

**Congress of the United States**  
**Washington, DC 20515**

October 28, 2020

The Honorable Michael Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

The Honorable Chad F. Wolf  
Under Secretary for Strategy, Policy, and Plans  
U.S. Department of Homeland Security  
301 7<sup>th</sup> Street, S.W.  
Washington, D.C. 20528

Secretary Pompeo and Under Secretary Wolf:

We write to express our concern about the January 2020 incident uncovered in a Senate Foreign Relations Committee (SFRC) Democratic staff report that reveals that Department of Homeland Security (DHS) officials participated in a reckless immigration operation in Guatemala.<sup>1</sup> The report found that DHS misused State Department funds, violated an agreement between the two departments, and initially provided false information in response to SFRC inquiries.

The report outlines that in January 2020 DHS agents in Guatemala misused State Department funds to rent unmarked vans and contract drivers to transport an unidentified number of migrants back to the Guatemala-Honduras border. Using funds transferred from the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL), DHS carried out an ad hoc operation that appears to have lacked protocols related to security, personal safety, and the screening of migrants who may have been eligible for international protection. Additionally, while DHS admitted that it used the unmarked vans to transport women and children, it has been unwilling or unable to provide information as to whether any migrant families or children were separated during the operation or if there were any procedures in place to reunify these families.

DHS participation in the January 2020 incident in Guatemala occurred despite an explicit prohibition in the interagency agreement between the State Department and DHS that bars the use of INL funds for migration operations. Given that INL funds were intended for training and providing technical assistance to Guatemalan police and border authorities, DHS' improvised operation constituted a direct violation of its interagency agreement with the State Department and a misuse of INL funding.

Equally troubling, when SFRC Democratic staff submitted a written inquiry about the January 2020 incident to the Department of State, DHS initially provided the State Department with false information stating that it had not participated in the operation in Guatemala. In turn, DHS

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<sup>1</sup> "DHS Run Amok? A Reckless Overseas Operation, Violations, and Lies," Senate Foreign Relations Committee Democratic Staff, October 13, 2020.

obfuscation caused the State Department to transmit misleading responses to Congress on January 22, 2020, which stated, “DHS has informed INL that they did not participate in the action of bussing Honduran migrants from Guatemala back to the Honduran border or their country of origin.”<sup>2</sup> However, on January 30, the State Department informed SFRC staff that information initially provided by DHS contained significant inaccuracies, prompting the submission of revised responses that confirmed the improper use of funds to rent “vans ... to return Honduran migrants to the Guatemala-Honduran border.”<sup>3</sup>

While a request has been submitted to the State Department and DHS Inspectors General to review January 2020 events in Guatemala, the serious nature of these violations and initial efforts by DHS to obfuscate its transgressions requires you both to take the necessary steps to guarantee that similar events do not occur again.<sup>4</sup> We ask that the State Department and DHS provide our offices with a full report of the January 2020 incident and the steps you and senior leadership in both departments have taken to ensure accountability.

As Members of Congress, we take our oversight responsibilities seriously. When DHS provides the State Department with false information that in turn is transmitted to the Senate, this undermines the fundamental relationship between the Congress and the Executive. We trust you recognize the gravity of this matter and will take immediate steps to prevent future incidents.

Thank you for your attention to this matter. We look forward to your prompt response.

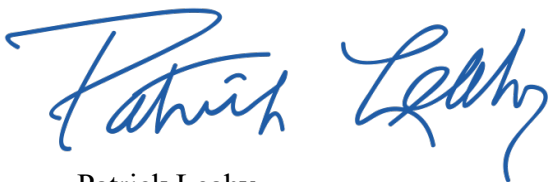
Sincerely,



Robert Menendez  
United States Senator



Joaquin Castro  
Member of Congress



Patrick Leahy  
United States Senator



Norma J. Torres  
Member of Congress

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<sup>2</sup> See Annex A, “DHS Run Amok? A Reckless Overseas Operation, Violations, and Lies,” Senate Foreign Relations Committee Democratic Staff, October 13, 2020.

<sup>3</sup> See Annex B, “DHS Run Amok? A Reckless Overseas Operation, Violations, and Lies,” Senate Foreign Relations Committee Democratic Staff, October 13, 2020.

<sup>4</sup> Letter, Senator Robert Menendez, Ranking Member, Senate Foreign Relations Committee, Letter to Ambassador Matthew Klimow and Inspector General Joseph V. Cuffari, October 13, 2020. Accessed on October 16, 2020 at <https://www.foreign.senate.gov/imo/media/doc/10-13-20%20RM%20letter%20to%20State%20DHS%20IGs.pdf>.



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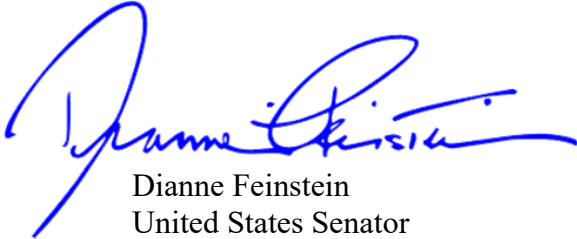
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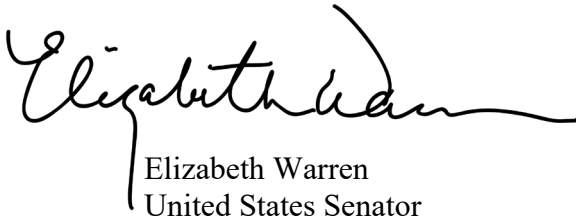
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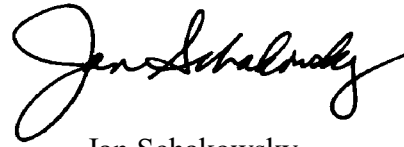
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