

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

April 19, 2021

The Honorable Alejandro Mayorkas
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

We write to demand a response to multiple letters requesting information regarding the pause in construction of physical border barriers and your plan to address the crisis on our southwest border. To date, you have not responded to our questions, which raises concerns the Biden Administration has no plan to address the humanitarian, national security, and health crisis at the border that is worsening by the day and has no end in sight. Our recent trip to the border gave us additional insights that make answers to our previous questions even more pressing.

We wrote to you on February 4, 2021 to conduct oversight of the use of executive action to stop construction of the border wall and examine how this decision undermines the duty of the Department of Homeland Security (DHS) to secure our border, but you have failed to respond. As the weeks go by, it is clear the Biden Administration's dangerous unraveling of the prior Administration's deterrent-focused policies not only thwarts the will of Congress and wastes taxpayer money, but also exacerbates the growing crisis on the southwest border.

We also wrote to you on February 19, 2021 and March 10, 2021 conducting oversight of the Biden Administration's plans to reduce the growing number of illegal border crossings and prevent the spread of COVID-19 in border facilities and in the interior of the United States upon release of aliens from DHS custody. Again, we have received no responsive information from DHS.

The crisis on the southwest border grows more concerning each week. In March alone, over 172,000 migrants were encountered by DHS—the highest monthly number in 15 years. This figure does not include aliens who evaded apprehension, while the number of unaccompanied children (UACs) encountered—over 18,500—exceeded all previous monthly records.¹ During our recent trips to the border, Border Patrol agents reported smugglers and drug cartels are using the lull in wall construction to their advantage, in some instances passing large

¹ Owen, Quinn, *More than 172,000 migrants, most in nearly 2 decades, stopped at US-Mexico border in March*, ABC NEWS (Apr. 8, 2021), available at <https://abcnews.go.com/Politics/172000-migrants-decades-stopped-us-mexico-border-march/story?id=76932441>.

groups of illegal immigrants through gaps in the wall to overwhelm agents while they smuggle other aliens or contraband across the border.² The gaps in the wall serve as a drain on manpower, as agents must constantly staff them with personnel during the pause in construction.³

This senseless border crisis does not come without a cost. The needless pause in construction of the barrier system is a complete waste of taxpayer dollars, which is estimated at more than \$1 million per month that equipment, material, and workers sit idle.⁴ Moreover, this delay has worsened from what was originally billed as a 60 day pause, as construction has still not resumed even after the passage of 60 days which began tolling when President Biden issued his January 20, 2021, proclamation halting construction.⁵ Many of us witnessed first hand these gaps in the border wall system when we visited New Mexico. We observed material and equipment rusting in the open air, and we heard from community members—U.S. citizens—whose lives are now in jeopardy. Meanwhile, Department of Health and Human Services is spending approximately \$60 million every week to house a record number of UACs in their custody, with costs only expected to increase.⁶

Despite the worsening conditions, we still have no insight into President Biden's decision to halt construction of the border wall, how billions of dollars of funds actually appropriated by Congress for the border barrier system are being handled by the Administration, or how the Administration intends to ensure the security and safety of Americans living in border regions where construction of physical barriers was halted. We still have no insight into how the DHS intends to reduce illegal border crossings to manageable levels or mitigate the spread of COVID-19. Most alarming, we have no insight into how the Administration plans to care for and stem the flow of the most vulnerable—the children crossing the border by the thousands.

Once again, the Administration's silence on President Biden's border crisis can only be understood as confirmation that the Administration does *not* have a coherent plan to respond. Even as officials predict more illegal border crossings will occur this year than at any point in the last 20 years, you and Vice President Harris continue to ignore the crisis as well as our oversight requests.⁷ Instead of proactively addressing the crisis and responding to Congress, this

² La Jeunesse, William, *Migrants stream through gaps in border wall following Biden's order to halt construction*, FOX NEWS (Mar. 31, 2021), available at <https://www.foxnews.com/politics/migrants-stream-through-gaps-in-border-wall-following-bidens-order-to-halt-construction>.

³ *Id.*

⁴ *Id.*

⁵ Proclamation by the President, *Emergency With Respect to the Southern Border of the United States And Redirection of Funds Diverted to Border Wall Construction*, Jan. 20, 2021, available at www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/.

⁶ Miroff, Nick, *Biden administration spending \$60 million per week to shelter unaccompanied minors*, WASH. POST, (Apr. 8, 2021), available at https://www.washingtonpost.com/national/border-shelters-cost/2021/04/08/c54eec3a-97bd-11eb-8e42-3906c09073f9_story.html.

⁷ See Sacchetti, Maria, Nick Miroff & Silvia Foster-Frau, *Texas family detention centers expected to transform into rapid-processing hubs*, WASH. POST (Mar. 4, 2021), available at

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Administration only seems to be focused on rolling back successful Trump Administration policies without having any plan to handle the resulting crisis.

The information we requested from you over two months ago is essential for the Committee to conduct important oversight. We therefore reiterate the requests made in our February 4, 2021, February 19, 2021, and March 10, 2021 letters and urge your prompt response. Please contact Committee minority staff with any questions.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment



Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Jim Jordan
Member of Congress

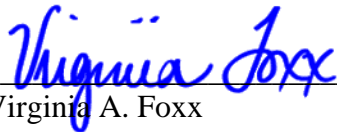


Paul A. Gosar, D.D.S.
Member of Congress

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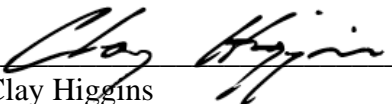
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Virginia A. Foxx
Member of Congress



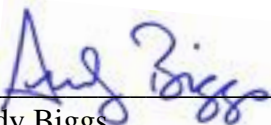
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Member of Congress



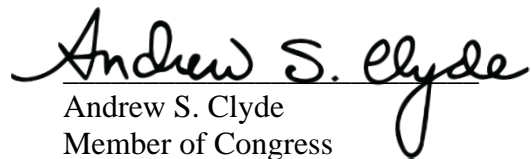
Clay Higgins
Member of Congress



Fred Keller
Member of Congress



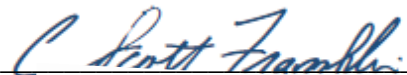
Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress



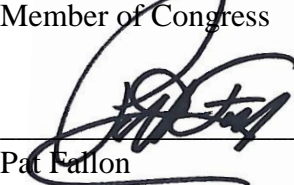
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Member of Congress



Scott Franklin
Member of Congress



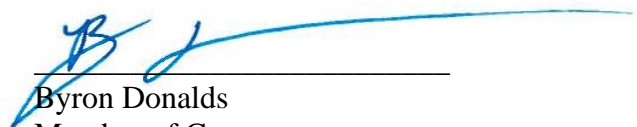
Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

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The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties