

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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<https://oversight.house.gov>

June 8, 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 is investigating the U.S. Department of Homeland Security's (DHS) decision to deploy over 1,400 non-Customs and Border Protection (CBP) DHS personnel and non-law enforcement personnel to the southwest border to facilitate unprecedented levels of illegal immigration into the United States.¹ Reports indicate that the personnel will be deployed from the Federal Air Marshal Service (FAMS), U.S. Secret Service (USSS), and U.S. Citizenship and Immigration Services (USCIS).² The Committee requests documents and communications regarding DHS's decision to deploy non-Customs and Border Protection personnel and non-law enforcement personnel to the southwest border, and the anticipated impact on the operations of those other, vital DHS components.

On May 10, 2023, DHS announced that 1,400 DHS personnel will be deployed to the southwest border to assist CBP in preparation for the end of the Centers for Disease Control and Prevention's order to expel illegal border crossers under Title 42 authorities.³ Reports indicate that DHS will deploy nearly 200 Federal Air Marshals, as well as USSS agents, and USCIS personnel to the southwest border.⁴ The deployment of non-Customs and Border Protection and non-law enforcement personnel to the southwest border could have a negative effect on the core missions of FAMS and USSS.

The strain on FAMS caused by loss of personnel is particularly concerning as it places national security and Americans at risk. The president of the Air Marshal National Council has stated that "removing Federal Air Marshals from flights is destroying the chances of stopping

¹ Speeches, Secretary Mayorkas Remarks at a Media Availability Outlining Planning and Operations Ahead of the Lifting of the Title 42 Public Health Order, U.S. DEPARTMENT OF HOMELAND SECURITY (May 10, 2023).

² Eric Katz, *Biden Deploys Thousands to the Border and Some of the New Assignments Aren't Optional*, GOVERNMENT EXECUTIVE (May 11, 2023).

³ *Supra*, n. 1.

⁴ *Supra*, n. 2.

another 9/11,”⁵ and that the decision to detail Federal Air Marshals to the southwest border is “crazy” and would damage Federal Air Marshals’ morale.⁶ It was estimated that the mandatory deployments last November would diminish FAMS’s ability to monitor commercial airlines, limiting FAMS to only one-eighth of its normal presence.⁷ The unprecedented crisis at the southwest border,⁸ caused by the Biden Administration’s policies, continues to further endanger our national security and all Americans.

Rather than protecting Americans against terrorism threats in the air, Federal Air Marshals deployed to the southwest border were and will be forced to conduct hospital watches and provide other services, including transportation, to illegal border crossers.⁹ Moreover, the legality of deploying Federal Air Marshals to the southwest border is questionable. After DHS first deployed Federal Air Marshals to temporary positions at the southwest border in November of 2022,¹⁰ a representative of the Air Marshal National Council argued that the deployments were illegal “because they involve duties outside the scope of the job.”¹¹ The deployments were previously halted in January of 2023 due to an ongoing DHS Office of Inspector General investigation to determine whether the deployments were legal.¹² Despite that, the Biden Administration has resumed the practice due the Administration’s inability to control our southwest border.

To enable oversight over DHS’s decision to deploy over 1,400 non-CBP DHS personnel and non-law enforcement personnel to the southwest border and the impact on the operations of these vital DHS components, please provide the following documents and information, covering the time period January 20, 2021 to the present, no later than June 22, 2023:

1. All documents and communications regarding the decision to deploy FAMS, USSS, and USCIS personnel to the southwest border within DHS; and
2. All documents and communications regarding the decision to deploy FAMS, USSS, and USCIS personnel to the southwest border with any third-party.

To make arrangements to deliver documents or ask any related follow-up questions, please contact the Committee on Oversight and Accountability at (202) 225-5074. Attached are instructions for producing the documents and information to the Committee. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of

⁵ EIN Presswire, *DHS Secretary Mayorkas Redeploys Air Marshals to the Border while the Inspector General Investigates*, CBS 42 (May 3, 2023).

⁶ *Supra*, n. 2.

⁷ Danielle Wallace & Adam Shaw, *Air marshals facing mandatory border deployment plan ‘mutiny’ on Biden admin leaving flights unguarded: report*, FOX NEWS (Nov. 30, 2022).

⁸ Adam Shaw, *Biden admin tells Americans to brace for border chaos as Title 42 ends, migrants surge*, FOX NEWS (May 12, 2023).

⁹ *Supra*, n. 7.

¹⁰ Ted Hesson, *Some U.S. air marshals plan to refuse deployment to U.S.-Mexico border*, REUTERS (Nov. 30, 2022).

¹¹ *Id.*

¹² *Supra*, n. 5.

The Honorable Alejandro Mayorkas

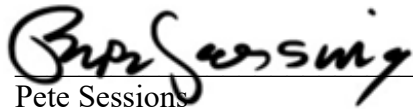
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Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X.

Thank you in advance for your cooperation with this inquiry.

Sincerely,



Pete Sessions

Chairman

Subcommittee on Government Operations
and the Federal Workforce



Glenn Grothman

Chairman

Subcommittee on National Security, the
Border, and Foreign Affairs

cc: The Honorable Kweisi Mfume, Ranking Member
Subcommittee on Government Operations and the Federal Workforce

The Honorable Robert Garcia, Ranking Member
Subcommittee on National Security, the Border, and Foreign Affairs