



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
Page 4

Encl.

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

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