

United States Senate

WASHINGTON, DC 20510

May 23, 2022

The Honorable Alejandro Mayorkas
Secretary
United States Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Dear Secretary Mayorkas,

We write to request immediate access to all records and communications related to the Department of Homeland Security's new Disinformation Governance Board. You promised under oath to make these records available, but to date, our offices still have not received any further information. We were pleased to read reports that you have decided to shut down the board in response to the concerns we raised.¹ But it is important that this mistake is not repeated. We are therefore demanding transparency into the Department's decision-making process so that we can learn why the Department ever thought creating a disinformation board would be a good idea.

On May 4, 2022, you testified before the Senate Homeland Security and Governmental Affairs Committee about the creation of this new board and accepted sole responsibility for appointing Nina Jankowicz as its Executive Director.² Surprisingly, you testified that you were not aware of her long history of partisan public statements.³

You also testified under oath that you would produce to the Committee all records related to the Board, including its formation and appointment of personnel. You testified, "I owe openness and transparency with this Committee, and we will produce the documents that you have requested, unless there's a legal prohibition from us doing so."

Our offices still have not received any of these documents. We are therefore writing to demand immediate access to all records and communications related to the Disinformation Governance Board.

Under 5 U.S.C. § 2954, "An Executive agency, on request of ... the [Senate Homeland Security and Governmental Affairs Committee], or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee." Pursuant to this authority, and so that the Congress can consider remedial legislation, please immediately produce the following records:

¹ <https://www.foxnews.com/politics/biden-dhs-disinformation-governance-board-on-hold-reports>

² Transcript, Senate Homeland Security and Governmental Affairs Committee, Hearing (May 4, 2022): Sec. Mayorkas: "Senator, I am ultimately responsible for the hiring of Ms. Jankowicz to be the Executive Director of the Disinformation Governance Board in my capacity as the Secretary."

³ *Id.*: Sen. Hawley: "Were you aware of these? Were you aware of this information when you chose her?" Sec. Mayorkas: "I was not."

1. All records related to the Department's Disinformation Governance Board, including but not limited to:
 - a. written or recorded communications concerning the formation of the Board;
 - b. the agenda or minutes from any meeting at which the Board's formation was discussed;
 - c. any legal review to determine whether the activities of the Board would be authorized by the Constitution of the United States;
 - d. any communications or records about the individuals who would be recruited to serve on the Board;
 - e. any communications concerning the appointment of an executive director for the Board; and
 - f. any communications with the White House about the formation of the Board or appointment of officials to serve on the Board.
2. For any documents that are responsive to this request but withheld from the Committee, please identify the name of each document, the date of its creation, the custodian, a summary of its contents, and the basis for withholding the record from the Committee.

Thank you for your prompt attention to this matter.

Sincerely,



Josh Hawley
US Senator



Rick Scott
US Senator



Rand Paul
US Senator



James Lankford
US Senator



Ron Johnson
US Senator