

# Congress of the United States

## Washington, DC 20515

March 28, 2022

Administrator Pekoske  
Transportation Security Administration  
TSA Headquarters  
East Tower, Floor 11, TSA-5  
601 South Twelfth Street  
Arlington, VA 20598

Dear Administrator Pekoske:

We write to request that you take all necessary measures to preserve any and all documents and communications related to the screening and transportation of illegal alien, non-citizen, and non-U.S. national passengers. According to numerous media reports and the Transportation Security Administration's (TSA) response to congressional inquiry, your agency is allowing illegal aliens to enter the sterile area of airports without proper identification and board commercial aircraft. It is imperative that you remind all employees and officials within your organization of their legal responsibility to take appropriate measures to collect, retain, and preserve all documents, communications, and other records in accordance with federal law, including the Federal Records Act and related regulations.

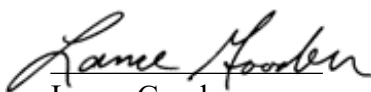
In addition to complying with the requirements of federal laws and regulations, we request that you preserve all information that relates to actions taken by your agency that has or would facilitate illegal alien, non-citizen, and non-U.S. national passengers to enter the sterile area of an airport without proper identification or alternate forms of identification. Specifically, this preservation request should be construed as an instruction to preserve all documents, communications, and other information, including electronic information and metadata, that is or may be potentially responsive to a congressional inquiry, request, or investigation. For purposes of this request, "preserve" means securing and maintaining the integrity of all relevant documents, communications, and other information, including electronic information and metadata, by taking reasonable steps to prevent the partial or full destruction, alteration, testing, deletion, shredding, incineration, wiping, relocation, migration, theft, mutation, negligent, or otherwise reckless handling that could render the information incomplete or inaccessible. This includes preserving any compilation of documents that may have already been gathered in response to requests, even if copies of individual documents may still exist elsewhere in the agency.

Specifically, we request that all types of documents and essential communications between and among Transportation Security Administration employees, contractors, law enforcement, and non-governmental organizations be preserved so that a full and complete record can be produced for future congressional requests and investigations. In order to fulfill this request, please:


- Exercise reasonable efforts to identify, recover, and preserve any potentially relevant electronic information that has been deleted or marked for deletion but is still recoverable.
- Remind all relevant individuals, including current and former employees, officials, detailees, contractors, subcontractors, and consultants that any federal records sent or received using a nonofficial account must be forwarded to the agency for proper archiving.
- Preserve all documents and communications relating to policies and instructions to allow illegal alien, non-citizen, and non-U.S. national passengers to enter the sterile area of the airport without proper identification.
- Preserve all documents and communications internally expressing concerns or approval of illegal alien, non-citizen, and non-U.S. national passengers being allowed to enter the sterile area of the airport without proper identification.
- Preserve all documents and communications with non-governmental organizations relating to providing access and services to allow illegal alien, non-citizen, and non-U.S. national passengers to enter the sterile area of the airport without proper identification.
- Preserve all documents and communications with non-governmental organizations and TSA employees at airports within 100 miles of our southern border. Including but not limited to the following airports: Albuquerque International Sunport (ABQ), Austin-Bergstrom International Airport (AUS), El Paso International Airport (ELP), Houston Airport (IAH), Los Angeles International Airport (LAX), Phoenix Airport (PHX), San Antonio Airport (SAT), San Diego International Airport (SAN), Tucson International Airport (TUS), and Yuma International Airport.
- To the extent not included in the scope of items above, preserve all documents and communications that refer or relate to TSA allowing illegal alien, non-citizen, and non-U.S. national passengers to enter the sterile area of the airport without proper identification, including ICE forms I-200, I-205, I-220A, I-220B, I-862, I-94, I-385.

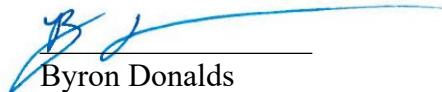
Please respond in writing no later than April XX, 2022 to confirm receipt of this letter and to advise the Committee of the actions you will take to comply with this document preservation request.

Thank you in advance for your cooperation with this request.

  
Lance Gooden  
Member of Congress

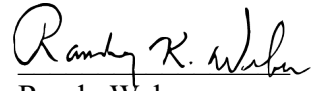
  
Marco Rubio  
United States Senator

  
Scott DesJarlais, M.D.  
Member of Congress



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Byron Donalds  
Member of Congress



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Randy Weber  
Member of Congress