

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.

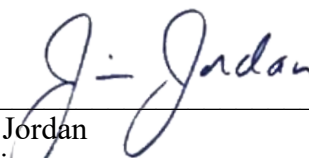
The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Judiciary Committee is authorized to conduct oversight of federal immigration law and policy 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

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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