



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.

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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, prominent "M" and "E".

MARK E. GREEN, M.D.
Chairman

Encl.

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