

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
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September 28, 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 continues to worsen as illegal aliens stream across the southwest border as a result of President Biden's and your radical immigration policies. As the brave men and women of U.S. Border Patrol work tirelessly to respond to the Administration's manufactured border crisis, we have learned that the Department of Homeland Security has threatened to fire Border Patrol officials who refuse to comply with President Biden's vaccine mandate. Your failure to support these federal law-enforcement officials will only make the Biden border crisis worse and make our country less secure.

The Biden Administration has been derelict in its duty to secure the southwest border. The U.S. Border Patrol has encountered 1,263,295 illegal aliens along the southwest border since January of this year—the highest amount in twenty years.¹ Recently, the Biden Administration allowed more than 14,000 illegal aliens to congregate under a bridge in Del Rio, Texas in just a few days.² Although news reports state the Administration was caught off-guard by this situation,³ House Republicans have been warning of a situation like this for months.⁴ The Biden Administration has stubbornly refused to address the crisis, allowing more and more illegal aliens to pour into our country and creating an unsustainable, humanitarian crisis.

While our border is facing this serious crisis, we have learned that you are threatening to terminate a significant portion of Customs and Border Protection (CBP) workforce. On

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

² Adam Shaw & Bill Melugin, *DHS to ramp up deportation flights to Haiti as officials scramble to contain Del Rio migrant surge*, Fox News (Sept. 19, 2021), <https://www.foxnews.com/politics/dhs-deportation-flights-haiti-officials-scramble-contain-del-rio-migrant>.

³ *Id.*

⁴ Letter from Jim Jordan, Ranking Member, H. Comm. on the Judiciary, and Tom McClintock, Ranking Member, S. Comm. on Immigration and Citizenship, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, Dep't of Homeland Security, (Jul. 1, 2021), <https://republicans-judiciary.house.gov/wp-content/uploads/2021/07/2021-07-01-JDJ-TM-to-Mayorkas-re-testifying.pdf>.

September 9, 2021, President Biden issued Executive Order 14043 requiring federal employees to fully vaccinate against COVID-19 or face termination of their employment.⁵ It has come to our attention that the men and women of CBP have been given official notice that they must be fully vaccinated by November 2021 or face termination.

For years and through multiple administrations, it has been difficult to recruit and retain men and women to serve in U.S. Border Patrol. The locations of the job are typically remote and the job is often dangerous and hard. Their job is made even harder when senior officials, including Vice President Kamala Harris, spread false accusations of cruelty—as has occurred in recent days to mounted officers in Del Rio—while ignoring reports of attacks against Border Patrol personnel.⁶ Citing the misinformation about cruelty, President Biden even vowed the Border Patrol officers “will pay.”⁷ This Administration is now openly targeting the heroic men and women of U.S. Border Patrol.

President Biden’s vaccine mandate, as applied to CBP, risks reducing the already-depleted Border Patrol workforce in the middle of the unfolding border crisis. It is simply unbelievable that the Biden Administration will allow COVID-positive illegal aliens to surge across the border but will terminate dedicated law-enforcement officers who do not comply with President Biden’s mandate. We hope that for the safety of our country that you see the error in this decision, choose to support the heroes of CBP who put their lives on the line every day, and find reasonable accommodations for CBP officers who do not choose to comply with this mandate for personal or medical reasons.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



Tom McClintock
Ranking Member
Subcommittee on Immigration and
Citizenship

cc: The Honorable Jerrold Nadler, Chairman, House Committee on the Judiciary
The Honorable Zoe Lofgren, Chair, Subcommittee on Immigration and Citizenship

⁵ Exec. Order No. 14043 (2021).

⁶ Adam Shaw & Peter Hasson, *Harris ‘deeply troubled’ by images of Border Patrol agents on horseback blocking migrants, agents respond*, Fox News (Sept. 22, 2021), <https://www.foxnews.com/politics/harris-images-border-patrol-agents-horseback-blocking-haitian-migrants>.

⁷ Brooke Singman & Adam Shaw, *Biden warns mounted Border Patrol agents charging migrants in Del Rio sector: ‘Those people will pay’*, Fox News (Sept. 24, 2021).