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

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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.
5 See e.g. Tweet by U.S. Embassy Guatemala, (Mar. 23, 2021) available at https://twitter.com/usembassyguate/status/1374375604582187008 (#UnViajeEnVano)
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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. FEMA has been activated to attend to the crisis. 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. In total, there are now more than 13,000 children in U.S. custody. 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. 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. During the Trump Administration, this Committee held multiple hearings on the treatment of children at the border. 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. 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.” Democrats also organized multiple staff inspection visits to border detention

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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).


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).


facilities. 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.

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.” 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

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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