



Congress of the United States
House of Representatives
Washington, DC 20515-6501

March 11, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3017 7th Street, S.W.
Washington, D.C. 20528

Dear Secretary Mayorkas,

On January 11, 2024, we wrote to you requesting Department of Homeland Security (DHS) documents related to the January 3, 2024, Congressional Member Delegation (CODEL) to the southwest border and the Customs and Border Protection (CBP) processing facility in Eagle Pass, Texas.¹ However, in DHS's response (DHS Response) on February 20, 2024, DHS failed to provide the requested documents. The documents and information we requested are necessary to inform Congress about DHS's preparation for CODEL visits to the border and whether border enforcement is altered in the lead-up to a CODEL. If DHS does not provide the requested documents and information on or before March 25, we will consider the use of compulsory process to obtain this information.

In our January 11 letter, we requested information regarding whether, during the days leading up to the CODEL, DHS took steps to conceal the true number of illegal aliens crossing at Eagle Pass, Texas, and whether DHS equally applied its video and photography policy to Members of Congress and the media. The DHS Response failed to include a single requested communication or document responsive to these requests. Instead, the only mention of document production contained in the DHS Response is a vague statement that the requested information would be "forthcoming," with no specific date or details provided.²

Additionally, the DHS Response did not provide documents related to the transportation and release of illegal aliens in and around the Del Rio sector of the southwest border, or the Eagle Pass CBP facility, within the timeframe of our CODEL.³ The DHS Response also did not cite or produce documents related to any specific statute or regulation prohibiting Members from taking photos at a CBP facility, and merely made a passing reference to CBP "policy." Lastly, the

¹ Letter from Rep. Mike Johnson, Speaker, House of Representatives, Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Mark E. Green, MD, Chairman, H. Comm. on Homeland Sec., to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Jan. 11, 2024).

² Letter from Zephrañie Buetow, Ass't Sec'y, U.S. Dep't of Homeland Sec., to Rep. Mike Johnson, Speaker, House of Representatives, et al. (Feb. 20, 2024).

³ *Id.*

DHS Response made no attempt to explain the discrepancy between the media’s ability—specifically Face the Nation’s ability—to photograph a CBP facility, while elected Members were prohibited from doing the same.⁴

Congress conducts oversight as part of its constitutional responsibility to legislate on matters affecting the American people. Over the course of this Congress, Republicans have sought to force the Biden Administration to secure the border, but you and President Biden have refused to enforce our nation’s immigration laws, instead undermining our nation’s security with open-borders and lax immigration enforcement policies. In an urgent attempt to move this Administration to act, the House passed H.R. 2—the strongest border security bill to pass the House in two decades. Border security is currently the number one issue that concerns the American people, whether they live in a border state or not.

Each day, we hear stories of the negative effects of the Biden border crisis, including the consequences of the Biden Administration’s release of criminal aliens into the United States who go on to victimize Americans. For example, in Aberdeen, Maryland, in July 2022, 20-year-old Kayla Hamilton was murdered and assaulted by an illegal alien released into the country by the Biden Administration.⁵ Kayla was senselessly killed by a 16-year-old MS-13 gang member from El Salvador who was allowed to enter the U.S. as an unaccompanied alien child (UAC) and was released to a sponsor.⁶ The Biden Administration’s failure to enforce immigration laws also led to the murder of Laken Riley, a 22-year-old Georgia nursing student.⁷ The illegal alien charged with Laken’s murder was released into the United States in 2022 by the Biden Administration after he “entered the U.S. illegally from Venezuela.”⁸ The Biden Administration’s policies prevent ICE from prioritizing for arrest aliens who are otherwise removable until they commit a “serious” crime, leaving Laken’s alleged murderer free to commit this horrific crime despite his multiple criminal charges in New York and Georgia.⁹

The American people deserve better than the Biden Administration’s radical open-border policies and failure to enforce immigration law. Under House Rule X, the Judiciary and Homeland Security Committees are charged with conducting robust oversight of “immigration policy,” “border and port security,” as well as the “organization, administration and general

⁴ Letter from Rep. Mike Johnson, Speaker, House of Representatives, Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, Rep. Mark E. Green, MD, Chairman, H. Comm. on Homeland Sec., to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Jan. 11, 2024).

⁵ Emma Colton, *MS-13 gang member arrested for murder of 20-year-old Maryland woman with autism*, FOX NEWS (Jan. 21, 2023), <https://www.foxnews.com/us/ms-13-gang-member-arrested-murder-20-year-old-maryland-woman-autism>.

⁶ H. Comm. on the Judiciary, Rep. on The Murder of Kayla Hamilton: A Case for Immigr. Enf’t and Border Sec. at 1-2 (May 23, 2023).

⁷ WSBT.com News Staff, *Laken Riley: Here’s what we know about nursing student killed on UGA campus*, WSB-TV 2 ATLANTA (Feb. 24, 2024, 6:43 AM), <https://www.wsbtv.com/news/local/clarke-county/laken-riley-heres-what-we-know-about-nursing-student-killed-uga-campus/TLE4MMTP5RHC7N6VCNUOS55RDQ/>.

⁸ S. Dev, *Suspect in murder of Georgia nursing student entered U.S. illegally, had previously been arrested*, ICE says, CBS NEWS (Feb. 26, 2024, 7:50 PM), <https://www.cbsnews.com/news/jose-ibarra-suspect-murder-georgia-nursing-student-illegal-entry-venezuela/>.

⁹ Memorandum from Alejandro N. Mayorkas, Sec’y, Dep’t of Homeland Sec., to Tae Johnson, Acting Dir., U.S. Immigr. and Customs Enf’t, et al., “Guidelines for the Enforcement of Civil Immigration Law” (Sept. 30, 2021).

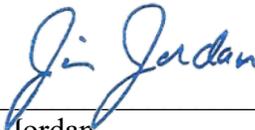
management of the DHS,” respectively.¹⁰ The documents requested on January 11 are pertinent to, and required for, Congress to fulfill its oversight obligations under the Constitution.

The deadline for the requested documents and information lapsed on January 19, 2024, placing DHS more than 30 days beyond compliance with this request. We reiterate our request for the documents and information outlined in our initial January 11, 2024, letter. If DHS fails to produce the requested documents by 5:00 p.m. on March 25, 2024, we will be forced to resort to the use of the compulsory process.

Sincerely,



Mike Johnson
Speaker of the House



Jim Jordan
Chairman
Committee on the Judiciary



Mark E. Green, MD
Chairman
Committee on Homeland
Security

¹⁰ House Rule X, clause 1(l) and (j).