

Congress of the United States
Washington, DC 20515

June 6, 2022

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, D.C. 20529

Dear Secretary Mayorkas:

We write to you with serious concerns about the Biden Administration’s handling of the crisis at the southern border. Even as the Administration’s decision to end Title 42 has been delayed via preliminary injunction, it is extremely important that the Department of Homeland Security (DHS) do everything within its power to ensure that the Department fully uses the equipment and technologies in its arsenal to secure the border.

We are troubled by claims that DHS is not fully deploying innovative “smart” technologies along the border, such as AST towers and fiber optic sensors, that have been procured by the federal government through contracts previously granted for building border barrier infrastructure. Instead of making use of these innovative technologies to improve security in our southern border, decrease the influx of illegal drugs and human trafficking operations, we have been told the federal government has decided to store them at significant expense while also placing a large burden on contractors, some of whom have been ordered to remain in an indefinite holding process. These contractors continue to incur significant costs while not being able to sell and/or wind down investments.

As you know, the crisis at our southern border has only continued to get worse in 2022. April 2022 was the 14th straight month of over 150,000 migrant encounters, including over 234, 088 migrant encounters¹ in April alone. In addition, if Title 42 were to be rescinded, DHS experts are predicting up to 18,000 daily encounters – more than double the current average – when the policy officially ends. This projected increase would continue to burden already overwhelmed CBP personnel. Furthermore, the sheer manpower needed to process migrant encounters is already hampering CBP efforts to address pressing issues such as drug smuggling and human trafficking. More than 17,800 pounds of fentanyl² have been seized since the beginning of FY21, and we were told that in the Del Rio, Texas sector alone, \$24 million in revenue is generated every single week from illicit human trafficking.

In light of these alarming statistics, we are concerned that the Administration is not taking enough measures to ensure that adequate equipment and personnel are being deployed to protect our border. Specifically, the Administration has continued to cancel border barrier contracts and

¹ Southwest Land Border Encounters. U.S. Customs and Border Protection. Accessed May 26, 2022.
<https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

² “Drug Seizure Statistics.” U.S. Customs and Border Protection. Accessed May 26, 2022.
<https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>

abandoning border wall construction projects in the Laredo and Rio Grande Valley sectors in October 2021.

For greater clarity on DHS’s plan of action on the border crisis, we respectfully request your response to these questions:

- In the June 9, 2021 DHS Border Wall Plan Pursuant to Presidential Proclamation 10142, DHS states that it has “suspended performance of all border barrier contracts and southwest border barrier construction activities.” To what degree did the cancelled border barrier contracts involve construction of non-physical/technological barriers?
- Has there been any barrier technology already been procured that is affected by the cancellation of these border barrier contracts? If so, are there any plans by the Biden administration to deploy these technologies in the future?
- Does DHS have a complete accounting (in dollar figures) of the procured technologies that needs to be guarded or has been stored in warehouses as a result of the cancellation of border barrier contracts? If so, how does DHS plan to redeploy the stored technologies after the issuance of Presidential Proclamation 10142 and ensure that Congressional intent to deploy these technologies is fulfilled? How much of the technology that is inactive or being stored still operational?
- If DHS has no current proposals regarding usage of these already-procured technologies, what is the Biden administration doing to store these technologies, and how much is this costing the federal government?
- What plans, if any, does DHS have to reimburse contractors for costs incurred during the contract cancellation process?
- What plans does DHS have in place to ensure that CBP will have the resources needed to be able to process a highly increased number of border encounters, while also being fully equipped to effectively continue other important operations?

Failing to mount an adequate response to the upcoming surge in illegal crossings, especially when no contingencies are currently in place to make up for the rescinding of Title 42 policy, presents a major risk to CBP personnel while threatening their important efforts to interdict drug smuggling and illicit human trafficking at our border and its legal points of entry. It is imperative that a whole-of-government response is assembled to ensure that the border is secure, and all available tools at the agency’s disposal are used effectively.

Thank you for your attention to this important matter, and we look forward to your response.


Sincerely,



Young Kim
Member of Congress



John Katko
Member of Congress



Rodney Davis
Member of Congress



Andrew R. Garbarino
Member of Congress



Jefferson Van Drew
Member of Congress



Dan Meuser
Member of Congress