



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

April 20, 2021

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, DC 20593

The Honorable Xavier Becerra
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue Southwest
Washington, DC 20201

Dear Secretaries Mayorkas and Becerra:

Committee Members returned last week from a trip to the southwest border where they gained firsthand accounts of the deepening humanitarian and security crisis, stemming from the untenable surge of migrants crossing the border illegally. Time and time again, frontline law enforcement, including the women and men of the Department of Homeland Security (DHS), expressed their frustrations with new Biden Administration policies that place a stranglehold on their ability to do their jobs, put their safety at risk, and jeopardize the security of the homeland. These accounts ranged from law enforcement officers working between the ports of entry, at the ports, conducting homeland security investigations, and stationed at airports.

Committee Members made a commitment to these hardworking personnel that we would take their message back to Washington, D.C., and continue advocating for their voices to be heard by senior leadership in the Biden Administration, including at DHS and the Department of Health and Human Services (HHS). While there are many troubling elements regarding the crisis along the southwest border, we are particularly concerned about the security gaps posed by the Administration's policies for processing and vetting migrants for travel into the United States. According to DHS personnel on the ground, there are no requirements for migrants being placed on flights and busses across the country to show a negative COVID-19 test. Also, for migrants who show up at the border with no paperwork or documentation, CBP is forced to take them at their word regarding biographic information including their name and even age. That does not instill confidence regarding the identities of people who are expeditiously being put on busses and planes to head to cities across the country pending their immigration proceedings.

Border Patrol told Members they have identified adults that initially claim they are teenagers. One family that Members witnessed CBP encounter at the border was on a flight with Members less than 24 hours later. This poses the questions of: how much does this cost, and who is paying? As Members of the Committee with jurisdiction over border security and the agencies involved in facilitating secure domestic air travel and border processing, it is our prerogative to ensure that DHS is not engaging in waste, fraud, or abuse of its resources and authorities. The nexus with unaccompanied minors and their transfer from DHS to HHS is also immediately relevant.

To that end, we request answers to the following questions in writing no later than April 26, 2021:

1. How is DHS ensuring that the safety and security of domestic transportation systems are not compromised by placing migrants, many of whom have not received thorough medical assessments, and whose home country criminal history we do not have immediate access to?
 - a. If a migrant taken into custody does not have valid identification documentation or is suspected to have fraudulent documents, what process is Border Patrol – and separately OFO – going through right now at the border to determine if they are who they say they are?
 - b. How is Border Patrol – and separately OFO - verifying migrants’ ages when they present as an unaccompanied minor and are suspected of being older?
 - c. What process does CBP use to verify if a migrant is providing his or her actual name if the person’s fingerprints are not in IDENT and the person has no documentation or no verified documentation of the name?
 - d. What is the process DHS has set up to transport migrants via domestic air?
 - e. From encounter by CBP to final destination, what steps are migrants being put on domestic flights with Notices To Appear going through at the border?
 - f. What is the process for checking criminal history information of a migrant with law enforcement partners in their home country?
 - a. How often does this occur and what percentage of migrants are vetted in this way?
 - g. What information is TSA relying on to vet migrant passengers through Secure Flight?
 - h. What information is being used to verify traveler identity for migrant passengers who do not have a government-issued photo ID?
 - i. If false information is provided to CBP as outlined in question (c) above, how would TSA then verify the actual underlying identity of the individual versus simply confirming the person at the airport is the same person encountered by CBP?
 - j. Does DHS make any effort to engage other passengers, flight crew, Transportation Security Officers, Federal Air Marshals, and airport-assigned CBP personnel about the potential increase in risk of exposure to COVID-19 by not requiring COVID-positive migrants to quarantine and by not testing the total

universe of migrants being released into the interior? If so, please explain such effort.

- k. Who at DHS is responsible for keeping track of the number of migrants being put on domestic flights and where their final destination is?
 - l. What is the TSA protocol in place for migrant vetting and security screening to board commercial flights? Given that aviation screening relies on identity verification and determining the level of risk posed by a passenger, do these individuals receive enhanced screening just like U.S. citizens who show up at the screening checkpoint without proper identification?
 - m. How many migrants have boarded flights or other interstate commercial transportation for whom TSA did not verify a confirmed-negative COVID-19 test result or review a verified identity?
 - n. What coordination, if any, is happening on the ground between DHS and CDC in facilitating travel for illegal migrants released into the interior of the country?
2. Approximately how many flights for migrants are being paid for directly by DHS or by Department-funded Non-Governmental Organizations (NGOs)? How much money has been spent in these efforts?
 3. Has DHS issued guidance to partner NGOs on how to safely facilitate migrant travel and how DHS resources can be used to pay for migrant travel? Has DHS authorized travel costs as an allowable use for federal funding provided to NGOs?
 4. How much has FEMA used from the Emergency Food and Shelter Program to provide to NGOs to fund transportation of migrants using domestic flights and bus tickets?
 - a. How many tickets were purchased using funds originating from the FEMA Emergency Food and Shelter Program by mode of transportation and final destination?
 5. What involvement, if any, have White House officials – including the Domestic Policy Counsel – had in developing policies related to facilitating the travel of migrants within the United States after they’ve been encountered at the border?
 6. What is the updated guidance for HHS on payments for UAC and sponsor transportation? We were told that HHS “recently temporarily authorized grantees and contracted providers to pay for travel for Category 1 (children with a parent or legal guardian in the country) kids (and escort as appropriate) if travel costs were a barrier to unification.”
 7. Approximately how many flights and bus tickets for UACs, UAC escorts, and sponsors, have been paid for directly by HHS or by Department-funded Non-Governmental Organizations (NGOs)? How much money has been spent in these efforts?

Thank you for your prompt attention to this matter. As always, please do not hesitate to reach out should you or your staff have any questions about this request.

Sincerely,



JOHN KATKO
Ranking Member



CLAY HIGGINS
Member of Congress



DAN BISHOP
Member of Congress



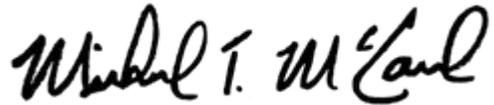
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