

Congress of the United States
Washington, DC 20515

February 18, 2020

Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Acting Secretary Wolf:

We write to express our deep concern regarding the deployment of U.S. Border Patrol agents, including members of the elite Border Patrol Tactical Unit (BORTAC), to targeted cities around the country to conduct interior enforcement activities in conjunction with Immigration and Customs Enforcement (ICE).¹ According to reports, the BORTAC units will be sent to Chicago, New York, San Francisco, Los Angeles, Atlanta, Houston, Boston, New Orleans, Detroit, and Newark from February through May.² As you know, BORTAC teams are heavily armed and specially trained for hazardous missions and to respond to “emergent and high-risk incidents requiring specialized skills and tactics.”³

The Committees have serious concerns over the utility of engaging these highly militarized units, which were never intended for routine immigration enforcement activities, in densely populated metropolitan areas. Moreover, the Committees note that taking teams intended to carry out missions like disrupting drug cartels at the border away from the border is a misuse of specialized resources, not to mention inconsistent with the President’s own recent extension of his border emergency declaration.

In addition, this appears to be yet another retaliatory move aimed at cities that have opted to implement immigration policies with which the Administration does not agree. Earlier this month, in response to New York State’s enactment of a law limiting information-sharing between the New York State Department of Motor Vehicles and the Department of Homeland Security (DHS), DHS announced that New York State residents would no longer be eligible for Global Entry and other Trusted Traveler Programs (TTP).⁴ Similarly, just 10 months ago, it came to light that ICE and CBP were coordinating to transport and release detainees from facilities across the country into communities represented by the president’s political adversaries.⁵ Tactics such as these, which appear to be politically motivated and not grounded

¹ Caitlin Dickerson and Zolan Kanno-Youngs, *Border Patrol Will Deploy Elite Tactical Agents to Sanctuary Cities*, NEW YORK TIMES, February 14, 2020 <https://www.nytimes.com/2020/02/14/us/Border-Patrol-ICE-Sanctuary-Cities.html>.

² *Id.*

³ U.S. Customs and Border Patrol, Border Patrol Tactical Unit (BORTAC), <https://www.cbp.gov/sites/default/files/documents/Border%20Patrol%20Tactical%20Unit.pdf>.

⁴ House Judiciary Committee Press Release, *Chairman Nadler Condemns Suspension of Global Entry and Trusted Traveler Programs in New York, Demands Answers from DHS & CBP*, (Feb. 6, 2020), <https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=2794>.

⁵ House Judiciary Committee Press Release, *Nadler, Cummings & Thompson Demand Documents on Trump Administration Plan to Treat Immigrant Families and Children as Pawns in Political Game*, (Apr. 19, 2019), <https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=993>.


in national security, are unacceptable and do nothing more than punish residents and instill fear in communities.

In addition to a full briefing on the matter within the next week, we request the following information:

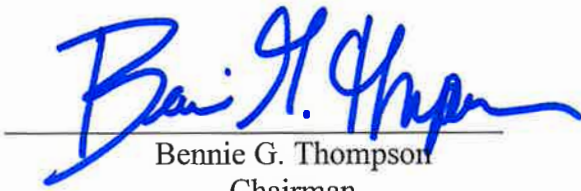
1. A list of cities of where BORTAC units have been and will be deployed, the number of agents deployed at each location, and the duration of each deployment.
2. A detailed description of the duties and actions in which BORTAC units will engage while deployed in these cities, including any directives, policies, or guidance describing such duties or actions.
3. All documents, memoranda, and other materials concerning the deployment of BORTAC units into the interior of the United States, including the locations of such deployments.
4. Emails and other communications between DHS officials, ICE officials, and CBP officials on the deployment of BORTAC units to the interior of the United States.

Please provide these documents by no later than March 2, 2020. Thank you for your prompt attention to this matter.


Sincerely,



Jerrold Nadler
Chairman
House Committee on the Judiciary



Bennie G. Thompson
Chairman
House Committee on Homeland Security



Zoe Lofgren
Chair
Immigration and Citizenship Subcommittee
House Committee on the Judiciary



Kathleen M. Rice
Chairwoman
Subcommittee on Border Security,
Facilitation, and operations
House Committee on Homeland Security

cc: Matthew Albence, Acting Director, Immigration and Customs Enforcement
cc: Mark A. Morgan, Acting Commissioner, Customs and Border Protection
cc: Honorable Doug Collins, Ranking Member, House Committee on the Judiciary
cc: Honorable Mike Rogers, Ranking Member, House Committee on Homeland Security