TSA allegation that an airline has underpaid).

Administrator Pekoske

June 30, 2023

Page 2

pending before TSA. Please provide answers to the following questions no later than July 21, 2023.

1. How many refund claims and administrative disputes regarding security service fees are currently pending before TSA?
2. How many refund claims and administrative disputes regarding security service fees have been resolved by TSA?
3. What is the value of each pending administrative dispute and refund claim?
4. How long has each refund claim and administrative dispute been pending?
5. What is the average amount of time it takes TSA to resolve an administrative dispute or to process a refund claim?

Additionally, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on July 28, 2023:

1. All documents, including training materials, discussing or identifying the administrative dispute process for security service fees identified at 49 C.F.R. § 89.21(f);
2. All internal documents governing TSA's handling of refund requests, as allowed by 49 U.S.C. § 44940(g), including criteria TSA applies to refund requests; and
3. All internal documents governing how TSA conducts audits of security service fees.

Under House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

An attachment contains instructions for responding to this request. Should you or your staff have any questions, please do not hesitate to contact Homeland Security Committee staff at (202) 226-8417. Thank you for your attention to this important matter.

Sincerely,



Mark E. Green, MD
Chairman
Committee on Homeland Security



Carlos A. Gimenez
Chairman
Subcommittee on Transportation
and Maritime Security

Administrator Pecoske

June 30, 2023

Page 3

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Shri Thanedar, Ranking Member
Subcommittee on Transportation and Maritime Security

Congress of the United States
Washington, DC 20515

July 21, 2023

Troy A. Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave., NW
Washington, D.C. 20229

Dear Mr. Miller:

We write with deep concern that U.S. Customs and Border Protection (CBP) officials may have retaliated against a witness in a Congressional investigation. The Committees have received an allegation from a credible whistleblower with extensive experience in and knowledge of CBP personnel practices that—within hours of concluding a voluntary transcribed interview with the Committee on Oversight and Accountability and the Committee on Homeland Security on July 12, 2023—Gregory K. Bovino, Chief Patrol Agent of the El Centro Border Patrol Sector, was relieved of his command over the El Centro Sector and reassigned to a vague, indefinite, and temporary headquarters assignment. The whistleblower indicates that this pattern is consistent with a common CBP practice to get rid of employees perceived as problematic by high-level officials by forcing those employees, out of frustration, to relocate, retire, or resign. Given the suspicious timing of the reassignment coinciding with Chief Bovino’s cooperation with a Congressional inquiry, we demand CBP account for the current status of Chief Bovino’s employment and assignment within the U.S. Border Patrol, provide documents and communications relevant to any reassignment and the reasons for any related employment action, and brief the Committee on this matter.

On January 19, 2023, Chairman Comer invited Gregory K. Bovino, Chief Patrol Agent of the El Centro Border Patrol sector to testify at a hearing before the full House Committee on Oversight and Accountability along with three additional Chief Patrol Agents.¹ However, Chief Bovino was ultimately not permitted by CBP to testify. The Committees have now received allegations from a whistleblower familiar with this series of events that Chief Bovino may have produced written testimony in preparation for this hearing that was dissatisfactory to CBP officials: so much so that he was verbally reprimanded by headquarters officials.

On February 26, 2023, Chairman Comer requested additional information from Chief Patrol Agents, including Chief Bovino, in the form of transcribed interviews to learn more about

¹ Letter from James Comer, Chairman, H. Comm. on Oversight & Accountability to Gregory Bovino, Chief Patrol Agent, U.S. Border Patrol (Jan. 19, 2023).

the impact of the situation on the southwest border in each of the sectors.² The transcribed interview with Chief Bovino, conducted jointly by the Committee on Oversight & Accountability and the Committee on Homeland Security, ultimately occurred on July 12, 2023.

According to a whistleblower familiar with CBP law enforcement and personnel practices, within hours of that transcribed interview having concluded, a senior U.S. Border Patrol official informed Chief Bovino that he was relieved of command of the El Centro Sector effective immediately and would thereafter report to CBP headquarters in Washington, D.C. for a temporary duty assignment of indefinite nature and time. The whistleblower describes that temporary assignment as one of no certain mission, no articulable purpose, and without any timeline of completion. The whistleblower further alleges that this practice is consistent with the way in which CBP officials have dealt with employees who they wish to leave the agency, by placing maximum pressure on them to relocate, retire, or resign.

The ability of Congress to receive truthful testimony about the activities of the Executive Branch is paramount to performing essential oversight functions necessary to inform the legislative process.³ Any retaliation against witnesses who cooperate with Congressional inquiries will not be tolerated, especially when that retaliation may have been committed by government officials. Additionally, obstruction of Congressional investigations is a crime and will not be tolerated.⁴

To assist the Committees in investigating possible retaliation against a witness in a Congressional investigation, please provide the following documents and information, covering the time period January 1, 2023 to the present unless otherwise indicated, as soon as possible but no later than August 4, 2023:

1. All documents and communications related to any employment action taken with respect to Gregory K. Bovino, including but not limited to any decision to reassign him from his role as Chief Patrol Agent of the El Centro Sector;
2. All documents and communications, including those with DHS or White House officials, related to the appearance of Gregory K. Bovino as a witness for a Congressional hearing to be held the week of February 6, 2023, including but not limited to any written testimony or opening statement; and

² Letter from James Comer, Chairman, H. Comm. on Oversight & Accountability to Troy A. Miller, (Acting) Commissioner, U.S. Customs and Border Protection (Feb. 26, 2023).

³ See e.g. *McGrain v. Daugherty*, 273 U.S. 135 (1927) (Noting that Congress has the power to compel information necessary to enable its legislative functions).

⁴ See e.g. 18 U.S.C. § 1505 (Whoever corruptly... obstructs, or impedes or endeavors to influence, obstruct, or impede... the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress...”).

Mr. Troy Miller
July 21, 2023
Page 3 of 3

3. All documents and communications, including those with DHS or White House officials, related to the appearance of Gregory K. Bovino as a witness for a voluntary transcribed interview.

Additionally, please make arrangements to schedule a briefing with Committee staff on this matter as soon as possible, but no later than July 28, 2023.

To schedule the briefing, arrange for the delivery of responsive documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability Majority Staff at (202) 225-5074, and the Committee on Homeland Security Majority Staff at (202) 226-8417. Attached are instructions for producing the documents and information to the Committees.

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Per Rule X of the U.S. House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your cooperation with this inquiry.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Mark E. Green, MD
Chairman
Committee on Homeland Security

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Bennie G. Thompson, Ranking Member
Committee on Homeland Security

Congress of the United States
Washington, DC 20515

July 31, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Janet Yellen
Secretary
U.S. Department of Treasury
Washington, D.C. 20001

Dear Secretary Mayorkas and Secretary Yellen:

The Committee on Homeland Security and the Committee on Financial Services are examining federal efforts to address the persistent and evolving threat of illicit finance by transnational criminal organizations (TCOs) and terrorists. We write to request additional information about the Department of Homeland Security's (DHS) and the Department of Treasury's efforts to track and disrupt these criminal financing activities.

Illicit financial activity is a major homeland security threat that enables corruption, terrorism, and an ever-increasing drug trade. The fentanyl crisis could not continue at its current rate without the financial support of ongoing Chinese-Mexican money laundering schemes occurring within the United States. For instance, in February 2023, Anne Milgram, the Administrator of the Drug Enforcement and Administration (DEA), testified that the use of Chinese money laundering organizations "by the [Mexican] cartels simplifies the money laundering process and streamlines the purchase of precursor chemicals utilized in manufacturing drugs."¹

On March 24, 2023, the Committee on Financial Services Subcommittee on National Security, Illicit Finance, and International Financial Institutions held a hearing entitled, "Follow the Money: The CCP's Business Model Fueling the Fentanyl Crisis". The witness panel included retired U.S. Treasury Special Agent John Cassara and retired DEA Assistant Special Agent in Charge Donald Im, who each dedicated their careers combating the illicit finance, money laundering, and drug trade with their respective agencies.² More recently, on June 7, 2023, the Homeland Security Subcommittee on Counterterrorism, Law Enforcement, and Intelligence heard testimony from Mr. Christopher Urben, who spent 24-years at the DEA working to disrupt and dismantle TCOs within the United States and around the world.³ Mr.

¹ *Countering Illicit Fentanyl Trafficking: Hearing Before the S. Comm. on Foreign Relations.*, 118th Cong. (Feb. 15, 2023) (testimony of Anne Milgram, Administrator, U.S. Drug Enforcement Administration.)

² *Follow the Money: The CCP's Business Model Fueling the Fentanyl Crisis: Hearing Before the Subcomm. on National Security, Illicit Finance, and International Financial Institutions*, 118th Cong. (Mar. 24, 2023) (testimony of John Cassara, Special Agent (retired), U.S. Department of Treasury & Donald Im, Assistant Special Agent in Charge (retired), U.S. Drug Enforcement Agency.)

³ *Transnational Criminal Organizations: The Menacing Threat to the U.S. Homeland: Hearing Before the Subcomm. on Counterterrorism, Law Enforcement, and Intelligence of the H. Comm. on Homeland Sec.*, 118th Cong. (Mar. 9, 2023) (testimony of Christopher Urben, former Assistant Special Agent in Charge, Special Operations Division, U.S. Drug Enforcement Administration.)

Urban underscored the expansive role that Chinese TCOs have taken in laundering drug proceeds for Mexican cartels.⁴

Furthermore, the Treasury Department in their February 2022 National Money Laundering Risk Assessment, outlined a several step process in which Chinese money launderers repatriate drug profits to narco-trafficking organizations “at lower fees than traditional money brokers” and “provide insurance against losses, in that they will still pay out even if the funds are lost due to theft or interdiction by law enforcement.”⁵ Then, on July 12, 2023, the Treasury’s Office of Foreign Assets Control sanctioned 10 individuals, including a number of Sinaloa Cartel members and fugitives, and a Mexico-based entity for their role in a major illicit fentanyl trafficking network.⁶

On May 22, 2023, the House of Representatives passed H.R. 1076, *Preventing the Financing of Illegal Synthetic Drugs Act*, which would, among other things, require the Comptroller General of the United States to carry out a study on the trafficking into the United States of synthetic drugs, and related illicit finance.⁷ Furthermore, on July 26, 2023 the Committee on Financial Services marked up, receiving bi-partisan support, H.R. 3244, the *Stop Fentanyl Money Laundering Act of 2023*, which was introduced by Chairman Blaine Luetkemeyer.⁸ This legislation would allow the Treasury Department to utilize its existing special measure authorities to target and thwart the money laundering facilitating fentanyl trafficking in foreign jurisdictions.

Additionally, DHS’s Homeland Security Investigations (HSI) and the Secret Service each play an active role in countering TCO financing operations. For example, HSI works to mitigate terrorist and criminal financing by combating bulk cash smuggling, which has become the preferred approach for drug trafficking organizations and other criminal networks to move illicit proceeds across the United States’ borders.⁹ The HSI Cornerstone outreach initiative has worked with the private sector to close gaps within the U.S. financial, trade, and transportation sectors that are exploited by criminal organizations.¹⁰ The Secret Service’s Cyber Fraud Task Forces also work to prevent, detect, mitigate, and investigate online financial crimes.¹¹

⁴ *Id.* at 2.

⁵ U.S. Dep’t of Treasury, National Money Laundering Risk Assessment (Feb. 2022),

<https://home.treasury.gov/system/files/136/2022-National-Money-Laundering-Risk-Assessment.pdf>.

⁶ Press Release, U.S. Dep’t of Treasury, *Treasury Sanctions Illicit Fentanyl Network Run by Key Sinaloa Cartel Family Members* (July 12, 2023), <https://home.treasury.gov/news/press-releases/jy1607>.

⁷ H.R. 1076, Preventing the Financing of Illegal Synthetic Drugs Act.

⁸ H.R. 3244, Stop Fentanyl Money Laundering Act of 2023.

⁹ U.S. Immigration and Customs Enforcement, *FAQ: Bulk Cash Smuggling*, [https://www.ice.gov/partnerships-centers/bcsc/faq#:~:text=%C2%A7%205332%20\(Bulk%20Cash%20Smuggling,%C2%A7%C2%A7%205316%20and%205317](https://www.ice.gov/partnerships-centers/bcsc/faq#:~:text=%C2%A7%205332%20(Bulk%20Cash%20Smuggling,%C2%A7%C2%A7%205316%20and%205317) (last accessed July 14, 2023).

¹⁰ U.S. Immigration and Customs Enforcement, *Cornerstone*, <https://www.ice.gov/outreach-programs/cornerstone> (last accessed July 14, 2023).

¹¹ U.S. Secret Service, *Cyber Investigations*, <https://www.secretservice.gov/investigation/cyber> (last accessed July 14, 2023).

To better understand DHS's and the Treasury Department's efforts to combat the serious and evolving threat of illicit finance by nefarious actors, and to assist the Committee's continued oversight work, we request responses to the following questions as soon as possible, but no later than August 14, 2023:

1. How many public-private partnerships exist with HSI's Cornerstone Initiative? How many asset seizures have occurred as a direct result of the program? Provide an accounting of both requests.
2. Explain the collaboration between Chinese and Mexican TCOs in the laundering of drug proceeds, to include but not limited to, the Black-Market Peso Exchange laundering scheme.
3. Provide an accounting of federal investigative resources used to detect and investigate illicit finance networks.
4. Provide the total number of U.S. sanctions against chemical brokers in the People's Republic of China for precursor chemicals and Mexican suppliers of synthetic opioids.
5. How have the Financial Crimes Enforcement Networks (FinCEN) Suspicious Activity Reporting analysis aided law enforcement in combatting fentanyl smuggling and related money laundering schemes?

We request that DHS and the Treasury Department provide Committee staff a briefing about this matter, to include but not limited to, how TCOs and terrorists leverage our financial system to conduct illegal activities, no later than August 14, 2023. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 or the Committee on Financial Services Majority staff at (202) 225-7502 with any questions about this request.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security." The Financial Services Committee Subcommittee on National Security, Illicit Finance, and International Financial Institutions is the principal subcommittee of jurisdiction within the Financial Services Committee on financial support networks of national security threats, including matters related to terrorist financing, money laundering, drug sale proceeds, and alternative remittance systems. This includes the activities of the Office of Terrorism and Financial Intelligence within the Treasury Department and FinCEN.

Thank you for your prompt attention to this matter.

Secretary Mayorkas
Secretary Yellen
July 31, 2023
Page 4 of 4

Sincerely,



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism
Law Enforcement, and Intelligence
Committee on Homeland Security



BLAINE LUETKEMEYER
Chairman
Subcommittee on National Security,
Illicit Finance, International
Financial Institutions, Committee on
Financial Services



MONICA DE LA CRUZ
Member of Congress

cc: The Honorable Seth Magaziner, Ranking Member,
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence
Committee on Homeland Security

The Honorable Joyce Beatty, Ranking Member
Subcommittee on National Security, Illicit Finance, International Financial Institutions
Committee on Financial Services



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

August 03, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is writing to request information about the policy and processes used by the Department of Homeland Security's (DHS) Office of Intelligence and Analysis (I&A) for issuing security clearances to law enforcement partners in the State, Local, Tribal and Territorial (SLTT) community nationwide.

Recently, the Committee has learned that I&A, which has a responsibility for providing SLTT law enforcement access to intelligence products, including some at the classified level, is apparently not issuing an adequate number of security clearances for some SLTT agencies to properly staff posts requiring a security clearance. Specifically, multiple concerns have been raised that DHS as a policy—whether formally or informally—has begun more strictly limiting security clearances to some or all SLTT law enforcement agencies for unknown reasons, which is having a negative effect on their ability to receive and use intelligence critical to their important duties to protect and serve their communities.

To more fully understand I&A's processes and policies for issuing security clearances to SLTT agencies, we request that DHS provide Committee staff a briefing, to include but not limited to, information about I&A's screening and vetting processes for issuing security clearances to SLTT law enforcement partners, no later than August 17, 2023. We also request that DHS provide an annual accounting of how many security clearances were granted and rescinded for major SLTT partners from January 20, 2021, to the present, detailing by department (e.g., Houston Police Department, New York Police Department). Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this matter.

Secretary Mayorkas
August 3, 2023
Page 2 of 2

Sincerely,



August Pfluger
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence



Anthony D'Esposito
Chairman
Subcommittee on Emergency
Management and Technology

cc: The Honorable Seth Magaziner, Ranking Member,
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence

The Honorable Troy Carter, Ranking Member
Subcommittee on Emergency Management and Technology



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

August 3, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is continuing its oversight of the Department of Homeland Security's (Department) use of parole at the southwest border. Since February 9, 2023, the Committee requested from the Department important documents and information related to the Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) parole program.¹ Despite the Committee's repeated follow up communications as detailed below, the Department failed to satisfy the Committee's requests. The Department's lack of transparency is unacceptable.

On February 9, 2023, the Committee sent an initial e-mail to the Department's Office of Legislative Affairs (OLA), requesting the CHNV program's general monthly data.² In the four following months, Committee staff e-mailed the Department six repeated requests for updates on the Committee's February 9, 2023 request for data.³ Despite OLA's acknowledgement of those requests, assurances to Committee staff that they were "tracking"⁴ the request, and a confirmation e-mail dated June 15, 2023, that the Department was conducting "a final review

¹ E-mail from H. Comm. on Homeland Sec., Staff, to Dep't of Homeland Sec., Off. of Legis. Aff. (Feb. 9, 2023) (on file with author).

² *Id.*

³ E-mail from H. Comm. on Homeland Sec., Staff, to Dep't of Homeland Sec., Off. of Legis. Aff. (Mar. 20, 2023) (on file with author); E-mail from H. Comm. on Homeland Sec., Staff, to Dep't of Homeland Sec., Off. of Legis. Aff. (Mar. 31, 2023) (on file with author); E-mail from H. Comm. on Homeland Sec., Staff, to Dep't of Homeland Sec., Off. of Legis. Aff. (April 21, 2023) (on file with author); E-mail from H. Comm. on Homeland Sec., Staff, to Dep't of Homeland Sec., Off. of Legis. Aff. (May 15, 2023) (on file with author); E-mail from H. Comm. on Homeland Sec., Staff, to Dep't of Homeland Sec., Off. of Legis. Aff. (June 13, 2023) (on file with author); E-mail from H. Comm. on Homeland Sec., Staff, to Dep't of Homeland Sec., Off. of Legis. Aff. (June 23, 2023) (on file with author).

⁴ E-mail from Dep't of Homeland Sec., Off. of Legis. Aff., to H. Comm. on Homeland Sec., Staff (Feb. 17, 2023) (on file with author).

and anticipate sending it out early next week,”⁵ the Department failed to provide any of the requested data.

Further, during that time period, on April 27, 2023, I, along with two Subcommittee Chairmen, sent a letter requesting data, documents, and other information related to the CHNV program by May 11, 2023,⁶ and the Department failed to produce any of the requested materials by the deadline. On May 17, 2023, Committee staff e-mailed OLA requesting an update on a response.⁷ The next day, OLA advised they would “circle back . . . hopefully tomorrow afternoon.”⁸ OLA failed to circle back. Instead, on May 19, 2023, the Committee received an interim letter from OLA, acknowledging receipt of the April 27, 2023, letter.⁹ One week later, on May 24, 2023, Committee staff again e-mailed OLA requesting an update on a response.¹⁰ OLA never responded. On May 31, 2023, Committee staff e-mailed OLA requesting a call to discuss the outstanding request.¹¹ OLA did not respond. On June 5, 2023, Committee staff once again e-mailed OLA requesting a response on the status of the Committee’s request by June 9, 2023.¹² OLA again failed to respond. The Department’s response to the Committee’s letter is now 85 days delinquent.

Earlier this week, Committee staff and the Department had a telephone call to discuss the Department’s plan to produce the requested data, documents, and other information. During that call, OLA stated that overlapping requests from other Committees of jurisdiction, inherently complicated data issues, and ongoing litigation, were the cause of the delay. Despite admitting delinquency in its responses to the Committee, the Department still would not provide a date certain for full production. Moving forward, the Department stated that it “now expect[s] to provide a tranche of CHNV data within the next two weeks, including a variety of statistics on parolees, beneficiaries, and travel status.”¹³ The Department’s response is several months past due and partial production is not acceptable.

⁵ E-mail from Dep’t of Homeland Sec., Off. of Legis. Aff., to H. Comm. on Homeland Sec., Staff (June 15, 2023) (on file with author).

⁶ Letter from Hon. Mark Green et al., Chairman, H. Comm. on Homeland Sec. to Hon. Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. to Hon. Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Apr. 27, 2023).

⁷ E-mail from Staff, H. Comm. on Homeland Sec. to Off. of Legis. Aff., Dep’t of Homeland Sec. (May 17, 2023) (on file with author).

⁸ E-mail from Off. of Legis. Aff., Dep’t of Homeland Sec., to Staff, H. Comm. on Homeland Sec. (May 18, 2023) (on file with author).

⁹ Letter from Off. of Legis. Aff., Dep’t of Homeland Sec. to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. (May 19, 2023) (on file with author).

¹⁰ E-mail from Staff, H. Comm. on Homeland Sec. to Off. of Legis. Aff., Dep’t of Homeland Sec. Aff. (May 24, 2023) (on file with author).

¹¹ E-mail from Staff, H. Comm. on Homeland Sec. to Off. of Legis. Aff., Dep’t of Homeland Sec. Aff. (May 31, 2023) (on file with author).

¹² E-mail from Staff, H. Comm. on Homeland Sec. to Off. of Legis. Aff., Dep’t of Homeland Sec., Aff. (June 5, 2023) (on file with author).

¹³ E-mail from Off. of Legis. Aff., Dep’t of Homeland Sec., to Staff, H. Comm. on Homeland Sec. (August 1, 2023) (on file with author).

Secretary Mayorkas

August 3, 2023

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To date, the Department has failed to produce both the data requested by the Committee on February 9, 2023, and any of the nine categories of documents or information specifically requested on April 27, 2023, all of which will assist the Committee's oversight of the CHNV program.

The Committee requires the requested data, documents, and other information to fully evaluate potential legislation to reform the Department's parole authority. The Department's continued failure to produce the requested documents and information, however, clearly represents an intent to withhold important information from the agency's authorizing Committee. If the outstanding requests related to the CHNV program remain unsatisfied by 5:00 p.m. on August 15, 2023, I will consider utilizing compulsory process. I expect prompt and complete compliance with all of the Committee's outstanding requests for documents and other information.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive, slightly slanted style.

MARK E. GREEN, MD
Chairman

Encl.

cc: The Honorable Bennie Thompson, Ranking Minority Member
Committee on Homeland Security



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

August 10, 2023

Mr. Patrick J. Lechleitner
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Mail Stop 5003
Washington, D.C. 20536

Dear Acting Director Lechleitner:

The Committee on Homeland Security continues to conduct oversight of U.S. Immigration and Customs Enforcement (ICE) contracts related to housing and supervision of illegal migrants encountered at the southwest border.¹ The Committee remains concerned that the Biden administration awards massive contracts to nonprofits linked to the President's transition team following the 2020 election.² Recent reporting suggests that despite serious conflicts of interest, former Biden administration official Mr. Andrew Lorenzen-Strait is involved in federal contracts for migrant services.³

On January 20, 2021, Family Endeavors, Inc. (Endeavors) named Mr. Lorenzen-Strait the Senior Director for Migrant Services and Federal Affairs.⁴ Immediately preceding his position with Endeavors, Mr. Lorenzen-Strait served on the Biden-Harris transition team. He is also a former official at ICE.⁵ In March 2021, just two months after Mr. Lorenzen-Strait joined Endeavors, ICE awarded an \$86.9 million sole source contract to Endeavors to provide beds and

¹ Letter from John Katko, Ranking Member, H. Comm. on Homeland Sec. to Tae D. Johnson, Acting Dir. for U.S. Immigr. and Customs Enf't, (Dec. 7, 2022); Letter from Mark Green, Chairman, H. Comm. on Homeland Sec. to Tae D. Johnson, Acting Dir. For U.S. Immigr. And Customs Enf't (Jan. 30, 2023).

² See Letter from James Comer, Ranking Member, H. Comm. on Oversight and Reform, and John Katko, Ranking Member, H. Comm. on Homeland Sec. to Xavier Becerra, Sec., Dep't of Health and Human Serv. (Apr. 21, 2021), available at <https://oversight.house.gov/wp-content/uploads/2021/04/Letter-to-Secretary-Becerra-on-HHS-Family-Endeavors-Contract-042121.pdf> (outlining the Committees' initial concern with Mr. Lorenzen-Strait's role in the Department of Health and Human Services awarding a sole source contract to Endeavors).

³ Project Veritas (@Project_Veritas), TWITTER (Aug. 8, 2023, 7:00 PM), https://twitter.com/Project_Veritas/status/1689048983858024448.

⁴ Press Release, Endeavors, Endeavors Names Andrew Lorenzen-Strait As The Senior Director For Migrant Services & Federal Affairs (Jan. 20, 2021) (on file with author).

⁵ Anna Giaritelli, *EXCLUSIVE: ICE Gave \$87M No-Bid Contract To Business With Biden Ties, Raising Conflict Of Interest Questions*, WASH. EXAMINER, Apr. 7, 2021, <https://www.washingtonexaminer.com/news/biden-ice-gave-87m-no-bid-contract-conflict-of-interest>.

services in hotels for illegal migrants crossing the southwest border.⁶ In April 2021, the Department of Homeland Security's (DHS) Office of Inspector General (OIG) began a review of ICE's sole source contract with Endeavors.⁷

On April 12, 2022, the OIG issued a report, finding that ICE did not adequately justify the need for its sole source contract with Endeavors and spent nearly \$17 million on hotel space and services that went largely unused.⁸ The OIG noted that Endeavors sent ICE a proposal for housing migrant families without ICE requesting such a proposal.⁹ The OIG also found that Endeavors "had no experience providing the services covered by the sole source contract"¹⁰ and that ICE provided "no documentation to show that Endeavors had the capability to provide such services."¹¹ The OIG's findings raise important questions about Mr. Lorenzen-Strait's involvement in the contract proposal.

It is unclear whether Mr. Lorenzen-Strait even had authority to engage Endeavors in a contract with ICE or whether ICE ever evaluated any conflict of interest created by Mr. Lorenzen-Strait's participation in the contract.¹² In September 2022, amid intense scrutiny over Endeavors' federal contracts, Andrew Lorenzen Strait resigned from his position.¹³

On August 8, 2023, journalists with Project Veritas released a video of Mr. Lorenzen-Strait cavalierly bragging about his participation in government contracts related to migrant services.¹⁴ Specifically, Mr. Lorenzen-Strait referred to what appears to be the Endeavors contract as a "corrupt bargain."¹⁵ He further discussed "brokering" a deal that won Cherokee Federal, a team of tribally owned federal contracting companies, a nearly \$2 billion contract with the federal government to provide services to unaccompanied alien children.¹⁶ In the video, Mr.

⁶ DEP'T OF HOMELAND SEC. OFF. OF INSPECTOR GEN., OIG-22-37, ICE SPENT FUNDS ON UNUSED BEDS, MISSED COVID-19 PROTOCOLS AND DETENTION STANDARDS WHILE HOUSING MIGRANT FAMILIES IN HOTELS 2 (2022).

⁷ *Id.*

⁸ *Id.* at 5.

⁹ *Id.*

¹⁰ *Id.* at 6.

¹¹ *Id.*

¹² See 5 C.F.R § 2641.201(a) (prohibiting certain former employees from having communications with a U.S. employee on a matter in which he participated as an employee); Anna Giaritelli, *Former Biden Official Who Won \$87M To House Migrants Banned From ICE Contracts*, WASH. EXAMINER, July 27, 2021, <https://www.washingtonexaminer.com/news/biden-transition-official-87-million-house-migrants-banned-working-ice-contracts> (citing a message from an ICE official requesting that Andrew Lorenzen-Strait be removed from a contract because he was not "cleared" to work on the contract).

¹³ See Anna Giaritelli, *Biden Transition Official Resigns From Nonprofit Group Given Migrant Housing Contracts*, WASHINGTON EXAMINER, Sept. 13, 2022, <https://www.washingtonexaminer.com/news/biden-transition-official-resigns-from-nonprofit-group-given-migrant-housing-contracts#:~:text=Andrew%20Lorenzen%2DStrait%2C%20senior%20director,Eller%2C%20a%20spokesman%20for%20Endeavors> (quoting a spokesman for Endeavors confirming that Lorenzen-Strait resigned).

¹⁴ Project Veritas (@Project_Veritas), TWITTER (Aug. 8, 2023, 7:00 PM), https://twitter.com/Project_Veritas/status/1689048983858024448.

¹⁵ See *id.* (referring to the contracts that Republicans investigated).

¹⁶ *Id.*

Lorenzen-Strait admits that Cherokee Federal is not equipped to handle the contract.¹⁷ Mr. Lorenzen-Strait also admits that while he is publicly involved with the company Deep Water Point & Associates, he hides his participation in government contracts through the entities VerdinPoint and The Tanager Group.¹⁸

Mr. Lorenzen-Strait's comments in the Project Veritas video are deeply disturbing. The Committee is concerned that despite clear conflicts of interest and prior scrutiny, Mr. Lorenzen-Strait may be influencing ICE's contracts for migrant services with non-governmental and non-profit organizations. Additionally, the Committee is concerned with Mr. Lorenzen-Strait's relationships with current ICE contracting officials.

The Committee has been made aware that Mr. Lorenzen-Strait's former subordinate at ICE, Ms. Claire Trickler-McNulty, is now the Assistant Director of the Office of Immigration Program Evaluation. In this position she reviews and approves ICE contracts for migrant housing, supervision, and services. Ms. Trickler-McNulty previously worked with Mr. Lorenzen-Strait in the Custody Programs Office. Additionally, Ms. Trickler-McNulty and Mr. Lorenzen-Strait previously worked together evaluating ICE contract awards. Mr. Lorenzen-Strait's relationship with the current ICE contracting official calls into question ICE's impartiality in contracts.

To assist the Committee in understanding any conflicts of interest in ICE contracts for migrant services, please provide as soon as possible but no later than 5:00 pm on August 24, 2023:

1. All communications, including but not limited to, e-mail, between Claire Trickler-McNulty and Andrew Lorenzen-Strait from November 10, 2020 to the present;
2. All communications between Claire Trickler-McNulty and any employee, representative, or official from VerdinPoint from September 9, 2022 to the present;
3. All communications between Claire Trickler-McNulty and any employee, representative, or official from The Tanager Group from September 9, 2022 to the present;
4. All communications between Claire Trickler-McNulty and any employee, representative, or official from Deep Water Point & Associates from September 9, 2022 to the present;
5. Documents sufficient to show the Office of Immigration Program Evaluation's process for evaluating ICE contracts;

¹⁷ *Id.*

¹⁸ *Id.*

6. Any and all documents referring or relating to ICE's Technical Evaluation Team evaluation of contracts to establish the Family Case Management Program in 2015; and
7. All organizational charts for the Custody Programs Office from January 1, 2014 through December 31, 2019.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member

Acting Director Lechleitner
August 10, 2023
Page 5

Subcommittee on Oversight, Investigations, and
Accountability

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement



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

August 21, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (Department) intra-agency intelligence sharing, particularly as it relates to cartel smuggling operations at the southwest border. Since President Biden took office, U.S. Border Patrol (USBP) has encountered over 5.1 million illegal aliens in between U.S. ports of entry.¹ Nearly all the illegal aliens that cross the southwest border are smuggled over by a Mexican cartel.² With smuggling rates for illegal aliens ranging from \$3,000 to \$60,000,³ President Biden's border crisis creates a prime environment for a billion-dollar human smuggling business.⁴

Mexican cartels treat humans as mere profitable cargo and since 2021, media extensively reported that cartels require migrants, including children, to wear plastic bracelets before they cross into the U.S. from Mexico.⁵ Bracelet colors, decals, and writing, reflect which cartel the

¹ *Nationwide Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/nationwide-encounters> (last visited Aug. 14, 2023).

² See H. Comm. on Oversight & Accountability and H. Comm. on Homeland Sec., Transcribed Interview of Jason Owens, Del Rio Sector Chief Patrol Agent 53-54 (May 5, 2023) (advising that cartels "keep a death grip on anything that comes across the border illicitly"); H. Comm. on Oversight & Accountability and H. Comm. on Homeland Sec., Transcribed Interview of John R. Modlin, Tuscon Sector Chief Patrol Agent 89 (July 26, 2023) (confirming that no one in the Tuscon sector crosses the border without going through the cartels. "We have experienced when people try to, and we've seen them beaten for trying to cross without paying fees.").

³ H. Comm. on Oversight & Accountability and H. Comm. on Homeland Sec., Transcribed Interview of Joel Martinez, Laredo Sector Chief Patrol Agent 29 (June 1, 2023) [hereinafter Martinez Transcript].

⁴ Miriam Jordan, *Smuggling Migrants at the Border Now a Billion-Dollar Business*, N.Y. TIMES (July 25, 2022), <https://www.nytimes.com/2022/07/25/us/migrant-smuggling-evolution.html>.

⁵ Todd Bensman, *Overwhelmed Mexican Alien-Smuggling Cartels Use Wristband System to Bring Order to Business*, CENTER FOR IMMIGRATION STUDIES, Mar. 2, 2021, <https://cis.org/Bensman/Overwhelmed-Mexican-AlienSmuggling-Cartels-Use-Wristband-System-Bring-Order-Business>; Andrees Latif, Laura Gottesdiener & Mica Rosenberg, *Color-coded Passage: Why Smugglers Tagging U.S.-Bound Migrants With Wristbands*, REUTERS, Mar. 9, 2021, <https://www.reuters.com/article/us-usa-immigration-border/color-coded-passage-why-smugglers-are-tagging-u-s-bound-migrants-with-wristbands-idUSKBN2B12E6>; see Martinez Transcript at 86 (describing how the Gul Cartel uses color coded wristbands for its smuggling operations in the Rio Grande Valley sector).

migrant owes, how much, and where the migrant is in the smuggling process.⁶ While the tagging system implies an orderly process, the cartels are savage, collecting information about migrants' families so they have a target if migrants do not pay their debts,⁷ holding migrants hostage to demand ransom,⁸ and leaving migrants, including children, to die in severe conditions.⁹

Despite extensive news coverage and USBP's acknowledgement that cartels use wristbands to facilitate human trafficking, you were apparently, and astonishingly, unaware of the practice. In a March 2023 hearing before the Senate Committee on the Judiciary, Senator Ted Cruz displayed a poster board depicting five different migrant wristbands, one of which clearly depicts the word "entrega" (delivery) and another "llegadas" (arrivals).¹⁰ When Senator Cruz asked you "What are these wristbands?" you responded, "I don't know what they are, Senator."¹¹

Your response is deeply troubling. The Committee expects that the Department's leader is advised of important intelligence about the tactics that cartels use to smuggle millions of illegal aliens into the United States. Your ignorance of such basic and readily public information suggests a breakdown in intra-agency intelligence sharing and that such basic information related to border enforcement is not conveyed to the Department's leadership.

To help the Committee fully understand this failure at the Department, we request you provide the following, as soon as possible but no later than 5:00 p.m. on September 4, 2023:

1. All documents and communications, including but not limited to, e-mail, daily press clips, links to news articles, and internal memoranda, sent to or courtesy copying the Secretary or the Office of the Secretary referring or relating to cartels' use of wristbands, bracelets, or other labeling systems for migrants at the southwest border, from February 2, 2021, to the present;
2. Any and all presentations, slide shows, or intelligence products created for the Secretary, U.S. Customs and Border Protection (CBP) Headquarters officials, Homeland Security Investigations (HSI) Headquarters officials, or other Department Headquarters officials,

⁶ Bensman, *supra* note 5.

⁷ Bensman, *supra* note 5.

⁸ Martinez transcript at 87; Jordan, *supra* note 4.

⁹ See Rosa Flores, *4 People Have Been Charged In The Texas Semitruck Smuggling Operation That Left 53 Migrants Dead*, CNN, June 30, 2022, <https://www.cnn.com/2022/06/29/us/san-antonio-migrant-truck-deaths-charges-filed/index.html>; Anita Snow, *Border Patrol Rescues Baby, Toddler Left In Arizona Desert*, ASSOCIATED PRESS, Aug. 26, 2022, <https://apnews.com/article/health-arizona-immigration-phoenix-tucson-003b76ab49f5420ad722f79cb22e6791>.

¹⁰ *Oversight of the Department of Homeland Security: Hearing before S. Comm. on the Judiciary*, 118th Cong. (Mar. 28, 2023).

¹¹ *Id.*

Secretary Mayorkas

August 21, 2023

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referring or relating to cartels' use of wristbands, bracelets, or other labeling systems for the migrants at the southwest border, from February 2, 2021, through March 28, 2023;

3. Any and all CBP or HSI briefing agendas that referring or relating to cartels' use of wristbands, bracelets, or other labeling systems for migrants at the southwest border, from February 2, 2021, to the present; and
4. All documents or communications created by or presented to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons referring or relating to cartels' use of wristbands, bracelets, or other labeling systems for migrants at the southwest border from February 2, 2021, to the present.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



Mark E. Green, MD
Chairman
Committee on Homeland Security

Encl.

cc: The Honorable Bennie Thompson, Ranking Minority Member
Committee on Homeland Security



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

August 22, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

To assist the Committee on Homeland Security (Committee) with its oversight of the Department of Homeland Security's (Department) Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) parole program, enclosed is a subpoena requiring the production of all outstanding documents and information initially requested in an April 27, 2023 letter from Subcommittee Chairman Dan Bishop, Subcommittee Chairman Clay Higgins, and me,¹ and as reiterated in my August 3, 2023 letter.²

As outlined in my August 3 letter, over the course of several months, the Committee made numerous attempts to accommodate the Department's production of the documents and information at issue. The requests from the April 27 letter, however, remain unsatisfied and are now 103 days delinquent with no definitive timeline for production. Most recently, when the Committee offered another telephone meeting to secure a production schedule,³ the Department ignored the Committee's offer and instead has continued to cast doubt on any definitive timeline for future production.⁴ This demonstrated approach to indefinitely protract production necessitates the enclosed subpoena.

The Committee requires the subpoenaed data, documents, and other information to fully evaluate potential legislation to reform the Department's authority and operations. The Department's functions relating to border and port security are directly within the purview of the Committee's legislative and oversight authority.

¹ Letter from Hon. Mark Green et al., Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Apr. 27, 2023).

² Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Aug. 3, 2023).

³ E-mail from H. Comm. on Homeland Sec., Staff, to Dep't of Homeland Sec., Off. of Legis. Aff. (Aug. 17, 2023, 17:00 EDT) (on file with author).

⁴ E-mail from Dep't of Homeland Sec., Off. of Legis. Aff., to H. Comm. on Homeland Sec., Staff (Aug. 18, 2023, 12:50 EDT) (on file with author).

Secretary Mayorkas

August 22, 2023

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Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Sincerely,



Mark E. Green, MD
Chairman
Committee on Homeland Security

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security



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

August 31, 2023

The Honorable Alejandro
Mayorkas
Secretary
U.S. Department of Homeland
Security
Washington, D.C. 20528

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, D.C. 20535

The Honorable Christine Abizaid
Director
National Counterterrorism Center
Washington, D.C. 20511

Dear Secretary Mayorkas, Director Wray, and Director Abizaid:

We write to request additional information about the persistent threats posed by Iran's campaign to direct operations against U.S. persons or other targets in the U.S. homeland. These brazen activities have continued for some time now. We seek information about how the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), and the National Counterterrorism Center (NCTC) are working together to stay ahead of these threats and take preventative actions.

Iran has threatened to retaliate against American citizens, including senior-level former and current U.S. officials, for the January 2020 killing of Qasem Soleimani, former commander of Iran's Islamic Revolutionary Guard Corps Quds Force (IRGC-QF).¹ For example, on August 10, 2022, the Department of Justice (DOJ) announced charges against an Iranian national and member of Iran's IRGC-QF for arranging the assassination of John Bolton, who served in senior national security positions during multiple Presidential administrations, and Mike Pompeo, who was the former Secretary of State under the prior administration.² Further, credible threats by Iran have continued to persist against Pompeo as well as his former top aide, Brian Hook, who

¹ *Worldwide Threats to the Homeland: Hearing Before the H. Comm. on Homeland Sec.*, 117th Cong. (Nov. 15, 2023) (testimony of Alejandro Mayorkas, Sec'y., Dep't of Homeland Sec.) (testimony of Christopher A. Wray, Dir., Fed. Bureau of Investigation).

² Press Release, U.S. Dep't of Justice, *Member of Iran's Islamic Revolutionary Guard Corps (IRGC) Charged with Plot to Murder the Former National Security Advisor* (Aug. 10, 2022); Brad Dress, *Pompeo also targeted in an Iranian assassination plot: reports*, THE HILL (Aug. 11, 2022).

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served as special representative for Iran during the prior administration.³ This is by no means an exhaustive list, but includes some of the more notable examples where Iran has threatened senior-level U.S. government officials.

These brazen activities are not limited to those plots, but also include Iran's efforts to silence those who publicly criticize the regime on U.S. soil and elsewhere around the world. For example, in August 2022, a British-Indian journalist who had been critical of the Iranian regime was stabbed by an attacker in upstate New York.⁴ Iran's Supreme Leader previously called for the journalist's assassination and placed a bounty of \$3 million for his death.⁵ Earlier this year, on January 27, 2023, the DOJ announced charges against three members of an Eastern European criminal group for plotting to murder an American citizen of Iranian origin in New York City who has publicly opposed the Iranian regime's human rights abuses.⁶

Additionally, Iran continues to support its partner force Lebanese Hizballah, a U.S.-designated Foreign Terrorist Organization.⁷ Testifying before the Committee on Homeland Security just last year, FBI Director Wray asserted, "Hizballah has sent operatives to build terrorist infrastructures worldwide. The arrests of individuals in the United States allegedly linked to Hizballah's main overseas terrorist arm, and their intelligence collection and procurement efforts, demonstrate Hizballah's interest in long-term contingency planning activities here in the Homeland."⁸ Similar statements have been made by both Secretary Mayorkas and Director Abizaid.⁹

Meanwhile, it is curious that while these egregious activities continue, the Biden administration is not taking actions to impose consequences on the Iranian regime and instead has renewed its push for a nuclear deal with Iran. To assist the Committee's examination of the threats posed by Iran in the U.S. homeland, we request that DHS, the FBI, and NCTC provide Committee staff a classified briefing no later than September 14, 2023 about these ongoing threats, to include but not limited to, information about the number of active plots by Iran or its proxies against U.S. persons living in the United States, as well as information about your respective agencies' coordination efforts for threat intelligence to counter Iran's activities. Please

³ Matthew Lee, *US says Iran threats to ex-officials Pompeo, Hook persist*, ASSOCIATED PRESS (Nov. 14, 2022), <https://apnews.com/article/iran-middle-east-mike-pompeo-congress-government-and-politics-cbec8a3658f76ccfe1d0757d962f6689>.

⁴ Salman Rushdie severely injured in stabbing at lecture in New York; suspect in custody, (2022), <https://www.cbsnews.com/news/salman-rushdie-attacked-stage-new-york/> (last visited Apr 28, 2023).

⁵ Iran says Rushdie and supporters to blame for attack | Reuters, <https://www.reuters.com/world/middle-east/iran-says-rushdie-supporters-blame-his-attack-2022-08-15/> (last visited Apr 28, 2023).

⁶ Press Release, U.S. Dep't of Justice, *Justice Department Announces Charges and New Arrest in Connection with Assassination Plot Directed from Iran* (Jan. 27, 2023).

⁷ *Worldwide Threats to the Homeland: Hearing Before the H. Comm. on Homeland Sec.*, 117th Cong. (Nov. 15, 2023) (testimony of Christopher A. Wray, Dir., Fed. Bureau of Investigation).

⁸ *Id.*

⁹ *See generally, Worldwide Threats to the Homeland: Hearing Before the H. Comm. on Homeland Sec.*, 117th Cong. (Nov. 15, 2023).

Secretary Mayorkas
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contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per House Rule X, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this matter.

Sincerely,



Mark E. Green, MD
Chairman
Committee on Homeland Security



August Pfluger
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence



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

September 6, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, D.C. 20528

Dear Secretary Mayorkas and Director Wray:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (DHS) and the Federal Bureau of Investigation's (FBI) processes for identifying and investigating terrorist threats at the southwest border. Specifically, the Committee is concerned about a recent report that more than a dozen individuals from Uzbekistan and additional countries used a smuggler with ties to the Islamic State of Iraq and Syria (ISIS) to travel to the southwest border and enter the United States.¹ The Committee staff received a classified briefing on August 30, 2023 from DHS and other agencies on the matter, but several questions remain.

The reporting, which cited multiple U.S. officials, states that a group of individuals from Uzbekistan and additional countries sought asylum at the southwest border and were granted entry into the United States after they were screened by DHS. Initial screenings did not uncover their smuggler's connection to ISIS at the time. Subsequently, the FBI learned about a human smuggling network with connections to ISIS that helped the Uzbek and other nationals travel to the United States.² According to counterterrorism officials, this incident shows the United States is "deeply vulnerable to the possibility that terrorists could sneak across the southern border by hiding amid the surge of migrants entering the country."³

This report is only the latest in a series of incidents that raise concerns about DHS's failure, under Secretary Mayorkas' leadership, to secure the southwest border and protect the American people from potential terrorist threats. The Committee repeatedly expressed warnings about the security of our southwest border and the potential for terrorists to exploit the vulnerabilities due to the Biden administration's open-border policies. For instance, on May 23, 2023, the Committee wrote to both DHS and the FBI requesting information related to the reported arrests of foreign nationals on the FBI's terrorist watchlist who illegally crossed the

¹ Katie Bo Lillis, Evan Perez, et al., *Exclusive: Smuggler With Ties to ISIS Helped Migrants Enter US From Mexico, Raising Alarm Bells Across Government*, CNN, Aug. 30, 2023, <https://www.cnn.com/2023/08/29/politics/migrants-us-southern-border-smuggler-isis-ties>.

² *Id.*

³ *Id.*

U.S.-Mexico border in May 2023, which included a Pakistani national who was apprehended by Border Patrol agents in southeastern Arizona a day after Title 42's expiration.⁴ To date, beyond a half-page interim response letter acknowledging the Committee's request with an assertion that DHS leadership considers the May 23 letter "a high priority,"⁵ DHS and the FBI failed to produce any substantive materials in satisfaction of eight categories of information or provide Committee staff a briefing. The Committee reiterates its requests and expects full compliance.

DHS's and the FBI's failures to comply with the Committee's request comes at a time when the number of individuals illegally crossing the southwest border who are listed on the terrorist watchlist has significantly increased over the course of the last two years. According to U.S. Customs and Border Protection (CBP) data, CBP encountered 98 individuals on the Terrorist Screening Data Set (TSDS) in fiscal year 2022 and has encountered 146 individuals on the TSDS to date in this fiscal year alone.⁶ These numbers, however, only account for known security threats. Since President Biden took office, CBP estimates there have been at least 1.5 million known "gotaways" who escaped into the U.S. interior after being observed but not apprehended.⁷ In a May 5, 2023 transcribed interview conducted by the Committee, then-Del Rio Sector Chief Patrol Agent and now Chief of the U.S. Border Patrol Jason Owens also expressed concern about how little we know about gotaways who may be suspected terrorists. Chief Owens testified that "you don't know who [the gotaways] are, where they come from, what their intent is, what they're bringing with them. And it could range from very minimal to very severe. We just don't know."⁸

The Committee has serious concerns about security at our southwest border and the potential for terrorists to take advantage of the glaring vulnerabilities created by the Biden administration's open border policies. To assist the Committee with its oversight of terrorist threats at the southwest border, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on September 20, 2023:

1. Documents and data sufficient to show the number, demographic information, and processing outcomes, of individuals on the TSDS encountered at the southwest

⁴ Letter from Hon. Mark Green et al., Chairman, H. Comm. on Homeland Sec. to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. and Hon. Christopher Wray, Dir., Federal Bureau of Investigation (May 23, 2023); Anna Giaritelli, *Pakistani Illegal Immigrant on FBI Terror List Arrested at Border Day After Title 42 Ended*, WASH. EXAMINER, May 15, 2023, <https://www.washingtonexaminer.com/policy/defense-national-security/pakistani-illegal-immigrant-fbi-terror-list-arrested-border>.

⁵ Letter from Ms. Zephrahanie Buetow, Ass't Sec'y for Leg. Affairs, U.S. Dep't of Homeland Sec., to Hon. Mark Green et al., Chairman, H. Comm. on Homeland Sec. (June 1, 2023). The Committee's May 23, 2023, letter requested information no later than June 5, 2023. Responses to these requests are now 92 days delinquent.

⁶ *CBP Enforcement Statistics Fiscal Year 2023*, U.S. CUSTOMS AND BORDER PROTECTION, CBP Enforcement Statistics Fiscal Year 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (last visited Aug. 30, 2023).

⁷ *Failure by Design: Examining Secretary Mayorkas' Border Crisis: Hearing Before the H. Comm. on Homeland Sec.*, 118th Cong. (Mar. 15, 2023) (testimony of Raul Ortiz, Chief of U.S. Border Patrol).

⁸ H. Comm. on Homeland Sec. & H. Comm. on Oversight and Accountability, Transcribed Interview of Jason Owens, Del Rio Sector Chief Patrol Agent at 96 (May 5, 2023).

- border, including but not limited to country of origin, encounter location, release decision, and current location, from January 20, 2021, to the present;
2. Documents and data sufficient to show the actions taken to investigate each individual on the TSDS encountered at the southwest border and the result of the investigation, from January 20, 2021, to the present;
 3. Any and all reports, memorandum, and case notes created during the investigation of the reported⁹ smuggler with ties to ISIS;
 4. Documents sufficient to show whether any of the individuals smuggled by individuals linked to ISIS or other foreign terrorist organizations utilized the CBP One application;
 5. Documents sufficient to show the date and time of when Secretary Mayorkas and Director Wray were first informed that Uzbek nationals traveled to the United States with the assistance of a smuggler with ties to ISIS;
 6. All documents referring or relating to ISIS-affiliated smuggling networks or activities that have been discovered operating at the southwest border, from January 20, 2021 to the present; and
 7. All policies and procedures issued for identifying, assessing, and addressing individuals on the TSDS who are encountered at the southwest border, including but not limited to official guidance or inter-agency agreements, from January 20, 2021 to the present.

An attachment contains instructions for responding to this request. To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,

⁹ Lillis, *supra* note 1.

Secretary Mayorkas
Director Wray
September 6, 2023
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MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Ranking Member Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence



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

September 14, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is continuing its oversight of the Department of Homeland Security's (Department) expanded use of the CBP One application (CBP One). On June 1, 2023, the Committee sent a letter to the Department with a deadline of June 15, 2023 to produce documents and information related to the Department's use of CBP One at the Southwest border.¹ The Department failed to produce any substantive response. The Department's lack of transparency is disconcerting and unacceptable.

In 2021, the Department expanded CBP One's use at the Southwest border to assist non-governmental organizations to process migrants under the Migrant Protection Protocols.² The Department continues the use of CBP One to process migrants, claiming it will help provide aliens a "safe, orderly, and lawful path" to the United States.³ At a recent hearing before the House Judiciary Committee, you stated that the CBP One app, "cuts out the smuggling organizations that impose such tragedy and trauma on vulnerable individuals purely for the sake of profit."⁴ Unfortunately, your claims have simply not come true.

Since our June 1, 2023, letter, reporting suggests that cartels are exploiting CBP One.⁵ Mexican officials will not let a migrant coming from Guatemala cross the Mexican border unless

¹ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. & Hon. Clay Higgins, Chairman, Subcomm. on Border Sec. and Enforcement of the H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (June 1, 2023) (on file with Comm.).

² U.S. DEP'T OF HOMELAND SEC., PRIVACY IMPACT ASSESSMENT FOR THE PROCESSING INDIVIDUALS SUBJECT TO MIGRANT PROTECTION PROTOCOLS (MPP) (2021), *available at* <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp070-mpp-may2021.pdf>.

³ Press Release, Dep't of Homeland Sec., DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes (Jan. 5, 2023) *available at* <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.

⁴ *Oversight of the U.S. Dep't of Homeland Sec.: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. (July 26, 2023) (testimony of Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec.).

⁵ Anna Giaritelli, *Mexican Cartels Exploit US Government's CBP One App*, WASH. EXAM'R, Aug. 04, 2023, <https://www.washingtonexaminer.com/policy/immigration/mexican-cartels-exploit-cbp-one-app>.

the migrant has a CBP One appointment.⁶ Through geofencing, however, CBP One only allows a person physically present in central or northern Mexico to book an appointment at a U.S. port of entry.⁷ To evade CBP One's geofencing requirements, cartels use virtual private networks (VPN), allowing them to secure appointments for migrants who are not in Mexico.⁸ Cartels charge migrants a fee to book the appointments,⁹ contradicting the Department's claims that CBP One cuts cartels' profits. CBP One exemplifies another failed Department policy that contributes to the crisis at our Southwest border.

The recent revelations about cartels exploiting CBP One only heighten our concern about the Department's expanded use of the application at the Southwest border. Our June 1, 2023, letter requested that you produce documents and information by June 15, 2023. The requested documents are now 90 days overdue. In addition to the requests made in the June 1, 2023, letter, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on September 28, 2023:

1. All documents and communications, including but not limited to, e-mails, internal memoranda, and guidance, referring or relating to security concerns or technical issues with the geofence of the CBP One mobile application from December 5, 2022, to the present;
2. A document sufficient to show any and all planned updates to the CBP One application from December 5, 2022, to the present;
3. All documents and communications referring or related to advertisement of VPN services to schedule appointments with the CBP One application by cartels, smugglers, or Transnational Criminal Organizations from January 12, 2023 to the present;
4. A document sufficient to identify any and all records of a VPN used to download or schedule an appointment on the CBP One application;
6. All documents and communications sent to Secretary Mayorkas, referring or relating to the use of a VPN service to download or schedule an appointment on the CBP One application from January 12, 2023, to the present;
7. All documents and communications sent to Senior Official Performing the Duties of Commissioner Troy Miller, referring or relating to the use of a VPN service to download or schedule an appointment on the CBP One application from January 12, 2023, to the present;

⁶ *Id.*

⁷ *CBP One Mobile Application*, U.S. Customs and Border Protection, <https://www.cbp.gov/about/mobile-apps-directory/cbpone> (last visited Sept. 6, 2023).

⁸ Giaritelli, *supra* note 5.

⁹ *Id.*

8. A document sufficient to show a list of companies, including by not limited to subcontracted companies, who assisted in the development of or maintains the CBP One application's expanded use launched on January 12, 2023; and
9. In June 2023, Customs and Border Protection (CBP) informed Committee staff that the available number of appointment slots through the CBP One application process, in which 99 percent of alien interviews are granted, is being increased.¹⁰ What measures is the Department implementing to verify the accuracy of background information of those applying on CBP One prior to granting the interview?
 - a. CBP also briefed Committee staff that CBP One uses "facial matching" to verify alien documents.¹¹ Aliens are then photographed by CBP One.¹² As cartels seek to take advantage of CBP One's appointment-making process, has the Department identified criminal actors using CBP One to make fake profiles or profiles for individuals other than themselves?
11. Cartels profit from charging aliens scheduling and VPN service fees for CBP One in addition to fees for smuggling.¹³ What cybersecurity measures does the Department implement to prevent cartels from using CBP One?

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement

¹⁰ Customs and Border Protection, DHS Briefing on the Expansion of the CBP One App (June 5, 2023).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Secretary Mayorkas
September 14, 2023
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Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement



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

September 18, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) continues its investigation of the Department of Homeland Security's (Department) and the Cybersecurity and Infrastructure Security Agency's (CISA) roles in counter- "mis-, dis-, and malinformation" (MDM) efforts. On May 10, 2023, the Committee's Oversight, Investigations, and Accountability Subcommittee sent a letter requesting documents and information from the Department related to MDM and CISA's role in censoring Americans' speech.¹ To date, the Department failed to respond or produce a single substantive document. The Department's continuing lack of transparency about its countering MDM efforts is unacceptable.

Since May 10, 2023, the Committee interviewed several staff members of the Election Integrity Partnership's (EIP) participatory organizations.² Through these transcribed interviews, the Committee confirmed that CISA introduced the EIP to the Center for Internet Security (CIS)³ and that communication among these groups continued up to and through the 2020 presidential election.⁴ The Committee also received documents from the Stanford Internet Observatory (SIO) that confirmed our concerns that CISA's Countering Foreign Influence Task Force and CIS actively participated in the EIP's system to pressure social media companies to moderate content.⁵

These revelations heighten our concern about CISA's role in censoring American speech, either directly or by proxy. The Committee is, therefore, considering potential legislation to limit

¹ Letter from Hon. Dan Bishop, Chairman, Subcomm. on Oversight, Investigations, and Accountability of the H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec., (May 10, 2023) (on file with Comm.).

² The Election Integrity Partnership is made up of four organizations, the Stanford Internet Observatory, the University of Washington's Center for an Informed Public, The Atlantic Council's DFR Lab, and Graphika. ELECTION INTEGRITY PARTNERSHIP, THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION vi (2021), <https://stacks.stanford.edu/file/druid:tr171zs0069/EIP-Final-Report.pdf>.

³ Transcribed Interview by H. Comm. on Homeland Sec. with Alex Stamos, Director of the Stanford Internet Observatory, in Washington, D.C. (July 18, 2023) at 123.

⁴ Stanford Internet Observatory, JIRA ticketing document production (on file with Comm.).

⁵ Stanford Internet Observatory, JIRA ticketing document production (on file with Comm.).

CISA's counter-MDM authorities and related grant programs. To fully inform potential legislation, the Committee requires a complete picture of the Department's and CISA's current counter-MDM efforts and participation in social media censorship.

Our May 10, 2023, letter requested that the Department produce documents and information by May 24, 2023. The production of those documents are now 117 days overdue. As an accommodation, we are prioritizing the requested documents from the May 10, 2023, letter to the list below. Please provide the following documents as soon as possible, but no later than 5:00 p.m. on October 2, 2023:

1. Documents sufficient to show how the Department and CISA currently define "malign MDM actors," "MDM," and "counter-MDM;"
2. Document sufficient to show the Department's and CISA's standard operating procedures or other guidance regarding domestic aspects of the Department's and CISA's counter-MDM efforts;
3. Documents sufficient to show the current organization chart of CISA's MDM Team (formerly the Countering Foreign Influence Task Force) to include names and locations of team members;
4. Documents sufficient to show CISA's MDM Team's current mission and active projects;
5. Documents sufficient to show the history of CISA's MDM Team's and the Countering Foreign Influence Task Force's resourcing, including operating costs and any financial support to other government or non-government entities from January 1, 2021, to the present;
6. Documents sufficient to show the relationship between CISA and CIS, EIP, and their respective affiliates (to include activities involving the Elections Infrastructure Information Sharing & Analysis Center);
7. Documents sufficient to show funding CISA or the Department have provided directly or indirectly to support CIS, EIP, and their respective affiliates and activities from January 1, 2020, to the present;
8. All documents and communications referring or related to discussions CISA held regarding the establishment of the EIP, support or direction CISA provided in the standup of EIP, and how CISA intended to work with EIP to address election-related MDM in the 2020 election, from June 1, 2020, through November 3, 2020; and
9. All documents and communications referring or relating to CISA's decision to add delegitimization as criteria for election infrastructure-related MDM, CISA's development of the definition of delegitimization, and CISA's action to encourage

Secretary Mayorkas
September 18, 2023
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social media platforms to add delegitimization to their content moderation policies from December 1, 2019, to the present.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability



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

September 19, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, D.C. 20528

The Honorable Lloyd Austin III
Secretary
U.S. Department of Defense
Washington, D.C. 20301

Dear Secretary Mayorkas, Director Wray, and Secretary Austin:

On September 4, 2023, the *Wall Street Journal* reported that Chinese nationals, sometimes posing as tourists, have attempted to access U.S. military bases and other sensitive U.S. sites as many as 100 times in recent years.¹ The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (DHS), the Federal Bureau of Investigation's (FBI), and the Department of Defense's processes for identifying, investigating, and mitigating these national security threats.

These reports indicate that these intrusions, which U.S. officials describe as a form of espionage, seem designed to test security practices at U.S. military installations and other U.S. government sites.² For instance, some Chinese nationals were reportedly detected crossing into a U.S. missile range in New Mexico and others were caught disguised as scuba divers swimming close to a rocket-launch site in Florida—a site used for surveillance satellites and other sensitive military purposes.³ Subsequently, these Chinese nationals report back to the Chinese Communist Party (CCP) about what they learn.⁴ In another case, while claiming they were “tourists,” a group of Chinese nationals attempted to physically bypass security guards at Fort Wainwright, Alaska, asserting they had reservations at a hotel on the military base, which is a strategic location for

¹ Gordon Lubold et al., *Chinese Gate-Crashers at U.S. Bases Spark Espionage Concerns*, WALL ST. J., (Sept. 4, 2023), <https://www.wsj.com/politics/national-security/chinese-gate-crashers-at-u-s-bases-spark-espionage-concerns-cdef8187>.

² *Id.*

³ *Id.*

⁴ *Id.*

Secretary Mayorkas
Director Wray
Secretary Austin
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U.S. homeland defense and houses the U.S. Army's 11th Airborne Division.⁵ These encounters appear more than so-called innocent mistakes by foreign nationals on American soil. In fact, in June 2020, three Chinese foreign nationals were sentenced to prison for illegal photography of military sites at the U.S. Naval Air Station in Key West, Florida.⁶

These incidents are also only the latest development in a systemic pattern of efforts designed by the CCP to undermine U.S. national security. By no means an exhaustive list, in this year alone, the CCP has increased its espionage efforts against the U.S. homeland through a variety of means, including the CCP's use of a high-altitude surveillance balloon flying across the majority of the continental U.S., collecting intelligence on sensitive military and homeland security sites,⁷ as well as use of a covert Chinese police station in New York, in which two individuals were charged with conspiring to act as agents of the CCP.⁸ Further, the CCP's national police has been involved in transnational repression schemes targeting U.S. residents, which is when foreign governments illegally stalk, intimidate, or assault people in the U.S. homeland.⁹ Then, just this past June, it was reported that the CCP and Cuba had reached an agreement for the CCP to establish an electronic espionage facility on the island—just 100 miles from the United States—that would allow Chinese intelligence services to collect signals intelligence throughout the southeastern U.S.¹⁰

These persistent and multi-faceted threats posed by the CCP to U.S. homeland security have only intensified under the Biden-Harris administration. It is curious that while we continue to witness the CCP operating below the threshold of traditional conflict to deceive the U.S., the Biden-Harris administration displays weakness on the world stage inviting further aggression by the CCP. Our concerns are only further heightened in light of the *Wall Street Journal's* recent reporting about Chinese nationals posing as tourists to gain access to U.S. sensitive sites. To assist the Committees' oversight of the broad threats posed by the CCP to U.S. homeland security, and to examine your respective and collective Department's efforts to fully mitigate these brazen activities, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on October 03, 2023:

⁵ Tom Vanden Brook, *Suspected Chinese spies, disguised as tourists, tried to infiltrate Alaskan military bases*, USA TODAY (May 31, 2023), <https://www.usatoday.com/story/news/politics/2023/05/31/suspected-chinese-spies-posing-as-tourists-discovered-in-alaska/70260712007/>.

⁶ Press Release, U.S. Att'y Office, S.D. Fla., *Three Chinese Nationals Sentenced to Prison for Illegal Photography of U.S. Naval Installation in Key West, Florida* (June 5, 2020), <https://www.justice.gov/usao-sdfl/pr/three-chinese-nationals-sentenced-prison-illegal-photography-us-naval-installation-key>.

⁷ Emily Feng & Lexie Schapitl, *How a Chinese 'spy balloon' prompted the U.S. to scour the skies*, NPR (Feb. 14, 2023), <https://www.npr.org/2023/02/14/1156731462/china-spy-balloon-timeline-key-dates>.

⁸ Press Release, U.S. Dep't of Justice, *Two Arrested for Operating Illegal Overseas Police Station of the Chinese Government* (Apr. 17, 2023), <https://www.justice.gov/opa/pr/two-arrested-operating-illegal-overseas-police-station-chinese-government>.

⁹ Press Release, U.S. Dep't of Justice, *40 Officers of China's National Police Charged in Transnational Repression Schemes Targeting U.S. Residents* (Apr. 17, 2023), <https://www.justice.gov/opa/pr/40-officers-china-s-national-police-charged-transnational-repression-schemes-targeting-us>.

¹⁰ Warren P. Strobel and Gordon Lubold, *Cuba to Host Secret Chinese Spy Base Focusing on U.S.*, WALL ST. J. (June 8, 2023), <https://www.wsj.com/articles/cuba-to-host-secret-chinese-spy-base-focusing-on-u-s-b2fed0e0>.

Secretary Mayorkas
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1. A complete and unredacted copy of any and all reports or reviews as referenced in the *Wall Street Journal's* publication,¹¹ conducted by the Department of Homeland Security, Federal Bureau of Investigation, or the Department of Defense referring or relating to foreign nationals attempting to gain access or gaining access to U.S. military bases or other sensitive U.S. sites, including a detailed accounting of the reported 100 incidents in recent time;
2. A complete and current copy of the alien file of any alien encountered at a U.S. military base or other sensitive sites within the U.S. without authorization to be there, including all records related to their immigration or visa status, detention or custody status for each alien since January 20, 2021;
3. All documents and communications related to the disposition of removal proceedings initiated with respect to each alien identified in response to request 2;
4. Documents sufficient to show the total number of eGuardians, preliminary investigations, and full investigations of foreign nationals attempting to gain access or gaining access to U.S. military bases or other sensitive U.S. sites, for the period of January 20, 2021, to the present; and
5. Documents sufficient to show the total number of investigations of foreign nationals attempting to gain access or gaining access to U.S. military bases or other sensitive U.S. sites, referred to the Department of Justice for prosecution, for the period of January 20, 2021, to the present.

An attachment contains instructions for responding to this request. To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Additionally, we have sent several letters requesting information about a series of homeland security matters from DHS and the FBI, including about the illegal Chinese government police station in New York, as well as the CCP's eavesdropping facility in Cuba roughly 100 miles from Florida to further its intelligence-gathering capabilities against the U.S. homeland.¹² These letters requesting information have not been sufficiently answered to the

¹¹ Lubold, *supra* note 1.

¹² Letter from Rep. Mark E. Green et al., Chairman, H. Comm. on Homeland Sec., to Hon. Christopher Wray, Dir. Fed. Bureau of Investigation (Feb. 2, 2023); Letter from Rep. Mark E. Green et al., Chairman, H. Comm. on Homeland Sec., to Hon. Christopher Wray, Dir. Fed. Bureau of Investigation (Mar. 30, 2023); Letter from Rep. Mark E. Green et al., Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, Dep't of Homeland Sec., & Hon. Christopher Wray, Dir. Fed. Bureau of Investigation (Apr. 24, 2023); ¹² Letter from Rep.

Secretary Mayorkas
Director Wray
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Committee's satisfaction, and this information is relevant to the Committee's ongoing oversight. Therefore, we reiterate these outstanding requests and ask that you immediately comply in full.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



Mark E. Green, MD
Chairman
Committee on Homeland Security



August Pfluger
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence



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

September 21, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (Department) decision-making and creation of its Homeland Intelligence Experts Group, which raises serious concerns about the Department's impartiality and objectivity. On September 19, 2023, the Department announced the establishment of a Homeland Intelligence Experts Group "to provide advice and perspectives on intelligence and national security efforts to the [Department's] Office of Intelligence and Analysis [I&A] and the [Department's] Office of Counter Terrorism Coordinator."¹ The composition of this "Experts Group," includes members who have been criticized for demonstrating political bias.

Multiple members of this newly-formed group, including former Director of National Intelligence James Clapper² and former Director of the Central Intelligence Agency John Brennan, signed a discredited public statement on October 19, 2020,³ that incorrectly implied the *New York Post's* reporting about Hunter Biden's political influence peddling was the product of Russian disinformation.⁴ That statement was used by various media organizations and social media businesses to downplay and censor the *Post's* reporting before the 2020 presidential election.⁵ Another member of this newly-created group, then-Associate Deputy Attorney General

¹ Press Release, U.S. Dep't of Homeland Sec., *Secretary Mayorkas Announces Establishment of Homeland Intelligence Experts Group* (Sept. 19, 2023), <https://www.dhs.gov/news/2023/09/19/secretary-mayorkas-announces-establishment-homeland-intelligence-experts-group>.

² Kimberly Strassel, *James Clapper's Disinformation*, WALL ST. J. (Feb. 16, 2023), <https://www.wsj.com/articles/the-clapper-disinformation-hunter-biden-intelligence-officials-russia-foreign-business-joe-biden-politico-election-8ce8f0c>.

³ James Clapper et al., Public Statement on the Hunter Biden Emails (Oct. 19, 2020), available at <https://www.politico.com/f/?id=00000175-4393-d7aa-af77-579f9b330000>.

⁴ Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun Email Reveals How Hunter Biden Introduced Ukrainian Businessman to VP Dad*, N.Y. POST (Oct. 14, 2020), <https://nypost.com/2020/10/14/email-reveals-how-hunter-biden-introduced-ukrainian-biz-man-to-dad/>.

⁵ See, e.g., Joe Concha, *Media's Pre-election Burial of Hunter Biden Story Proves Dereliction of Duty*, THE HILL (Dec. 11, 2020), <https://thehill.com/opinion/white-house/529736-medias-pre-election-burial-of-hunter-biden-story-proves-dereliction-of/>; Elizabeth Dwoskin, *Facebook and Twitter take unusual steps to limit spread of New York*

for the Department of Justice Tashina Gauhar, was extensively involved in the Federal Bureau of Investigation's probe into baseless allegations that former President Trump's campaign colluded with Russia.⁶ These are just a few notable examples of concerning actions by some of the members appointed to the group that call into question the group's neutrality.

The Department must ensure that it demonstrates impartiality in all homeland security matters especially at a time when I&A faces numerous challenges to complete its mission to help keep the homeland safe.⁷ Your decision to appoint members to this group who have demonstrated political bias suggests misplaced priorities. Rather than focus on addressing the catastrophic border crisis or I&A's shortcomings to live up to its original purpose to equip the Homeland Security Enterprise, especially, our State, Local, Tribal and Territorial law enforcement partners, with timely intelligence and information, these actions appear to politicize the Department's homeland security mission. Therefore, we write to request that you produce the following documents and information as soon as possible, but no later than 5:00 p.m. on October 05, 2023:

1. All documents and communications between or among officials or employees of the Department of Homeland Security and the Executive Office of the President about the establishment of the new Homeland Intelligence Experts Group since January 21, 2021; and
2. Documents sufficient to show the selection process of, and information related to, each of the 17 members of the newly-formed Homeland Intelligence Experts Group, including but not limited to, the criteria used to select the members, any application forms, resumes, status of members' security clearances, and assessments surrounding James Clapper's and John Brennan's discredited October 19, 2020 public statement.

Post story, WASH. POST (Oct. 15, 2020), <https://www.washingtonpost.com/technology/2020/10/15/facebook-twitter-hunter-biden/>.

⁶ See generally, U.S. Dep't of Justice, Off. Of Inspector Gen., *Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane of Investigation* (Dec. 2019), <https://www.justice.gov/storage/120919-examination.pdf>. According to the Department of Justice Office of Inspector General, Ms. Gauhar assisted in the review of at least one renewal application for continued Foreign Intelligence Surveillance on Carter Page. ("Similar to the first application, the renewal application was reviewed by Tashina Gauhar, the Associate Deputy Attorney General responsible for ODAG's national security portfolio . . .").

⁷ See, e.g., U.S. Dep't of Homeland Security, Off. of Inspector Gen., *The Office of Intelligence and Analysis Needs to Improve Its Open Source Intelligence Reporting* OIG-22-50 (July 6, 2022); Dep't of Homeland Security, Off. of Inspector Gen., *Major Management and Performance Challenges Facing the Department of Homeland Security* OIG-23-01 (Oct. 27, 2022). Dep't of Homeland Security, Off. of Inspector Gen., *I&A Identified Threats Prior to January 6, 2021, but Did Not Issue Any Intelligence Products before the U.S. Capitol Breach (REDACTED)* OIG-22-29 (Mar. 4, 2022); Dep't of Homeland Security, Off. of Inspector Gen., *The Office of Intelligence and Analysis Needs to Improve Its Open Source Intelligence Reporting* OIG-22-50 (July 6, 2022); Betsy Woodruff Swan, *Documents: DHS Has a Domestic Intelligence Program – And Virtually No One Knows About it*, POLITICO, Mar. 6, 2023, <https://www.politico.com/news/2023/03/06/dhs-domestic-intelligence-program-00085544>; Spencer Reynolds, *Homeland Security's domestic surveillance program needs thorough overhaul*, THE HILL, (Mar. 30, 2023), <https://thehill.com/opinion/civil-rights/3925621-homeland-securitys-domestic-surveillance-program-needs-thorough-overhaul/>; U.S. Gov't Accountability Office, *Office of Intelligence and Analysis Should Improve Privacy Oversight and Assessment of Its Effectiveness* GAO-23-105475 (Aug. 2023).

Additionally, on March 13, 2023, we sent a letter requesting documents and information about I&A.⁸ Our requests remain outstanding and have not been sufficiently answered to the Committee's satisfaction. This information is relevant to the Committee's ongoing oversight and legislative reforms. Therefore, we reiterate these outstanding requests and ask that you immediately comply in full.

An attachment contains instructions for responding to this request. To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence

⁸ Letter from Rep. Mark E. Green et al., Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Mar. 13, 2023). The March 13, 2023 letter requested eight categories of information about the Department's Overt Human Intelligence Collection Program operated by I&A, which has raised serious concerns about the Department's overreach of its statutory mandate and potential violations of Americans' fundamental civil liberties. While the Department provided Committee staff a briefing on March 16, 2023 as well responses on March 20, 2023 and May 31, 2023, several of the Committee's requests remain unsatisfied.



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

September 26, 2023

Mr. Patrick J. Lechleitner
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Mail Stop 5003
Washington, D.C. 20536

Dear Acting Director Lechleitner:

The Committee on Homeland Security (Committee) continues its oversight of U.S. Immigration and Customs Enforcement (ICE)'s contracts related to housing and supervision of illegal migrants encountered at the Southwest border.¹ According to a recent media report, contracts relating to detention and Alternatives to Detention (ATD) require ICE's Office of Immigration Program Evaluation (OIPE) approval.² OIPE is led by Ms. Claire Trickler-McNulty, a political appointee who previously worked on the Biden-Harris transition team, and is part of ICE's Office of the Director with focus on policies and reforms related to immigration enforcement and supervision, including the ATD program.³ The Committee is concerned about OIPE's authority and operations and its impacts on Enforcement and Removal Operations' (ERO) law enforcement mission to implement immigration enforcement, supervision, and detention.

According to ICE, OIPE focuses on developing and facilitating policy and process reforms that address how individuals engage with ICE and how those individuals are supervised through their removal proceedings.⁴ Ostensibly, as its name suggests, OIPE evaluates current programs and policies to develop reforms. OIPE program evaluation standards, however, are unclear. For example, ICE's Annual Report for Fiscal Year 2022 notes that OIPE drives reforms and improvement related to detention and ATD programs.⁵ A June 2022 Government

¹ Letter from Hon. John Katko, Ranking Member, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't (Dec. 7, 2022); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't (Jan. 30, 2023); Letter from Hon. Mark Green et. al., H. Comm. on Homeland Sec., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. and Customs Enf't (Aug. 10, 2023).

² Jennie Taer, *ICE Gave Contract-Approval Authority to Officials Who Had Worked for Org Defending Migrants from Deportation*, DAILY CALLER, Sept. 22, 2023, <https://dailycaller.com/2023/09/22/ice-gave-contract-approval-authority-to-official-who-had-worked-for-group-defending-migrants-from-deportation>.

³ *Office of Immigration Program Evaluation*, U.S. IMMIGR. AND CUSTOMS ENF'T, <https://www.ice.gov/leadership/oipe> (last visited Sept. 25, 2023).

⁴ *Id.*

⁵ U.S. IMMIGR. AND CUSTOMS ENF'T., ICE ANNUAL REPORT FISCAL YEAR 2022 58 (DEC. 30, 2022), *available at* <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.

Accountability Office (GAO) report, however, suggests that ICE lacks performance goals to identify which ATD programs are achieving the intended results and to identify the need for improvements.⁶ OIPE is involved in ATD supervision expansion through the Young Adults Case Management Program,⁷ the Case Management Pilot Program,⁸ and the Release and Reporting Management Program.⁹ Based on GAO's findings that ICE lacks performance goals for ATD evaluation, OIPE's basis for expanding ATD programming is concerning.

ICE's Annual Report also notes that OIPE created a workflow process to approve all substantive detention and ATD-related contract actions.¹⁰ According to a recently published internal memorandum, on May 12, 2021, then-Acting ICE Director Tae Johnson directed that all procurement actions relating to detention or ATD programs be approved by Ms. Trickler-McNulty.¹¹ Ms. Trickler-McNulty has no law enforcement experience, and, according to Committee sources, manages OIPE remotely while not living in the Washington, D.C. area.

Prior to her role in OIPE, Ms. Trickler-McNulty was Deputy Director for Legal Services at Kids in Need of Defense (KIND), a nonprofit organization which previously demanded that the Department of Homeland Security cease all deportations,¹² and affiliated with an "Abolish ICE" organization during her tenure.¹³ Before her employment with KIND, Ms. Trickler-McNulty worked at ICE on custody management and detention with Mr. Andrew Lorenzen-Strait, who was recently exposed for "brokering deals" for inexperienced nonprofits to win federal contracts relating to migrants.¹⁴ Moreover, in December 2022, Ms. Trickler-McNulty held an ATD Symposium promoting social services and over 100 stakeholders from nongovernment organizations, academia, and private industry attended.¹⁵ Ms. Trickler-McNulty's lack of law enforcement experience and association with nonprofit organizations that win lucrative government contracts call into question her impartiality in ICE's contract process.

⁶ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-22-104529, ALTERNATIVES TO DETENTION: ICE NEEDS TO BETTER ASSESS PROGRAM PERFORMANCE AND IMPROVE CONTRACT OVERSIGHT (2022).

⁷ *Supra* note 5 at 59.

⁸ *DHS Case Management Pilot Program*, U.S. IMMIGR. AND CUSTOMS ENF'T, <https://www.dhs.gov/dhs-cmpp> (last visited Sept. 25, 2023).

⁹ See U.S. Immigr. and Customs Enf't., *Request for Information, Monitoring Technology*, available at <https://sam.gov/opp/75306742643145f4ab35c3202898e50b/view> (describing Alternatives to Detention as the precursor to the new Release and Reporting Management program).

¹⁰ *Supra* note 5 at 58.

¹¹ See *supra* note 2.

¹² KIND (@supportKIND), Twitter (Apr. 9, 2020, 14:00 EST), https://twitter.com/supportKIND/status/1248309900964397056?ref_src=twsrc%5Etfw.

¹³ See Letter from Abolish ICE Denver et. al., to Chad F. Wolf, Acting Sec'y, Dep't of Homeland Sec. and Robert R. Redfield, MD, Dir., Ctrs. for Disease Control and Prevention (May 27, 2020), available at <https://www.socialworkers.org/LinkClick.aspx?fileticket=5b-peEWxmkU%3D&portalid=0> (joining as signatory with Abolish ICE Denver and other anti-enforcement groups, on a letter criticizing the Dep't of Homeland Sec. for its immigration-related COVID-19 policies).

¹⁴ Project Veritas, YOUTUBE (Aug. 8, 2023), https://www.youtube.com/watch?v=SGgJ-ffUi_c.

¹⁵ Press Release, U.S. Immigr. and Customs Enf't, ICE Hosts Alternatives to Detention Program Symposium (Dec. 2, 2023), available at <https://www.ice.gov/news/releases/ice-hosts-alternatives-detention-program-symposium>.

The Committee is also concerned that Ms. Trickler-McNulty's history and relationships may undermine ICE's enforcement mission. In a February 18, 2021 memorandum to all ICE employees, then-Acting Director Johnson outlined categories of illegal aliens that ICE would consider "priorities" for enforcement actions.¹⁶ If a law enforcement officer wants to take enforcement or removal action on an illegal alien that does not meet the priority criteria, the action requires preapproval from a senior reviewing official (SRO), such as the ERO Field Office Director or the Homeland Security Investigations Special Agent in Charge.¹⁷ According to Committee sources, Ms. Trickler-McNulty has the ability to overturn SRO enforcement decisions, despite her lack of law enforcement experience. Review of specific enforcement seems to be outside the scope of OIPE's responsibilities.

To assist the Committee with its oversight of OIPE's authority and influence over acquisition and contracts related to ICE's programs, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on October 10, 2023:

1. Documents sufficient to show OIPE's mission, standard operating procedures, and responsibilities;
2. Documents sufficient to show the job and workload gap analysis performed to determine the need for OIPE, including but not limited to the justification for OIPE and the position of assistant director;
3. OIPE's organizational chart;
4. Copies of all files kept by ICE contracting officials for each sole source contract referring or relating to migrant services, detention, or ATD awarded by ICE from January 20, 2021, to the present;
5. Documents sufficient to show all OIPE analysis, evaluations, assessments, reports, or justifications related to migrant services or ATD, from January 20, 2021, to the present;
6. Documents sufficient to show Claire Trickler-McNulty's job description, duties, and responsibilities;
7. Any signed telework or remote work agreement for Claire Trickler-McNulty;
8. Documents sufficient to show the total travel expenses incurred by Claire Trickler-McNulty during her time as Assistant Director for OIPE;
9. All documents and recordings created for the Alternatives to Detention program symposium held in December 2022;

¹⁶ Memorandum from Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't. to All ICE Employees (Feb. 18, 2021) (on file with author).

¹⁷ *Id.*

10. Documents sufficient to show a list of all attendees to the Alternatives to Detention program symposium held in December 2022, and the names of the attendees' respective organizations;
11. Documents sufficient to show Claire Trickler-McNulty's role in the enforcement review process outlined in then-Acting Director Tae Johnson's February 18, 2021, memorandum;¹⁸
12. All documents and communications referring or relating to Claire Trickler-McNulty's input, analysis, or decision on any enforcement action review required in accordance with then-Acting Director Tae Johnson's February 18, 2021 memorandum; and
13. All documents and communications referring or relating to the Release and Reporting Management Request for Information Working Group or the Standards Working Group, from January 20, 2021, to the present.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability

¹⁸ *Id.*

Secretary Mayorkas
September 26, 2023
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A handwritten signature in black ink that reads "Clay Higgins". The signature is written in a cursive, flowing style.

CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement



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

September 26, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) continues to conduct oversight of the Department of Homeland Security's (Department) Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) parole program.¹ As part of the Committee's oversight, on August 22, 2023, after numerous efforts to obtain voluntary compliance from the Department, the Committee issued a subpoena for documents and communications related to the CHNV parole program, with a return date of August 29, 2023.² Despite an outstanding subpoena for records, the Department refuses to provide a timely production. The Department's continued stonewalling of a legitimate Congressional inquiry is unacceptable.

In its initial response to the Committee's subpoena, on August 22, 2023, Zephranie Buetow, the Department's Assistant Secretary for Legislative Affairs, noted that "extensive and granular data" related to the Committee's numerous requests was provided on August 15, 2023, one week prior to the subpoena's issuance.³ That production, however, consisted of a mere 17-page packet, of which two pages provided no information other than, "Table Key: Represents zero or rounds to 0.0," and a third page that contained only a source citation and the same sentence about a "Table Key."⁴ (see Appendix A) To date, the Department has produced zero pages of material responsive to the Committee's subpoena. Ms. Buetow's August 22, 2023 letter did not provide a timeline for anticipated production, noting only that the Department will "seek

¹ Letter from Hon. Mark Green, et al., Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Apr. 27, 2023). Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Aug. 3, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Aug. 22, 2023).

² Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. encl. (Aug. 22, 2023).

³ Letter from Zephranie Buetow, Assistant Sec'y for Legis. Aff., U.S. Dep't of Homeland Sec., to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. (Aug. 22, 2023).

⁴ Letter from Zephranie Buetow, Assistant Sec'y for Legis. Aff., U.S. Dep't of Homeland Sec., to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. encl. (Aug. 15, 2023) (see Appendix A).

to produce the additional information as soon as it is available, accurate, and complete.”⁵ The Department has made similar empty promises in the past.⁶

The day before the subpoena return date, Committee staff contacted Shiek Pal, Director of Oversight and Investigations in the Department’s Office of Legislative Affairs and requested a telephone call to discuss a production timeline.⁷ Mr. Pal did not respond to the request. Instead, two days after the subpoena’s return date had passed, Ms. Buetow sent the Committee a second letter noting that the Department “expect[s] to be able to make an additional production of documents . . . on October 13, 2023.”⁸ This delay is unreasonable and unacceptable.

The Committee sent its original request letter for documents, communications, and data related to the CHNV program on April 27, 2023.⁹ Accordingly, the Department has had more than four months to make a substantive production. Instead, the Department has only produced limited data that was prepared well before service of the subpoena.¹⁰ After the Committee’s subpoena, the Department has had four additional weeks to make a production, but has failed, claiming that providing *any* document-related response is a “laborious task.”¹¹ It should be noted that the Department is engaged in litigation related to the CHNV program and has produced hundreds of administrative record documents in that proceeding.¹² As such, some of the responsive documents are readily available for production, but for inexplicable reasons the Department simply will not provide them to the Committee.

The Committee requires the subpoenaed data, documents, and other information to evaluate potential legislation to reform the Department’s parole authority. The Department’s continued failure to comply with the subpoena deprives the Department’s authorizing Committee from reviewing critically important data. If the Department fails to make a good faith effort to begin complying with the Committee’s subpoena by September 29, 2023, the Committee will consider taking additional steps to obtain the information it requires. Specifically, the Committee will consider compelling the testimony of Ms. Buetow and Mr. Pal to explain the continued

⁵ *Id.*

⁶ See E-mail from Dep’t of Homeland Sec., Staff, to H. Comm. on Homeland Sec., Staff (May 18, 2023) (advising that “a comprehensive set of data will take a few more weeks”); e-mail from Dep’t of Homeland Sec., Office of Legis. Aff., to Staff, H. Comm. on Homeland Sec. (Jun. 15, 2023) (advising that the Department will send requested data “early next week”).

⁷ E-mail from Staff, H. Comm. on Homeland Sec., to Shiek Pal, Dir. of Oversight and Investigations, Dep’t of Homeland Sec. Off. of Legis. Aff. (Aug. 28, 2023).

⁸ *Id.*

⁹ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Apr. 27, 2023).

¹⁰ See e-mail from Dep’t of Homeland Sec., Office of Legis. Aff., to Staff, H. Comm. on Homeland Sec. (Jun. 15, 2023) (advising that CHNV data was in “final review” and ready to be transmitted “early next week.”).

¹¹ Letter from Zephrahanie Buetow, Assistant Sec’y for Legis. Aff., U.S. Dep’t of Homeland Sec. to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. (Aug. 30, 2023).

¹² *Texas v. United States Dep’t of Homeland Sec.*, Civil Action No. 6:23-CV-00007, 2023 U.S. Dist. LEXIS 40400 (S.D. Tex. Mar. 10, 2023).

Secretary Mayorkas
September 26, 2023
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delay in complying with the Committee's constitutional responsibility to conduct investigations. Additionally, if we do not receive a production by September 29, 2023, the Committee will work with the Department to identify a date for you to appear and testify about your knowledge of the Department's parole program.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive, slightly slanted style.

MARK E. GREEN, MD
Chairman
Committee on Homeland Security

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

Congress of the United States
House of Representatives
Washington, DC 20515

September 26, 2023

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
2707 Martin Luther King Jr., Avenue, SE
Washington, DC 20528-0525

Dear Secretary Mayorkas:

On December 23, 2021, the *Uyghur Forced Labor Prevention Act* (UFLPA)¹ was signed into law in order to prevent the importation of goods into the United States manufactured wholly or in part with forced labor in the People’s Republic of China (PRC), especially from the Xinjiang Uyghur Autonomous Region. While we are pleased with some aspects of the Administration’s implementation, we have strong concerns about others. Accordingly, we are writing to you—as the chair of the Forced Labor Enforcement Task Force (FLETF)—to express our concerns and to seek information to address these issues.

We support the withhold release orders and entity listings under UFLPA authorities such as the addition of nine PRC-based companies and their subsidiaries, the efforts to stop nearly 4,651 shipments for UFLPA reviews and enforcement actions, and the responsiveness of U.S. Customs and Border Protection (CBP) to oversight inquiries. However, we are concerned about other decisions within the implementation process.

Of note, we are concerned with the FLETF’s decision to grant the Department of Labor’s (DOL) Bureau of International Labor Affairs (ILAB) the critical role of monitoring forced labor in the PRC. When Congress wrote the UFLPA, it had an altogether different concept for implementing its monitoring provisions. ILAB does not and should not be expected to have the intelligence capabilities necessary to implement the UFLPA. It is our understanding that ILAB employs an insufficient number of cleared personnel and that it relies on open-source tools such as Google translate. While ILAB has a background in monitoring unfair labor laws globally, identifying instances of forced labor amid an ongoing genocide by the Chinese Communist Party in Xinjiang is drastically different. Moreover, globalized supply chains can present difficulties in pinpointing products manufactured with forced labor. This has resulted in lags in analysis needed for proper enforcement of the law and in robust utilization of the UFLPA Entity List. Accordingly, we request the FLETF designate a more appropriate, intelligence-oriented federal agency to lead the UFLPA’s monitoring provisions.

¹ Pub. L. 117-78.

Furthermore, we are concerned that since the UFLPA was signed into law the Administration has not issued any sanctions using the authorities under that act. Additionally, the Administration has not designated any parties in violation of the UFLPA. While we understand the process to identify and impose these actions requires due diligence, the amount of time passed without any action raises serious questions about the Administration's efforts to implement the law dutifully.

Lastly, we are concerned by the sluggish pace at which the Department of Commerce's Bureau of Industry and Security (BIS) has made updates to its Entity List. We understand that the process to identify and impose these actions also requires due diligence. However, BIS has a disappointing track record of deficient actions, which raises further questions about its ability to implement the UFLPA appropriately.

To assist our oversight of the UFLPA and FLETF, we require responses to the following questions no later than October 27, 2023:

1. What is ILAB and DOL's process for awarding contracts to conduct supply chain research and identify products manufactured with forced labor under the UFLPA? (In your response, please include answers to the following):
 - a. Who does ILAB report to within the FLETF hierarchy?
 - b. Does ILAB fulfill all of DOL's duties within the FLETF hierarchy?
 - c. How were these contract awards chosen?
 - d. What specific qualities or expertise do ILAB and DOL require of contractors for implementation of the UFLPA's monitoring requirements?
2. Does ILAB have access to relevant commercial data to carry out its responsibilities in its implementation of the UFLPA's monitoring requirements?
3. How does ILAB synthesize data from existing government agencies—including the intelligence community—when identifying products manufactured with forced labor?
4. What specific qualities and expertise does the FLETF believe are necessary for an agency beyond DOL to extract open-source information from Xinjiang?
5. What process is Treasury taking to identify entities for sanctions?
 - a. Why has Treasury not imposed any sanctions under the UFLPA?
 - b. What does Treasury's coordination with the Department of Justice entail?
6. Do BIS and other FLETF member agencies utilize the same standards for Entity List designations?
 - a. Is BIS coordinating with other FLETF member agencies to ensure effective updates are made to the BIS Entity List?

The Honorable Alejandro Mayorkas

September 26, 2023

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- b. Are BIS and CBP coordinating to designate the same entities on the UFLPA Entity List and the BIS Entity List?
- c. How many full-time equivalents within BIS are dedicated solely to monitoring entities that suppress human rights and/or use forced labor?
- d. The intelligence community, the Department of Defense, and the Department of State have created PRC-focused offices to reflect the growing nature of the geopolitical relationship. When will BIS create a similar organization that can monitor export control risks for both forced labor and military-civil fusion?

Sincerely,



Michael McCaul
Chairman
Committee on Foreign Affairs



Virginia Foxx
Chairwoman
Committee on Education and the Workforce



Mark E. Green, MD
Chairman
Committee on Homeland Security



Mike Gallagher
Chairman
Select Committee on China

CC: Secretary of State Antony J. Blinken;
Secretary of the Treasury Janet L. Yellen;
Secretary of Commerce Gina M. Raimondo;
Acting Secretary of Labor Julie A. Su;

Congress of the United States

Washington, DC 20515

September 29, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Oversight and Accountability, the Committee on the Judiciary, and the Committee on Homeland Security continue to investigate how the Department of Homeland Security is handling the elevated national security risk presented by an increasing number of aliens with terrorist ties illegally crossing the southwest border into the United States. We initially wrote to you on May 19, 2023, requesting information to advance our oversight. To date, you have failed to comply satisfactorily with our requests.

As we explained in our initial letter, since President Biden began reversing policies deterring illegal border crossings, the United States has faced historic levels of illegal immigration. The number of individuals with derogatory information in terrorist screening databases illegally crossing the southwest border has also skyrocketed during the Biden Administration. In our letter, we requested documents and information to better understand the extent of the national security risk presented by potential terrorist infiltration and to determine whether the Department ensures detention and removal in all such cases. To add to our concern, since we sent our initial letter, Border Patrol has encountered at least 56 more aliens with derogatory information in the terrorist screening databases.¹

The deadline for the Department to produce the requested information was June 2, 2023. The Department is 119 days delinquent in satisfying our requests.² After the Department missed the deadline without a sufficient explanation, the Committees made numerous attempts to engage with the Department's Office of Legislative Affairs about the status of the requested material. The Department ignored these inquiries or responded with vague, unhelpful excuses—citing, among other things, “interagency equities” and the “sensitive” nature of the information.³ Finally, on September 11, nearly four months after our request, the Department responded with a

¹ Newsroom, CBP Enforcement Statistics Fiscal Year 2023: Terrorist Screening Data Set Encounters, U.S. CUSTOMS AND BORDER PROTECTION, available at <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (accessed Sept. 23, 2023).

² Letter from James Comer, Chairman, Committee on Oversight & Accountability, et. al. to Alejandro Mayorkas, Secretary, Dep't. of Homeland Security (May 19, 2023).

³ See, e.g., E-mail from Office of Legislative Affairs, Dep't of Homeland Security to Committee Staff (June 15, 2023), *on file with committee staff*.

two-page letter.⁴ Instead of producing the requested documents and information, the Department directed the Committees to publicly available information and offered a classified briefing, “based on past precedent” to “address these questions.”⁵

The Department’s response is unacceptable. Our initial letter sought specific and easily identifiable records that the Department should be able to readily produce. We are unaware of any “past precedent” referenced in the Department’s response, and the Department has cited none. While the Committees are open to receiving briefings on national security matters in a classified setting, such a briefing is not a substitute for the documents and information we seek. Accordingly, we write to reiterate our outstanding requests for documents and information in our May 19, 2023 letter. A copy of this letter is enclosed for your convenience. If the Department continues to fail to produce the requested documents by October 13, 2023, we will consider other measures, including use of the compulsory process, to gain compliance and obtain this material.

To arrange for the delivery of responsive documents or ask any related follow-up questions, please contact Committee on Oversight and Accountability staff at (202) 225-5074, Committee on the Judiciary staff at (202) 225-6906, and Committee on Homeland Security staff at (202) 226-8417. Attached are instructions for producing the documents and information to the Committees.

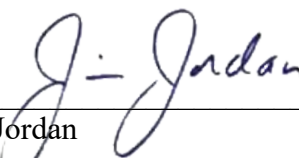
The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Judiciary Committee is authorized to conduct oversight of federal immigration law and policy pursuant to House Rule X. The Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies within the Department of Homeland Security” under House Rule X.

Thank you in advance for your cooperation with this inquiry.

Sincerely,



James Comer
Chairman
Committee on Oversight and Accountability



Jim Jordan
Chairman
Committee on the Judiciary

⁴ Letter from Zephrañie Buetow, Assistant Secretary for Legislative Affairs, Dep’t of Homeland Security to James Comer, Chairman, H. Comm. on Oversight & Accountability (Sept. 11, 2023), Letter from Zephrañie Buetow, Assistant Secretary for Legislative Affairs, Dep’t of Homeland Security to Jim Jordan, Chairman, H. Comm. on the Judiciary, (Sept. 11, 2023), Letter from Zephrañie Buetow, Assistant Secretary for Legislative Affairs, Dep’t of Homeland Security to Mark Green, Chairman, H. Comm. on Homeland Security (Sept. 11, 2023).

⁵ *Id.*

The Honorable Alejandro Mayorkas

September 29, 2023

Page 3 of 3



Mark Green

Chairman

Committee on Homeland Security

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Jerrold L. Nadler, Ranking Member
Committee on the Judiciary

The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security



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

October 13, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is continuing its oversight of the Department of Homeland Security's (Department) expanded use of the CBP One application (CBP One). Since June 1, 2023, the Committee requested from the Department important documents and information related to CBP One.¹ Despite the Committee's follow up communications, the Department failed to satisfy the Committee's requests. The Department's continued lack of transparency is unacceptable.

The Committee's June 1, 2023 letter requested eight categories of documents and information related to CBP One with a production deadline of June 15, 2023.² To date, the Committee received no document responsive to any of the requests. The only response received was on June 2, 2023 from Assistant Secretary for Legislative Affairs Zephrañie Buetow, and was merely an acknowledgment of receipt of the June 1, 2023 letter.³ The requested documents and information are now 120 days delinquent.

On June 5, 2023, the Department briefed the Committee on the expansion of CBP One, however, the Department failed to provide answers or documents responsive to the June 1, 2023 request.⁴ On September 14, 2023, the Committee sent a follow up letter⁵ after an August 4, 2023 press report suggested that cartels exploited a CBP One geofencing feature by using a virtual

¹ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. & Hon. Clay Higgins, Chairman, Subcomm. on Border Sec. and Enforcement of the H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (June 1, 2023) (on file with Comm.).

² *Id.*

³ Letter from Zephrañie Buetow, Assistant Sec'y for Legis. Aff., U.S. Dep't of Homeland Sec. to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. (June 2, 2023) (on file with Comm.).

⁴ In the 118th Congress, there were two briefings that addressed CBP One. The Department held a briefing on CHNV and CBP One on February 21, 2023, and the White House held an immigration-related briefing on May 25, 2023. Neither of those briefings were specifically responsive to the Committee's requests.

⁵ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. & Hon. Clay Higgins, Chairman, Subcomm. on Border Sec. and Enforcement of the H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Sept. 14, 2023) (on file with Comm.).

Secretary Mayorkas

October 13, 2023

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private network to secure appointments for migrants.⁶ The reporting raised additional concerns regarding CBP One and the Committee made 11 additional categories of requests for documents and information with a production deadline of September 28, 2023.⁷ As with its original requests, all that the Committee received in response is an interim letter from Assistant Secretary Buetow merely acknowledging receipt of the September 14, 2023 letter.⁸ The Department has not produced any documents responsive to the requests.

To date, the Department has neither produced nor provided a timeline to produce the documents or information requested in the Committee's June 1, 2023 and September 14, 2023 letters, all of which will assist the Committee's oversight of the Department's CBP One application. The Committee requires the requested documents, communications, and other information to fully evaluate potential legislation to reform the Department's authority to use CBP One to issue an illegal alien advanced travel authorization and grant parole into the United States. The Committee is concerned that the Department's use of CBP One to facilitate parole for large classes of illegal aliens extends beyond the Department's statutory parole authority that allows release of detainable illegal aliens applying for admission "on a case-by-case basis for urgent humanitarian reasons or significant public benefit"⁹ The Committee seeks legislative solutions to further clarify limits on the Department's parole authority. If the outstanding requests related to CBP One remain unsatisfied by 5:00 p.m. on October 20, 2023, I will consider utilizing compulsory process. I expect prompt and complete compliance with all the Committee's outstanding requests for documents and other information.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Sincerely,



MARK E. GREEN, M.D.
Chairman

⁶ Anna Giaritelli, *Mexican Cartels Exploit US government's CBP One App*, WASH. EXAM'R, Aug. 4, 2023, <https://www.washingtonexaminer.com/policy/immigration/mexican-cartels-exploit-cbp-one-app>.

⁷ *Supra* note 5.

⁸ Letter from Zephrañie Buetow, Assistant Sec'y for Legis. Aff., U.S. Dep't of Homeland Sec. to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. (Sept. 18, 2023) (on file with Comm.).

⁹ Immigr. and Nationality Act § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A).

Secretary Mayorkas
October 13, 2023
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Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security



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

October 20, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting an investigation into circumstances surrounding the employment of Ms. Nejwa Ali with the U.S. Department of Homeland Security's Citizenship and Immigration Services (USCIS). Prior to joining USCIS in 2019, Ms. Ali served as a spokeswoman for the Palestine Liberation Organization's delegation to the United States.¹ The Committee is deeply concerned about the security and background checks conducted by the Department prior to hiring Ms. Ali, who published extremist, antisemitic views online, following the recent terrorist attack on Israel.²

According to recent reports, Ms. Ali, who is currently an adjudications officer at USCIS, has a troubling history of posting extremist rhetoric on her social media accounts.³ Her rhetoric intensified on October 7, 2023,⁴ when the terrorist group, Hamas, launched a brutal, surprise attack on Israel during a major Jewish holiday.⁵ Ms. Ali made several posts glorifying the attacks on Israel, including a post with a photograph of an armed terrorist.⁶ This is an apparent effort to celebrate Hamas terrorists who utilized paragliders to descend into Israel to murder innocent civilians. Ms. Ali also made several extreme antisemitic posts, including one declaring "Israeli, American privilege is disgusting" and another with a video captioned, "Fuck Israel and any Jew that supports Israel."⁷ Ms. Ali's disturbing social media activity calls into question her impartiality and fitness to hold a position tasked with adjudicating asylum claims, that may include Jewish people fleeing persecution.

¹ Luke Rosiak, *The U.S. Gov't Hired a Pro-Hamas PLO Spokeswoman to Handle Asylum Claims*, THE DAILY WIRE, Oct. 18, 2023, <https://www.dailywire.com/news/the-u-s-govt-hired-a-pro-hamas-plo-spokeswoman-to-handle-asylum-claims>; Nick Mordowanec, *DHS Officer Praises Hamas Attacks: "Ready" for Israel's Downfall*, NEWSWEEK, Oct. 18, 2023, <https://www.newsweek.com/dhs-officer-praises-hamas-attacks-israel-1835908>.

² *Id.*

³ *Id.*

⁴ Rosiak, *supra* note 1.

⁵ Josef Federman & Issam Adwan, *Hamas Surprise Attack Out of Gaza Stuns and Leaves Hundreds Dead in Fighting, Retaliation*, AP NEWS, Oct. 7, 2023, <https://apnews.com/article/israel-palestinians-gaza-hamas-rockets-airstrikes-tel-aviv-11fb98655c256d54ecb5329284fc37d2>.

⁶ Rosiak, *supra* note 1.

⁷ *Id.*

The Department must ensure all DHS employees—and especially those in security-related positions—demonstrate objectivity and impartiality and not call into question DHS’s work. Ms. Ali’s antisemitic statements show that she cannot meet this critical standard. On October 12, 2023, you delivered a keynote address at the Foundation to Combat Antisemitism, where you spoke about the “[Biden] Administration’s commitment to confronting anti-Semitic violence in our country, and to highlight our first-ever National Strategy to Counter Anti-Semitism.”⁸ Your keynote address claimed that DHS is committed to confronting antisemitic violence. At the same time, DHS was employing an individual who apparently champions violence against Israel and innocent Israeli civilians, while also supporting Hamas.

Following Wednesday’s media reports about Ms. Ali, according to a message from USCIS spokesperson Mr. Matthew Bourke, she was reportedly placed on “administrative leave.”⁹ The Department’s or USCIS’ sudden personnel decisions related to Ms. Ali suggest that the Department’s hiring officials were previously unaware of or ignored Ms. Ali’s background. As the agency tasked with safeguarding the American people, our values, and our homeland, the Department must ensure its employees seek to serve that mission. The Department also must hold its employees to the highest ethical standards and implement safeguards to protect against bias and conflicts of interest.

To assist the Committee with its investigation, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on November 3, 2023:

1. All documents and communications, referring or relating to Ms. Nejwa Ali’s assessment of credible fear claims, asylum claims, or benefit adjudications, for which an applicant claimed to be Jewish;
2. All documents and communications, referring or relating to Ms. Nejwa Ali’s assessment of credible fear claims, asylum claims, or benefit adjudications, for which an applicant claimed to be from Palestine;
3. Any and all documents referring or relating to the October 18, 2023 placement of Ms. Nejwa Ali on administrative leave status and any other disciplinary actions;
4. All documents and communications, referring or relating to the internal review conducted to examine Ms. Nejwa Ali’s statements and actions that led to her being placed on administrative leave;

⁸ Speeches, U.S. Dep’t of H. Sec., *Secretary Mayorkas Delivers Remarks at the Foundation to Combat Anti-Semitism Sports Leaders Convening*, Oct. 12, 2023, <https://www.dhs.gov/news/2023/10/12/secretary-mayorkas-delivers-remarks-foundation-combat-anti-semitism-sports-leaders>.

⁹ Brady Knox & Gabe Kaminsky, *Biden DHS Official Placed on Leave After Pro-Palestinian Ties Revealed*, WASH. EXAM’R, Oct. 18, 2023, <https://www.washingtonexaminer.com/policy/defense-national-security/dhs-official-leave-worked-plo>.

5. Documents sufficient to show the U.S. Department of Homeland Security's or its component agencies' determinations that Ms. Nejwa Ali's continued presence on the job poses a threat to the safety of others, the agency mission, or government property, or jeopardizes legitimate government interests;
6. Any and all documents, including but not limited to, resumes and job questionnaires, submitted for Ms. Nejwa Ali's applications for any and all positions at the U.S. Department of Homeland Security or its component agencies;
7. All documents and communications, referring or relating to the review of Ms. Nejwa Ali's social media accounts while undergoing vetting for employment for any and all positions at the U.S. Department of Homeland Security or its component agencies;
8. Any and all unredacted copies of Ms. Nejwa Ali's completed U.S. Office of Personnel Management Standard Form 86 (Questionnaire for National Security Positions), Standard Form 85P-S (Supplemental Questionnaire for Selected Positions), Standard Form 85P (Questionnaire for Public Trust Positions), or Standard Form 85 (Questionnaire for Non-Sensitive Positions);
9. All unredacted copies of U.S. Office of Personnel Management Standard Forms 50 (Notification of Personnel Action) referring or relating to Ms. Nejwa Ali;
10. Any and all documents referring or relating to performance appraisals for Ms. Nejwa Ali for any and all positions at the U.S. Department of Homeland Security or its component agencies;
11. Documents sufficient to identify the names and titles of employees at the U.S. Department of Homeland Security or its component agencies responsible for approving Ms. Nejwa Ali for any and all positions at the U.S. Department of Homeland Security or its component agencies; and
12. Documents sufficient to show the job descriptions and requirements and conditions of employment for any and all positions held by Ms. Nejwa Ali at the U.S. Department of Homeland Security or its component agencies;
13. Copies of all U.S. Department of Homeland Security and USCIS policies or guidance referring or relating to screening asylum officers or adjudications officers for potential conflicts of interest; and
14. All documents and communications, including but not limited to, e-mail, text messages, Microsoft Teams Chat, sent to or from Mr. Matthew Bourke, referring or relating to Ms. Nejwa Ali from January 1, 2023, to the present.

Secretary Mayorkas

October 20, 2023

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An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, MD
Chairman
Committee on Homeland Security



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations and Accountability



CLAY HIGGINS
Chairman
Subcommittee on Border Security and Enforcement



AUGUST PLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

Secretary Mayorkas

October 20, 2023

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The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence



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

October 24, 2023

Mr. Joseph B. Maher
Principal Deputy General Counsel
Designated Agency Ethics Official
U.S. Department of Homeland Security
245 Murray Lane, S.W., Mail Stop 0485
Washington, D.C. 20528

Mr. Patrick J. Lechleitner
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Mail Stop 5003
Washington, D.C. 20536

Ms. Claire Trickler-McNulty
Assistant Director, Office of Immigration Program Evaluation
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Mail Stop 5003
Washington, D.C. 20536

Dear Messrs. Maher and Lechleitner, and Ms. Trickler-McNulty:

On his first day in office, President Biden signed an Executive Order (E.O.) implementing additional ethics commitments for appointees.¹ The E.O. included a two year prohibition on participating in particular matters with former employers or clients.² The E.O.'s requirements buttressed the existing ethical standards which require federal employees to act impartially³ and to avoid even the appearance of acting otherwise.⁴ Ethics guidance advises employees that they should not act on a matter if a reasonable person, with knowledge of the circumstances, could legitimately question the employee's impartiality.⁵

Compliance with ethical standards is paramount to maintain the public's trust, and transparency is essential to an effective government ethics program.⁶ To confirm Ms. Trickler-McNulty's compliance with ethical standards, and assist with our ongoing oversight of the Immigration and Customs Enforcement's (ICE) Office of Immigration Program Evaluation's

¹ Exec. Order 13989, 86 Fed. Reg. 14, 7029 (Jan. 20, 2021).

² *Id.*

³ 5 CFR § 2635.101(b)(8).

⁴ 5 CFR § 2635.101(b)(14).

⁵ U.S. OFF. OF GOV'T ETHICS, STANDARDS OF ETHICAL CONDUCT: SUMMARY FOR EXEC. BRANCH EMPLOYEES at 12, available at

[https://www.oge.gov/web/oge.nsf/0/7E9C8E62D239E7C0852585B6005A180E/\\$FILE/Intro%20to%20Standards.pdf](https://www.oge.gov/web/oge.nsf/0/7E9C8E62D239E7C0852585B6005A180E/$FILE/Intro%20to%20Standards.pdf)

f.

⁶ *The Ethics Program, Transparency, and You*, U.S. OFFICE OF GOV'T ETHICS,

<https://www2.oge.gov/web/oge.nsf/Resources/The+Ethics+Program,+Transparency,+and+You> (last visited Oct. 18, 2023).

authority and influence over acquisition and contracts related to ICE's programs, please provide the following information as soon as possible, but no later than 5:00 p.m. on November 7, 2023:

1. A copy of Ms. Trickler-McNulty's signed ethics pledge;
2. All documents developed by the U.S. Department of Homeland Security Office of the General Counsel (OGC), an OGC headquarters division, agency component legal office, or Ms. Trickler-McNulty referring or relating to any Ethics Recusal and Screening Arrangement for or waiver granted to Ms. Trickler-McNulty to ensure compliance with her ethical obligations;
3. A copy of Ms. Trickler-McNulty's Office of Government Ethics Form 278e (Executive Branch Personnel Public Financial Disclosure Report);
4. Any and all unredacted copies of Ms. Trickler-McNulty's completed U.S. Office of Personnel Management Standard Form 86 (Questionnaire for National Security Positions), Standard Form 85P-S (Supplemental Questionnaire for Selected Positions), Standard Form 85P (Questionnaire for Public Trust Positions), or Standard Form 85 (Questionnaire for Non-Sensitive Positions);
5. All unredacted copies of U.S. Office of Personnel Management Standard Forms 50 (Notification of Personnel Action) referring or relating to Ms. Trickler-McNulty;
6. Any and all documents referring or relating to performance appraisals for Ms. Trickler-McNulty for any and all positions at the U.S. Department of Homeland Security or its component agencies; and
7. Any and all documents, including but not limited to, resumes and job questionnaires, submitted for Ms. Trickler-McNulty's applications for any and all positions at the U.S. Department of Homeland Security or its component agencies.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,

Messrs. Maher and Lechleitner, and Ms. Trickler-McNulty

October 24, 2023

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MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability



CLAY HIGGINS
Chairman
Subcommittee on Border Security
And Enforcement

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement



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

October 24, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

This week, media reports indicated that the San Diego Field Office Intelligence Unit of Customs and Border Protection (SDFO-FITU) published an official, internal document dated October 20, 2023, that assessed “that individuals inspired by, or reacting to, the current Israel-Hamas conflict may attempt travel to or from the area of hostilities in the Middle East via circuitous transit across the Southwest border.”¹ It is concerning that the Committee on Homeland Security (Committee) learned about this information through public news sources and not directly from the Department of Homeland Security (DHS) despite the Department’s Office of Intelligence and Analysis (I&A) transmitting near-daily situational reports about the Israel-Hamas conflict to the Committee. We write to request additional information about this matter, to include DHS’s efforts to identify, investigate, and mitigate these national security threats.

In the document, entitled, “Foreign Fighters of Israel-Hamas Conflict May Potentially be Encountered at [the] Southwest Border,” the SDFO-FITU warned that “foreign fighters motivated by ideology or mercenary soldiers of fortune may attempt to obfuscate travel to or from the US to or front countries in the Middle East through Mexico.”² The document alerts officers of “Possible Indicators” of those individuals potentially encountered at the Southwest border such as “Military age males,” “Single travelers,” and an “Undetermined return plan.”³ Finally, the document provides “Questions of Interest,” to probe those individuals potentially encountered at the Southwest border about their possible association with groups that the United States has designated as terrorist organizations, such as Hamas, Hezbollah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine or any other similar organization.⁴

¹ Jennie Taer, *EXCLUSIVE: Feds Warn That Hamas, Hezbollah Could Be Crossing Southern Border*, DAILY CALLER, Oct. 22, 2023, <https://dailycaller.com/2023/10/22/hamas-hezbollah-southern-border>; Adam Shaw & Bill Melugin, *CBP Memo Sounds Alarm on Hamas, Hezbollah Fighters Potentially Using Southern Border to Enter US*, Fox News, Oct. 23, 2023, <https://www.foxnews.com/politics/cbp-memo-sounds-alarm-hamas-hezbollah-fighters-potentially-using-southern-border-enter-us>.

² *Id.*

³ *Supra* note 1.

⁴ *Id.*

Secretary Mayorkas

October 24, 2023

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The Committee continues to have serious concerns about the security of our Southwest border and the potential for terrorists to take advantage of the glaring vulnerabilities created by the Biden administration's open border policies. To assist the Committee with its continued oversight of terrorist threats at the Southwest border, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on November 1, 2023:

1. All documents and communications referring or relating to the October 20, 2023 document, entitled, "Foreign Fighters of Israel-Hamas Conflict May Potentially Encountered at [the] Southwest Border," and intelligence products about "individuals inspired by, or reacting to, the current Israel-Hamas conflict," "foreign fighters," and "travel across the Southwest border," from October 7, 2023, to the present; and
2. A document sufficient to identify all DHS employees involved in drafting, reviewing, approving, or disseminating the October 20, 2023 document entitled "Foreign Fighters of Israel-Hamas Conflict May Potentially be Encountered at [the] Southwest Border."

An attachment contains instructions for responding to this request. To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

Secretary Mayorkas

October 24, 2023

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CLAY HIGGINS

Chairman

Subcommittee on Border Security
and Enforcement

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement

Mr. Troy A. Miller, Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection



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

October 27, 2023

Mr. Patrick J. Lechleitner
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Mail Stop 5003
Washington, D.C. 20536

Dear Acting Director Lechleitner:

The Committee on Homeland Security (Committee) continues its oversight of U.S. Immigration and Customs Enforcement (ICE)'s contracts related to housing and supervision of illegal migrants encountered at the Southwest border.¹ On September 26, 2023, the Committee sent a letter to ICE requesting documents and information related to ICE's Office of Immigration Program Evaluation (OIPE).² To date, ICE failed to produce a single substantive document responsive to any of the 13 categories of requested documents and communications. ICE's lack of transparency is unacceptable.

According to ICE's Fiscal Year (FY) 2022 Annual Report, OIPE is responsible for driving reforms and improvements related to detention and Alternatives to Detention (ATD) programs.³ Over the last several years, ICE's Enforcement and Removal Operations (ERO) significantly expanded ATD enrollment from 23,000 active participants at the end of FY 2014 to an average daily population of 321,000 at the end of FY 2022.⁴ As ATD's population expanded, the types of ATD supervision and enrollment programs have also grown. For example, ATD now

¹ Letter from Hon. John Katko, Ranking Member, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't (Dec. 7, 2022); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't (Jan. 30, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. and Customs Enf't (Aug. 10, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Acting Dir., U.S. Immigr. And Customs Enf't (Sept. 26, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Joseph Maher, Principal Deputy Gen. Counsel, U.S. Dep't of Homeland Sec. (Oct. 24, 2023) (on file with Comm.).

² Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Acting Dir., U.S. Immigr. And Customs Enf't (Sept. 26, 2023) (on file with Comm.).

³ U.S. IMMIGR. AND CUSTOMS ENF'T., ICE ANNUAL REPORT FISCAL YEAR 2022 58 (Dec. 30, 2022), available at <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.

⁴ *Id.* at 18.

utilizes three different types of technology and four different types of social services programs.⁵ Despite the increase in ATD population and services, and establishment of an office with a name that suggests it evaluates immigration programs, it is unclear how or if ICE evaluates the ATD program for success. In fact, in June 2022, the Government Accountability Office found that ICE lacks performance goals to identify which ATD programs are achieving the intended results and to identify the need for improvements.⁶

In an effort to understand and evaluate ATD, Congress appropriated \$4 million dollars in FY 2020 for ICE to fund an independent review of the ATD program.⁷ ICE, however, never released the congressionally mandated report. Nevertheless, ICE continues to expand ATD, recently adding the Case Management Pilot Program (CMPP) to provide social services to illegal migrants.⁸ In 2022, the CMPP National Board issued a solicitation for applications from organizations interested in providing services under CMPP, and included fourteen data points the organization would need to collect to evaluate the program's efficacy.⁹ It is unclear how those datapoints will be utilized and whether OIPE will be involved in the CMPP National Board's program evaluation.

The Committee seeks clarification about the Secretary's authority to release illegal immigrants and specify requirements for ICE supervision upon release. In addition to the requests made in the September 26, 2023 letter, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on November 13, 2023:

1. A copy of the congressionally mandated independent review of the ATD program, included in the Consolidated Appropriations Act of 2021;¹⁰
2. All documents and communications, including but not limited to, e-mail, internal memoranda, and guidance, referring or relating to the release of the congressionally mandated independent review of the ATD program included in the Consolidated Appropriations Act of 2021 from December 21, 2020, to the present; and
3. A copy of the Alternatives to Detention Handbook – Intensive Supervision Appearance Program, issued August 16, 2017.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special

⁵ *Alternatives to Detention*, U.S. IMMIGR. AND CUSTOMS ENF'T, <https://www.ice.gov/features/atd> (last visited Oct. 24, 2023).

⁶ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-22-104529, ALTERNATIVES TO DETENTION: ICE NEEDS TO BETTER ASSESS PROGRAM PERFORMANCE AND IMPROVE CONTRACT OVERSIGHT (2022).

⁷ Explanatory Statement of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182, H8472, available at <https://www.govinfo.gov/content/pkg/CREC-2020-12-21/pdf/CREC-2020-12-21-house-bk4.pdf>.

⁸ *DHS Case Management Pilot Program*, U.S. Immigr. And Customs Enf't, <https://www.dhs.gov/dhs-cmpp> (last visited Oct. 24, 2023).

⁹ See CMPP National Board, *Case Management Pilot Program (CMPP) Subrecipient Solicitation 5-6*, available at <https://cmpp.org/wp-content/uploads/2022/09/Final-CMPP-Solicitation-9.19.2022-5.pdf>.

¹⁰ See *supra* note 7.

Secretary Mayorkas

October 27, 2023

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oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Lou Correa, Ranking Member
Subcommittee on Border Security and Enforcement



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

October 31, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Secretary Mayorkas:

To assist the Committee on Homeland Security (Committee) with its oversight of the Department of Homeland Security's (Department) screening and vetting of certain Afghan and non-U.S. national evacuees after the August 2021 U.S. withdrawal from Afghanistan, enclosed is a subpoena compelling the production of outstanding documents and information requested in the May 1, 2023 letter to you from Subcommittee Chairmen August Pfluger, Clay Higgins, Dan Bishop, and me, requests that were reiterated in our June 9, 2023 letter.¹

Over the course of the last several months, the Committee has made multiple attempts to obtain the requested documents and information cooperatively. This month, the Committee followed up on October 3, 2023, with both a telephone call² and e-mail,³ and again on October 17, 2023, with an e-mail⁴ regarding the protracted delay in satisfying the Committee's requests. On October 20, 2023, the Department provided a partial production containing limited data on Afghan evacuees.⁵ Although the production contained 1,601 pages, it is wholly inadequate. For example, 150 pages were either wholly redacted, devoid of content, or illegible. Further, many of the remaining pages appear to be nothing more than scanned printouts from spreadsheets of data that were provided in a format that rendered them indecipherable.

¹ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (May 1, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (June 9, 2023).

² Telephone Call with Dep't of Homeland Sec., Office of Legis. Aff., (Oct. 3, 2023).

³ E-mail from Staff, H. Comm. on Homeland Sec., to Office of Legis. Aff., U.S. Dep't of Homeland Sec. (Oct. 3, 2023, 17:42 EDT) (on file with author).

⁴ E-mail from Staff, H. Comm. on Homeland Sec., to Office of Legis. Aff., U.S. Dep't of Homeland Sec. (Oct. 17, 2023, 11:54 EDT) (on file with author).

⁵ E-mail from Office of Legis. Aff., U.S. Dep't of Homeland Sec. to Staff, H. Comm. on Homeland Sec. (Oct. 20, 2023, 17:42 EDT) (on file with author).

On October 23, 2023, the Committee called and e-mailed the Office of Legislative Affairs to express concerns with the production and requested that the Department provide an updated production by October 27, 2023.⁶ On October 27, 2023, the Department e-mailed the Committee acknowledging the concerns regarding the format of the October 20, 2023 production.⁷ Also on October 27, 2023, the Department provided a second partial production, which included two documents. One of the documents included a one-page file with the words, “Document Produced in Native Format” marked, “Law Enforcement Sensitive/FOUO.”

The Department’s October 27, 2023 production also included a spreadsheet comprised of five tabs. One of those tabs included no substantive or comprehensible information or data, merely containing nine cells of words such as, “Grand Total” with no associated numbers or “Crossing Date” with no affiliated dates. All tabs were locked or password-protected so that search or sorting features were prohibited. The Committee responded by e-mail the same day requesting that the Department provide the password to unlock the spreadsheet, noted the unsatisfactory production of documents, and reiterated the requests with another deadline of today.⁸ Nonetheless, the Department did not provide an updated October 20, 2023 production, refused to provide the password, and failed to provide a satisfactory response to the Committee’s requests, which were first made six months ago today.

While the produced documents provide some basic information regarding Afghan evacuees, they fall well short of what was requested by the Committee.⁹ For example, the Department failed to produce a single e-mail or other communication from Department employees related to the withdrawal from Afghanistan or Customs and Border Protection’s screening, vetting, or inspection of Afghan evacuees at U.S. ports of entry.

The repeated failures of the Department to provide a satisfactory response and protracted delays necessitate the issuance of the enclosed subpoena.

The Committee requires the data, documents, and other information compelled by the attached subpoena to fully evaluate potential legislation to reform the Department’s authority and operations. The Department’s functions relating to border and port security are directly within the purview of the Committee’s oversight authorities.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

⁶ Telephone Call with Office of Legis. Aff., U.S. Dep’t of Homeland Sec. (Oct. 23, 2023); E-mail from Staff, H. Comm. on Homeland Sec., to Office of Legis. Aff., U.S. Dep’t of Homeland Sec. (Oct. 23, 2023, 14:52 EDT) (on file with author).

⁷ E-mail from Office of Legis. Aff., U.S. Dep’t of Homeland Sec. to Staff, H. Comm. on Homeland Sec. (Oct. 27, 2023, 12:05 EDT) (on file with author).

⁸ E-mail from Staff, H. Comm. on Homeland Sec., to Office of Legis. Aff., U.S. Dep’t of Homeland Sec. (Oct. 27, 2023, 19:08 EDT) (on file with author).

⁹ *Supra* note 1.

Secretary Mayorkas
October 31, 2023
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Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive style with a large, stylized "M" and "G".

MARK E. GREEN, M.D.
Chairman

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security



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

November 1, 2023

Ms. Zephrañie Buetow
Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security
Washington, D.C. 20528

Mr. Sean M. Hackbarth
Acting Assistant Director, Office of Congressional Relations
U.S. Immigration and Customs Enforcement
500 12th Street, S.W., Mail Stop 5003
Washington, D.C. 20536

Dear Ms. Buetow and Mr. Hackbarth:

The Committee on Homeland Security (Committee) continues its oversight of U.S. Immigration and Customs Enforcement (ICE)'s contracts related to housing and supervision of illegal migrants encountered at the Southwest border.¹ On August 10, 2023, the Committee sent a letter to ICE requesting documents and information related to ICE's Office of Immigration Program Evaluation (OIPE).² When the Committee followed up on the request the Department of Homeland Security's (Department) Office of Legislative Affairs (OLA) and ICE's Office of Congressional Relations (OCR) failed to provide clarity on a production timeline.

On August 10, 2023, the Committee transmitted its letter to OLA via e-mail, requesting a response by August 24, 2023.³ After receiving no response or acknowledgement, on September 6, 2023, the Committee e-mailed OLA requesting a status on the production.⁴ On that day, OLA

¹ Letter from Hon. John Katko, Ranking Member, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't (Dec. 7, 2022); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. & Customs Enf't (Jan. 30, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Aug. 10, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Sept. 26, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Joseph B. Maher, Principal Deputy Gen. Counsel, U.S. Dep't of Homeland Sec., et al. (Oct. 24, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Oct. 27, 2023) (on file with Comm.).

² Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Aug. 10, 2023) (on file with Comm.).

³ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Aug. 10, 2023, 19:16 EDT) (on file with author).

⁴ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 6, 2023, 14:13 EDT) (on file with author).

called Committee staff and advised that OLA received the letter and forwarded it to OCR on September 6, 2023.⁵ On September 7, 2023, the Committee e-mailed OLA requesting a production timeline.⁶ On September 8, 2023, OLA advised the Committee again that OLA forwarded the request to OCR.⁷ In an effort to contact OCR for an update, the Committee requested from OLA the names of OCR officials handling the request.⁸ OLA did not respond to that request.

On September 18, 2023, the Committee sent a follow up e-mail to OLA requesting the names of the OLA officials who sent the Committee's letter to OCR and the names of the OCR officials who received the forwarded letter.⁹ In the alternative, the Committee requested an organization chart for OCR.¹⁰ The Committee also requested a production timeline and offered 10 dates and times for a telephone call to discuss the outstanding requests.¹¹ On September 19, 2023, the Committee spoke with OCR by telephone.¹² The Committee followed up with an e-mail, memorializing the September 19, 2023 telephone call, again requesting a production timeline, the names of OCR officials handling the requests, and proposed dates for a follow up telephone call.¹³ OCR responded to the e-mail advising that an OCR official "researched" the request letter's history and did "not see where OLA sent the Chairman's request [to OCR]."¹⁴

On September 20, 2023, OCR e-mailed the Committee advising that ICE's Office of Executive Secretariat was working on the production response, that most requested information was identified, and that OCR would get a status and "circle back."¹⁵ The Committee responded with a request to know who in the Office of Executive Secretariat was working on the request and proposed a telephone call to discuss.¹⁶ On September 22, 2023, the Committee spoke with OCR by telephone, and OCR provided an update on the production.¹⁷ On October 2, 2023, the Committee e-mailed OCR requesting an update on the production discussed in the September 22,

⁵ Telephone Call with Office of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 6, 2023).

⁶ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 7, 2023, 16:52 EDT).

⁷ E-mail from Off. of Legis. Aff., U.S. Dep't of Homeland Sec., to Staff, H. Comm. on Homeland Sec. (Sept. 8, 2023, 9:55 EDT).

⁸ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec., (Sept. 8, 2023, 12:22 EDT).

⁹ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 18, 2023, 8:59 EDT).

¹⁰ *Id.*

¹¹ *Id.*

¹² Telephone Call with Office of Cong. Relations, U.S. Immigr. & Customs Enf't (Sept. 19, 2023).

¹³ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 19, 2023, 10:16 EDT).

¹⁴ E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't., to Staff, H. Comm. on Homeland Sec. (Sept. 19, 2023, 18:55 EDT).

¹⁵ E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't., to Staff, H. Comm. on Homeland Sec. (Sept. 20, 2023, 10:21 EDT).

¹⁶ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 20, 2023, 10:38 EDT).

¹⁷ Telephone Call with Office of Cong. Relations, U.S. Immigr. & Customs Enf't (Sept. 22, 2023).

2023 telephone call.¹⁸ On October 3, 2023, OCR provided an 86-page production responsive to one of the requests made in the August 10, 2023 letter.¹⁹ The production included e-mails and attachments previously provided to the Committee in response to a separate request, but this version revealed Ms. Claire Trickler-McNulty's name in unredacted form.²⁰

On October 23, 2023, the Committee sent an e-mail to OCR explaining its disappointment with the initial production and requesting clarity on the status of the remaining requests.²¹ The Committee advised that if a fully responsive letter was not received by October 25, 2023, the Committee would consider using compulsory process.²² OCR advised that the issue was passed up the "leadership chain."²³ On October 24, 2023, OCR advised that the response is pending with the Office of the Principal Legal Advisor, but OCR failed to provide a production timeline,²⁴ so the Committee reiterated its request.²⁵ OCR advised that the request for a production schedule was passed to ICE's Executive Secretariat, the Department's Office of General Counsel, and ICE leadership.²⁶ To date, neither ICE nor the Department has provided the Committee a production schedule or a clear answer on which entity is handling the production response. The Committee is concerned that the Department's internal inefficiency is simply another effort to stonewall the Committee's oversight efforts at worst, or indicative of incompetency at best.

Three categories of requests made in the August 10, 2023 letter²⁷ and all 13 categories of requests made in the September 26, 2023 letter²⁸ as part of the Committee's oversight of ICE contracts related to housing and supervision of illegal migrants encountered at the Southwest border remain unsatisfied. Responses to those 16 categories of requests are all delinquent. An October 27, 2023 letter reiterated the September 26, 2023 requests and included an additional three categories of requests, which also remain outstanding.²⁹ Moreover, the Committee is

¹⁸ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Cong. Relations, U.S. Immigr. & Customs Enf't (Oct. 2, 2023, 12:55 EDT).

¹⁹ See E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't, to Staff, H. Comm. on Homeland Sec. (Oct. 3, 2023, 10:06 EDT) (producing the records in three e-mail tranches).

²⁰ *Id.*

²¹ E-mail from Staff, H. Comm. on Homeland Sec., to Off. Of Legis. Aff., Dep't of Homeland Sec. (Oct. 23, 2023, 16:27 EDT).

²² *Id.*

²³ E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't, to Staff, H. Comm. on Homeland Sec. (Oct. 24, 2023, 7:05 EDT).

²⁴ E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't, to Staff, H. Comm. on Homeland Sec. (Oct. 24, 2023, 16:10 EDT).

²⁵ E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff, Dep't of Homeland Sec. (Oct. 24, 2023, 16:20 EDT).

²⁶ E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't, to Staff, H. Comm. on Homeland Sec. (Oct. 24, 2023, 16:33 EDT).

²⁷ *Supra* note 2.

²⁸ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Sept. 26, 2023) (on file with Comm.).

²⁹ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et. al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Oct. 27, 2023) (on file with Comm.).

Secretary Mayorkas

November 1, 2023

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waiting for responses to seven categories of requests related to Ms. Trickler-McNulty made in an October 24, 2023 letter.³⁰ The Committee reiterates all of these outstanding requests.

To assist the Committee's efforts to understand the inefficient, untimely, and unsatisfactory responses to my letter, and the opaque nature of how Committee requests are processed, please provide the following as soon as possible but no later than 5:00 pm on November 8, 2023:

1. All communications, including but not limited to, e-mail, text messages and Microsoft Teams Chat messages, and internal memoranda, between or among officials in the Department's Office of Legislative Affairs and ICE's Office of Congressional Relations referring or relating to the Committee's August 10, 2023, September 26, 2023, October 24, 2023, and October 27, 2023 letters.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

³⁰ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Joseph B. Maher, Principal Deputy Gen. Counsel, U.S. Dep't of Homeland Sec., et al. (Oct. 24, 2023) (on file with Comm.).



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

December 11, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
Washington, DC 20535

Dear Secretary Mayorkas and Director Wray:

The Committee on Homeland Security (Committee) is growing increasingly alarmed by the continuous number of incidents of transnational repression within the United States by foreign governments. These brazen malign actions threaten democratic norms, our nation's sovereignty, and show a lack of regard for international law.

Transnational repression is not exclusive to any specific country. We have seen these oppressive tactics employed by adversarial nations and those who our nation views as strategic partners. Regardless of our nation's relationship with the perpetrating nation, using violence or harassment to silence dissident voices in our nation is illegal and should not be tolerated by our government.

Many of these acts have been or are in the process of being investigated and prosecuted by the Department of Justice. Specific examples include but are not limited to:

- Two individuals affiliated with the People's Republic of China's (PRC) Ministry of Public Security, "Harry" Lu Jianwang and Chen Jinping, that operated an illegal police station on behalf of the PRC in lower Manhattan to monitor and harass dissidents within the United States.¹
- Members of Iran's Islamic Revolutionary Guard Corps were charged with a plot to assassinate former National Security Advisor to the President, John Bolton, and former Secretary of State, Mike Pompeo.²
- Individuals associated with the Turkish government, Bijan Rafiekian and Kamil Ekim Alptekin, were charged with crimes and convicted of crimes related to acting as covert

¹ Press Release, U.S. Dep't of Justice, Two Arrested for Operating Illegal Overseas Police Station of the Chinese Government (April 17, 2023) (on file with author), *available at* <https://www.justice.gov/opa/pr/two-arrested-operating-illegal-overseas-police-station-chinese-government>.

² Press Release, U.S. Dep't of Justice, Member of Iran's Islamic Revolutionary Guard Corps (IRGC) Charged with Plot to Murder the Former National Security Advisor (Aug. 10, 2022) (on file with author), *available at* <https://www.justice.gov/opa/press-release/file/1525106/download>.

agents to negatively influence U.S. politicians and the public's opinion of Turkish dissident, Fethullah Gulen.³

- Indian national, Nikhil Gupta, allegedly attempted to orchestrate an assassination plot on U.S. soil to target an American citizen who was a critic of the Indian government.⁴ This plot was conducted in coordination with an individual who worked for the Indian government.⁵

In addition to the instances highlighted in this letter, the Committee has also heard testimony from a victim of multiple assassination and kidnapping attempts, Masih Alinejad, that were perpetrated by malign actors associated with the Iranian regime.⁶ Thankfully, none of these attempts were successful, but Ms. Alinejad's testimony had a chilling effect on the Committee. In her testimony, she stated "I have come to realize that even on U.S. soil, being safe is too much of a luxury for those of us who dare to criticize the terrorist regime in Iran. Iran's regime is threatening U.S. citizens on U.S. soil but the [Biden] administration's response has been very, very disappointing. In the aftermath of the assassination plot, no administration officials have ever reached out to me or other Iranian-Americans facing the same threats."⁷ We must do more to stop these acts of aggression from taking place.

Transnational repression will continue to be used as a tool to silence views that run afoul of autocratic governments. The United States must remain a bastion for every person to freely express their views without fear of persecution from foreign actors.

To assist the Committee's examination of the transnational repression threats posed to the U.S. homeland, we request that the Department of Homeland Security and the Federal Bureau of Investigation provide Committee staff a classified briefing no later than December 22, 2023 about these ongoing threats, including but not limited to information about the number of active plots by foreign actors or their proxies against U.S. persons or lawful permanent residents within the United States, as well as information about your respective agencies' work and coordination efforts to combat transnational repression. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

³ Press Release, U.S. Dep't of Justice, Fourth Circuit Upholds Jury Conviction in Foreign-agent Prosecution (Mar 18, 202) (on file with author), *available at* <https://www.justice.gov/opa/pr/fourth-circuit-upholds-jury-conviction-foreign-agent-prosecution#:~:text=WASHINGTON%20%E2%80%93%20The%20U.S.%20Court%20of,relationship%20to%20the%20U.S.%20government>.

⁴ Press Release, U.S. Dep't of Justice, U.S. Attorney Announces Charges in Connection with Foiled Plot to Assassinate U.S. Citizen in New York City (Nov 29, 2023) (on file with author), *available at* https://www.justice.gov/usao-sdny/pr/us-attorney-announces-charges-connection-foiled-plot-assassinate-us-citizen-new-york#_ftn1.

⁵ *Id.*

⁶ *An Examination of the Iranian Regime's Threats to Homeland Security: Hearing Before the House Committee on Homeland Sec.*, 118th Cong., (Oct. 25, 2023).

⁷ *Id.* (testimony of Ms. Masih Alinejad).

Secretary Mayorkas & Director Wray

December 11, 2023

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Per House Rule X, the Committee on Homeland Security is the principal Committee of jurisdiction for overall homeland security policy and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this matter.

Sincerely,



MARK E. GREEN, M.D.
Chairman
Committee on Homeland Security



AUGUST PFLUGER
Chairman
Subcommittee on Counterterrorism,
Law Enforcement, and Intelligence

Encl.

cc: The Honorable Bennie Thompson, Ranking Minority Member
Committee on Homeland Security

The Honorable Seth Magaziner, Ranking Member
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence



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

January 4, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (Department) use of its statutory authority to parole certain foreign nationals into the United States. Pursuant to the Immigration and Nationality Act (INA), the Secretary of the Department may not grant parole to an alien who is a refugee, except for "compelling reasons in the public interest."¹ Since President Biden took office in January 2021, however, it appears that the Department has far exceeded its statutory authority to parole refugees into the United States.²

According to section 101 of the INA, a refugee is someone who is "persecuted or has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion".³ Generally, a foreign national located outside the United States who seeks refugee protection in the United States must be admitted as a refugee under the U.S. Refugee Admissions Program (USRAP).⁴ An alien who is already located in the United States, however, may seek refugee protection by applying for asylum.⁵ But, a person claiming asylum must still prove himself to be a refugee under INA § 101.⁶

In contemplating that those believing themselves to meet the definition of a refugee would apply through the USRAP, Congress limited the Secretary's authority to parole refugees into the United States.⁷ Specifically, "the Attorney General⁸ may not parole into the United

¹ INA § 212(d)(5)(B).

² See Todd Bensman, *New Records Unveil Surprising Scope of Secretive 'CBP One' Entry Scheme*, CENER FOR IMMIGRATION STUDIES, Oct. 24, 2023, <https://cis.org/Report/New-Records-Unveil-Surprising-Scope-Secretive-CBP-One-Entry-Scheme> (noting that the Department paroled at 250,000 at the land border ports from May 2021 through August 2023).

³ INA § 101(a)(42).

⁴ U.S. State Department, *Refugee Admissions*, <https://www.state.gov/refugee-admissions/> (last visited Jan. 2, 2024).

⁵ INA § 208.

⁶ *Id.* at (b)(1)(A).

⁷ INA § 212(d)(5)(B).

⁸ See Steven R. Vina, *Authority to Enforce the Immigration and Nationality Act (INA) in the Wake of the Homeland Security Act: Legal Issues*, CONG. RESEARCH SERV. 2 (July 16, 2023) (describing the Homeland Security Act of 2002's reallocation of administrative authority over immigration law related to enforcement and service to the

States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 207 [of the INA].”⁹

As Secretary, you continuously refer to the historic number of illegal aliens crossing the Southwest border who the Department releases from detention under parole, and the foreign nationals the Department paroles pursuant to “lawful pathways” before they arrive in the United States, as “asylum seekers”¹⁰ thus treating them as if they meet the statutory definition of a refugee. These persons, however, are not eligible for parole pursuant to INA § 212(d)(5)(B) if they in fact meet the statutory definition of a refugee unless the Department determines on an individualized basis that there is a compelling reason in the public interest to do so.¹¹ It is unclear what reasons the Department has considered sufficiently compelling to comply with the requirements of the INA and it is also unclear whether the Department has in fact been making the individualized determinations required by the INA prior to granting parole to any refugees.

To assist the Committee with its oversight of the Department’s parole decisions and evaluate potential legislation to reform the Department’s authority, please provide the following documents and information as soon as possible, but no later than 12:00 p.m. on January 18, 2024:

1. All policies, procedures, and guidance issued to U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and U.S. Citizenship and Immigration Services personnel (and other departmental personnel), referring or relating to the determination of “compelling reasons in the public interest with respect to . . . particular alien[s]” in order to parole a refugee under INA § 212(d)(5)(B), from January 21, 2021 to the present;
2. Documents sufficient to provide verification that you (or a designee) have in fact determined that compelling reasons in the public interest existed to parole each particular refugee granted parole from January 21, 2001 to the present, rather than to admit them as refugees under section 207 of the INA; and
3. A document sufficient to describe the compelling reason in the public interest that you (or a designee) found to exist with respect to each particular refugee granted parole from January 21, 2021 to the present, rather than to admit them as refugees under section 207 of the INA.

Department of Homeland Security with the Attorney General retaining authority of those functions carried out by the immigration courts).

⁹ INA § 212(d)(5)(B).

¹⁰ See News release, *Secretary Mayorkas Delivers Remarks on DHS’ s Continued Preparation for the End of Title 42 and Announcement of New Border Enforcement Measures and Additional Safe and Orderly Processes*, U.S. Department of Homeland Security, Jan. 5, 2023, <https://www.dhs.gov/news/2023/01/05/secretary-mayorkas-delivers-remarks-dhss-continued-preparation-end-title-42-and> (accessed January 20, 2023)

¹¹ INA § 212(d)(5)(B).

Secretary Mayorkas

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An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive style with a large, stylized 'M' and 'G'.

MARK E. GREEN, M.D.
Chairman

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security



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

January 4, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (Department) planning and use of detention facilities for illegal aliens. Since February, 2021, Customs and Border Protection (CBP) encountered over 6.7 million aliens at the Southwest border¹ and more than 345,000 aliens at the Northern border.² While the Immigration and Nationality Act requires the Department to detain all applicants for admission to the United States who are not clearly admissible,³ the Department continues to release illegal aliens en masse into the United States. The Department has argued in the Supreme Court that it lacks the resources to apprehend, detain, and remove illegal aliens as statutorily required and must release them.⁴

By law, the Department must submit a report every six months to the Committees on the Judiciary of the House of Representatives and of the Senate estimating the amount of detention space required to fully comply with certain statutory detention mandates, the number of criminal aliens released from detention, and the number of inadmissible or deportable aliens released into the community due to a lack of detention facilities.⁵

To assist the Committee with its oversight of the Department's detention capacity requirements, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on January 11, 2024:

¹ *Nationwide Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/nationwide-encounters> (last visited Jan. 3, 2024).

² *Id.*

³ Immigr. and Nationality Act § 235(b).

⁴ See letter from Ashley Moody, Attorney General, State of Florida to the Hon. Patty Murray, Chairwoman, Senate Comm. on Appropriations, et. al. (July 24, 2023), available at https://www.myfloridalegal.com/sites/default/files/2023-07/mayorkas-ltr_7-24-23.pdf (citing the Government's brief in *Biden v. Texas*, 142 S. Ct. 252 (2022)). In *Biden v. Texas*, the Government defended their rescission of the Migrant Protection Protocols, arguing that that if they could not detain illegal aliens under § 235(b)(2)(A) of the INA, they could release them on parole under § 212(d)(5) instead of returning them to Mexico.

⁵ 8 U.S.C. § 1368.

Secretary Mayorkas

January 4, 2024

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1. A document sufficient to provide verification that the Department has been submitting reports to the Committees on the Judiciary of the House of Representatives and of the Senate as required by 8 U.S.C. § 1368 and that the reports are fully responsive to the requirements of such section; and
2. A copy of each report that was submitted to the Committees on the Judiciary of the House of Representatives and of the Senate pursuant to 8 U.S.C. § 1368, from January 21, 2021 to the present.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive, slightly slanted style.

MARK E. GREEN, M.D.
Chairman

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security