



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

July 13, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Avenue, Southeast
Washington, DC 20528

Dear Secretary Mayorkas,

It is our understanding that the Department of Homeland Security (DHS) has implemented a new policy requiring Members of Congress to obtain signed privacy release waivers from criminal non-U.S. citizens, including those illegally in the United States, and submit that waiver to the Department before the Department will provide the Committee with general information about the threats posed by such individuals. DHS personnel communicated the new policy to the Committee after staff sent multiple requests for information on the Iraqi citizen who planned an ISIS inspired plot to assassinate former President George W. Bush¹ and the two illegal aliens who plotted a mass shooting event at a Fourth of July fireworks show in Richmond, Virginia.² Cases such as these have a direct impact on homeland security.

It is unconscionable that DHS would implement or maintain any policy or practice to directly or indirectly inhibit Congress's ability to conduct timely, highly relevant oversight that may require legislative action. There are clear homeland security implications when non-U.S. citizens enter our country illegally and plot violent crime or terrorist activities against Americans. We have serious concerns surrounding how these individuals entered into the United States, as well as how long they were permitted to reside in the country while planning their attacks.

Let us be clear: as Members of the Committee with oversight and legislative jurisdiction of DHS, we cannot fulfill our constitutional role to the American people if we are not provided with timely information from the Department of Homeland Security relating to the actions the Department has or has not taken regarding non-U.S. citizens plotting terrorist attacks and criminal activities on American soil. Further, requiring Congress to get permission from accused

¹ Luke Barr, *Ohio man charged with plot to assassinate former President George W. Bush*, ABC NEWS (May 24, 2022), <https://abcnews.go.com/Politics/ohio-man-charged-plot-assassinate-president-george-bush/story?id=84940149>

² Michael Lee, *Potential Richmond July 4 mass shooters charged as noncitizens in possession of firearm, police say*, FOX NEWS (July 6, 2022), <https://www.foxnews.com/us/potential-richmond-july-4-mass-shooters-charged-noncitizens-possession-firearm-police-say>

terrorists and criminals, who are not U.S. citizens, as a prerequisite to receiving information on homeland security threats is both unprecedented and absurd.

Please provide the legal basis for this new policy and an explanation for why the Department has decided only now to enact this new requirement against the Committee. We respectfully request a written response by July 26, 2022. Thank you for your consideration of this important issue. If you have any questions, please contact Natasha Eby on the Committee staff at (202) 226-8417.

Sincerely,



JOHN KATKO
Ranking Member



AUGUST PFLUGER
Member of Congress



MAYRA FLORES
Member of Congress