

United States Senate

WASHINGTON, DC 20510

October 4, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security

Dear Secretary Mayorkas:

On September 30, 2024, the Department of Homeland Security (DHS) Office of Inspector General (OIG) released a final report entitled, *CBP, ICE, and TSA Did Not Fully Assess Risks Associated with Releasing Noncitizens without Identification into the United States and Allowing Them to Travel on Domestic Flights*.¹ The report found that, contrary to federal law, Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) permitted noncitizens to enter the U.S. without confirming their identity.² The DHS OIG report also found that CBP and ICE can't ensure high-risk noncitizens without identification are refused entry into the United States.³ Moreover, the report noted that CBP and ICE officials have allowed noncitizens without identification to self-report their biographical information which is then used to provide them with various immigration forms so that they can travel on domestic flights.⁴ As a result, CBP and ICE could not determine how many of the millions of noncitizens seeking entry – as well as those who have been allowed entry – into the United States each year did so without sufficient identification or what risks they pose to our national security and communities.⁵ The DHS OIG made three recommendations, all three of which DHS did not concur with.⁶

¹ Office of Inspector General of the Department of Homeland Security, Office of Inspector General, *Final Report - CBP, ICE, and TSA Did Not Fully Assess Risks Associated with Releasing Noncitizens without Identification into the United States and Allowing Them to Travel on Domestic Flights* (OIG-24-65), (Sep. 30, 2024),

<https://www.oig.dhs.gov/sites/default/files/assets/2024-10/OIG-24-65-Sep24-Redacted.pdf>. (This report is a redacted version).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 5-6.

⁶ *Id.* at 11-12. DHS OIG stated: “Recommendation 1: We recommend that the Senior Official Performing the Duties of the Commissioner of CBP conduct a comprehensive analysis of the risks associated with releasing noncitizens into the country without identification and develop and implement policies and procedures to mitigate those risks. Recommendation 2: We recommend that the Director of ICE conduct a comprehensive analysis of the risks associated with releasing noncitizens without identification from ICE custody and develop and implement policies and procedures to mitigate those risks. Recommendation 3: We recommend that the TSA Administrator use the results of the Requirements and Capabilities Analysis office’s updated CBP One risk assessment to develop and implement policy and procedural changes needed to mitigate risks.”

Notably, according to TSA Administrator Pekoske, TSA “relies on CBP and ICE officers to collect biographical and biometric information on noncitizens and conduct the requisite background checks to determine if the individual poses a threat to the United States.”⁷ However, the DHS OIG report noted that, “because of CBP’s and ICE’s process for inspecting and releasing noncitizens, TSA’s methods to screen for individuals who pose a threat would not necessarily prevent these individuals from boarding flights.”⁸ Further, according to the DHS OIG, in June 2021 and again in July 2024, TSA conducted an assessment of the risks associated with using CBP One as a screening tool and the risks associated with noncitizens whose identities can’t be confirmed.⁹ Yet, the discussion of the findings and conclusion of the assessments are redacted in the DHS OIG report.¹⁰ This is another example of the Biden-Harris DHS’s failure to be transparent with Congress and the American people. These redactions raise significant questions about what the administration is trying to hide about the potential risks to our national security posed by its use of the CBP One app and program.

I’ve previously raised significant concerns about the CBP One program and the Biden-Harris administration’s failure to adequately vet noncitizens, including thousands of foreign nationals who should have been flagged as potential national security risks but were paroled into the U.S.¹¹ These new findings in the DHS OIG report further illustrate the Biden-Harris administration’s complete failure of leadership to secure our borders and properly vet and identify noncitizens entering the U.S. These failures have put our national security at serious risk. It is crucial that DHS and its component agencies keep our homeland safe and ensure that all individuals who enter the United States are properly screened, vetted, and accounted for.

Accordingly, please answer the following questions no later than October 18, 2024:

1. Explain, in detail, why DHS did not concur with all the recommendations in the DHS OIG report.
2. Provide the June 2021 and July 2024 TSA risk assessments of the CBP One program and all other risk assessments associated with the CBP One app and program in unredacted form.

⁷ *Id.* at 9.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Letter from Charles E. Grassley, Ranking Member, Senate Budget Committee, to the Honorable Alejandro Mayorkas, Secretary, Department of Homeland Security, Troy A. Miller, Deputy Director Performing the Duties of the Commissioner, Customs and Border Protection, and Patrick J. Lechleitner (Oct. 26, 2023), https://www.grassley.senate.gov/imo/media/doc/grassley_to_dhs_mayorkas_cpb_miller_ice_lechleitner_-_cbp_one.pdf; Letter from Charles E. Grassley, Ranking Member, Senate Budget Committee, to the Honorable Alejandro Mayorkas, Secretary, Department of Homeland Security (Aug. 15, 2024), https://www.grassley.senate.gov/imo/media/doc/grassley_to_dhs_-_dhs_oig_alert_visa_waivers.pdf.

3. Provide an unredacted copy of the DHS OIG report.
4. From January 2021 to the date of this letter, how many noncitizens were allowed into the country without confirming their identity and were special interests alien (SIAs)? How many SIAs have been allowed to fly on domestic flights without confirming their identity?
5. From January 2021 to the date of this letter, how many noncitizens were allowed into the country without confirming their identity and were later identified as high-risk? How many of these high-risk individuals were allowed to fly on domestic flights?
6. From January 2021 to the date of this letter, how many noncitizens were allowed into the country without confirming their identity and were detained, charged, or convicted of a crime? In your answer, list each criminal offense.
7. Explain, in detail, how DHS monitors or tracks noncitizens allowed to enter the U.S. if their identity hasn't been confirmed. Has DHS lost track of any individuals? If so, how many? Provide all records.¹²
8. From January 2021 to the date of this letter, how many noncitizens allowed into the country were subject to DNA collection? Did any result in CODIS hits? If so, how many and for what reason?

Thank you for your prompt review and responses. If you have any questions, please contact Tucker Akin and Brian Randolph on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget

¹² “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether they resulted in final documents).