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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

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June 13, 2022

The Honorable Gary Peters
Chairman, Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We write to request you convene a hearing with Secretary of Homeland Security Alejandro Mayorkas as soon as possible to answer critical questions about apparently misleading testimony before the Committee on May 4 on the Department of Homeland Security Disinformation Governance Board (the Board).¹ We are deeply concerned that documents recently obtained by Senators Josh Hawley and Chuck Grassley contradict the Secretary's testimony and public statements about the Board.

At the May 4 hearing, Secretary Mayorkas testified that the Board "has not yet begun its work."² Yet the documents indicate the Secretary had stood up the Board on February 24, 2022—more than two months earlier.³ The Board's charter, signed by the Secretary, required the Board meet "regularly" and "no less than once per quarter."⁴ Another document dated only six days before Secretary Mayorkas appeared before the Committee provides preparatory materials for a meeting between Under Secretary for Policy Robert Silvers and Twitter.⁵ The document was prepared by Ms. Nina Jankowicz in her capacity as "Executive Director DHS Disinformation Governance Board," clearly evidencing that the Board had already begun its work.⁶

Based on the documents received, Secretary Mayorkas also misrepresented the nature and scope of the Board in his testimony and public statements. Responding to a question from a reporter "Will American citizens be monitored?" Secretary Mayorkas responded unequivocally "No," adding that "We at the Department of Homeland Security don't monitor American

¹ *Resources and Authorities Needed to Protect and Secure the Homeland: Hearing before the S. Comm. on Homeland Security and Governmental Affairs*, 117th Cong. (May 4, 2022).

² *Id.*

³ DHS Disinformation Governance Board Charter (Feb. 24, 2022) (indicating the charter goes into effect when signed by the Secretary of Homeland Security and showing a signature by Secretary Mayorkas on Feb. 24, 2022).

⁴ *Id.*

⁵ Nina Jankowicz, Executive Director DHS Disinformation Governance Board, Briefing Memo: Twitter (April 28, 2022).

⁶ *Id.*

citizens.”⁷ He went on to suggest the Board would be concentrating on foreign threats—“addressing the threat of disinformation from foreign state adversaries [and] from the cartels.”⁸ Yet talking points prepared by Ms. Jankowicz, the Board’s then–Executive Director appear to show that the Department does in fact monitor American citizens and that the Board’s work is concentrated on domestic threats. She writes that the Board’s initial work plan includes working with “industry on countering MDM [mis-, dis-, or mal-information] related to domestic violent extremism” further noting that the Department recently established a “domestic terrorism branch” within the Department’s Office of Intelligence and Analysis—the Department’s office responsible for collecting and analyzing intelligence.⁹ A September 13, 2021, memorandum from Under Secretary Silvers recommending the establishment of the disinformation board also lists several other categories of domestic homeland security disinformation that the board could address including “conspiracy theories about the validity and security of elections,” and domestic violent extremism.¹⁰ In a related example at the May 4 hearing, Senator Rand Paul questioned Secretary Mayorkas saying “I said a million times that masks don’t work . . . You’re going to take that down?”¹¹ Secretary Mayorkas responded, “it’s not for us to take that down . . . we are not the public health experts to make that determination.”¹² Yet in the above referenced memorandum to the Secretary, Under Secretary Silvers lists “disinformation related to the origins and effects of COVID-19 vaccines or the efficacy of masks” as the second example of homeland security disinformation the Board would be established to coordinate efforts to counter.¹³

We are also troubled that Secretary Mayorkas failed to provide these documents to the Committee. But for the actions of a whistleblower, it is unlikely any of this information would have come to light. The Secretary failed to provide the Committee these key documents despite a request from Senator Hawley to Secretary Mayorkas at the May 4 hearing that the Secretary provide the Committee with “documents pertaining to the board” and the Secretary’s assurances that “we owe you documents with respect to the work of this board that are already in existence” and that “we will produce the documents that you have requested unless there is a legal prohibition from us doing so.”¹⁴

⁷ CNN, “Mayorkas: Disinformation Board Won’t Monitor American Citizens” (May 1, 2022), *available at* <https://www.cnn.com/videos/politics/2022/05/01/mayorkas-on-disinformation-board.cnn>.

⁸ *Id.*

⁹ Jankowicz, *supra* note 5.

¹⁰ Robert Silvers, Under Secretary, Office of Strategy, Policy, and Plans, Information Memorandum for the Secretary: Organizing DHS Efforts to Counter Disinformation (Sept. 13, 2021).

¹¹ *Resources and Authorities Needed to Protect and Secure the Homeland: Hearing before the S. Comm. on Homeland Security and Governmental Affairs*, 117th Cong. (May 4, 2022).

¹² *Id.*

¹³ Silvers, *supra* note 10.

¹⁴ *Resources and Authorities Needed to Protect and Secure the Homeland: Hearing before the S. Comm. on Homeland Security and Governmental Affairs*, 117th Cong. (May 4, 2022).

The American public deserves transparency and honest answers to important questions about the true nature and purpose of the Disinformation Governance board and it is clear that Secretary Mayorkas has not provided them—to the public or this Committee. Therefore, we request you hold a hearing with Secretary Mayorkas and join us in insisting that all records related to the Board be provided to the Committee prior to the hearing.

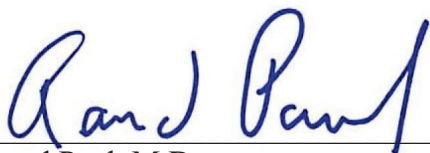
Sincerely,



Rob Portman
Ranking Member



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Rand Paul, M.D.
Ranking Member
Subcommittee on Emerging Threats and
Spending Oversight



James Lankford
Ranking Member
Subcommittee on Government Operations
and Border Management



Mitt Romney
United States Senator



Rick Scott
United States Senator



Josh Hawley
United States Senator