

Congress of the United States
Washington, DC 20515

August 2, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, DC 20528

Dear Secretary Mayorkas:

The Biden border crisis is the direct result of President Biden and his failed immigration policies. In June, U.S. Border Patrol encountered 188,829 illegal aliens at the southern border, the highest figure in twenty years.¹ Although the Biden Administration appears unconcerned about this deteriorating situation—Vice President Harris has even laughed about it—the Biden border crisis has real consequences for national security and public safety. We have learned recently from a frontline whistleblower that the Department of Homeland Security (DHS) is ignoring COVID-19 protocols to facilitate the surge of illegal aliens into the country.

The whistleblower explained that “numerous aliens with standing prior orders of removal are being released from Customs and Border Protection (CBP) custody . . . in direct violation of 8 USC 1231(a)(5),” the federal law that requires an alien’s final order of removal to be reinstated after the alien reenters the U.S.² The whistleblower explained that CBP is turning over only about 25 percent of illegal aliens to Immigration and Customs Enforcement (ICE) for detention, and that most have been released for absurd reasons including high body mass index. The whistleblower said that illegal aliens are literally eating themselves to obesity in order to be released.

One of the most concerning issues shared by the whistleblower is DHS’s complete abdication of responsibility and hypocrisy surrounding COVID-19. The whistleblower shared that when ICE cannot accept the aliens for detention, the aliens are bused to a nongovernmental organization (NGO) that helps the aliens on their way into the interior of the country. The whistleblower explained that the NGO tests each alien for COVID-19 when they arrive, and that many aliens have been testing positive for the virus. Although the whistleblower could not be sure whether the NGOs properly quarantined the COVID-19-positive aliens, the whistleblower believed that the sheer volume of illegal aliens and the tight timeline for resettlement made proper quarantining impossible.

¹ U.S. Customs and Border Protection, *FY Southwest Land Border Encounters by Month*, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

² See 8 U.S.C. 1231.

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At a time when the Biden-Harris Administration is spreading confusion and fear about COVID-19, DHS has left our southern border wide open for hundreds of thousands of aliens who are unvaccinated and potentially COVID-19 positive. To allow the Committee to understand how the Administration is enforcing public health and safety along the border, please provide the following information:

1. The total number of positive COVID-19 cases of aliens in the custody of CBP since January 20, 2021, broken down by month;
2. The total number of positive COVID-19 cases of aliens in the custody of ICE since January 20, 2021, broken down by month; and
3. The total number of positive COVID-19 cases of aliens encountered by CBP on the southern border and who tested positive after being turned over to a nongovernmental organization since January 20, 2021.

Please provide this information as soon as possible but no later than Monday, August 16, 2021.

In addition, it is our obligation to remind you of the protections in federal law for whistleblowers who make protected disclosures to Congress.³ Especially in light of the DHS Office of Inspector General report from 2015 about how an “unusual” number of whistleblowers requested anonymity during its investigation of your EB-5 misconduct, we will not tolerate any attempted retaliation against this whistleblower.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member
House Committee on the Judiciary



Tom McClintock
Ranking Member
House Committee on the Judiciary
Subcommittee on Immigration and
Citizenship



Matthew Rosendale, Sr.
Member of Congress

³ See 5 U.S.C. § 2302; 5 U.S.C. ch 12.

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cc: The Honorable Jerrold Nadler, Chairman, House Committee on the Judiciary

The Honorable Zoe Lofgren, Chair, House Committee on the Judiciary, Subcommittee on
Immigration and Citizenship