



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

October 25, 2022

Under Secretary Kenneth L. Wainstein
Office of Intelligence and Analysis
3801 Nebraska Ave. NW
Washington, D.C. 20016

Dear Under Secretary Wainstein:

I write to supplement previous oversight inquiries regarding the Department of Homeland Security's (DHS) policies and procedures concerning the current border crisis. In September 2021, nearly 15,000 Haitian migrants arrived in a caravan to the Del Rio sector of the Southwest border.¹ This incredible number of migrants overwhelmed the U.S. Customs and Border Protection (CBP) agents present in the sector, depleting supplies and negatively impacting local American communities. DHS Secretary Alejandro Mayorkas described the migrant shift to Del Rio as "unusually sudden."² In a committee briefing on September 21, 2021, United States Border Patrol Chief Raul Ortiz informed my staff that they had no prior knowledge of the 15,000-person caravan headed to the Southwest border. This assertion came as a disturbing surprise since DHS has historically tracked migrant caravans and worked in coordination with Department components and other interagency partners to disband them prior to their arrival at a U.S. land border.³ Given the Secretary's and CBP's statements, the committee has concerns about whether DHS intelligence entities have been instructed to alter their approach when gathering information about migrant caravans – a crucial part of the DHS mission to protect the American people and safeguard our borders.

As the Ranking Member of the Subcommittee on Intelligence and Counterterrorism, I request that you preserve all documents, communications, and other records or data⁴ pertaining to I&A's knowledge of the 15,000-person Haitian caravan arriving at the southwest border in September 2021. Specifically, please preserve any communications among I&A, the CBP Office of Intelligence, the Office of the Secretary of DHS, including the Deputy Secretary of DHS and all employees therein, and the Office of the CBP Commissioner pertaining to I&A's information gathering and related processes in the three months prior to the caravan's arrival at the southwest border.

¹ Weekly U.S.-Mexico Border Update: A Large Group of Haitian Migrants in Del Rio, Texas Faces Horses, Hunger, Expulsion Flights, &—for Some—"Notices to Report" in the U.S. WOLA. <https://www.wola.org/2021/09/weekly-border-update-large-group-haitian-migrants-del-rio-texas-faces-horses-hunger-expulsion-flights-some-notices-report-in-us/>

² Id.

³ As Migrant Caravan Continues Toward U.S. Border, CBP Partners with DoD to Secure the Line. CBP.

<https://www.cbp.gov/newsroom/spotlights/migrant-caravan-continues-toward-us-border-cbp-partners-dod-secure-line>

⁴ This request includes, but is not limited to, all emails, documents, and files created by and shared between and among these entities.

In ensuring compliance with this request, it is your responsibility to make sure that anyone who has contact with documents pertaining to the caravan is aware of this preservation order, and that all documents, including all marking and notes, are preserved in their initial form.⁵ Further, I request that you:

1. Exercise reasonable efforts to identify and notify former employees, contractors, subcontractors, and consultants, who have access to such electronic records that they are to be preserved;
2. Exercise reasonable efforts to identify, recover, and preserve all electronic records which have been deleted or marked for deletion but are still recoverable; and
3. If it is the routine practice of an agency employee or contractor to destroy or otherwise alter such electronic records, either halt such practices or arrange for the preservation of complete and accurate duplicates or copies of such records, suitable for production, if requested.

Thank you for your prompt attention to and compliance with this request. Should you or your staff have any questions, please do not hesitate to reach out to Adrienne Spero on the Committee staff at (202) 226-8417.

Sincerely,



AUGUST PFLUGER
Ranking Member
Subcommittee on Intelligence and Counterterrorism

cc:

The Honorable Alejandro Mayorkas
Secretary, U.S. Department of Homeland Security

The Honorable Chris Magnus
Commissioner, U.S. Customs and Border Protection

⁵ For our purposes, “preserve” means taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, or mutation, of records in any form, as well as negligent handling that would make such records incomplete or inaccessible.