

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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March 25, 2021

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chairwoman:

Since we first wrote to you on March 4, 2021, the crisis at the southwest border has only worsened, particularly with respect to increasing arrivals of unaccompanied minors. However, you have continued to remain silent and have not scheduled any hearings despite the Committee holding several hearings on border issues during the previous Administration. In light of this ongoing crisis, which has no end in sight¹ given the Administration's current policies, we again request that you hold a hearing with Biden Administration officials. It is imperative that the Oversight Committee examine how the Administration intends to address the crisis at the border.

Since his first day in office, President Biden and his Administration have issued a series of executive orders and actions that have signaled to the world the southwest border is open and illegal immigration will have little, if any consequence.² Human smugglers are taking advantage of and profiting from this administration's open borders agenda and families and children are arriving in droves with the near guarantee they will be released into the interior of the United States—some without court dates to appear for adjudication.³ We have repeatedly called on the Biden Administration to provide documents and information on how it plans to address this crisis, but to date, it has refused to do so. So far, it appears the only plan the Biden Administration has is to run radio and social media advertisements.⁴ A hashtag is not going to make this crisis go away.⁵

¹ Parker, Ashley, et. al., 'No end in sight': Inside the Biden administration's failure to contain the border surge, WASH. POST. (Mar. 20, 2021), available at https://www.washingtonpost.com/politics/biden-border-surge/2021/03/20/21824e94-8818-11eb-8a8b-5cf82c3dffe4_story.html.

² Bedard, Paul, List: 27 steps to worst border crisis in 20 years, WASH. EXAMINER (Mar. 19, 2021), available at <https://www.washingtonexaminer.com/washington-secrets/list-27-steps-to-worst-border-crisis-in-20-years>.

³ Ainsley, Julia, et. al., *Amid surge, border agents in Rio Grande Valley are releasing migrants without court dates*, NBC NEWS (Mar. 22, 2021), available at <https://www.nbcnews.com/politics/immigration/amid-surge-border-agents-rio-grande-valley-now-releasing-migrants-n1261720>.

⁴ Psaki, Jen, *White House Daily Press Briefing*, The White House (Mar. 22, 2021), available at <https://www.c-span.org/video/?510134-1/white-house-children-coming-border-fleeing-violence-persecution-is-crisis>.

⁵ See e.g. Tweet by U.S. Embassy Guatemala, (Mar. 23, 2021) available at <https://twitter.com/usembassyguate/status/1374375604582187008> (#UnViajeEnVano)

The facts are startling. As of March 15, 2021, there were more than 4,000 children, many of whom had been detained longer than 72 hours in the custody of Customs and Border Protection (CBP) awaiting placements in Health and Human Services (HHS) shelters.⁶ FEMA has been activated to attend to the crisis.⁷ Meanwhile, HHS continues to seek to expand its emergency influx bedspace capacity to receive those children languishing in CBP facilities while preparing for expected arrivals of even more children. According to HHS officials, the Department is in the process of occupying a site formerly used by oil field workers as well as the Dallas Convention Center to house the children flooding into America.⁸ In total, there are now more than 13,000 children in U.S. custody.⁹ As noted above, Border Patrol agents in the Rio Grande Valley sector are so overwhelmed that they are now releasing illegal immigrants without issuing them a court date.¹⁰ Since the Biden Administration has refused to engage in deterrent border enforcement policies, it is the Committee's responsibility to conduct oversight of this urgent situation that worsens by the day.

You and your colleagues previously decried the humanitarian crisis on the border in 2019, blaming "the Trump Administration's inhumane policies" for creating it.¹¹ During the Trump Administration, this Committee held multiple hearings on the treatment of children at the border.¹² In addition to hearings on the zero tolerance policy that ended in 2018, this Committee focused on conditions in custody during the Trump Administration, particularly with respect to children. The Subcommittee on Civil Rights and Civil Liberties even held a hearing entitled "Kids in Cages: Inhumane Treatment at the Border" on July 10, 2019.¹³ The full Committee also held a hearing with then Acting Secretary of Homeland Security Kevin McAleenan on July 18, 2019, which examined "the treatment of immigrants detained in U.S. government facilities, and related issues."¹⁴ Democrats also organized multiple staff inspection visits to border detention

⁶ Information provided to Committee Staff by HHS via teleconference call regarding the opening of an Emergency Influx Facility in Midland, Texas (Mar. 15, 2021).

⁷ Press Release: *Homeland Security Secretary Mayorkas Directs FEMA to Support Response for Unaccompanied Children*, Dep't of Homeland Security (Mar. 13, 2021), available at <https://www.dhs.gov/news/2021/03/13/homeland-security-secretary-mayorkas-directs-fema-support-response-unaccompanied>.

⁸ Information provided to Committee Staff by HHS via teleconference call regarding the opening of an Emergency Influx Facility at the Dallas Convention Center (Mar. 16, 2021).

⁹ Yilek, Caitlin, *More than 13,000 migrant children in U.S. custody, sources say*, CBS News (Mar. 17, 2021), available at <https://www.cbsnews.com/news/immigration-migrant-children-border-patrol-custody/>.

¹⁰ Kight, Stef. W., *Rio Grande Valley border patrol releasing migrants without court date*, AXIOS NEWS (Mar. 21, 2021), available at <https://www.axios.com/border-patrol-rio-grande-valley-release-migrant-families-67e8cdc1-d549-47e1-aba3-8baca26025d8.html>.

¹¹ Press Release, Maloney Statement on Voting to Pass the Humanitarian Supplemental Bill, H. Comm. on Oversight & Reform (Jun 26, 2019), <https://maloney.house.gov/media-center/press-releases/maloney-statement-on-voting-to-pass-the-humanitarian-supplemental-bill>.

¹² *Kids in Cages: Inhumane Treatment at the Border: Hearing Before the H. Comm. on Oversight & Reform, Subcommittee on Civil Rights & Civil Liberties*, 116th Cong. (Jul. 10, 2019); *The Trump Administration's Child Separation Policy: Substantiated Allegations of Mistreatment: Hearing Before the H. Comm. on Oversight & Reform*, 116th Cong. (Jul. 12, 2019); *With the Acting Secretary of Homeland Security Kevin K. McAleenan: Hearing Before the H. Comm. on Oversight & Reform*, 116th Cong. (Jul. 18, 2019).

¹³ Hearing Materials available at <https://oversight.house.gov/legislation/hearings/kids-in-cages-inhumane-treatment-at-the-border>.

¹⁴ Hearing Materials available at <https://oversight.house.gov/legislation/hearings/with-the-acting-secretary-of-homeland-security-kevin-k-mcaleenan>.

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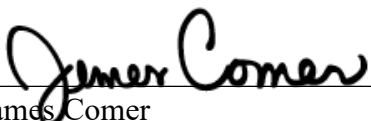
facilities.¹⁵ Unfortunately, the border no longer appears to be an important issue for Democrats—with the exception of Congressman Cuellar, who in a bid for transparency, released alarming photos of children in a crowded facility sleeping on the floor.¹⁶

Under President Biden’s watch, there are currently historically high levels of unaccompanied children arriving at the southwest border, yet this Committee continues taking no action. Department of Homeland Security Secretary Alejandro Mayorkas even recently stated “we are on pace to encounter more individuals on the southwest border than we have in the last 20 years.”¹⁷ It appears that Committee Democrats only care about these issues when there is a Republican in the White House. However, securing our border and ending this humanitarian crisis should be a priority for this Committee regardless of party affiliation.

The Committee must hold the Biden Administration accountable for its policies that have created a crisis at the border. These inhumane policies are fueling the human smuggling industry and placing untold lives in danger. We, again, urge you to schedule a hearing to conduct oversight of the crisis at the southwest border and this Administration’s plans for handling the current surge.

Thank you for your attention to this important request.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jody Hice
Ranking Member
Subcommittee on Government
Operations

¹⁵ See Letter from Elijah Cummings, Chairman, H. Comm. on Oversight & Gov’t Reform to Kevin McAleenan, DHS Acting Secretary, Aug. 29, 2019, *available at* <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-08-29.EEC%20to%20McAleenan-%20%20DHS%20re%20StaffDels.pdf>.

¹⁶ CBS DFW Staff, *Photos Of Migrant Children Detention Highlighting Biden’s Border Secrecy Shared By Texas Democratic Congressman Henry Cuellar*, CBS NEWS DALLAS FT. WORTH (Mar. 22, 2021) *available at* <https://dfw.cbslocal.com/2021/03/22/texas-congressman-henry-cuellar-photos-migrant-detention-president-joe-biden-border-secrecy/>.

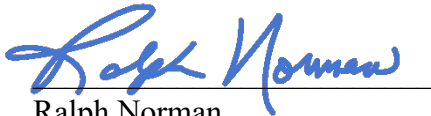
¹⁷ *Statement by Homeland Security Secretary Alejandro N. Mayorkas Regarding the Situation at the Southwest Border*, Dep’t of Homeland Security (Mar. 16, 2021), *available at* <https://www.dhs.gov/news/2021/03/16/statement-homeland-security-secretary-alejandro-n-mayorkas-regarding-situation>.



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



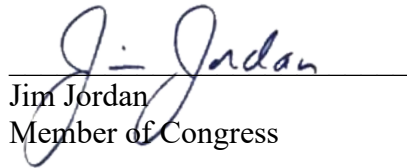
Michael Cloud
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Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment



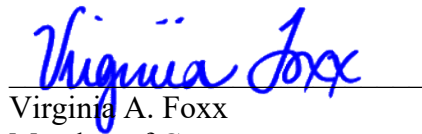
Pete Sessions
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Subcommittee on Civil Rights and
Civil Liberties



Jim Jordan
Member of Congress



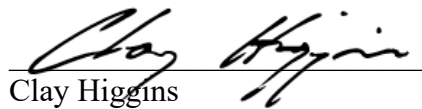
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Virginia A. Foxx
Member of Congress



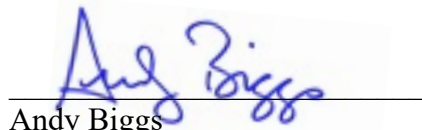
Bob Gibbs
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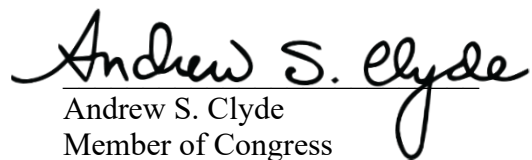
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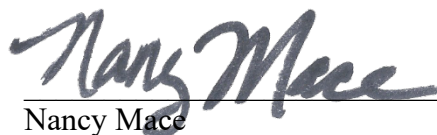
Fred Keller
Member of Congress



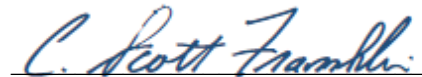
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Andrew S. Clyde
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Nancy Mace
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Scott Franklin
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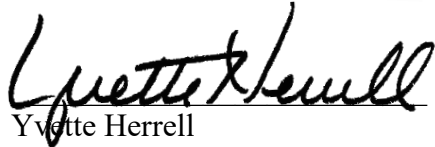
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Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress



Byron Donalds
Member of Congress

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

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

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