



HOW BIDEN-HARRIS
BORDER POLICIES
THREATENED AMERICA'S
AIRPORT & AVIATION SECURITY

Flight Risk

*U.S. Senate Committee on
Commerce, Science,
and Transportation*

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EXECUTIVE SUMMARY

Testifying before Congress in 2024, Federal Bureau of Investigation (FBI) Director Christopher Wray sounded the alarm about the rising threat of a domestic terrorist attack due to “vulnerabilities at the border.”¹ Two decades after the horrific tragedy of 9/11 that exposed vulnerabilities in America’s aviation system, Director Wray’s warning was not without reason. During the four years of the Biden-Harris administration, the number of known or suspected terrorists attempting to enter the country illegally exploded from only three in fiscal year 2020 to 172 in fiscal year 2023 and 106 in fiscal year 2024.² Meanwhile, airports and airlines faced heightened security challenges.³ Yet this increased risk to America’s aviation system was a threat entirely of President Biden’s own making.

As soon as he was sworn into office in January 2021, President Biden and his administration immediately undertook what could only be described as an “open-border” policy, publicly celebrating its wholesale reversal of the first Trump administration’s efforts to enforce America’s existing immigration laws. The predictable result was millions of illegal aliens surging and crossing the border and then subsequently being released into the country without proper vetting or oversight. Inevitably, the Biden-Harris administration found itself in a self-inflicted crisis as illegal aliens of unknown backgrounds or intentions poured into local communities that were ill-equipped to handle them. As the crisis unfolded, the Biden-Harris administration took steps to divert certain incoming aliens away from the overwhelmed land ports of entry to domestic airports. Unvetted aliens were also transported, many by airplane, away from the southern border and deeper into the interior of the United States.

In October 2023, recognizing the potential threats arising from allowing untold millions of illegal immigrants into the country, Senator Ted Cruz, then-Ranking Member of the U.S. Senate Committee on Commerce, Science, and Transportation (Committee), opened an investigation into how the Biden-Harris administration’s immigration policies could pose a specific danger to airport and aviation security.

The Committee’s investigation found that the Biden-Harris policies had, in fact, made airports and aviation less secure in three ways. **First**, the Committee found that airports in three

¹ *Open Hearing: Worldwide Threats: Hearing Before the S. Select Comm. on Intelligence*, 118th Cong. (2024) (testimony of Christopher Wray, Dir. of FBI).

² *CBP Enforcement Statistics: Terrorist Screening Data Set Encounters*, CBP, <https://perma.cc/5TST-PZRC> (last visited Oct. 2, 2025).

³ See U.S. Sec’y Homeland Sec. John F. Kelly, *Remarks for the Council for New American Security Conference*, DHS (June 28, 2017), <https://www.dhs.gov/archive/news/2017/06/28/remarks-council-new-american-security-conference>.

Democrat-led cities—John F. Kennedy International Airport (JFK) in New York, Logan International Airport (Logan) in Boston, and O’Hare International Airport (O’Hare) in Chicago—each housed hundreds of aliens in airport terminals or buildings. All three receive federal grants and are regulated by the Federal Aviation Administration (FAA).

Further, the Biden White House, through the FAA, pressured Logan, O’Hare, and at least eight other airports to house more illegal aliens as they arrived in the United States. When asked by the administration to house aliens, the Massachusetts Port Authority (Massport), Logan Airport’s operator, insisted that doing so would pose security and operational risks. The FAA, along with Democratic state and local officials, overruled Massport’s warnings and allowed aliens to sleep overnight in Logan airport terminals for more than a year.

The Biden White House, including in meetings between White House Chief of Staff Jeff Zients and Secretary Pete Buttigieg, went further and attempted to divert the Department of Transportation (DOT) and its agencies away from their statutory missions to instead facilitate the administration’s radical immigration policies. Specifically, the Biden White House:

- Directed DOT and the FAA to inventory available facilities, both federally owned and not, that could be used to house aliens at airports;
- Asked the Federal Motor Carrier Safety Administration (FMCSA) to partner with state officials to track bus companies that transported illegal aliens from the border and to help create a pamphlet informing aliens of their rights that could be distributed on buses; and
- Told the Federal Transit Administration (FTA) to identify ways that local transit authorities could use federal grants to transport illegal aliens.

Second, the Committee confirmed that the Transportation Security Administration (TSA) used unreliable data from the CBP One application to verify the identities of aliens. On a single day in November 2023, for example, TSA used the app to process 1,778 travelers without identification.⁴ The Committee confirmed that, between April 2021 and March 10, 2024, TSA did not track the number of aliens who were permitted to fly after failing to present acceptable identification and opting out of a biometric photo at security checkpoints.⁵ Following the Committee’s inquiry, TSA began requiring aliens without proper identification to submit to a photo.⁶

Third, while refusing to declare an emergency, the Biden-Harris administration diverted federal air marshals away from keeping the flying public safe and instead sent them to the southern

⁴ Letter from Zephrahanie Buetow, Assistant Sec’y for Legis. Affs., Dep’t of Homeland Sec., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 3 (May 14, 2024) (on file with Comm. staff); see Response from Stephanie Doherty, Deputy Assistant Sec’y for Legis. Affs., DHS, to Comm. staff (June 12, 2024) (on file with Comm. staff).

⁵ Letter from Zephrahanie Buetow, Assistant Sec’y for Legis. Affs., DHS, to Sen. Ted Cruz, Ranking Member S. Comm. on Com., Sci. & Transp. (May 14, 2024) (on file with Comm. staff).

⁶ Valerie Gonzalez, *Migrants Lacking Passports Must Now Submit to Facial Recognition to Board Flights in US*, AP (Mar. 14, 2024), <https://apnews.com/article/immigration-airport-security-facial-recognition-37b8f40ad768706cd335d9254e6a07e4>.

border where illegal immigration had ballooned because of the administration's open-border immigration policies. Air marshals were assigned to the border, some involuntarily, for a month or more at a time.

The Biden-Harris administration made airports and aviation less secure by allowing and encouraging aliens to shelter at U.S. airports, by allowing improperly vetted aliens to fly into and throughout the United States, and by diverting needed federal air marshals to the border to address the border crisis the Biden-Harris administration had created. This report further illustrates how the Biden-Harris administration's ill-conceived immigration policies put American aviation, and the American public, at risk.

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REPORT

I. Background

A. The Biden-Harris Administration Adopted Radical Immigration Policies from the Beginning.

During the 2020 Democrat presidential primary, then-candidate Joe Biden promised that his administration would “increase the total number of immigrants able to come to the United States”⁷ and said that the United States “can afford to take in a heartbeat another two million people.”⁸ In a nationally televised debate, Biden urged aliens “to surge to the border.”⁹ He further suggested that the government should not be “locking people up,” for being in United States unlawfully.¹⁰ Similarly, during the campaign, then-candidate Kamala Harris said she wanted to close all immigration detention centers “on day one”¹¹ and called President Trump’s border wall a “medieval vanity project.”¹² As a senator, she repeatedly undercut U.S. Immigration and Customs Enforcement (ICE), saying the government should “start[] from scratch” to redetermine ICE’s role¹³ and that ICE agents’ enforcement of U.S. laws is comparable to the KKK’s use of “fear” and “force.”¹⁴

These were not empty campaign promises. The Biden-Harris administration imposed their radical immigration policies, and the American people bore the brunt of it. First, President Biden and Vice President Harris dismantled effective immigration policies from President Trump’s first term.¹⁵ On January 20, 2021, alone, the Biden-Harris administration:

⁷ Fox & Friends, *Biden Vows Flood of Immigrants If Elected*, FACEBOOK (Aug. 10, 2019), <https://www.facebook.com/watch/?v=2414031348844229> at 0:24 (Video of Biden campaign event).

⁸ *Id.*

⁹ Former Speaker Kevin McCarthy, *Candidate Biden Calls on Illegal Immigrants to Surge the Border*, YOUTUBE, (Mar. 19, 2021) <https://www.youtube.com/watch?v=rYwLYMPLYbo>. (Biden answer during Sept. 12, 2019 Democratic presidential debate).

¹⁰ PBS NewsHour, *WATCH: Biden Says Migrants Shouldn’t be Detained Just for Crossing Border, 2019 Democratic Debates*, YOUTUBE (June 27, 2019), <https://www.youtube.com/watch?v=1-Yh4OyQ2xw>. (Biden answer during June 27, 2019, Democratic presidential debate).

¹¹ Sky News Australia, *Kamala Harris slammed for supporting open borders in resurfaced clip*, YOUTUBE (Aug. 13, 2024), <https://www.youtube.com/watch?v=IVZ7guFwwbs> (Biden answer during 2019 Democratic presidential campaign event).

¹² Amanda Becker, *Kamala Harris launches White House bid, hits Trump’s ‘medieval’ wall*, REUTERS (Jan. 27, 2019), <https://www.reuters.com/article/world/kamala-harris-launches-white-house-bid-hits-trumps-medieval-wall-idUSKCN1PLOJ4/>.

¹³ MSNBC, Sen. Kamala Harris: We Must “Reexamine ICE And Its Role”, Kasie DC, MSNBC, YOUTUBE (June 25, 2018), <https://www.youtube.com/watch?v=Ctxq7a3-uIA>.

¹⁴ See *Nomination Hearing: Hearing Before the S. Comm. on Homeland Security*, 115th Cong., at 16-17 (Nov. 15, 2018), <https://www.congress.gov/event/115th-congress/senate-event/LC64393/text>.

¹⁵ See Robert Law, *Biden’s Executive Actions: President Unilaterally Changes Immigration Policy*, CTR. FOR IMMIGR. STUD. (Mar. 15, 2021), <https://cis.org/Report/Bidens-Executive-Actions-President-Unilaterally-Changes-Immigration-Policy>.

1. Issued an executive order limiting interior immigration enforcement;¹⁶
2. Reinstated protections under the 2012 Deferred Action for Childhood Arrivals program;¹⁷
3. Halted further construction of the border wall;¹⁸ and
4. Rescinded multiple presidential actions that thwarted terrorists from entering the United States.¹⁹

In early February 2021, the Biden-Harris administration issued an executive order to “expand[] asylum systems and resettlement capacity” for immigrants from the Northern Triangle of Central America.²⁰ Shortly after rolling back President Trump’s effective policies, President Biden appointed Vice President Harris as his Border Czar.²¹ For months, Vice President Harris did not visit the border, doing so only after the administration required border patrol agents to downplay the severity of the crisis by relocating illegal immigrants to rented hotels—out of sight of the press.²²

B. The Biden-Harris Administration’s Immigration Policies Allowed a Surge of Unvetted Aliens into the United States.

Under the Biden-Harris Administration’s watch, U.S. Customs and Border Patrol (CBP) encountered more than 10.8 million aliens when they attempted to enter the United States.²³ Of those 10.8 million, at least 1.7 million were “special interest aliens” from countries like

¹⁶ Exec. Order No. 13993, 86 Fed. Reg. 7051 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01768/revision-of-civil-immigration-enforcement-policies-and-priorities>.

¹⁷ Memorandum from President Joseph R. Biden Jr. to the Att’y Gen. and the Sec’y of Homeland Sec. (Jan. 20, 2021), <https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2021/01/20/preserving-and-fortifying-deferred-action-for-childhood-arrivals-daca/>.

¹⁸ Proclamation No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/27/2021-01922/termination-of-emergency-with-respect-to-the-southern-border-of-the-united-states-and-redirection-of->; see also Julian Aguilar, *Joe Biden to Pause Border Wall Construction, Issue Protections for DACA recipients and Roll Back Other Trump Immigration Policies*, THE TEXAS TRIBUNE (Jan. 20, 2021), <https://www.texastribune.org/2021/01/20/joe-biden-trump-immigration/>.

¹⁹ Proclamation No. 10141, 86 Fed. Reg. 7005 (Jan. 20, 2021), <https://www.federalregister.gov/documents/2021/01/25/2021-01749/ending-discriminatory-bans-on-entry-to-the-united-states>.

²⁰ Exec. Order No. 14010, 86 Fed. Reg. 8267 (Feb. 2, 2021), <https://www.federalregister.gov/documents/2021/02/05/2021-02561/creating-a-comprehensive-regional-framework-to-address-the-causes-of-migration-to-manage-migration>.

²¹ Shawna Chen, *Harris to Visit Mexico and Guatemala to Address “Root Causes” of Border Crossings*, AXIOS (Apr. 14, 2021), <https://www.axios.com/2021/04/14/harris-immigration-visit-mexico-guatemala>; Jonathan Lemire, Nomaan Merchant, Lisa Mascaro and Aamer Madhani, *Biden taps VP Harris to lead response to border challenges*, AP (Mar. 24, 2021), <https://apnews.com/general-news-3400f56255e000547d1ca3ce1aa6b8e9>.

²² Jennie Taer, *Federal Agents Instructed to Clear Streets of Migrants and Put on a ‘Show’ for ‘Border Czar’ Kamala Harris’ Only Trip to Border*, N.Y. POST (July 24, 2024), <https://nypost.com/2024/07/24/us-news/kamala-harris-border-visit-agents-told-to-clear-streets/>.

²³ *Southwest Land Border Encounters*, Customs and Border Prot., C BP, <https://perma.cc/HK85-VJ4A> (last visited Oct. 3, 2025); *CBP Enforcement Statistics Fiscal Year 2021*, CBP, <https://perma.cc/DY2X-WUTV> (last visited Oct. 3, 2025). Encounters include aliens CBP apprehended, deemed to be inadmissible, or expelled from the United States. *Id.*

Afghanistan, Cuba, Iran, Iraq, Libya, Nigeria, Syria, and Turkey.²⁴ Even crossings at the northern border increased 50-fold under the Biden-Harris administration.²⁵ As of July 21, 2024, six months before the end of the Biden-Harris administration, ICE had 222,141 illegal aliens on its non-detained docket with criminal charges pending and 435,719 convicted criminals, including 13,099 convicted of homicide and 15,911 convicted of sexual assault.²⁶

The numbers above do not include the number of known “gotaways”: those whom CBP knows crossed into the United States illegally but who were not stopped, screened, or vetted.²⁷ As of June 17, 2024, approximately 1.9 million “gotaways” entered the country during the Biden-Harris administration.²⁸ The actual number could be even higher, as reports suggest that around 30 percent of security cameras at the southern border were broken.²⁹ At any rate, known “gotaways” included individuals accused of raping a pre-teen child and other violent crimes.³⁰

During Biden’s presidency, the number of people crossing the border was so overwhelming that the U.S. Border Patrol could not sufficiently vet and screen every alien coming into the United States. Former U.S. Border Patrol Chief Rodney Scott admitted that the “vetting” process was inadequate,³¹ and a federal judge found that “DHS has no way to determine if an alien has a criminal history in his home country unless that country reports the information to the U.S. government . . . therefore DHS is mainly only screening aliens at the border to determine if they

²⁴ H. COMM. ON THE JUDICIARY, S. COMM. ON IMMIGRATION INTEGRITY, SEC. AND ENF’T, 118TH CONG., INTERIM STAFF REP., *THE BIDEN-HARRIS BORDER CRISIS: AT LEAST 1.7 MILLION POTENTIAL NATIONAL SECURITY THREATS* 1 (Oct. 3, 2024), <https://perma.cc/9QYT-RKUV>.

²⁵ Jennie Taer, *Illegal Migrant Crossings Skyrocket 50-Fold Under Biden-Harris Admin at Northern Border Stretch that Includes New York*, N.Y. POST (Oct. 3, 2024), <https://nypost.com/2024/10/03/us-news/northern-illegal-border-crossings-up-50-fold-under-biden-admin/>.

²⁶ Letter from Patrick J. Lechleitner, Deputy Dir. and Senior Off. Performing the Duties of the Dir. to Rep. Tony Gonzales (Sept. 25, 2024) <https://homeland.house.gov/wp-content/uploads/2024/09/24-01143-ICEs-Signed-Response-to-Representative-Tony-Gonzales.pdf>; Adam Shaw, *Tens of Thousands of Illegal Immigrants with Sexual Assault, Murder Convictions in US: ICE Data*, FOX NEWS (Sept. 28, 2024), <https://www.foxnews.com/politics/tens-thousands-illegal-immigrants-sexual-assault-homicide-convictions-roaming-us-streets>.

²⁷ See Press Release, H. Comm. on Homeland Sec., *Border Sector Chiefs Confirm Operational Impacts of Border Chaos: Increased Gotaways, Closed Checkpoints, and Empowered Cartels* (Dec. 20, 2023), <https://homeland.house.gov/2023/12/20/border-sector-chiefs-confirm-operational-impacts-of-border-chaos-increased-gotaways-closed-checkpoints-and-empowered-cartels/>; see also *Worldwide Threats to the Homeland: Hearing Before the H. Comm. on Homeland Sec.*, 118th Cong. (Nov. 15, 2023), <https://homeland.house.gov/hearing/worldwide-threats-to-the-homeland/>.

²⁸ Jason Hopkins, *Illegal Alien ‘Gotaways’ Near 2 Million Under Biden Admin*, THE DAILY SIGNAL (June 17, 2024), <https://www.dailysignal.com/2024/06/17/illegal-alien-gotaways-near-2-million-under-biden-admin/>.

²⁹ Jennie Taer, *30% of Security Cameras at the US Southern Border Are Broken, Raising Fears of ‘Gotaways’: ‘Who Knows What’s Getting By’*, N.Y. POST (Oct. 15, 2024), <https://nypost.com/2024/10/15/us-news/30-of-security-cameras-at-the-southern-border-are-broken-report/>.

³⁰ Jennie Taer, *Illegal Migrant Accused of Raping Nantucket Pre-Teen Child Went Free on Bail before ICE Could Nab Him*, N.Y. POST (Sept. 17, 2024); see also *Examples of Serious Crimes by Illegal Aliens*, FAIRUS.ORG, <https://www.fairus.org/issue/examples-serious-crimes-illegal-aliens> (last visited Oct. 3, 2025).

³¹ See STAFF OF H. COMM. ON THE JUDICIARY AND SUBCOMM. ON IMMIGR. INTEGRITY, SEC., AND ENF’T, 118TH CONG., *THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION’S OPEN-BORDERS POLICIES: THE CASE OF AN ILLEGAL ALIEN GANG MEMBER WHO ASSAULTED A BORDER PATROL AGENT*, n. 4 (Aug. 16, 2024), <https://perma.cc/4JNX-KJ8M16>, 2024), <https://perma.cc/4JNX-KJ8M>; *The Biden Border Crisis: Part III: Hearing Before the S. Comm. on Immigr. Integrity, Sec., and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 62 (2023) (statement of Rodney Scott).

have previously committed a crime in the United States.”³² According to recent reports, gang members were coming across the border for years.³³ True to their campaign promises, President Biden and Vice President Harris had relaxed America’s border protections, weakening national security and putting everyday Americans in danger.

C. The Biden-Harris Administration Flew Poorly Vetted Aliens into the Country Using the CBP One Application.

On October 19, 2022, the administration doubled down on its open-border immigration policies and announced a new process allowing Venezuelan nationals to enter the United States via commercial flights to U.S. airports and receive parole upon arrival.³⁴ A few months later, on January 9, 2023, the administration expanded the program to cover immigrants from Cuba, Haiti, and Nicaragua.³⁵ The “CHNV Parole Program,” as it became known, enabled individuals from these countries to request advanced travel authorization to the United States through a mobile application called CBP One.³⁶

If approved, the alien could fly directly into the United States and receive temporary parole upon entry. The Biden-Harris administration authorized up to 30,000 individuals per month to enter the United States through the CHNV Parole Program.³⁷ The administration’s vetting of immigrants under the policy was minimal.³⁸ The policy did nothing to solve the overwhelming number of people entering the country without adequate vetting; it merely redirected the surge of aliens at the southern border arriving from Cuba, Haiti, Nicaragua, or Venezuela to domestic airports. According to Brandon Judd, president of the National Border Patrol Council, the Biden-Harris administration instituted CHNV parole “so that the border [would not] look as out of

³² *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

³³ Jennie Taer, *Official in Denver Suburb Where Tren de Aragua is Wreaking Havoc Calls Out Sanctuary City for Rolling Out Welcome Mat*, N.Y. POST (Aug. 28, 2024), <https://nypost.com/2024/08/28/us-news/aurora-official-slams-denvers-sanctuary-city-policies-over-gang-crime/>.

³⁴ Notice of Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. 63507 (Oct. 19, 2022), <https://www.federalregister.gov/documents/2022/10/19/2022-22739/implementation-of-a-parole-process-for-venezuelans>.

³⁵ Notice of Changes to the Parole Process for Venezuelans, 88 Fed. Reg. 1279 (Jan. 9, 2023), <https://www.federalregister.gov/documents/2023/01/09/2023-00253/implementation-of-changes-to-the-parole-process-for-venezuelans>.

³⁶ *Fact Sheet: DHS Continues to Strengthen Border Security, Reduce Irregular Migration, and Mobilize International Partnerships*, U.S. DEP’T OF HOMELAND SEC. (Jun. 4, 2024), <https://www.dhs.gov/news/2024/06/04/fact-sheet-dhs-continues-strengthen-border-security-reduce-irregular-migration-and>; see also *CPB One: An Overview*, AM. IMMIGR. COUNCIL (Jun. 2023), <https://www.americanimmigrationcouncil.org/research/cbp-one-overview>.

³⁷ *Fact Sheet: Biden-Harris Administration Announces New Border Enforcement Actions*, THE WHITE HOUSE (Jan 5, 2023), <https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/>.

³⁸ Notice of Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. 63507 (Oct. 19, 2022), <https://www.federalregister.gov/documents/2022/10/19/2022-22739/implementation-of-a-parole-process-for-venezuelans>; Notice of Changes to the Parole Process for Venezuelans, 88 Fed. Reg. 1279 (Jan. 9, 2023), <https://www.federalregister.gov/documents/2023/01/09/2023-00253/implementation-of-changes-to-the-parole-process-for-venezuelans>.

control.”³⁹ From October 2022 through May 2024, the Biden-Harris administration authorized about 460,000 illegal aliens to fly into more than 45 airports, including JFK in New York City, Logan in Boston, and O’Hare in Chicago, on commercial flights.⁴⁰ As of mid-October 2023, another 1.6 million individuals were waiting for advance travel authorization through the CHNV program.⁴¹

The CBP One mobile application developed separately from the CHNV parole program. On January 12, 2023, the Biden-Harris administration announced that it would allow aliens to use the CBP One app to enter the country through designated ports of entry on the southern border.⁴² After the CHNV parole program began, the administration allowed aliens to use the CBP One app to apply for parole status under the program and enter the United States via a commercial flight.⁴³ TSA began using the CBP One app to vet aliens boarding domestic flights throughout the United States, despite the fact that CBP One contained virtually no useful screening information.

³⁹ Josh Christenson and Jennie Taer, *Border Patrol Union Prez’s Warning: Biden Deflating Border Numbers, Mass Amnesty Coming*, N.Y. POST (Mar. 27, 2024), <https://nypost.com/2024/03/27/us-news/border-patrol-union-prez-warns-biden-deflating-border-numbers-by-flying-migrants-into-us-predicts-mass-amnesty-bait-and-switch/>.

⁴⁰ Todd Bensman, *New Data: Many Migrants in Biden’s ‘Humanitarian’ Flights Scheme Coming in from Safe Countries and Vacation Wonderlands*, CTR. FOR IMMIGR. STUD. (Jun. 17, 2024), <https://cis.org/Bensman/New-Data-Many-Migrants-Bidens-Humanitarian-Flights-Scheme-Coming-Safe-Countries-and>; see also Adam Shaw and Bill Melugin, *DHS Docs Reveal Where Paroled Migrants Under Controversial Biden Flight Program are Landing*, FOX NEWS (Apr. 30, 2024), <https://www.foxnews.com/politics/dhs-docs-reveal-where-migrants-under-controversial-biden-flight-program-are-landing>; Press Release, U.S. Customs and Border Prot., CBP Releases June 2024 Monthly Update (July 15, 2024), <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-june-2024-monthly-update>.

⁴¹ Press Release, H. Comm. on Homeland Sec., Chairmen Green, Higgins, Bishop Demand Documents, Information on CHNV Mass-Parole Program After DHS’ Admission of Widespread Fraud (Aug. 14, 2024), <https://homeland.house.gov/2024/08/14/chairmen-green-higgins-bishop-demand-documents-information-on-chnv-mass-parole-program-after-dhs-admission-of-widespread-fraud/>.

⁴² *CBPONE Fact Sheet*, U.S. CUSTOMS AND BORDER PROT. (Jan. 12, 2023), <https://perma.cc/27D6-A9VA>.

⁴³ Notice of Implementation of a Parole Process for Venezuelans, 87 Fed. Reg. 63507 (Oct. 19, 2022), <https://www.federalregister.gov/documents/2022/10/19/2022-22739/implementation-of-a-parole-process-for-venezuelans>; Notice of Changes to the Parole Process for Venezuelans, 88 Fed. Reg. 1279 (Jan. 9, 2023), <https://www.federalregister.gov/documents/2023/01/09/2023-00253/implementation-of-changes-to-the-parole-process-for-venezuelans>.

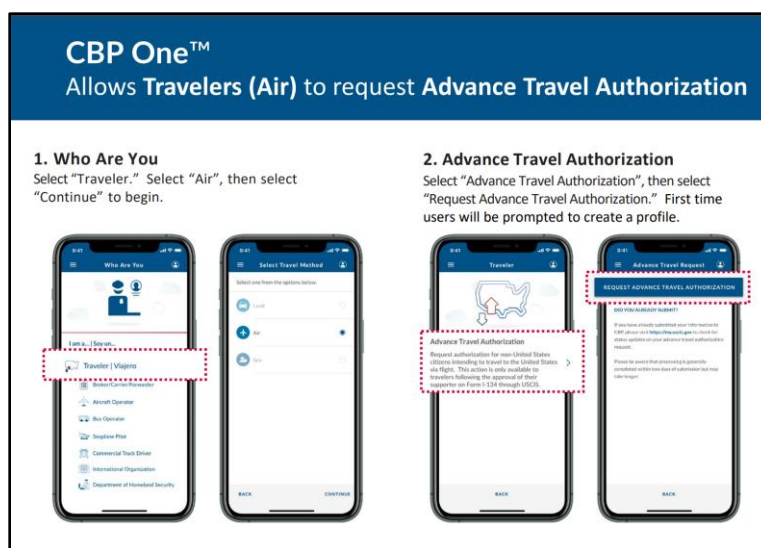


Figure 1: CBP One allowed aliens to request advance authorization to arrive by air.⁴⁴

At first, aliens were able to opt out of facial recognition during TSA screenings at airports.⁴⁵ Upon receiving an inquiry from then-Ranking Member Cruz on December 23, 2023, TSA changed its policy to require aliens without passports to submit to a biometric photo during TSA screening.⁴⁶ Before TSA changed this policy, over 44,000 illegal aliens were able to use alternative documentation, including arrest warrants or warrants of removal issued by DHS, to board flights.⁴⁷

D. FBI and DHS Agreed There Was an Increased Risk of Terrorism Due to the Border Crisis During the Biden-Harris Administration.

In testimony to Congress on June 4, 2024, FBI Director Wray said he was “hard pressed to think of a time when so many different threats to our public safety and national security were so elevated at once,” encapsulating the heightened dangers during the final months of the Biden-Harris administration.⁴⁸ Director Wray warned of a potential coordinated terrorist attack in the U.S. similar to the ISIS-K attacks in Russia, as extremist groups were attacking “soft” targets,

⁴⁴ *CPB One Allows Travelers (Air) to request Advance Travel Authorization*, U.S. CUSTOMS AND BORDER PROT., https://www.uscis.gov/sites/default/files/document/guides/CPB_One-QRG-Traveler-Air-Advance_Travel_Authorization.pdf (last visited Oct. 3, 2025).

⁴⁵ Response from Stephanie Doherty, Deputy Assistant Sec’y for Legis. Affs., Dep’t of Homeland Sec., to Staff for S. Comm. on Com., Sci. & Transp., at 2 (June 12, 2024) (on file with Comm. staff); Megan Palin, *US Travelers Outraged by Airport Signs Appearing to Allow Migrants onto Flights Without ID*, N.Y. POST (Jan. 19, 2024), <https://nypost.com/2024/01/19/news/are-migrants-allowed-to-board-us-flights-without-id/>.

⁴⁶ Valerie Gonzalez, *Migrants Lacking Passports Must Now Submit to Facial Recognition to Board Flights in US*, AP (Mar. 14, 2024), <https://apnews.com/article/immigration-airport-security-facial-recognition-37b8f40ad768706cd335d9254e6a07e4>.

⁴⁷ Letter from Hon. David Pekoske, Adm’r of Transp. Sec. Admin. to Rep. Lance Gooden at 3–4 (Jan. 7, 2022), <https://perma.cc/UG8M-5NBU>.

⁴⁸ *A Review of the President’s Fiscal Year 2025 Budget Request for the Federal Bureau of Investigation: Hearing Before the S. Comm. on Appropriations, S. Comm. on Com., Just., Sci., and Related Agencies*, 118th Cong. (June 4, 2024) (testimony of Christopher Wray, Dir. of Fed. Bureau of Investigation).

like airports, more frequently.⁴⁹ DHS, too, admitted that, amid the influx of gotaways and other unvetted illegal aliens during the Biden-Harris administration, “[t]errorists and [c]riminal actors may exploit the . . . security environment to enter the United States.”⁵⁰ In fact, DHS’s 2025 Homeland Threat Assessment lists illegal immigration as a security threat to critical American infrastructure, such as transportation hubs, including airports.⁵¹ Despite this, the Biden-Harris administration neither admitted that the surge in immigration was a crisis nor declared it a national emergency.

In contrast, Democrats consistently downplayed the crisis. On September 19, 2024, the former chief patrol agent for the San Diego sector testified that he was instructed to withhold information about the border: “The [Biden-Harris] administration was trying to convince the public that there was no threat.”⁵² The administration had similarly directed DHS to stonewall congressional investigations.⁵³ And the Biden-Harris administration’s Department of Justice (DOJ) required immigration judges to receive supervisor approval before talking to the press or making public statements.⁵⁴ Blue cities also continued to shield information from the public,⁵⁵ perhaps due to the cost of their own policies.⁵⁶

E. The President and Federal Agencies Are Supposed to Keep Airports and Flyers Safe.

The Biden-Harris administration’s policies cast doubt on its ability and resolve to ensure the safety of Americans at airports and on airplanes. In the wake of the horrific September 11, 2001, terrorist attacks, Congress passed the Homeland Security Act, which combined all or part of 22 different federal departments and agencies into DHS, a new cabinet-level department responsible

⁴⁹ *Id.*; see also Danielle Wallace, *FBI Director Wray Warned of Terror Threat Posed by Open Border Days before 8 ISIS Suspects Arrested across US*, FOX NEWS (June 12, 2024), <https://www.foxnews.com/politics/fbi-director-wray-warned-terror-threat-posed-open-border-days-before-8-isis-suspects-arrested-across-us>.

⁵⁰ OFF. OF INTEL. AND ANALYSIS, U.S. DEP’T OF HOMELAND SEC., HOMELAND THREAT ASSESSMENT 12 (2024), <https://perma.cc/NM2P-LRFS>.

⁵¹ *Id.* at 7.

⁵² Press Release, H. Comm. on Homeland Sec., “Biden-Harris Administration Has Intentionally Left Us Vulnerable”: Pfluger, Higgins Deliver Opening Statements in Hearing on Terror Threats From the Border (Sept. 19, 2024), <https://homeland.house.gov/2024/09/19/biden-harris-administration-has-intentionally-left-us-vulnerable-pfluger-higgins-deliver-opening-statements-in-hearing-on-terror-threats-from-the-border/>.

⁵³ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec’y Dep’t of Homeland Sec. (Jan. 17, 2024), <https://homeland.house.gov/wp-content/uploads/2024/01/2024-01-17-Green-to-Mayorkas-DHS-re-Outstanding-Requests.pdf>.

⁵⁴ Lucien Bruggeman, *GOP Sen. Chuck Grassley Accuses Biden Administration of Trying to Silence Immigration Judges*, ABC NEWS (Mar. 11, 2024), <https://abcnews.go.com/US/gop-sen-chuck-grassley-accuses-biden-administration-silence/story?id=108020341>.

⁵⁵ Carl Campanile, *Rep. Nicole Malliotakis Accuses NYPD, Mayor Adams of ‘Stonewalling’ Request for NYC Migrant Crime Numbers*, N.Y. POST (Sept. 4, 2024), <https://nypost.com/2024/09/04/us-news/rep-nicole-malliotakis-accuses-nypd-mayor-adams-of-stonewalling-request-for-nyc-migrant-crime-numbers/>; Sarah Rumpf-Whitten, *Massachusetts Republicans Demand Info on State’s \$1B in ‘Secret’ Migrant Spending*, N.Y. POST (Aug. 28, 2024), <https://nypost.com/2024/08/28/us-news/mass-gop-demands-information-on-states-1b-in-secret-migrant-spending/>.

⁵⁶ *The Fiscal Burden of Illegal Immigration on United States Taxpayers, 2023 Case Study*, FED’N FOR AM. IMMIGR. REFORM (Mar. 8, 2023), <https://www.fairus.org/issue/publications-resources/fiscal-burden-illegal-immigration-united-states-taxpayers-2023>.

for homeland security.⁵⁷ Around the same time, Congress passed the Aviation and Transportation Security Act, which required passenger and checked baggage screening, expanded the Federal Air Marshal Service (FAMS), and reinforced cockpit doors.⁵⁸

Today, three departments house agencies responsible for airport safety: DHS, DOT, and DOJ. Within DHS are TSA and CBP. TSA's mission is to "[p]rotect the nation's transportation system to ensure freedom of movement for people and commerce."⁵⁹ It "oversee[s] the implementation, and ensure[s] the adequacy, of security measures at airports."⁶⁰ Relatedly, CBP inspects international travelers entering the United States at all ports of entry, including airports, to determine whether they are admissible into the country.⁶¹ CBP's mission is to "[p]rotect the American people, safeguard our borders, and enhance the nation's economic prosperity."⁶²

The FAA, housed within DOT, is responsible for regulating the nation's civil aviation activities.⁶³ The FBI, which is part of DOJ, investigates crimes committed during a flight, as well as airport-based violations, such as bomb threats.⁶⁴ The FBI also administers the Terrorist Screening Center, which shares terrorism-related information across the government and other law enforcement agencies.⁶⁵

F. President Trump Withdrew the Biden-Harris Administration's Dangerous Policies and Mobilized the Federal Government to Secure the Border.

When President Trump began his second term, he quickly reversed the Biden-Harris administration's promotion of an open border that had been making U.S. airports unsafe. During his first term, Trump had one of the lowest border encounter rates in the last 30 years,⁶⁶ and, in 2025, he picked up where he left off.

On the first day of his second term, President Trump ended the CHNV parole program and stopped DHS from using the CBP One app to admit aliens into the country with little vetting.⁶⁷

⁵⁷ *Creation of the Department of Homeland Security*, U.S. DEP'T OF HOMELAND SEC., <https://www.dhs.gov/creation-department-homeland-security> (last visited Oct. 3, 2025).

⁵⁸ *Transportation Security Timeline*, Transp. Sec. Admin., <https://www.tsa.gov/timeline> (last visited Oct. 3, 2025).

⁵⁹ *Mission*, Transp. Sec. Admin., <https://www.tsa.gov/about/tsa-mission> (last visited Oct. 3, 2025).

⁶⁰ 49 U.S.C. § 114(f)(11).

⁶¹ U.S. DEP'T OF HOMELAND SEC., OFF. OF INSPECTOR GEN., OIG-24-30, CBP AND ICE DID NOT HAVE AN EFFECTIVE PROCESS FOR DETAINING AND REMOVING INADMISSIBLE TRAVELERS AT AN INTERNATIONAL AIRPORT (REDACTED) 6 (2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-06/OIG-24-30-Jun24-Redacted.pdf>.

⁶² *About CBP*, U.S. CUSTOMS AND BORDER PROT., <https://www.cbp.gov/about> (last visited Oct. 3, 2025).

⁶³ *Federal Aviation Administration*, U.S. DEP'T OF TRANSP., <https://www.transportation.gov/briefing-room/safetyfirst/federal-aviation-administration> (last visited Oct. 3, 2025).

⁶⁴ *How We Can Help You, Crimes Aboard Aircraft*, Fed. Bureau of Investigations, <https://www.fbi.gov/how-we-can-help-you/crimes-aboard-aircraft> (last visited Oct. 3, 2025).

⁶⁵ *What We Investigate, Threat Screening Center*, Fed. Bureau of Investigations, <https://www.fbi.gov/investigate/terrorism/tsc> (last visited Oct. 3, 2025).

⁶⁶ *Apprehensions and Expulsions Registered by the United States Border Patrol from the 1990 fiscal year to the 2023 Fiscal Year*, STATISTA.COM, <https://www.statista.com/statistics/329256/alien-apprehensions-registered-by-the-us-border-patrol/> (last visited Oct. 3, 2025).

⁶⁷ Exec. Order No. 14165, 90 Fed. Reg. 8467 (Jan. 30, 2025), <https://www.federalregister.gov/documents/2025/01/30/2025-02015/securing-our-borders>.

In February 2025, TSA discontinued the use of the CBP One app to confirm an individual's identity before boarding U.S. flights.⁶⁸

In Trump's first 100 days, border encounters and "gotaways" declined a staggering 93% and 95% respectively.⁶⁹ Clearly, America's immigration crisis was created by the Biden-Harris administration's open-border policies. As President Trump noted in his 2025 address to Congress, "The media and our friends in the Democrat Party kept saying we needed new legislation. We must have legislation to secure the border. But it turned out that all we really needed was a new president."⁷⁰

II. Investigation into Immigration-Related Security Issues at Airports

In October 2023, the Committee began investigating potential airport security concerns stemming from the Biden-Harris administration's immigration policies. The investigation encompassed three issues:

1. Illegal aliens being housed at major U.S. airports;
2. Illegal aliens flying into or out of U.S. airports; and
3. Federal agencies' response to the wave of illegal immigration, insofar as it affected the security of the flying public.

The Committee has legislative and oversight jurisdiction over DOT, civil aviation, the FAA, and TSA, and can "review and study" related issues.⁷¹

A. The Biden-Harris Administration and Democratic State and Local Officials Allowed Aliens to Encamp in and Around Airports.

In January and March 2024, Committee Republicans sent letters to the Mayor of Chicago, the Port Authority of New York and New Jersey (Port Authority), and Massport following reports that airports they operated were housing aliens.⁷² These letters requested details on the airports' housing of aliens and noted the obligations that come with receiving federal assistance, including that "the airport and its facilities must be available for public use as an airport."⁷³ The Committee subsequently sent letters to the FAA and Airport Council International, North America, which

⁶⁸ Jennie Taer, *Trump administration ends use of controversial app to allow migrants to fly without ID*, N.Y. POST (Feb. 25, 2025), <https://nypost.com/2025/02/25/us-news/trump-administration-ends-use-of-app-to-allow-migrants-to-board-flights-without-id/>.

⁶⁹ Press Release, DHS, 100 Days of the Most Secure Border in American History, <https://www.dhs.gov/news/2025/04/28/100-days-most-secure-border-american-history> (Apr. 28, 2025).

⁷⁰ Donald J. Trump, *Speech: Donald Trump Addresses a Joint Session of Congress at the U.S. Capitol*, ROLL CALL (Mar. 4, 2025), <https://rollcall.com/factbase/trump/transcript/donald-trump-speech-joint-session-congress-2025-march-4-2025/>.

⁷¹ S. Rules XXV(f)(1); XXV(f)(2); XXVI(8)(a)(2).

⁷² The Committee sent multiple follow up communications to Chicago and Massport due to both entities delayed responses and seemingly unwillingness to respond to the Committee's lawful inquiry in a substantive manner.

⁷³ FAA, Advisory Circular on Minimum Standards for Commercial Aeronautical Activities, No. 150/5190-8, at i (Dec. 7, 2023) <https://perma.cc/EJ32-SY6F>; see 49 USC § 47152(2) ("The interest shall be used and maintained for public use and benefit without unreasonable discrimination.").

represents local, regional and state governing bodies that own and operate commercial airports, asking about their involvement in housing migrants.⁷⁴

The Committee found that, because of a surge in migrants entering the United States at the southern border and through the CHNV parole program, some of the nation's largest airports, under pressure from the Biden White House, allowed migrants to encamp in airport terminals or other airport facilities. More specifically:

- On April 28, 2023, Chicago began sheltering aliens in a transit center at O'Hare.⁷⁵
- In June 2023, JFK began sheltering aliens.⁷⁶
- Beginning in July 2023, despite opposition from MassPort, the operator of Logan, aliens were allowed to encamp overnight in public areas of airport terminals.⁷⁷

While various other airports struggled with an influx of migrants,⁷⁸ the Committee's investigation focused on these three. Moreover, the Committee found that the Biden White House, in the face of overwhelming numbers of immigrants surging into the United States, did not attempt to secure the border but rather encouraged airports to house *more* aliens and actively sought out additional airport facilities for housing.

1. Chicago Housed Aliens at O'Hare in Unsecure Spaces with No Formal FAA Approval.

The City of Chicago administers operations at Chicago O'Hare and Midway International Airports (Midway) through the Chicago Department of Aviation (CDA).⁷⁹ In response to the Committee's letters, the CDA acknowledged that it "provided a temporary staging area in the

⁷⁴ Letter from Sen. Ted Cruz, Ranking Member S. Comm. on Com., Sci. & Transp., to Kevin Burke, President, Airports Council Int'l (Mar. 20, 2024) (on file with Comm. staff); Letter from Sen. Ted Cruz, Ranking Member S. Comm. on Com., Sci. & Transp., to Michael Whitaker, Adm'r, Fed. Aviation Admin. (Mar. 20, 2024) (on file with Comm. staff).

⁷⁵ Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. (Sept. 27, 2024) (on file with Comm. staff).

⁷⁶ Letter from Richard Cotton, Executive Director, Port Authority of N.Y. and N.J., to Sen. Ted Cruz, Ranking Member et al., S. Comm. on Com., Sci. & Transp. at 1 (Mar. 20, 2024) (on file with Comm. staff) [hereinafter Cotton Letter]; *see also* Bernadette Hogan & Nolan Hicks, *FAA give A-OK to turn JFK building into migrant shelter*, N.Y. POST (Jun. 5, 2023), <https://nypost.com/2023/06/05/faa-approves-jfk-hanger-as-emergency-shelter-for-migrants/>.

⁷⁷ Response from Massport to the Comm. at 1 (Mar. 5, 2025) (on file with Comm. staff); *see also* Mairead Elordi, *Migrants Now Sleeping at Airports in Two Major U.S. Cities*, DAILY WIRE (Jan. 25, 2024), <https://www.dailywire.com/news/migrants-now-sleeping-at-airports-in-two-major-u-s-cities>.

⁷⁸ Email among Massport Staff, (May 24, 2024) (MP_0008791 to MP_0008792) (discussing influx of migrants at Miami, Atlanta, Denver, San Diego, and Phoenix) (on file with Comm. staff). San Diego, for example, experienced an average of 200 migrants staying overnight in the airport per day with a peak of 1,100 staying in the airport at one time. *Id.*; Email from San Diego Int'l Airport Staff to MassPort Staff, (May 2, 2024) (MP_0001527) (on file with Comm. staff).

⁷⁹ *Chicago Department of Aviation*, CITY OF CHICAGO, <https://www.chicago.gov/city/en/depts/doa.html> (last visited Oct. 3, 2025).

Bus Shuttle Center” at O’Hare at least between April 28, 2023, and February 6, 2024.⁸⁰ Because of the possibility it would need to house more aliens under the Biden border crisis, CDA did not fully decommission the staging area until April 9, 2024.⁸¹ Chicago reported to the FAA that the “staging area” held “roughly 200-250 persons,”⁸² some of whom sheltered there for “three weeks” at a time.⁸³

CDA received no waiver or permission from the FAA to use part of O’Hare to shelter aliens. Ultimately, the additional costs for policing (\$924,000), cleaning (\$195,000), and retrofitting (\$73,000) the Bus Shuttle Center for housing aliens totaled about \$1.2 million.⁸⁴ Those funds were taken from airport operating funds and were not reimbursed by the City of Chicago until late 2024.⁸⁵



Figure 2: Aliens living in O’Hare’s Bus Shuttle Center⁸⁶

a. Housing Aliens at O’Hare Posed Security & Operational Challenges.

Chicago’s housing of aliens at O’Hare was not secure or cheap. The Bus Shuttle Center is on the ground level of the main parking garage in the middle of O’Hare’s three core terminals, across

⁸⁰ Letter from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 1 (Aug. 14, 2024); Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 2 (Sept. 27, 2024).

⁸¹ Letter from Jamie L. Rhee, Comm’r, CDA, (Apr. 9, 2024) (letter between CDA and FAA).

⁸² Letter from Jamie Rhee, Comm’r, Chicago Dep’t of Aviation to Shannetta Griffin, Assoc. Adm’r for Airports, Fed. Aviation Admin. at 1 (Jan. 25, 2024) (on file with Comm. staff).

⁸³ Letter from Jamie Rhee, Comm’r, Chicago Dep’t of Aviation to Kevin Willis, Director of Airport Compliance, Fed. Aviation Admin. at 2 (Oct. 17, 2023) (on file with Comm. staff).

⁸⁴ Letter & Attachment from John Roberson, COO, City of Chicago to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 1–3 (Dec. 19, 2024) (on file with Comm. staff).

⁸⁵ *Id.*

⁸⁶ Alice Yin, *US Senate Inquiry into Chicago’s Housing of Migrants at Airports Likely to Heat Up After Republican Election Wins*, CHICAGO TRIBUNE (Dec. 1, 2024), <https://www.chicagotribune.com/2024/12/01/senate-inquiry-migrants-chicago-airports/>.

from a hotel.⁸⁷ Chicago provided the FAA with a precise map of the area housing migrants.⁸⁸ The Bus Shuttle Center appears to be nothing more than a large hallway, unsuitable for housing hundreds of people.⁸⁹

In a letter, the FAA asked “how [Chicago was] ensuring Safety and Security of flight crews, airport employees and the traveling public, including migrants?”⁹⁰ Chicago responded that it had erected drapes to provide more privacy in the Bus Shuttle Center, “placed bollards and furniture to maintain corridors,” and had security officers stationed at the site.⁹¹ Ostensibly, curtains and an extra security guard are insufficient to protect one of the Nation’s busiest airports.

Chicago also confirmed “asylum seekers [we]re not restricted to the staging area” at O’Hare.⁹² They could freely enter and exit the area. From April 28, 2023 to February 6, 2024, when aliens were living in the Bus Shuttle Center, law enforcement responded to “329 service calls resulting in 26 arrests” including 110 theft or auto theft reports, 1 death investigation, and 28 “[d]eceptive practice report[s]” at the Shuttle Center.⁹³ On one occasion, a medical team responded to an “emergency assignment” at the airport to treat over 300 patients (some of whom were vomiting) in the “overcrowded, unsanitary, and unpleasant conditions.”⁹⁴ Biden DHS and FEMA personnel visited the Bus Shuttle Center on October 6, 2023,⁹⁵ but the insecure conditions continued. Chicago’s use of facilities at O’Hare to house migrants put travelers, not to mention the migrants themselves, at risk.

⁸⁷ Letter from Chicago Dep’t of Aviation Comm’r Jamie Rhee, Oct. 17, 2023, *supra* note 83 at 2–4.

⁸⁸ See Figure 3.

⁸⁹ See Figure 2.

⁹⁰ Letter from Chicago Dep’t of Aviation Comm’r Jamie Rhee, Oct. 17, 2023, *supra* note 83 at 1.

⁹¹ *Id.* at 1–2.

⁹² *Id.* at 1.

⁹³ Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 2 (Sept. 27, 2024).

⁹⁴ Michael Loria, *At O’Hare Airport, Hundreds of Migrants Are Stuck at a Shelter That’s Overcrowded, Unsanitary*, CHICAGO SUN TIMES (Sept. 1, 2023), <https://chicago.suntimes.com/2023/9/1/23852274/migrants-ohare-airport-shelter-asylum-seekers>.

⁹⁵ Email among FAA and DOT Staff, at 212.2 (Oct. 6, 2023) (212.1–2) (on file with Comm. staff).

Figure 3: CDA Map of Immigration Shelter⁹⁶

⁹⁶ Letter from Jamie Rhee, Comm'r, Chicago Dep't of Aviation, *supra* note 83 at 3–4.

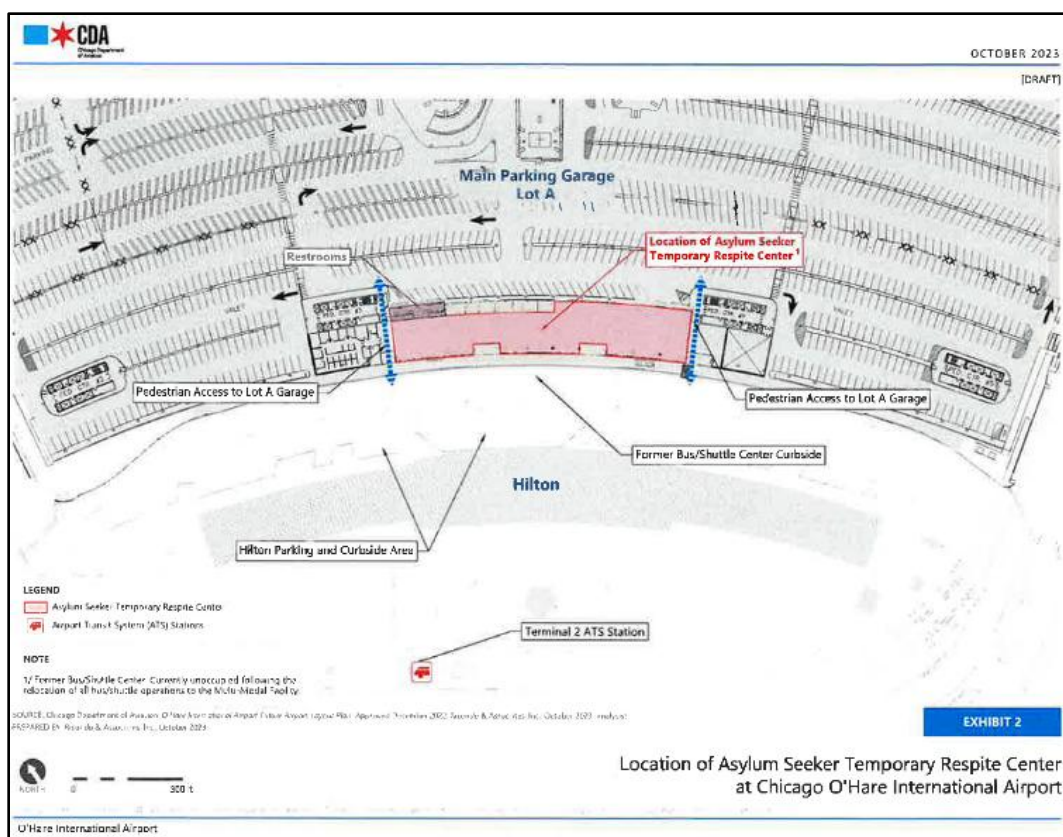


Figure 4: CDA Map of Immigration Shelter at O'Hare⁹⁷

The Bus Shuttle Center at O'Hare was not a “staging area” as Chicago told the Committee; aliens camped there for days or weeks at a time. While Chicago claims “[n]o persons are or ever have been housed at [O'Hare],” the facts reveal a different story.⁹⁸

First, though aliens' length of stay at O'Hare varied, Chicago confirmed to the FAA “some individuals ha[d] been at the transfer center for three weeks.”⁹⁹ That length of stay was “commonplace.”¹⁰⁰ Moreover, CDA had taken steps to allow for long stays, and therefore should have expected them. CDA provided “foam sleeping pads, some cots, and some inflatable mattresses.”¹⁰¹ CDA also provided transportation to city facilities for showers “on a regular, rotating basis.”¹⁰² Communications with other airports also confirm the Bus Shuttle Center was

⁹⁷ *Id.*

⁹⁸ Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 3 (Aug. 14, 2024).

⁹⁹ Letter from Jamie Rhee, Comm'r, Chicago Dep't of Aviation, *supra* note 83 at 2.

¹⁰⁰ Letter from Shannetta Griffin, Assoc. Adm'r for Airports, Fed. Aviation Admin., to Jamie Rhee, Comm'r, CDA at 1 (Dec. 15, 2023) (on file with Comm. staff).

¹⁰¹ Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 3 (Sept. 27, 2024).

¹⁰² Letter from Jamie Rhee, Comm'r, Chicago Dep't of Aviation (Oct. 17, 2023), *supra* note 83 at 2.

more than a staging area. Chicago admitted to Massport that it “had both a significant homeless and migrant population now living at O’Hare” in October 2023.¹⁰³

Chicago did not know how much it cost to maintain the migrant encampment area at the Bus Shuttle Center until December 2024, ten months after it shut down the housing area.¹⁰⁴ The Bus Shuttle Center’s total \$1.2 million in costs were “paid for from airport operating funds which are supported by airport revenue,” but were reimbursed by the City of Chicago months later.¹⁰⁵

Chicago knew that individuals housed at O’Hare were aliens paroled into the United States by the Biden-Harris administration. Chicago repeatedly told the Committee that it has “no knowledge and offers no opinion with respect to the immigration status of people arriving by air” at O’Hare.¹⁰⁶ But, again, other records contradict that claim. In an October 17, 2023, letter to the FAA, Chicago stated that it had received “over 4,200 *asylum seekers* who arrived by air to date” that year.¹⁰⁷ A January 25, 2024, letter to the FAA stated Chicago was searching “for shelter solutions for *migrants* arriving via aircraft in Chicago.”¹⁰⁸

Similarly, Chicago minimized the number of aliens housed at O’Hare even though at least hundreds were staying there. Chicago told the Committee that there were approximately 188 individuals at the Bus Shuttle Center on January 26, 2024.¹⁰⁹ Yet, it told the FAA on January 25, 2024, that the number of individuals at the temporary staging area “remains at roughly 200–250 persons.”¹¹⁰ According to an FAA report consolidating feedback from airports, around October 2023, 100 aliens were arriving *per day* with “an accumulation of 350–400 people on any given day needing to stay overnight.”¹¹¹ Independent news sources that visited the Bus Shuttle Center reported that up to 500 migrants were housed at O’Hare.¹¹² One Chicago official also wrote that

¹⁰³ Email among Massport Staff (Oct. 18, 2023) (MP_0001024) (on file with Comm. staff) (summarizing call with O’Hare officials regarding sheltering migrants).

¹⁰⁴ Letter from John Roberson, COO, City of Chicago to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 1 (Dec. 19, 2024) (on file with Comm. staff).

¹⁰⁵ Letter from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 2 (Aug. 14, 2024) (on file with Comm. staff); Letter & Attachment from John Roberson, COO, City of Chicago to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 1 (Dec. 19, 2024) (on file with Comm. staff).

¹⁰⁶ Letter from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. (Aug. 14, 2024).

¹⁰⁷ Letter from Jamie Rhee, Comm’r, Chicago Dep’t of Aviation to Kevin Wellis, Dir. of Airport Compliance, Fed. Aviation Admin., at 1 (Oct. 17, 2023) (on file with Comm. staff) (emphasis added).

¹⁰⁸ Letter from Jamie Rhee, Comm’r, Chicago Dep’t of Aviation to Shannetta Griffin, Assoc. Adm’r for Airports, Fed. Aviation Admin at 2 (Jan. 25, 2024) (on file with Comm. staff).

¹⁰⁹ Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 1 (Sept. 27, 2024).

¹¹⁰ Letter from Jamie Rhee, Comm’r, Chicago Dep’t of Aviation to Shannetta Griffin, Assoc. Adm’r for Airports, Fed. Aviation Admin. at 1 (Jan. 25, 2024) (on file with Comm. staff).

¹¹¹ Email among FAA and DOT Staff, at 220.4–5 (Oct. 11, 2023) (220.1–5) (on file with Comm. staff).

¹¹² Sophia Tareen & Melissa Pere Winder, *Hundreds of Migrants Live Inside O’Hare Airport as Chicago Grapples with How to House Them*, FOX 32 CHICAGO (Oct. 2, 2023), <https://www.fox32chicago.com/news/migrants-ohare-airport>.

“[a]t the peak we had approx. 900 migrants which could be here for several weeks before placement.”¹¹³

After February 6, 2024, Chicago says, no persons “spent more than twenty-four hours” at O’Hare’s Bus Shuttle Center.”¹¹⁴ However, the City kept the temporary staging area in place in case of “potential future influxes of migrants arriving by aircraft.”¹¹⁵ On April 9, 2024, nearly a year after it began sheltering immigrants at the Bus Shuttle Center, Chicago confirmed that it had “fully decommissioned the staging area” and that “the site has been restored to its prior condition.”¹¹⁶

b. The Biden White House and the FAA Did Nothing to Stop Migrants Sheltering at O’Hare and Asked if More Space was Available There.

Chicago consulted with the FAA regarding the housing of aliens at O’Hare but never requested a waiver from the agency to “house individuals.”¹¹⁷ It remains unclear when the FAA first became aware of aliens staying at the Bus Shuttle Center. The first communications appear to have occurred around October 6, 2023, about six months *after* aliens started staying at O’Hare. On that date, FAA officials asked CDA if *more aliens* could be housed at O’Hare or Midway because so many were arriving in Chicago by air or by bus each day.¹¹⁸ In response, CDA said it was “unable to identify alternate locations at ORD or MDW available for immediate use” but disclosed to the FAA the hundreds of aliens staying at O’Hare’s Bus Shuttle Center and about 30 aliens arriving at Midway each day.¹¹⁹ On October 12, 2023, the Great Lakes Regional Office of the FAA followed up by asking CDA to put “something in writing from CDA about ORD and MDW migrant transfers.”¹²⁰ Chicago provided a written response on October 17, 2023.¹²¹ From the letter, it appears this was the first time Chicago and the FAA had discussed the implications of housing aliens at O’Hare.

Two months later, on December 15, 2023, the FAA wrote to Chicago again about reports of “increased activity . . . resulting in expanded use of the ORD shuttle bus terminal as a temporary migrant shelter,” including for migrants arriving by ground transportation and asked for an update on “migrant sheltering operations at ORD and MDW.” The FAA asked Chicago to detail

¹¹³ Email among Massport Staff, (May 1, 2024) (MP_0001508) (on file with Comm. staff) (forwarding response from O’Hare official regarding sheltering migrants). *See* Email and Attached Report among FAA Staff, *supra* note 111 at 220.4–5.

¹¹⁴ Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 1 (Aug. 14, 2024).

¹¹⁵ Letter from Jamie Rhee, Comm’r, Chicago Dep’t of Aviation to Shannetta Griffin, Assoc. Adm’r for Airports, Fed. Aviation Admi., at 1 (Apr. 9, 2024) (on file with Comm. staff).

¹¹⁶ *Id.*

¹¹⁷ Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 2 (Sept. 27, 2024) (on file with Comm. staff).

¹¹⁸ Email among FAA and DOT Staff, *supra* note 95 at 212.1–2.

¹¹⁹ *Id.*

¹²⁰ Email from FAA Staff to City of Chicago Staff, (Oct. 12, 2023) (on file with Comm. staff).

¹²¹ Letter from Jamie Rhee, Comm’r, Chicago Dep’t of Aviation to Kevin Wellis, Dir. of Airport Compliance, Fed. Aviation Admin., at 1 (Dec. Oct. 17, 2023) (on file with Comm. staff).

its “plan to minimize overnight sheltering activities and to wind down the use of airport facilities for these purposes.”¹²² On January 25, 2024, Chicago formally replied, saying it could not provide the FAA with a date by which “it will no longer be necessary to temporarily stage migrants at O’Hare.”¹²³ The City said it was working to obtain “federal assistance in coordinating the inflow of migrants” and “financial assistance for the City to construct new shelters.”¹²⁴ Additionally, the City invited the FAA to visit O’Hare and review its operations.¹²⁵ In response to an inquiry from the Committee, the City said it was “not aware” of any visit by the FAA in response to the invitation.¹²⁶

The Biden-Harris administration’s FAA did little to ensure Chicago managed O’Hare and its housing of aliens in a lawful, safe, and secure manner. In fact, Chicago *requested* direction from the FAA in the City’s January 25, 2024, response: “Guidance from the FAA would be most welcome as we continue to navigate this unprecedented situation.”¹²⁷ According to documents and responses provided to the Committee, the FAA provided no direction or guidance.

c. Chicago Consulted with the TSA, DHS, and FEMA but Provided No Details on Those Consultations.

Chicago had “regular monthly coordination meetings” with TSA to discuss topics “related to the new arrivals,” including “the location of the temporary staging area at ORD,” security personnel monitoring the staging area, and the role of the City’s Department of Family and Support Services in providing services to new arrivals.¹²⁸ According to Chicago, no meeting minutes were taken for security reasons.¹²⁹ Chicago hosted a meeting with “other federal agencies, including DHS,” which “enabled [those agencies] to provide the City with more precise direction and cooperation.”¹³⁰ While Chicago did not disclose it to the Committee, according to communications received from DOT, that meeting likely took place on October 6, 2023, with DHS and FEMA officials and included a tour of the Bus Shuttle Center.¹³¹ Even with the benefit of that meeting, aliens continued to live at O’Hare for nearly another five months.

¹²² Letter from Shannetta Griffin, Assoc. Adm’r for Airports, Fed. Aviation Admin. to Jamie Rhee, Comm’r, CDA at 1 (Dec. 15, 2023) (on file with Comm. staff).

¹²³ Letter from Jamie L. Rhee, Comm’r, CDA, to Shannetta R. Griffin, Assoc. Adm’r for Airports, Fed. Aviation Admin., at 2 (Jan. 25, 2024) (on file with Comm. staff).

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ Email from City of Chicago staff to the Comm. (Oct. 7, 2025) (on file with Comm. staff).

¹²⁷ *Id.*

¹²⁸ Response from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. at 1 (Oct. 15, 2024) (on file with Comm. staff).

¹²⁹ *Id.*

¹³⁰ Letter from Jamie L. Rhee, Comm’r, CDA, to Shannetta R. Griffin, Assoc. Adm’r for Airports, Fed. Aviation Admin., at 2 (Jan. 25, 2024) (on file with Comm. staff).

¹³¹ Email among FAA and DOT Staff, *supra* note 95 at 212.1–2.

2. The White House, FAA, and Boston Officials Pressured Massport to House Aliens in an Airport Terminal at Logan.

The Committee's investigation also revealed that Massport, the airport operator for Logan in Boston, allowed hundreds of migrants to camp in an airport terminal after Boston officials, Massachusetts officials, and the White House, through the FAA, pressured it to do so.

a. *Massport Housed Hundreds of Aliens in Its Terminals for a Year.*

Then-Ranking Member Cruz sent a letter to Massport on March 6, 2024, asking about housing of aliens at Logan.¹³² After Committee staff reached out to Massport on several occasions, Massport finally provided responses and related documents in early 2025. Those documents and responses reveal that 5,500 migrants arrived at Logan via commercial air service between July 2023 and July 2024.¹³³ Massport began to encounter aliens congregating "in large groups" in different terminals after they arrived.¹³⁴ Some arriving in the summer of 2023 stayed in Terminal A overnight.¹³⁵

Logs maintained by Massport exhibit the constant flow of aliens to Logan. One log lists 771 aliens encountered across the airport from July to August 2023.¹³⁶ Another entry from August 6, 2023, notes "51 [H]aitian migrants on cots [found in] terminal A lower level. [O]ne family arrived on a flight last night at 1800 and the majority of the others arrived around 0100 via bus from BMC."¹³⁷ Aliens sleeping in airport terminals disrupted airport operations. For example, one commercial airline complained to Massport about migrants sleeping in their baggage claim area.¹³⁸

At first, Massport directed aliens off airport grounds to state centers. In October 2023, however, the FAA, directed by the White House, pressured Massport for a list of available facilities to house aliens at Logan.¹³⁹ Massport was unequivocal that no space was available.¹⁴⁰ Migrants kept arriving at Logan regardless. In November 2023, "migrants encountered during the evening/overnight hours were directed to Terminal E" at Logan.¹⁴¹ From November 2023 until July 2024 aliens, sometimes hundreds, stayed at Logan each night in a 4,100-square-foot designated area within Terminal E that would have otherwise been open to the public.¹⁴² At its peak on the night of May 15, 2024, 352 aliens were living in the terminal.¹⁴³ In many months,

¹³² Letter from Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. to Edward Freni, Interim Chief Exec. Officer and Dir. of Aviation, Massport (Mar. 6, 2024).

¹³³ Response from Massport to the Committee at 1 (Mar. 5, 2025) (on file with Comm. staff).

¹³⁴ *Id.*

¹³⁵ Response from Massport to the Comm. at 2 (Mar. 21, 2025) (on file with Comm. staff).

¹³⁶ Email among Massport Staff & Attachment, (Aug. 12, 2023) (MP_0000846–847) (on file with Comm. staff).

¹³⁷ *Id.*

¹³⁸ Email from Airline to Massport Staff (Sept. 27, 2023) (MP_0000957–961).

¹³⁹ Email among FAA and DOT Staff, *supra* note 111 at 220.5.

¹⁴⁰ *Id.*

¹⁴¹ Response from Massport to the Comm. at 1 (Mar. 5, 2025) (on file with Comm. staff).

¹⁴² *Id.*

¹⁴³ *Id.*

more than 100 aliens persistently stayed overnight in Terminal E; on average, 181 stayed there per night in April 2024, 265 in May, and 262 in June.¹⁴⁴ Massport claims it transported aliens staying in Terminal E off the premises to state shelters each day, but the aliens would return to Logan in the evening and stay there overnight.¹⁴⁵



Figure 5: Migrants in Terminal E in at Logan¹⁴⁶

Even after November 2023, aliens staying at Logan were not completely contained to Terminal E. For example, on December 13, 2023, at 8:30 p.m., a Massachusetts State Police officer reported seeing volunteers for the state government drop off 15 aliens in Terminal A and another 13 in Terminal B with food and sleeping bags.¹⁴⁷ According to the officer, the volunteers “might not have been entirely forthcoming about the situation,” and it “appeared that they were trying to distribute the [aliens] across different locations in the airport, possibly to give the impression of smaller, more manageable groups.”¹⁴⁸

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ Alex Oliveira, *Boston's Logan Airport Sheltering Over 100 Migrants with More Families Arriving 'at all hours'*, N.Y. POST (June 11, 2024) <https://nypost.com/2024/06/11/us-news/migrant-families-being-housed-at-boston-logan-airport/>.

¹⁴⁷ Email among Massport Staff, (Dec. 12, 2023) (MP_0003954) (on file with Comm. staff).

¹⁴⁸ *Id.*

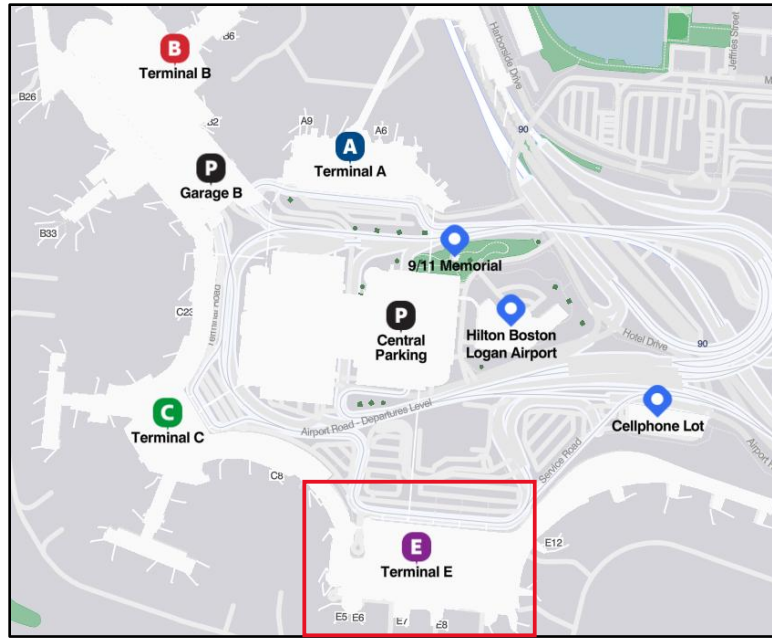


Figure 6: Map of Logan Airport, Including Terminal E Where Migrants Sheltered Overnight¹⁴⁹

Massport spent at least \$779,000 in “supplemental public safety, transportation, and janitorial services expenses” to house aliens in Terminal E.¹⁵⁰ And \$332,000 of those costs were passed on to the commercial airline tenants at Logan.¹⁵¹ The other \$447,000 in expenses were borne by Massport but not included in fees charged to airlines.¹⁵² These expenses included more than \$170,000 to provide taxis to aliens, another \$114,162 for buses, and almost \$400,000 for additional staffing costs for police, and first responders.¹⁵³

Allowing aliens to stay at Terminal E was neither safe nor secure. While Massport coordinated additional patrols by the Massachusetts State Police around Terminal E, “[t]here were from time-to-time minor conflicts” at the encampment.¹⁵⁴ In May 2024, Massport decided to lock a “companion bathroom” in Terminal E every night after staff reported “illicit behavior” happening inside.¹⁵⁵ The same month, Massachusetts State Police responded to people “arguing over sleeping quarters.”¹⁵⁶

Some aliens also required medical attention or were sent to the hospital.¹⁵⁷ For example, in February 2024, the fire department and police responded to a sick mother and her two-week-old baby in Terminal E that required an evaluation and transport to Massachusetts General

¹⁴⁹ *At the Airport*, MASSPORT, <https://www.massport.com/logan-airport/at-the-airport> (last visited June 4, 2025).

¹⁵⁰ Response from Massport to the Committee at 3 (March 5, 2025) (on file with the Committee).

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ Email & Attachment among Massport Staff, (June 6, 2024) (MP_0000570–571) (on file with Comm. staff).

¹⁵⁴ Response from Massport to the Comm. at 4 (Mar. 21, 2025) (on file with Comm. staff).

¹⁵⁵ Email among Massport Staff, (May 29, 2024) (MP_0002935) (on file with Comm. staff).

¹⁵⁶ Email among Massport Staff, (May 29, 2024) (MP_0001650–1653) (on file with Comm. staff).

¹⁵⁷ Email among Massport Staff, (Jan. 21, 2024) (MP_0001342) (on file with Comm. staff).

Hospital.¹⁵⁸ Some Massachusetts State Police officers attending to aliens in Terminal E “have also been sick.”¹⁵⁹

Massport did not conduct any criminal or security screening of people remaining in Terminal E overnight.¹⁶⁰ Because most aliens in Terminal E “transited to the state by air, . . . Massport assumed screening had previously been conducted through TSA checkpoints and/or the CBP prior to the migrants’ arrival at Logan.”¹⁶¹ That assumption was flawed; as discussed above, TSA and CBP’s reliance on the CBP One app made those agencies’ screening of migrants unreliable at best.

***b. The White House, through the FAA, and State and Local Officials
Pressured Massport to Shelter Aliens at Logan.***

Massport did not want to house aliens overnight because of concerns it would disrupt airport operations and be a burden on its resources. But in October 2023, it was pressured by the White House through the FAA and by Massachusetts and Boston officials to do so.

It started with an email from the FAA to Massport on October 6, 2023: “We have received a request from the WH to determine if there are available facilities on airport or surrounding areas. . . to provide assistance with additional human intake in [Boston and other cities].”¹⁶² The email continued “[t]his is an immediate ask so please prioritize this effort with an initial ask and respond back to me as soon as possible.”¹⁶³

Massport officials pushed back on this pressure from the Biden-Harris administration, warning they were not equipped to become an alien “intake” facility:

We are not designed, or resourced, to manage the intake of migrant populations. Although I do not know what “intake” means, exactly, based on what I see occurring at other domestic airports (e.g., ORD) this would create an untenable situation for us not to mention a significant diversion of State Police and ARFF/EMS resources.

. . . We simply do not have facilities at BOS sufficient to operate as an intake center.

Although I sincerely appreciate the challenges that this emergency has presented, [it] will create a host of unintended safety and security consequences if we were to also become a migrant intake facility while simultaneously operating New England’s largest commercial service airport.¹⁶⁴

¹⁵⁸ Email among Massport Staff, (Feb. 4, 2024) (MP_0001418) (on file with Comm. staff).

¹⁵⁹ Email among Massport Staff, (Jan. 21, 2024) (MP_0001342) (on file with Comm. staff).

¹⁶⁰ Response from Massport to the Comm. at 2 (Mar. 5, 2025) (on file with Comm. staff).

¹⁶¹ *Id.*

¹⁶² Email among Massport Staff, (Oct. 6, 2023) (MP_0000289–293) (on file with Comm. staff).

¹⁶³ *Id.*

¹⁶⁴ *Id.*; see Email among FAA and DOT Staff, *supra* note 111 at 220.5.

State officials also pressured Massport. In October 2023, the Massachusetts Executive Office of Health and Human Services requested Massport create a “congregate shelter” and sent suggested vendors to set up the shelter.¹⁶⁵ Massport’s reaction was unenthusiastic: “Sounds like we may be an operator of the shelter, (via a contractor) not just the real estate. [I]nteresting times”¹⁶⁶ That same month, Boston officials confirmed to Massport that Boston was “working close[ly] with both state government and the White House” about migrants flowing into Massachusetts.¹⁶⁷ Once Massport established the housing area in Terminal E, the Massachusetts government asked for more. In January 2024, state officials requested that Massport begin “processing and tracking” migrants through an intake form.¹⁶⁸ Yet again, Massport pushed back and said using the intake form would “impose a significant burden.”¹⁶⁹ It’s unclear whether Massport ever started processing migrants through an intake form, but it did at least keep track of whether migrants were “repeats.” For example, on February 21, 2024, Massport reported that 31 migrants were in the airport including 30 repeats and one pregnant migrant “with an expired Visa.”¹⁷⁰

In July 2024, Massachusetts changed its tune. That month, despite originally pressuring Logan to house migrants, Massachusetts adopted a policy banning migrants staying overnight in the airport.¹⁷¹ At the time, Governor Maura Healey said, “We’ve never thought that Logan was an appropriate place for people to be staying overnight.”¹⁷² Internal documents reviewed by the Committee contradict the Governor’s statement; Massachusetts encouraged Massport to house migrants in October 2023.¹⁷³ Even after July 2024, some aliens slept overnight at Logan despite the state’s new ban.¹⁷⁴

c. The FAA and DHS Gave Massport No Support.

The FAA never required Massport to seek a community use exception to use airport facilities for non-aeronautical purposes and Massport never requested one. When asked by the Committee why Massport had not sought a community use exception, it responded, “[B]ecause Massport was not housing migrants, no waivers were necessary in any case.”¹⁷⁵ That response does not comport with the facts: Massport was housing aliens and not using the space for aviation purposes. It directed aliens to sleep in specific portions of Logan for months and, at times, provided cots, food, water, and facilities.

¹⁶⁵ Email among Massport Staff, (Oct. 13, 2023) (MP_0000490–491) (on file with Comm. staff).

¹⁶⁶ *Id.*

¹⁶⁷ Email among Massport, (Oct. 7, 2023) (MP_0003002) (on file with Comm. staff).

¹⁶⁸ Email among Massport Staff, (Jan. 5, 2024) (MP_0000640–641) (on file with Comm. staff).

¹⁶⁹ *Id.*

¹⁷⁰ Email among Massport Staff, (Feb. 21, 2024) (MP_0010043–44) (on file with Comm. staff).

¹⁷¹ Catherine Shoichet, *Migrant families are now banned from sleeping in Boston’s airport*, CNN (July 9, 2024), <https://www.cnn.com/2024/07/09/us/boston-logan-airport-migrants-cec/index.html>.

¹⁷² *Id.*

¹⁷³ Email among Massport Staff, (Oct. 13, 2023) (MP_0000490–491) (on file with Comm. staff).

¹⁷⁴ Giulia McDonnell Nieto del Rio, *Migrant Families Return to Logan, Raising Questions about State Shelter Restrictions*, BOSTON GLOBE (Sept. 17, 2024), <https://www.bostonglobe.com/2024/09/17/metro/migrant-immigrant-shelter-logan/>.

¹⁷⁵ Response from Massport to the Comm. at 4 (Mar. 5, 2025) (on file with Comm. staff).

Massport discussed housing aliens with TSA and met with DHS Secretary Alejandro Mayorkas, but no security steps were implemented. Massport claims it “engaged in regular conversations with the TSA” about the influx of migrants,¹⁷⁶ but “[t]here were no changes made to the Airport Security Plan nor did the TSA require changes to be made.”¹⁷⁷ In August 2023, as Logan Airport housed aliens and airport staff found more aliens sleeping in the airport each night, Secretary Mayorkas visited Boston and requested a meeting with Massport.¹⁷⁸ On the draft agenda with Secretary Mayorkas was a note to discuss the “[s]ignificant increase in the amount of migrants seeking assistance/support over the past few months at Logan.”¹⁷⁹ According to Massport, it used that meeting “to express its concerns based on what was occurring at other airports and Massport’s own concern about preventing similar circumstances from occurring at Logan.”¹⁸⁰ Did Secretary Mayorkas and the Biden-Harris administration’s DHS take *any* action to address those concerns? According to Massport, “No.”¹⁸¹

3. In New York, the Port Authority Housed Aliens in a Warehouse Near JFK’s Runways.

A surge of migrants traveling to New York City caused by the Biden-Harris administration’s open-border immigration policies, including the CHNV parole program, led the Port Authority of New York and New Jersey to house aliens in a warehouse at JFK.

It began on May 6, 2023, with New York Governor Kathy Hochul, who reached out to DOT “to see if there is any flexibility with opening up transportation assets ([including] Airport hangars) to house the flow of migrants coming from the Southern Border.”¹⁸² That same day, Governor Hochul spoke to White House Chief of Staff Jeff Zients about the issue.¹⁸³ Later that month, Governor Hochul’s request led to the Port Authority asking the FAA to use buildings at JFK to house migrants.¹⁸⁴ That request was supposed to include a “plan to ensure inadvertent entry onto [JFK’s] airfield, and other compliance related information.”¹⁸⁵

The following month, the Port Authority began housing aliens at JFK.¹⁸⁶ Operations began less than a week after the FAA approved a license agreement between the Port Authority and the City of New York for the temporary use of JFK’s Building 197, a warehouse next to JFK’s runways, to house aliens.¹⁸⁷ The United States Postal Service (USPS) previously used the warehouse to

¹⁷⁶ *Id.* at 5.

¹⁷⁷ Response from Massport to the Comm. at 3 (Mar. 21, 2025) (on file with Comm. staff).

¹⁷⁸ Memorandum by MassPort Staff Regarding Sec’y Alejandro Mayorkas Visit, (Aug. 21, 2023) (MP_0003412–3414) (on file with Comm. staff).

¹⁷⁹ *Id.*

¹⁸⁰ Response from Massport to the Comm. at 4 (Mar. 21, 2025) (on file with Comm. staff).

¹⁸¹ *Id.*

¹⁸² Email among DOT and FAA Staff at 270.6 (May 6, 2023) (270.1–.8) (on file with Comm. staff).

¹⁸³ *Id.*

¹⁸⁴ *Id.* at 270.1

¹⁸⁵ *Id.*

¹⁸⁶ Cotton Letter, *supra* note 76 at 1.

¹⁸⁷ License Agreement for the Temporary Use of Building Number 197 at John F. Kennedy International Airport (Exhibit C to Cotton Letter) (on file with Comm. staff).

handle overflow holiday mail and CBP was separately considering leasing the building to augment its operations at JFK.¹⁸⁸ Instead, the Port Authority and the Biden-Harris administration used it as a dormitory for aliens.

The warehouse was initially approved for use as an emergency shelter through September 30, 2023,¹⁸⁹ and then through December 31, 2024.¹⁹⁰ As part of the extension, the City of New York agreed to pay the Port Authority up to \$20 million to cover related costs.¹⁹¹ Under the agreement, the City of New York managed day-to-day operations at the shelter,¹⁹² providing aliens three meals a day, a cot, access to a shower (if possible), security, fire watch, translation services, legal services, and transportation.¹⁹³ The Port Authority told the Committee that the site housed up to 1,000 residents.¹⁹⁴ Internal DOT emails suggest the capacity was lower, holding only 741 cots, but that the site was “very near capacity on a daily basis.”¹⁹⁵

The FAA conditioned its approval of the license agreement on the condition that the parties “take every action necessary to provide for the safety and security of the airport and airport users, including actions that prevent Asylum Seekers . . . access to the Airport Operations Area (AOA) and Security Identification Display Area (SIDA).”¹⁹⁶

But the Port Authority has confirmed at least one security incident involving an alien housed at JFK since June 2023.¹⁹⁷ In February 2024, Kleber Loor-Ponce, an alien from Ecuador ran past a security post into “the secure area at [JFK],” toward two runways.¹⁹⁸ Security found him, arrested him, and found a box cutter and pair of scissors on his person.¹⁹⁹ After charging him with trespass and weapons possession, local prosecutors dropped the weapons charge and granted him an adjournment contemplating dismissal.²⁰⁰ After Loor-Ponce was released, the New York Police Department (NYPD) charged him with misdemeanor assault on May 21, 2024, and

¹⁸⁸ Email among DOT and FAA Staff at 161.4 (Sept. 14, 2023) (161.1–14) (on file with Comm. staff).

¹⁸⁹ FAA Approval Letters of the License Agreement for the Temporary Use of Building Number 197 at John F. Kennedy International Airport (dated June 3, 2023, and Sept. 25, 2023) (on file with Comm. staff).

¹⁹⁰ Letter from Michael Helvey, Dir., Office of Airport Compl. And Manag. Analysis to Charles Everett, Jr., Port Authority, at 2 (Mar. 30, 2024) (Exhibit D to Cotton Letter) (on file with Comm. staff).

¹⁹¹ License Agreement for the Temporary Use of Building Number 197 at John F. Kennedy International Airport at 192 (Exhibit C to Cotton Letter) (on file with Comm. staff).

¹⁹² Cotton Letter, *supra* note 76 at 1.

¹⁹³ Email from Amy Fisher, Gen. Couns., Port Authority of N.Y. and N.J., to Sen. Ted Cruz, Ranking Member et al., S. Comm. on Com., Sci. & Transp. (June 17, 2024); (Port Authority Exhibit C – *see* page 176 of PDF)

¹⁹⁴ Email from Amy Fisher, Gen. Couns., Port Authority of N.Y. and N.J., to Sen. Ted Cruz, Ranking Member et al., S. Comm. on Com., Sci. & Transp. (June 17, 2024). (Exhibit C) (License Agreement at 4).

¹⁹⁵ Email among DOT and FAA Staff, *supra* n. 188 at 161.5.

¹⁹⁶ *E.g.*, Letter from Kevin Willis, Dir., Office of Airport Compl. And Mgmt. Analysis to Charles Everett, Jr., Port Authority, at 2 (June 3, 2023).

¹⁹⁷ Cotton Letter, *supra* note 76 at 1.

¹⁹⁸ Letter & Attachments from Kristi Noem, Sec’y of Homeland Sec., to Sen. Ted Cruz, Chairman, S. Comm. on Com., Sci. & Transp., at 1 (May 30, 2025) (on file with Comm. staff) (dated May 7, 2025 but received by the Comm. on May 30, 2025); Thomas Tracy, *Migrants at JFK Airport Shelter Busted for Running into Secure Area: Sources*, N.Y. DAILY NEWS (Feb. 11, 2024), <https://www.nydailynews.com/2024/02/11/migrant-at-jfk-airport-shelter-busted-for-running-into-secure-area-sources/>.

¹⁹⁹ Thomas Tracy, *supra* n. 198.

²⁰⁰ *Id.*

for felony assault, on May 7, 2025, after he allegedly attempted to strangle someone.²⁰¹ Though (NYPD) arrested him on May 7, 2025, he is not in NYPD or ICE custody as of the publication of this report.²⁰² Records state that Loor-Ponce “has no legal status within the United States . . . and is currently under immigration proceedings.”²⁰³

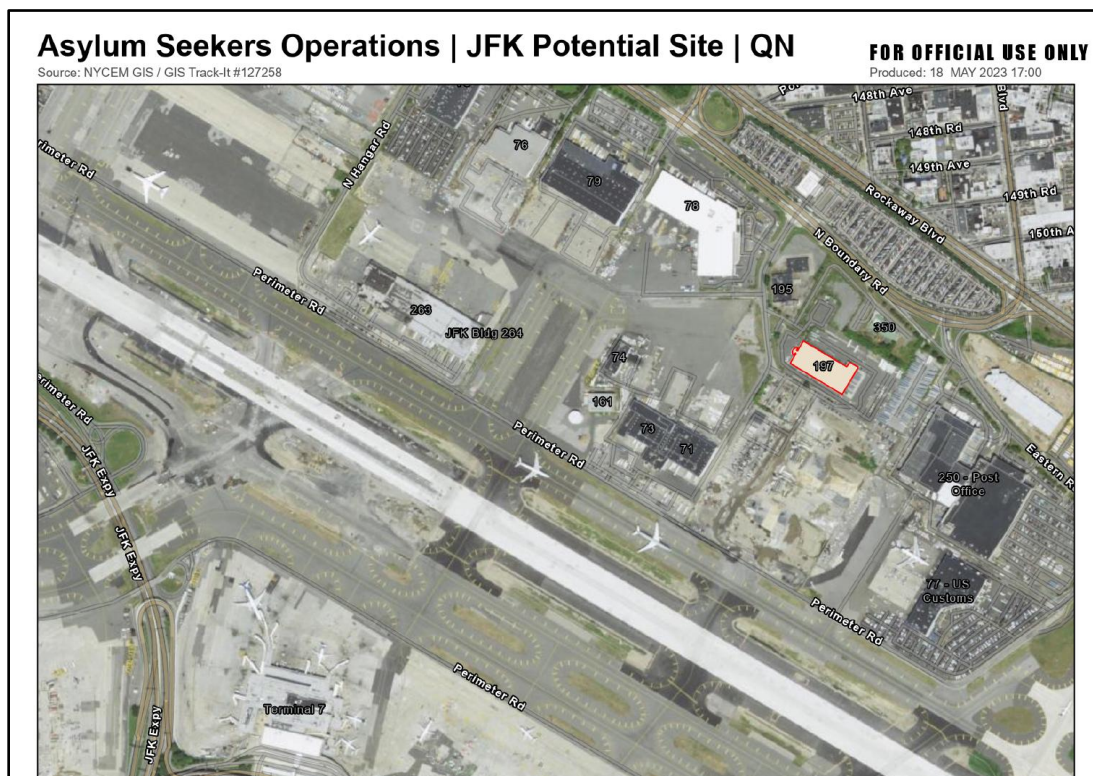


Figure 7: Location of JFK Building 197²⁰⁴

²⁰¹ Email from ICE staff to Comm. Staff (Oct. 9, 2025) (on file with Comm. staff).

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ License Agreement for the Temporary Use of Building Number 197 at John F. Kennedy International Airport, at 177 (Exhibit C to Cotton Letter) (on file with Comm. staff).



Figure 8: JFK Building 197²⁰⁵

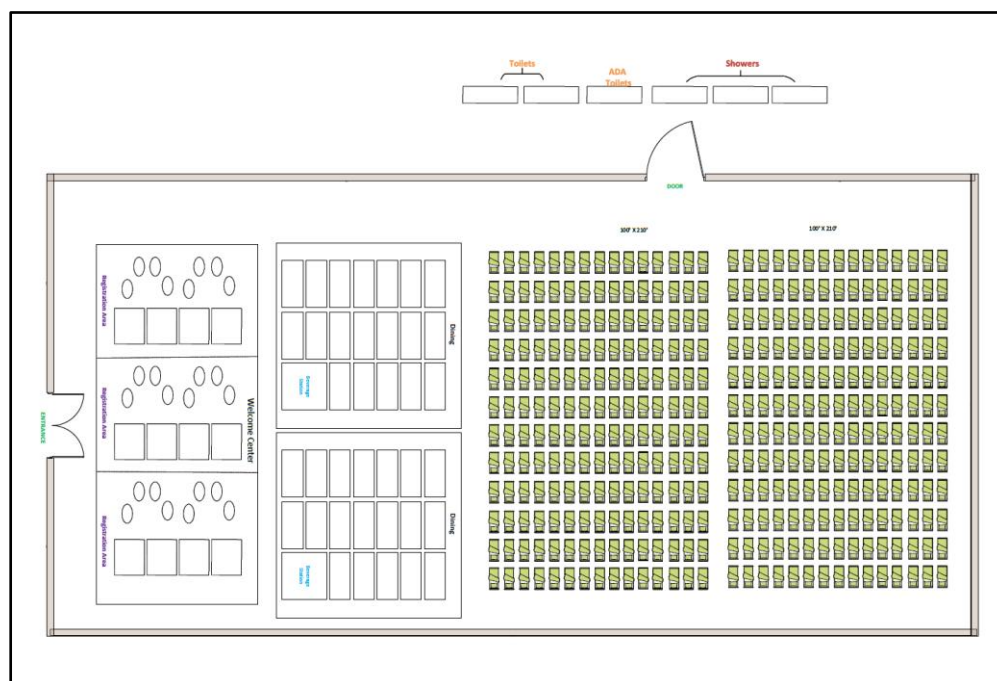


Figure 9: Layout of JFK Building 197²⁰⁶

²⁰⁵ *Id.* at 180.

²⁰⁶ *Id.* at 181.

Meanwhile, Governor Hochul demanded the Biden-Harris administration do more to help New York, saying that the immigration crisis “originated with the federal government, and it must be resolved with the federal government.”²⁰⁷ In response, the Biden-Harris administration acknowledged that it approved housing aliens at JFK and 11 other federal sites across the state.²⁰⁸ But, of course, the administration was unwilling to change its immigration policies to stem the tide of aliens entering the country through airports and at the southern border.

4. The Biden-Harris Administration Sought More Airport Facilities to House Migrants and Tried to Divert Other Federal Resources to Help Aliens Stay in the Country.

In the face of an unprecedented surge of aliens into the United States, the Biden-Harris administration refused to change course from crisis-causing open-border policies. Instead, the administration demanded that DOT and the FAA search for federal or non-federal buildings that could be used to house or otherwise assist aliens in the United States. While few facilities were found and others in the administration objected to the “optics,” internal documents make clear that the Biden-Harris administration directed the FAA and other subagencies of DOT to find somewhere—anywhere—to house the aliens flooding into the country.

a. The White House Demanded DOT and the FAA Survey Airport Facilities for Locations to House Aliens.

At the beginning of August 2023, the White House requested that DOT “look at any physical space [DOT] might be able to offer to NYC in support of the large number of migrants coming there.”²⁰⁹ FAA separately surveyed its properties and other airport assets not owned by the federal government.²¹⁰ DOT examined everything around New York but found nothing suitable.²¹¹ It considered properties of the Great Lakes St. Lawrence Seaway Development Corporation (GLS) in upstate New York and the U.S. Merchant Marine Academy (USMMA) on Long Island, but the GLS properties were too far away and the USMMA was crowded by ongoing construction.²¹² FAA found two sites for use: Stewart International Airport, 50 miles away from New York City and owned by New York State, and the FAA’s Tech Center in Atlantic City, New Jersey.²¹³ Those sites made it on to a list the Biden-Harris administration sent to Mayor Eric Adams in late August 2023.²¹⁴ Ultimately, Governor Hochul rejected those options,

²⁰⁷ Katelyn Cordero, *Biden Administration Knocks New York for Issues with Migrant Influx*, POLITICO (Aug. 28, 2023), <https://www.politico.com/news/2023/08/28/biden-administration-new-york-migrant-influx-00113178>.

²⁰⁸ *Id.*

²⁰⁹ Emails among DOT staff at 281.3 (Aug. 3, 2023) (281.1–.3) (on file with Comm. staff).

²¹⁰ *Id.*

²¹¹ *Id.* at 281.1–.2.

²¹² *Id.*

²¹³ *Id.* at 281.1.

²¹⁴ Laura Nahmias, *Biden Offers Airports in Atlantic City, on Canadian Border to House NYC Migrants*, BLOOMBERG (Aug. 30., 2023), <https://www.bloomberg.com/news/articles/2023-08-30/biden-offers-nyc-migrants-11-sites-including-atlantic-city-airport>.

stating that, “We cannot and will not force other parts of our state to shelter migrants, nor are we going to be asking these migrants to move to other parts of the state against their will.”²¹⁵

Not satisfied, in September 2023, the White House asked to “do another push of NYC airports for any available hanger spaces.”²¹⁶ Again, besides Building 197 at JFK, which the White House knew about and FAA helped to facilitate occupancy, FAA concluded nothing else was available.²¹⁷ Thinking the White House could try to use other DOT assets to house migrants, DOT staff quickly pointed out that Maritime Administration (MARAD) training ships, like those used as hospitals in the beginning of the COVID-19 pandemic, were unavailable.²¹⁸

Notably, throughout its search for sites to house migrants near New York City, the White House wanted “solutions that don’t require a Stafford Act emergency declaration” because an emergency declaration was “not on the table for the [White House] right now.”²¹⁹ Put another way, the White House refused to admit the severity of the unprecedented influx of migrants into the United States and instead remained in denial about the emergency created by its open-border policies.

But the White House was not yet finished. In October 2023, it asked DOT (and other federal agencies) to inventory properties that could house aliens near large cities across the country.²²⁰ Similarly, the White House asked FAA to inventory its own facilities and “non-federally owned airport assets.”²²¹ FAA ultimately reached out to at least ten airports—including JFK, O’Hare, Midway, Logan, Newark, San Diego, Tucson, Phoenix, Denver, and Newark—but found no additional spaces available.²²² Denver pointed out that federal law and Grant Assurances required it to use “revenue solely for the costs of operating the airport” and using the airport to “provide assistance with the intake or shelter of migrants without specific approval by the FAA would put the Airport out of conformance with [f]ederal law.”²²³ Other airports said there was nothing available.²²⁴

Airports quickly communicated amongst themselves, warning of imminent calls from the FAA pressuring them to find facilities to house migrants. Airports Council International sent out an email warning that “the [f]ederal government may be considering using national emergency powers (possibly pursuant to Surplus Property Act provisions) to take control and possession of airport facilities to accommodate [immigrants].”²²⁵ After that email was sent back to DOT, on

²¹⁵ *Id.*

²¹⁶ Email among DOT and FAA staff at 156.7–8 (Sept. 7, 2023) (156.1–156.14) (on file with Comm. staff).

²¹⁷ *Id.* at 156.7.

²¹⁸ *Id.* at 156.1.

²¹⁹ DOT Memorandum at 296.1 (Aug. 2, 2023) (296.1–2) (on file with Comm. staff).

²²⁰ DOT Memorandum to Sec’y Pete Buttigieg, Dep’t. of Transp. at 238.6 (Oct. 13, 2023) (238.1–8) (on file with Comm. staff).

²²¹ *Id.*

²²² *Id.*; Email among Massport Staff, *supra* note 78.

²²³ Email and Attached Report among FAA Staff, *supra* note 111 at 220.4.

²²⁴ *Id.* at 220.4–6.

²²⁵ Email among DOT and FAA Staff at 278.3 (Oct. 7, 2023) (278.1–4) (on file with Comm. staff).

October 10, 2023, one senior official reacted “Yikes, this is definitely fox news fodder in the making.”²²⁶

From: [REDACTED]@dot.gov>
 Sent: Tuesday, October 10, 2023 10:03:40 AM
 To: [REDACTED]@dot.gov>; [REDACTED]@dot.gov>; [REDACTED]@dot.gov>; [REDACTED]@dot.gov>; [REDACTED]@dot.gov>; [REDACTED]@dot.gov>
 Subject: RE: [MARKETING] Housing Immigrants on Airport Facilities

Yikes, this is definitely fox news fodder in the making. [REDACTED], where are these asks coming from in WH? Can we push them start routing these through FO so that we can align on taking action especially on immigration adjacent issues.

Figure 10: DOT Email Regarding Housing Immigrants at Airports²²⁷

Three days later, on October 13, 2023, Secretary Buttigieg had a meeting with White House Chief of Staff Jeff Zients to talk about DOT’s response to the influx of migrants in the United States. A memorandum preparing Secretary Buttigieg for that meeting concluded that the White House’s proposed actions for DOT to execute, such as finding more housing for aliens at airports, “**may suggest distraction or misguided priorities by the Department. This has been a leading line of criticism and can have negative impacts to our existing enforcement relationships.**”²²⁸ The Memorandum continued “[g]iven media focus on runway incursions and other issues at FAA, expansive outreach [to airports] creates significant optics risks about the focus of the agency.”²²⁹ Put differently, even DOT recognized that the White House’s efforts to make DOT yet another agency dealing with the fallout of its immigration policies was distracting from DOT’s real safety and enforcement mission. Even so, the Biden-Harris DOT only presented the problem as one of “optics,” not a substantive concern that DOT was departing from its true mission: making American transportation safer, more reliable, and more efficient.

²²⁶ *Id.* at 278.1 (emphasis added).

²²⁷ *Id.* (Personal identifying information redactions added).

²²⁸ DOT Memorandum to Sec’y Buttigieg, Dep’t of Transp., *supra* note 220 at 238.6 (emphasis added).

²²⁹ *Id.* at 238.7.

I. OVERVIEW:

YOU will speak with White House Chief of Staff Jeff Zients about supporting the White House's national efforts regarding displaced migrants, at his request. YOU should express that USDOT is committed to supporting the White House's requests and the team has been actively engaged at all levels. YOU should also express that the USDOT's primary focus must continue to be safety, and that some of the proposed public facing actions may suggest distraction or misguided priorities by the Department. This has been a leading line of criticism and can have negative impacts to our existing enforcement relationships.

YOU will also share updates with Zients about DOT's busing enforcement partnership with state and local entities, busing safety authorities, convening the busing industry, migrant housing, and FTA emergency relief funding. YOU will direct staff to continue these efforts in states with governors and mayors seeking assistance.

Figure 11: DOT Memorandum to Secretary Pete Buttigieg²³⁰

b. With the Exception of JFK, the Biden-Harris Administration's FAA Ignored Requirements to Approve the Use of Airports for Non-Aeronautical Purposes.

The federal government has invested hundreds of billions of dollars to develop a nationwide public-use airport system. As a condition of receiving those federal funds, the FAA imposed obligations, called grant assurances, that airport operators and sponsors must adhere to.²³¹ To be in compliance with those grant assurances and federal obligations, the FAA requires “that [an] airport and its facilities [] be available for public use as an airport.”²³² In some circumstances and “on a limited basis,” the FAA can grant a community-use exception to allow airport facilities, like airplane hangars, to be used for a different purpose.²³³ In determining whether to grant a community use exception, the FAA is supposed to consider various objective factors, including whether the facility is not currently needed for aeronautical use, minimal revenue potential currently exists, and the community use impacts the aeronautical use of the airport.²³⁴ Even where a community use is allowed, “[t]he sponsor may not use airport revenue to support the capital or operating costs associated with the community use.”²³⁵ Chicago, Massport, and the

²³⁰ *Id.* at 238.6 (emphasis added).

²³¹ FAA, Advisory Circular on Minimum Standards for Commercial Aeronautical Activities, No. 150/5190-8, at 1 (Dec. 7, 2023), <https://perma.cc/EJ32-SY6F>.

²³² *Id.*; see FAA, Assurances Airport Sponsors, 9–10 (May 2022), https://www.faa.gov/airports/aip/grant_assurances-airport-sponsors (Operator will not “cause or permit any activity or action thereon which would interfere with its use for airport purposes.”).

²³³ FAA, Airport Compliance Manual, 17-4 (Sept. 15, 2023), <https://perma.cc/3D33-PVVR>.

²³⁴ *Id.* at 17-3; see Email from Kathryn Thomson, Deputy Adm’r, Fed. Aviation Admin., to Staff, S. Comm. on Com., Sci. & Transp. (June 27, 2024).

²³⁵ FAA, Airport Compliance Manual, *supra* note 233 at 17-4.

Port Authority all receive substantial federal funding for their respective airports, and thus were subject to Airport Improvement Program (AIP) grant assurances and federal obligations.²³⁶

Though these requirements are clear, and the FAA repeated them in a letter to the Committee, the FAA under the Biden-Harris administration ignored them most of the time when airports used their facilities to house aliens. In 2023 and 2024, immigrants were housed at Chicago's O'Hare, Boston's Logan, and New York City's JFK airports. However, since January 1, 2021, the FAA only "has received one request for temporary use aeronautical facilities to host an emergency shelter and provide related services."²³⁷

The FAA independently confirmed to the Committee that it approved a request from the City of New York and the Port Authority for community use of Building 197 at JFK Airport.²³⁸

According to the FAA "no other airport [] notified the FAA prior to housing aliens at the airport."²³⁹ When the FAA found out that other airports were sheltering migrants in airport facilities, it did not ask the airports to request a community use exception as required by the agency's own grant assurances and compliance manual. For example, the FAA corresponded with Chicago in October 2023 about aliens sheltering at the O'Hare Bus Shuttle Center, and asked for details about the facility but never mentioned O'Hare seeking a community use exception.²⁴⁰ Instead, after receiving Chicago's responses to its questions, the FAA waited two months to respond and said it "continues to monitor the situation" and requested a plan to "minimize overnight sheltering activities and to wind down the use of airport facilities for these purposes."²⁴¹

In its response to the Committee, the Biden-Harris administration's FAA tried to shift the blame to the airports. The FAA says it "does not seek all grant obligated airports to certify their adherence to each individual grant assurance for the range of possible uses but rather the airports, in taking federal funds, are committing to follow the requirements across the board."²⁴² In other words, the FAA claimed it was the airports' responsibility to ask for community use exceptions and not the FAA's responsibility to make sure airports live up to their commitments, despite national news stories broadcasting potential violations and the agency itself pushing alien dormitories.

²³⁶ E.g., FAA, 2025 Airport Improve Program (AIP) Grants, Fed. Aviation Admin. (Aug. 20, 2025), [https://www.faa.gov/airports/aip/2025_aip_grants\(select 2022, 2023, 2024 grants from table options\)](https://www.faa.gov/airports/aip/2025_aip_grants(select%202022,%202023,%202024%20grants%20from%20table%20options);); FAA, Infrastructure Investment and Jobs Act – Airport Infrastructure Grants (AIG), <https://www.faa.gov/iija/airport-infrastructure> (last visited Oct. 6, 2025).

²³⁷ Email from Kathryn Thomson, Deputy Adm'r, Fed. Aviation Admin., to Staff, S. Comm. on Com., Sci. & Transp. (June 27, 2024) (on file with Comm. staff).

²³⁸ Letter from Kathryn Thomson, Deputy Adm'r, Fed. Aviation Admin., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. (Apr. 29, 2024) (on file with Comm. staff).

²³⁹ *Id.*

²⁴⁰ Email from FAA Staff to City of Chicago Staff, (Oct. 12, 2023) (on file with Comm. staff).

²⁴¹ Letter from Shannetta Griffin, Assoc. Adm'r for Airports, Fed. Aviation Admin., to Jamie Rhee, Comm'r, CDA at 1 (Dec. 15, 2023) (on file with Comm. staff).

²⁴² Email from Kathryn Thomson, Deputy Adm'r, Fed. Aviation Admin., to Staff, S. Comm. on Com., Sci. & Transp. (June 27, 2024) (on file with Comm. staff).

If the FAA had appropriately evaluated the housing of aliens at airports, it would have found that a community use exception was not legal. A community use may only be granted where the property is not currently needed for aeronautical use, minimal revenue potential currently exists for the space, the community use will not impact the aeronautical use of the airport, and airport revenue will not be used to support the community use.²⁴³ Housing migrants in each airport—JFK, Logan, and O’Hare—*did* impact the aeronautical use of each airport. While the facilities used for housing aliens at all three airports were not airport hangars or runways, they affected airport functions. As news reports and documents reviewed by the Committee have shown, airport administrators, security staff, and maintenance staff were all burdened by having to set up and operate a hotel for people overnight in facilities not meant for that purpose. Specific security and safety incidents occurred at JFK, Logan, and O’Hare. Commercial airlines and passengers complained to the airport operators about aliens sheltering in airports. And airport revenue *was* used to support alien housing at least at Logan and O’Hare. At Logan, Massport estimates the total charges incurred to be at least \$779,000; Massport was never reimbursed by Boston or anyone else.²⁴⁴ At O’Hare, the Bus Shuttle Center cost \$1.2 million and the City of Chicago reimbursed O’Hare ten months after the shelter had been shut down.²⁴⁵ Aliens were housed at these airports because the Biden-Harris administration’s FAA turned a blind eye to its own requirements.

c. The Biden-Harris Administration’s TSA Downplayed Its Consultation with Airports About Housing Aliens at Airports.

In response to Committee-directed questioning, TSA claimed it was “not consulted about the sheltering [of migrants] on airport property of individuals paroled into the country.”²⁴⁶ The agency further stated it was “not aware of any individuals being housed or sheltered in secure areas of an airport” and therefore “did not receive notification” from any airport operator or airport security coordinator.²⁴⁷ TSA also asserted that airport operators would not need to amend their security programs to shelter aliens in non-secure areas or provide notice of any changes in

²⁴³ FAA, Airport Compliance Manual, *supra* note 233 at 17-3; *see* Email from Kathryn Thomson, Deputy Adm’r, Federal Aviation Admin., to Staff, S. Comm. on Com., Sci. & Transp. (June 27, 2024).

²⁴⁴ Response from Massport to the Comm. at 3 (Mar. 5, 2025) (on file with Comm. staff).

²⁴⁵ Letter & Attachment from John Roberson, COO, City of Chicago to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 1 (Dec. 19, 2024) (on file with Comm. staff).

²⁴⁶ David Pekoske, Adm’r, Transp. Sec. Admin., Response to Questions for the Record, Subcomm. on Trans. & Maritime Sec., “An Examination of the Transportation Security Administration’s Fiscal Year 2025 Budget” at 33 (May 15, 2024); *see* Letter & Attachments from Kristi Noem, Sec’y of Homeland Sec., to Sen. Ted Cruz, Chairman, S. Comm. on Com., Sci. & Transp., at 1 (May 30, 2025) (on file with Comm. staff) (“TSA officials were not directly notified by any airport operators or airport security coordinators regarding illegal aliens sheltering in airports from January 1, 2023 to present.”)

²⁴⁷ *Id.* at 32.

security conditions.²⁴⁸ However, both Chicago and Massport say they consulted with TSA about the sheltering aliens at their airports.²⁴⁹

TSA also claimed it was “not aware of any security incidents perpetrated by persons paroled into the country . . . being provided housing at airport locations.”²⁵⁰ That contradicted public reports that an alien broke into a secure area at JFK while possessing two weapons.²⁵¹

d. The Biden-Harris Administration Pressured FMCSA and FTA to Divert Resources Away from Their Missions and Towards Assisting with the Migrant Crisis.

In October 2023, the Biden White House asked other DOT subagencies to divert attention from their missions and help with the migrant crisis. The same memorandum mentioned above—prepared for Secretary Buttigieg for a meeting with White House Chief of Staff Jeff Zients—makes the White House’s requests clear.

- **FMCSA Busing Actions and Authorities:** The White House has expressed interest in the public announcement of FMCSA’s partnerships with state and local law enforcement agencies; the publication of a pamphlet for bus riders at the point of origin to describe their rights; and a publicly disclosed convening of bus industry stakeholders focused on the issue of compliance.
 - **On publicly announced partnerships:** A public announcement could be seen as an overstep of FMCSA authorities and raise questions with all of our state partners about the role we play (or should not play) in migration issues.
 - **On the pamphlet publication:** FMCSA has offered to work in partnership with DHS and the White House to provide content related to our authorities that can be included in a DHS document without FMCSA attribution.
 - **On a convening of bus industry stakeholders:** FMCSA can assist with providing stakeholder contacts. FMCSA being the convenor of this conversation will falsely portray FMCSA authorities and a role in immigration issues, and could negatively impact existing relationships with stakeholders in the bus industry, whom we regulated for roadway safety.

Figure 12: DOT Memorandum Regarding FMCSA to Secretary Buttigieg²⁵²

The White House wanted the Federal Motor Carrier Safety Administration (FMCSA), a modal safety agency, to partner with state and local agencies *on immigration issues* related to migrants

²⁴⁸ *Id.*

²⁴⁹ See Letter from John Roberson, COO, City of Chicago, to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. at 3 (Aug. 14, 2024) (on file with Comm. staff); Response from Massport to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. at 4-5 (Mar. 25, 2025) (on file with Comm. staff).

²⁵⁰ David Pekoske, Adm’r., Transp. Sec. Admin., Response to Questions for the Record, Subcomm. on Trans. & Maritime Sec., “An Examination of the Transportation Security Administration’s Fiscal Year 2025 Budget.” at 33 (May 15, 2024).

²⁵¹ Thomas Tracy, *Migrants at JFK Airport Shelter Busted for Running into Secure Area: Sources*, N.Y. DAILY NEWS (Feb. 11, 2024), <https://www.nydailynews.com/2024/02/11/migrant-at-jfk-airport-shelter-busted-for-running-into-secure-area-sources/>.

²⁵² DOT Memorandum to Sec’y Buttigieg, Dep’t of Transp. *supra* note 220 at 238.6.

being bused to Democratic states, wanted FMCSA to help publish a pamphlet about *immigration issues*, and wanted FMCSA to convene meetings with the commercial bus industry, again, about *immigration issues*.²⁵³ These goals fall outside of FMCSA’s focus as a safety regulator and enforcement agency. As the memorandum to Secretary Buttigieg noted, FMCSA meddling in immigration issues could “**overstep . . . FMCSA authorities and raise questions with all of our state partners about the role [FMCSA] play[s] (or should not play) in migration issues**” and “**could negatively impact existing relationships with stakeholders in the bus industry**.”²⁵⁴

Nevertheless, FMCSA worked with the NYPD Motor Carrier Unit to “update FMCSA as they encounter buses with migrants” and with Illinois, Los Angeles, Denver, Philadelphia, and Boston to establish similar relationships.²⁵⁵ FMCSA, at the direction of the Biden White House, collaborated with local officials to monitor bus companies transporting migrants.

The White House also asked the Federal Transit Administration (FTA), which typically expends grants to local transit systems for their operations, to advise transit systems that they could use FTA grants to transport migrants.²⁵⁶ Under the Biden-Harris administration, “**FTA-funded assets can be used to provide non-traditional public transportation, without paying back FTA, under certain circumstances** FTA has shared this flexibility with State and local officials in Massachusetts and will share with all other localities who inquire.”²⁵⁷ The Biden-Harris administration, through the FTA, wanted local transit authorities to use federal funds to transport aliens *instead of* providing services to the general public.

B. The Biden-Harris Administration’s DHS Relied on Unverified Information from Aliens and Let Them Skip Biometric Checks Even if They Lacked Photo ID.

On December 20, 2023, the Committee sent a letter to DHS requesting information about how it was utilizing the CBP One app to vet aliens seeking to board airplanes.²⁵⁸ DHS’s response to that letter reveals that using CBP One to vet aliens before boarding flights at U.S. airports was unsafe.

1. The CBP One Mobile Application Did Not Properly Vet Aliens Entering the Country.

During the Biden-Harris administration, the CBP One app was primarily used by aliens to schedule appointments to claim asylum or request parole. Under the CHNV parole program, for instance, aliens used CBP One to request advance travel authorization in order to enter the

²⁵³ *Id.*

²⁵⁴ *Id.* (emphasis added).

²⁵⁵ *Id.* at 238.7.

²⁵⁶ *Id.*

²⁵⁷ *Id.* (emphasis added).

²⁵⁸ Letter from Sen. Ted Cruz, Ranking Member S. Comm. on Com., Sci. & Transp., to Hon. Alejandro Mayorkas, Sec’y, Dep’t of Homeland Sec. (Dec. 20, 2023) (on file with Comm. staff).

country through a U.S. airport.²⁵⁹ Once an alien entered the country, TSA used the app to verify the identity of aliens who wish to fly throughout the United States.²⁶⁰ When an alien sought to proceed through a security checkpoint without an acceptable form of ID, a TSA officer could use CBP One to access information the individual previously provided at a port of entry. This identity verification process was used at 229 airports during the Biden-Harris administration.²⁶¹

That process was far from secure. DHS Secretary Alejandro Mayorkas assured the American public in January 2023 that paroled aliens flying into the country had “pass[ed] rigorous biometric and biographic national security and public safety screening and vetting,”²⁶² but information accessed by the Committee dispels that statement’s validity. The DHS Office of Inspector General (OIG) found that CBP “could not access all biometric data for complete screening and vetting,” even biometric data from other federal agencies, through the CBP One app.²⁶³ Another OIG report found that the CBP One app was riddled with errors and security vulnerabilities, and that CBP failed to adequately utilize pre-arrival information to vet aliens.²⁶⁴ DHS OIG could not confirm how many of the 3.2 million noncitizens encountered in fiscal year 2023 and released into the country lacked proper ID.²⁶⁵ And neither CBP nor ICE comprehensively assessed risks related to allowing noncitizens into the country without ID.²⁶⁶

Because some countries do not share criminal records with the United States, CBP was also not able to review those records before allowing an alien into the United States.²⁶⁷ Internal DHS documents obtained by the House Homeland Security Committee revealed that nearly 96 percent of all aliens who received an appointment through the CBP One app were released into the

²⁵⁹ *Processes for Cubans, Haitians, Nicaraguans, and Venezuelans*, U.S. CITIZENSHIP AND IMMIGR. SERVS. (Oct. 20, 2024), <https://web.archive.org/web/20241020193527/https://www.uscis.gov/CHNV>.

²⁶⁰ Letter from Zephrañie Buetow, Assistant Sec’y for Legis. Affs., Dep’t of Homeland Sec., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 2 (May 14, 2024) (on file with Comm. staff).

²⁶¹ U.S. DEP’T OF HOMELAND SEC., OFF. OF INSPECTOR GEN., OIG-24-65, CBP, ICE, AND TSA DID NOT FULLY ASSESS RISKS ASSOCIATED WITH RELEASING NONCITIZENS WITHOUT IDENTIFICATION INTO THE UNITED STATES AND ALLOWING THEM TO TRAVEL ON DOMESTIC FLIGHTS (REDACTED) 7 (2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-10/OIG-24-65-Sep24-Redacted.pdf> [hereinafter DHS OIG-24-65 REPORT (REDACTED)].

²⁶² Press Release, Dep’t of Homeland Sec., DHS Continues to Prepare for End of Title 42; Announces New Border Enforcement Measures and Additional Safe and Orderly Processes (Jan. 5, 2023), <https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>.

²⁶³ U.S. DEP’T OF HOMELAND SEC., OFF. OF INSPECTOR GEN., OIG-24-27, DHS NEEDS TO IMPROVE ITS SCREENING AND VETTING OF ASYLUM SEEKERS AND NONCITIZENS APPLYING FOR ADMISSION INTO THE UNITED STATES (REDACTED) 3 (2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-06/OIG-24-27-Jun24-Redacted.pdf> [hereinafter DHS OIG-24-27 REPORT (REDACTED)].

²⁶⁴ U.S. DEP’T OF HOMELAND SEC., OFF. OF INSPECTOR GEN., OIG-24-48, CBP DID NOT THOROUGHLY PLAN FOR CBP ONE™ RISKS, AND OPPORTUNITIES TO IMPLEMENT IMPROVEMENTS EXIST 3 (2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-08/OIG-24-48-Aug24.pdf>.

²⁶⁵ DHS OIG-24-65 REPORT (REDACTED) at 4, 5.

²⁶⁶ *Id.* at 5, 6.

²⁶⁷ Kirsten Frazao, *Experts Say Vetting Migrants From Certain Countries is Nearly Impossible*, NBC 15NEWS (Apr. 4, 2024), <https://mynbc15.com/news/nation-world/experts-say-vetting-migrants-from-certain-countries-is-nearly-impossible-venezuelans-arrests-bronx-new-york-criminal-history-laken-riley-georgia-murder-arrest-alejandro-mayorkas-biden-administration>.

country, raising further concerns.²⁶⁸ Two separate individuals paroled under the CHNV parole program were arrested in Massachusetts for molesting children.²⁶⁹ One was later released on a \$500 bond.²⁷⁰

2. The Biden-Harris Administration's TSA Recklessly Relied on CBP One to Confirm the Identity of Aliens Flying in the United States.

In light of CBP One's vulnerabilities, the Committee's December 2023 letter expressed concern about TSA's reliance on CBP One data to verify the identities of those who sought to board domestic airplanes and asked questions about CBP One's use by TSA.

DHS confirmed that, as of November 26, 2023, and likely until March 11, 2024, TSA allowed aliens onto flights without photo identification and without submitting to a biometric facial recognition check.²⁷¹

In general, to pass through airport security, a passenger must present one form of "acceptable identification."²⁷² Every form of "acceptable identification" on TSA's list includes a photograph.²⁷³ DHS told the Committee that if a passenger does not have "acceptable identification," he or she can (1) present two "alternative forms of ID" (which TSA does not define and must only include the passenger's name), (2) submit a TSA Form 415 Certification of Identity (which asks whether the traveler has been issued acceptable identification, like a driver's license) and undergo a "Knowledge Based Authentication," or (3) "[e]stablish identity through an external agency."²⁷⁴

This last option is where the CBP One app came in, according to TSA's response to the Committee. The app provided a workaround to the standard requirement that a traveler must present some verifiable identification document. As an alternative, TSA explained, "a foreign national presenting a DHS document with an alien Registration Number (A-number) will have

²⁶⁸ Letter from Rep. Mark E. Green, Chairman, H. Comm. on Homeland Sec., to Hon. David Pekoske, Adm'r, Transp. Sec. Admin. (Mar. 20, 2024); *see also* Press Release, H. Comm. on Homeland Sec., New Documents Obtained by Homeland Majority Detail Shocking Abuse of CBP One App (Oct. 23, 2023), <https://homeland.house.gov/2023/10/23/new-documents-obtained-by-homeland-majority-detail-shocking-abuse-of-cbp-one-app/>.

²⁶⁹ Andrew R. Arthur, *Haitian CHNV Parole Migrant Arrested for Aggravated Rape in Massachusetts*, CTR. FOR IMMIGR. STUD. (Mar. 16, 2024), <https://cis.org/Arthur/Haitian-CHNV-Parole-Migrant-Arrested-Aggravated-Rape-Massachusetts>; Bill Melugin (@BillMelugin_), TWITTER (Sept. 4, 2024 9:57 AM) https://x.com/BillMelugin_/status/1831330844663009476.

²⁷⁰ Anders Hagstrom and Bill Melugin, *ICE Finds, Arrests Haitian Migrant who was Released on \$500 Bond After being Charged with Raping Child in MA*, FOX NEWS, (Aug. 13, 2024) <https://www.foxnews.com/us/ice-finds-arrests-haitian-migrant-who-released-500-bond-after-being-charged-raping-child-ma>.

²⁷¹ Response from Stephanie Doherty, Deputy Assistant Sec'y for Legis. Affs., Dep't of Homeland Sec., to Staff for S. Comm. on Com., Sci. & Transp., at 2 (June 12, 2024).

²⁷² *Acceptable Identification at the TSA Checkpoint*, TRANSP. SEC. ADMIN., <https://www.tsa.gov/travel/security-screening/identification> (last visited June 4, 2025).

²⁷³ *Id.*

²⁷⁴ Letter from Zephrahanie Buetow, Assistant Sec'y for Legis. Affs., Dep't of Homeland Sec., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 1–2 (May 14, 2024) (on file with Comm. staffComm. staff).

their identity matched by a TSA officer using CBP One.”²⁷⁵ “For self-identified non-U.S. citizens/non-U.S. nationals who lacked an acceptable form of ID, TSA worked with DHS counterparts to develop a module which is specifically designed for TSA officers’ use in CBP One.”²⁷⁶ Using this module, TSA officers could “take a photo of the individual to query CBP’s databases through a biometric search using facial comparison technology.”²⁷⁷ And, “[i]f the biometric information is confirmed, TSA officers also verify the same information on DHS-issued documents to ensure that the individual presenting at the checkpoint has the same name as is on the boarding pass.”²⁷⁸ If the individual refused to be photographed for biometric capture or if their biometrics are not found, the TSA officer denied entry, according to TSA.²⁷⁹

TSA’s response left out crucial context. Prior to March 2024, TSA did not always use facial recognition technology and did not require the collection of data for individuals who refused a biometric photo.²⁸⁰ Even when aliens did submit to biometrics, TSA was only comparing a current photo to what had been previously submitted by the alien and checking “DHS-issued documents to ensure that the individual presenting at the checkpoint ha[d] the same name as [] on the boarding pass.”²⁸¹ But, as detailed above, information previously submitted by an alien through the CBP One app was not independently verified, was riddled with errors, and did not include a check for criminal records outside the United States for many countries, including Venezuela. On November 26, 2023—the Sunday after Thanksgiving—TSA “used CBP One to match the traveler to the information on the boarding pass for 1,778 [] passengers” and “then performed additional physical screening on those passengers to ensure that those passengers were a low risk to aviation security.”²⁸² Because this was before TSA required biometric facial recognition, some or all of those aliens on U.S. flights could have boarded *without* a photo ID and *without* submitting to facial imaging. Of course, aliens made it through TSA without photo ID using CBP One at other times too. For example, in February 2024, one migrant flew from Austin, Texas to Boston “with NO form of identification.”²⁸³ By relying on the CBP One app, TSA relied on deeply flawed records created by the Biden-Harris administration.

Following then-Ranking Member Cruz’s letter, on March 11, 2024, TSA updated its standard operating procedures. That month, the agency started requiring aliens without a passport to submit to a biometric photo.²⁸⁴ The change caught many aliens off guard because they had

²⁷⁵ *Id.* at 2.

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ Response from Stephanie Doherty, Deputy Assistant Sec’y for Legis. Affs., Dep’t of Homeland Sec., to Staff for S. Comm. on Com., Sci. & Transp., at 2 (June 12, 2024) (on file with Comm. staff with Comm. staff); *see* Letter from Zephrahanie Buetow, Assistant Sec’y for Legis. Affs., Dep’t of Homeland Sec., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. (May 14, 2024).

²⁸¹ Letter from Zephrahanie Buetow, Assistant Sec’y for Legis. Affs., Dep’t of Homeland Sec., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 2 (May 14, 2024) (on file with Comm. staff with Comm. staff).

²⁸² *Id.* at 3; Response from Stephanie Doherty, Deputy Assistant Sec’y for Legis. Affs., Dep’t of Homeland Sec., to Staff for S. Comm. on Com., Sci. & Transp., at 3 (June 12, 2024) (on file with Comm. staff with Comm. staff).

²⁸³ Email among Massport Staff, (Feb. 6, 2024) (MP_0001422) (on file with Comm. staff).

²⁸⁴ DHS OIG-24-65 REPORT (REDACTED) at 8.

previously been able to board flights without an ID and without submitting to biometrics by simply presenting documents they received from border patrol.²⁸⁵

Even as TSA allowed unvetted aliens to fly without photo ID, it still, as a default, required photo ID for U.S. citizens.²⁸⁶ While the government put the burden on TSA to identify aliens, it put the burden on U.S. citizens to prove their identities. In response to a question from the Committee, TSA said it was unable to determine if this policy had a disparate cost impact on U.S. citizens.²⁸⁷

Despite these vetting concerns, the Biden-Harris administration continued to admit large numbers of aliens into the country. Once inside, they could board domestic flights as long as TSA verified that their names matched the names the aliens had provided to Border Patrol. At least one potential terrorist released by Border Patrol was later able to board a plane to Tampa, Florida.²⁸⁸ Though the potential terrorist was eventually apprehended,²⁸⁹ the incident stresses the serious potential consequences of allowing unvetted aliens on domestic flights.²⁹⁰

C. The Biden-Harris Administration Diverted Federal Air Marshals From Keeping American Flyers Safe.

Instead of admitting the failure of its radical, open-border policies and addressing the problem, the Biden-Harris administration diverted federal air marshals from their duties to assist the CBP at the southern border. The administration effectively robbed Peter to pay Paul: it neglected TSA's mandate to keep traveling Americans safe at a time when threats to American air travel were increasing in an attempt to fix a different crisis of its own making.

²⁸⁵ Valerie Gonzalez, *Migrants Lacking Passports Must Now Submit to Facial Recognition to Board Flights in US*, AP (Mar. 14, 2024), <https://apnews.com/article/immigration-airport-security-facial-recognition-37b8f40ad768706cd335d9254e6a07e4>.

²⁸⁶ Betsy McCaughey, *Dems Letting Migrants Fly Without ID are Playing Russian Roulette with our Safety*, N.Y. POST (Jan. 23, 2024), <https://nypost.com/2024/01/23/opinion/dems-letting-migrants-fly-without-id-play-russian-roulette-with-our-safety/>.

²⁸⁷ Letter from Zephrañie Buetow, Assistant Sec'y for Legis. Affs., Dep't of Homeland Sec., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 3 (May 14, 2024) (on file with Comm. staffComm. staff); Response from Stephanie Doherty, Deputy Assistant Sec'y for Legis. Affs., Dep't of Homeland Sec., to Staff for S. Comm. on Com., Sci. & Transp., at 2 (June 12, 2024) (on file with Comm. staffComm. staff).

²⁸⁸ STAFF OF H. COMM. ON THE JUDICIARY AND SUBCOMM. ON IMMIGR. INTEGRITY, SEC., AND ENF'T, 118TH CONG., *TERROR AT OUR DOOR: HOW THE BIDEN-HARRIS ADMINISTRATION'S OPEN-BORDERS POLICIES UNDERMINE NATIONAL SECURITY AND ENDANGER AMERICANS* (Aug. 5, 2024), https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/FILE_6538.pdf.

²⁸⁹ *Id.*

²⁹⁰ During the Biden-Harris administration, ICE was in the process of a secure ID card for immigrants that TSA claims it "will not accept" as identification "at airport checkpoints" but which it may look to in order to ascertain an alien's A-number. Letter from Zephrañie Buetow, Assistant Sec'y for Legis. Affs., Dep't of Homeland Sec., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp., at 3–4 (May 14, 2024) (on file with Comm. staffComm. staff); Response from Stephanie Doherty, Deputy Assistant Sec'y for Legis. Affs., Dep't of Homeland Sec., to Staff for S. Comm. on Com., Sci. & Transp., at 3 (June 12, 2024) (on file with Comm. staffComm. staff).

1. The Biden-Harris Administration Regularly Diverted More Than 100 Federal Air Marshals to the Southern Border.

On October 3, 2023, the Committee sent a letter to TSA Administrator David Pekoske concerning reports that TSA had involuntarily deployed federal air marshals to the southern border.²⁹¹ This practice drew the Committee’s attention because the air marshals were not being sent to “assess, address, and mitigate potential risks and threats to our nation’s transportation system,” as they were hired to do.²⁹² Then-Ranking Member Cruz’s letter asked TSA to provide the number of Federal Air Marshals deployed to the border, to identify their assigned tasks, and to produce communications regarding the deployments.²⁹³

TSA confirmed that, between May 20, 2019, and December 11, 2023, it deployed 1,323 federal air marshals—a substantial percentage of all air marshals—to the southern border in response to CBP’s requests.²⁹⁴ Over the same time, TSA made 2,881 deployments, indicating that TSA deployed some air marshals to the border multiple times.²⁹⁵ TSA deployed air marshals in “waves,” lasting from 21 to 45 days.²⁹⁶ From 2022 through 2023 (at the time of TSA’s response), it sent 20 deployment waves to the southern border, 70 percent of which included 100 or more federal air marshals.²⁹⁷

While TSA previously deployed some air marshals in 2019 (443 total) to assist with border enforcement, deployments picked up substantially in the Biden-Harris administration beginning in May 2022,²⁹⁸ even as the administration continued to deny the existence of a border crisis. That month, according to TSA, the CBP Commissioner “requested authorization from the [DHS] Secretary to cross-designate FAMs to assist the U.S. Border Patrol with law enforcement duties at the Southwest Border.”²⁹⁹ The DHS Secretary and the TSA Administrator approved the requests.³⁰⁰ These waves of deployments ran from May 2022 through January 2023.³⁰¹ In May 2023, the Acting CBP Commissioner again asked that TSA allow federal air marshals to be

²⁹¹ Letter from Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. to Hon. David Pekoske, Interim Adm’r, Transp. Sec. Admin. (Oct. 3, 2023).

²⁹² U.S. DEP’T OF HOMELAND SEC., OFF. OF INSPECTOR GEN., OIG-24-35, TSA COULD NOT ASSESS IMPACT OF FEDERAL AIR MARSHAL SERVICE PERSONNEL DEPLOYED TO SUPPORT SOUTHWEST BORDER SECURITY (REDACTED) (2024), <https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-35-Jul24-REDACTED.pdf>.

²⁹³ Letter from Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. to David Pekoske, Interim Adm’r, Transp. Sec. Admin. (Oct. 3, 2023).

²⁹⁴ Letter from Hon. David P. Pekoske, Adm’r, Transp. Sec. Admin., to Sen. Ted Cruz, Ranking Member, S. Comm. on Com., Sci. & Transp. and attachments at 3 (Dec. 11, 2023) (on file with Comm. staff).

²⁹⁵ *Id.*

²⁹⁶ *Id.* at 4.

²⁹⁷ *Id.* at 5–6.

²⁹⁸ *Id.*

²⁹⁹ *Id.* at 8.

³⁰⁰ *Id.*

³⁰¹ *Id.*

deployed to the border.³⁰² In June 2023, “[t]he TSA Administrator committed to provide FAMS for deployment at times and locations determined by the two agencies.”³⁰³

While TSA asks federal air marshals to volunteer for deployment, “in situations where TSA is asked for a specific number of air marshals to support CBP at the [border] but not enough air marshals volunteer[], [TSA] will assign air marshals to a deployment schedule.”³⁰⁴ In 2019, all air marshals deployed to the southern border were volunteers.³⁰⁵ Starting in the Biden-Harris administration, however, fewer air marshals volunteered to go to the border. From 2022 to 2023, according to TSA’s data, 184 air marshals were designated (ordered without volunteering) to deploy to the southern border.³⁰⁶ Moreover, some of TSA’s “volunteers” may not have been volunteers according to TSA internal communications. A December 2022 email from a federal air marshal to the TSA director, for instance, insists that “[t]elling [air marshals] that everyone will be directed to the border at some point (reads also as “voluntold”) but at least you can attempt to pick your wave is NOT the same as volunteering.”³⁰⁷

Even those air marshals that volunteered experienced the Biden-Harris administration’s mismanagement in policing the southern border. TSA confirmed that federal air marshals were not typically using their security and safety expertise to secure the border. Beyond performing “law enforcement searches,” “entry control,” and “security at CBP facilities,” federal air marshals conducted clerical tasks like “hospital watch, transportation, . . . and welfare checks.”³⁰⁸ Detailees did “not perform any duties related to interrogating, arresting, apprehending, or processing any individual.”³⁰⁹ TSA also produced internal emails from air marshals revealing that while some air marshals had logistical complaints (hotel accommodations, commutes, etc.) during the 2019 deployments, the complaints intensified beginning in 2022. This change in tone is likely due to a change in mission: from border enforcement to humanitarian facilitation of illegal immigration. Consistent with public reporting, in May 2022, for example, an air marshal emailed the TSA administrator, asking, “[I]f we are deployed to the South West [Border] what is the mission we will be supporting and what is our role in supporting that mission[?]”³¹⁰ Another wrote in June 2022 that the deployments were “killing moral[e]” and asked the TSA administrator to “please stop threatening forced deployments if there are not enough volunteers.”³¹¹

³⁰² *Id.*

³⁰³ *Id.*

³⁰⁴ *Id.* at 3.

³⁰⁵ *Id.* at 5.

³⁰⁶ *Id.* at 5–6.

³⁰⁷ *Id.* at 20 (email from air marshal to FAMS dated Dec. 28, 2022).

³⁰⁸ *Id.* at 9 (describing tasks assigned to air marshals at the border).

³⁰⁹ *Id.*

³¹⁰ *Id.* at 15 (email from air marshal to FAMS dated May 14, 2022).

³¹¹ *Id.* at 15 (email from air marshal to FAMS dated June 28, 2022).

The Biden-Harris administration misused federal air marshals to deal with a southern border crisis of its own making. The deployment of air marshals to the southern border did nothing to alleviate crossing, but it did mean fewer federal air marshals on flights to keep travelers safe.

2. Safety at Airports and on Flights Decreased During the Biden-Harris Administration.

While the Biden-Harris administration was diverting federal air marshals away from keeping Americans safe, other members of the administration confirmed that U.S. airports and U.S. flights were becoming less safe.

For example, TSA reported that the number of inflight incidents from 2021 to 2023 was substantially higher than from 2017 to 2020: Inflight incidents per year from 2021 to 2023 ranged from 1,453 to 5,441 while inflight incidents per year from 2017 to 2020 ranged from 834 to 1,230.³¹²

Reported Inflight Incidents³¹³	
Year	Number
2017	834
2018	1065
2019	1230
2020	928
2021	5441
2022	2154
2023	1453

Similarly, on July 8, 2024, following Director Wray's testimony about the terror threat stemming from security vulnerabilities at the border,³¹⁴ Committee staff contacted the FBI about the potential threat to airports posed by aliens. The Committee asked whether the FBI had devoted additional resources to protect airports due to the current threat level, when the FBI first became aware that aliens were being sheltered at airports, and whether the FBI was consulted before

³¹² *Id.* at 7–8.

³¹³ *Id.*

³¹⁴ *Open Hearing: Worldwide Threats: Hearing Before the S. Select Comm. on Intel.*, 118th Cong. (Mar. 11, 2024) (testimony of Christopher Wray, Dir. of Fed. Bureau of Investigations).

aliens were flown to the U.S. The Committee also asked about the risk of an attack on airports or aircraft due to poor vetting of aliens. The FBI confirmed it was not consulted about the risks of housing aliens at airports.³¹⁵

A September 2024 DHS OIG report also highlighted the increased threat to aviation and airport security posed by the Biden-Harris administration's policies.³¹⁶ As discussed above, CBP and ICE could not always verify the identities of aliens, and the agencies largely relied on self-reported biographical information when issuing immigration documents.³¹⁷ Once in the United States, noncitizens without an acceptable form of identification could still travel on domestic flights thanks to TSA's reliance on CBP One.³¹⁸ TSA's procedures therefore did not eliminate the risk that an alien who poses a threat could board domestic flights. Moreover, DHS OIG could not confirm how many of the 3.2 million aliens encountered in fiscal year 2023 and released into the country lacked proper ID; apparently, this was not a statistic CBP tracked.³¹⁹ And neither CBP nor ICE comprehensively assessed risks related to allowing aliens into the country without ID.³²⁰ DHS OIG also noted that DHS's biometric system could not access all data from federal partners, which hindered CBP's ability to complete screening and vetting,³²¹ and increased national security risks.³²²

III. Conclusion

Instead of focusing on safety and security, the Biden-Harris administration adopted a dangerous and ill-prepared open-border policy that put American airports and travelers at risk. Wittingly or not, the administration created a crisis, as a massive surge of migrants flooded the border and major airports, and then were released into the country without proper vetting. Faced with a mess of its own making, the Biden-Harris administration diverted critical federal resources to transport and house unknown and unvetted illegal aliens through the domestic aviation system, jeopardizing the safety of the American people.

Among the findings of the Committee's investigation, the Biden-Harris administration:

- Caused mass chaos and insecure conditions at the country's busiest airports, including JFK, O'Hare, and Logan, by allowing and promoting aliens to encamp there.
- White House staff, through federal agencies, most notably DOT and FAA, pressured airports themselves to house *more aliens* at airports or other federal facilities.

³¹⁵ Briefing with Comm. staff (July 1, 2025).

³¹⁶ DHS OIG-24-65 REPORT (REDACTED).

³¹⁷ *Id.* at 4-5.

³¹⁸ Letter from Hon. David Pekoske, Adm'r, Transp. Sec. Admin., to Rep. Lance Gooden at 3, 4 (Jan. 7, 2022), https://www.scribd.com/document/553632417/TSA-Response-to-Gooden?secret_password=ou1nfHxgvunfMimhUBBd.

³¹⁹ DHS OIG-24-65 REPORT (REDACTED) at 4, 5.

³²⁰ *Id.* at 5, 6.

³²¹ DHS OIG-24-27 REPORT (REDACTED) at 4.

³²² DHS OIG-24-65 REPORT (REDACTED) at 11.

- Through the creation of the “CHNV Parole Program,” illegally allowed hundreds of thousands of aliens into the United States through ports of entry, including major commercial airports.
- Enabled unvetted aliens to enter the country and board domestic flights by relying on a flawed and faulty system, the CBP One App.
- Diverted federal air marshals to the southern border, away from their important responsibility to keep commercial flights safe.

Upon taking office, President Trump reversed these Biden-era policies, and illegal border crossings are now at historic lows. However, policymakers must not forget the aviation security vulnerabilities created by the Biden-Harris administration’s pursuit of open borders.