

Congress of the United States
Washington, DC 20515

May 5, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
2703 Martin Luther King Jr. Avenue, Southeast
Washington, D.C. 20593

Dear Secretary Mayorkas,

We write to you to express our concerns about the increasing number of assaults targeting federal law enforcement officers and government facilities in the United States. The continued violence at the Mark O. Hatfield United States Courthouse and the April 10, 2021 fire-related incident at the Immigration and Customs Enforcement (ICE) facility in Portland, Oregon are just the latest concrete examples of this threat.¹

As you know, the Secretary of the Department of Homeland Security (DHS) has the statutory authority and obligation to “protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government . . . and the persons on the property.”² Within DHS, the mission of the Federal Protective Service (FPS) is to provide security to more than 9,500 federal facilities and roughly 1,300 law enforcement officers nationwide.³ In addition, DHS has the legal authority to designate and deploy law enforcement officers and agents from DHS components in order to help FPS protect federal facilities.⁴

The First Amendment right to peaceably assemble is one of the foundations of American democracy. Administration officials, Members of Congress, and law enforcement officers serving within your ranks have all taken the same oath to protect and defend the Constitution of the United States. We advocate for the right of every American “peaceably to assemble, and to petition the Government for a redress of grievances.” Any violent attack on our nation’s law enforcement, however, is an attack on the rule of law and directly impacts the safety and security of all Americans.

Given the likelihood of further attempted attacks on federal law enforcement officers and government facilities, we kindly request your answers to the following questions regarding the Department’s plans for deterring and responding to these threats:

¹ *Fires Set at Portland ICE Building, No Arrests Made, Police Say*, KATU News (Apr. 11, 2021), <https://katu.com/news/local/fires-set-at-portland-ice-building-no-arrests-made-police-say>.

² 40 U.S.C. § 1315.

³ The Department of Homeland Security Federal Protective Service, <https://www.dhs.gov/fps-operations>.

⁴ 40 U.S.C. § 1315.

1. What specific steps is DHS taking to assess, on an ongoing basis, the potential for attacks against facilities owned, occupied or secured by the Federal Government or the personnel in them?
2. What specific steps is DHS taking to deter violent attacks against federal law enforcement officers and government facilities?
3. What plans, policies, and processes does DHS currently have in place to respond to incidents of civil disturbance at federal facilities?
4. Specifically, does the Director of the Federal Protective Service have contingency plans in place to respond to civil disturbances at federal facilities? Are there any capability or equipment shortfalls that limit their ability to respond?
5. Has DHS requested assistance from state, local, tribal, and territorial governments regarding the use of curfews, security boundaries, perimeter fencing or other means to deescalate the tensions in and around federal facilities? If so, were these requests supported?
6. Are there currently any restrictions on the Federal Protective Service that would inhibit FPS officers from protecting federal facilities nationwide?

Thank you for your prompt attention to this important matter. Should you or your staff have any questions, please do not hesitate to reach out to Adrienne Spero on the House Committee on Homeland Security at (202) 226-8417 or Shani Rosenstock on the Senate Homeland Security and Governmental Affairs Committee at (202) 224-4751.

Sincerely,



JOHN KATKO
Ranking Member
Committee on Homeland Security



ROB PORTMAN
Ranking Member
Committee on Homeland Security and
Governmental Affairs