



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 style with a large, stylized "M" and "G".

MARK E. GREEN, MD
Chairman