



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

March 20, 2024

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

Dear Administrator Pekoske:

The Committee on Homeland Security (Committee) is conducting oversight of the Transportation Security Administration's (TSA) screening procedures for migrants seeking to travel through U.S. airports. The Committee is concerned that TSA's screening procedures apply a weaker identity verification standard for alien migrants than for American citizens, creating an aviation security risk.

All adult passengers seeking to board flights in U.S. airports, including American citizens, are required to present a valid form of identification in order to pass through airport security checkpoints.¹ As laid out in federal regulations, an individual may not enter the secure area of an airport or board an aircraft if the individual "does not present a verifying identity document as defined in § 1560.3 of this chapter, when requested for purposes of watch list matching under § 1560.105(c) of this chapter, unless otherwise authorized by TSA on a case-by-case-basis."²

A "verifying identity document" is defined to include foreign passports, federal or state government-issued documents containing an individual's full name, date of birth, and photograph, or "other documents that TSA may designate as valid verifying identity documents."³ The TSA's website provides a list of 16 types of identity documents that are considered acceptable at airport security checkpoints, including a driver's license, passport, Department of Homeland Security (Department) trusted traveler card, border crossing card, Employment Authorization Card (I-766), or a permanent resident card.⁴ For individuals without one of the acceptable forms of identification, TSA may seek to confirm a traveler's identity as part of an alternate identity verification process which involves the documentation of the

¹ *Acceptable Identification at the TSA Checkpoint*, TRANSPORTATION SECURITY ADMINISTRATION, <https://www.tsa.gov/travel/security-screening/identification> (last visited Mar. 12, 2024).

² 49 C.F.R. § 1540.107.

³ 49 C.F.R. § 1560.3.

⁴ *Acceptable Identification at the TSA Checkpoint*, TRANSPORTATION SECURITY ADMINISTRATION, <https://www.tsa.gov/travel/security-screening/identification> (last visited Mar. 12, 2024).

individual's name, address, and other personal information, as well as additional security screening.⁵

TSA, however, is reportedly allowing aliens without verifying identity documents to pass through airport security checkpoints, relying on unverified biographical information gathered by U.S. Customs and Border Protection (CBP) through the CBP One application (CBP One).⁶ CBP uses CBP One to facilitate migrant entry into the United States, allowing aliens to provide biographic information while scheduling an appointment to request parole at a port of entry.⁷ Upon an alien's appearance at a port of entry for an appointment, CBP personnel will interview and process the alien for release.⁸ This information, much of which is self-reported and may not be sufficient to verify the identity of the alien, is the foundational data subsequently used to confirm an alien's identity by other agencies, including TSA.⁹

Signage posted at a TSA checkpoint in Miami, and subsequently shared via social media, announced that TSA was partnering with CBP to use information from CBP One to allow aliens without acceptable identification documents to pass through airport security.¹⁰ The sign notes that aliens without identification may decline to have their photo taken by TSA officers, and their identity validated using information the aliens provided to CBP through CBP One.¹¹ Recently, one traveler on a flight from Phoenix to New York reported encountering a migrant who claimed to have gotten through security and onto the flight using information he got online that was "invalid" because "they don't ask for anything here [in America]."¹² TSA previously admitted that it accepts administrative warrants for the arrest or removal of an alien as acceptable identity documents for individuals without identification.¹³

The Committee is concerned that the biographical information gathered about aliens arriving at a port of entry may be insufficient to screen and vet individuals for potential security concerns. In a transcribed interview with Committee staff, a former chief of the U.S. Border Patrol explained that the vetting process has critical limitations, particularly if the aliens being screened come from countries that do not cooperate with the United States to share law enforcement data or the aliens simply ditch their true identification documents and create new, unverifiable identities.¹⁴ Despite these critical limitations, aliens are released *en masse* into the United States. Documents produced by the Department reveal that from January 12, 2023, to

⁵ *Id.*

⁶ Megan Palin, *US Travelers Outraged by Airport Signs Appearing to Allow Migrants onto Flights Without ID: 'I'm Quite Offended'*, N.Y. POST, Jan. 29, 2024, <https://nypost.com/2024/01/19/news/are-migrants-allowed-to-board-us-flights-without-id>.

⁷ Letter from Troy A. Miller, Acting Commissioner, U.S. Customs and Border Protection, to Rep. Mark E. Green, Chairman, H. Comm. on Homeland Sec. (Oct. 20, 2023) (on file with Committee).

⁸ *Id.*

⁹ Palin, *supra* note 6.

¹⁰ *Id.*

¹¹ *Id.*

¹² @EvaVlaar, X (Feb. 18, 2024, 5:12 PM) <https://twitter.com/EvaVlaar/status/1759340021759246750>.

¹³ Jennie Taer, *Arrest Warrants Count as ID For Illegal Aliens At Airport Security, TSA Says*, THE DAILY CALLER, Jan. 18, 2022, <https://dailycaller.com/2022/01/18/exclusive-arrest-warrants-count-as-id-for-migrants-at-airport-security-tsa-says>.

¹⁴ H. Comm on Homeland Sec., Transcribed Interview of Rodney Scott, at 51-53 (Jan. 22, 2024).

September 30, 2023, roughly 95.8 percent of all inadmissible aliens who scheduled appointments through CBP One were released into the United States on parole, comprising a total of 266,846 individuals released.¹⁵ This includes tens of thousands of aliens from countries of national security concern, including Venezuela, Russia, and Uzbekistan.¹⁶ Many of these migrants then clear TSA security screening without sufficient identity documents and board U.S. domestic flights.

To assist the Committee with its oversight of TSA screening procedures for aliens without sufficient identification documents, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on April 3, 2024:

1. All documents and communications referring or relating to the decision to allow aliens to pass through TSA security screening without an acceptable identity document, as listed on TSA's public website,¹⁷ from January 1, 2023 to the present;
2. Documents sufficient to identify, pursuant to 49 C.F.R. § 1560.3, all forms of identification that TSA has designated as valid verifying identity documents for the purposes of air travel by aliens and the circumstances under which such identification may be used.
3. Documents sufficient to identify all U.S. airports in which TSA permits aliens without one of the acceptable identity documents listed on TSA's public website,¹⁸ to pass through security checkpoints using biographical information from CBP One, from January 1, 2023, to the present;
4. Documents and communications referring or relating to the criteria by which airports were selected to participate in a partnership between TSA and CBP to test the use of CBP One for validation of aliens traveling without acceptable forms of identification listed on TSA's public website¹⁹ from January 1, 2023, to the present;
5. Copies of any and all checklists, criteria, or other guidance provided to TSA officers for using biographical information from CBP One to verify the identities of aliens passing through TSA security checkpoints at U.S. airports, from January 1, 2023 to the present;

¹⁵ Press Release, H. Comm. on Homeland Sec., New Documents Obtained by Homeland Majority Detail Shocking Abuse of CBP One App (Oct. 23, 2023) (on file with author), *available at* <https://homeland.house.gov/2023/10/23/new-documents-obtained-by-homeland-majority-detail-shocking-abuse-of-cbp-one-app>.

¹⁶ *Id.*

¹⁷ *Acceptable Identification at the TSA Checkpoint*, TRANSPORTATION SECURITY ADMINISTRATION, <https://www.tsa.gov/travel/security-screening/identification> (last visited Mar. 12, 2024).

¹⁸ *Id.*

¹⁹ *Id.*

6. A document sufficient to show the number of aliens using CBP One, who proceeded through TSA airport security screening checkpoints to verify biographical information, including the number of aliens who declined to have their photograph taken at a TSA checkpoint, from January 1, 2023, to the present;
7. A document sufficient to show the numbers of aliens denied access at or beyond a TSA airport security checkpoint due to an inability to verify their identity from January 1, 2023, to the present; and
8. All documents, assessments, and communications referring or relating to potential security risks created by allowing aliens to pass through TSA airport security checkpoints without an acceptable form of identification listed on TSA's public website²⁰ 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
Committee on Homeland Security



DAN BISHOP
Chairman
Subcommittee on Oversight,
Investigations, and Accountability

²⁰ *Id.*

Administrator Pecoske

March 20, 2024

Page 5



CLAY HIGGINS
Chairman
Subcommittee on Border Security
and Enforcement



CARLOS GIMENEZ
Chairman
Subcommittee on Transportation
and Maritime Security

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

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