

January 19, 2024

The Honorable David P. Pekoske
Administrator
Transportation Security Administration
601 12th St S
Arlington, VA 20598

Administrator Pekoske:

I write concerning recent reports that your agency is permitting illegal immigrants to board commercial aircraft without standard forms of photo identification. This practice not only undermines the rule of law but also raises significant security concerns for commercial airlift.

One recent report shows that at the Miami International Airport, migrants are not obligated to use photographic identification at security checkpoints.¹ Specifically, they are permitted to present their alien identification number or biographic information, and choose whether they would like to have their photo taken by the Transportation Security Agency (TSA). The report says this procedure is part of a test initiative between TSA and Customs and Border Protection (CBP), which uses the CBP One platform at select checkpoints to validate the travel documentation of illegal immigrants.

If this report is accurate, this is outrageous. Millions of Americans are subject to the TSA screening process, which is often a burdensome, long inconvenience—and which includes photo identification. But every day, Americans take on this burden to increase the safety of their fellow passengers. Therefore, it makes no sense to give special privileges to illegal immigrants, who should not even be allowed in the United States in the first place, let alone allowed to board U.S. aircraft. This is symbolic of the Biden Administration's prioritization of open border policies over Americans' safety.

This story also fits an emerging pattern. On January 31, 2022, I sent your office a letter expressing my strong disapproval of TSA's indefensible practice of allowing illegal immigrants to display arrest warrants as identification at security checkpoints.² During a Homeland Security and Governmental Affairs Committee (HSGAC) hearing, you testified that TSA had allowed over one thousand illegal migrants to board aircraft after presenting a warrant for arrest as identification.³ Rather than remedy the issue, it appears that you have reduced airport security even further by ditching photo identification altogether.

¹ Hank Berrien, *There Is A Plan To Destroy America': TSA Sign Says Migrants Without ID Can Choose Not To Have Photo Taken When Entering U.S.* (Jan. 18, 2023) <https://www.dailywire.com/news/there-is-a-plan-to-destroy-america-tsa-sign-says-migrants-without-id-can-choose-not-to-have-photo-taken-when-entering-u-s>

² Letter from Senator Hawley to TSA Administrator (Jan. 31, 2022) (https://www.hawley.senate.gov/sites/default/files/2022-02/2022-01-31%20Letter%20to%20DHS_FINAL%5B1%5D.pdf)

³ Senate Committee on Homeland Security and Governmental Affairs, *Hearing on the Nominations of David P. Pekoske the to be Administrator, Transportation Security Agency*. 117th Cong. (July. 24, 2022) (https://www.youtube.com/watch?v=ij_ye7GT3k)

So that Congress can consider remedial legislation, please provide the following information by February 15, 2024:

1. Please confirm the accuracy of these allegations.
2. Which DHS component(s) developed this policy?
3. How many aliens have deferred being photographed to confirm their biographical information?
4. How many aliens have been able to board U.S. commercial aircraft and were permitted to travel without presenting photographic identification?
5. How does this new policy comport with 8 U.S.C. § 1325, which criminalizes the improper entry into the United States by an alien?
6. Please produce all records relating to the development, discussion, and coordination of these policies, including any and all communications with the Secretary of Department of Homeland Security and with the Department of Justice.

Sincerely,



Josh Hawley
United States Senator

CC:
Secretary Alejandro Mayorkas
Attorney General Garland