

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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March 13, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3017 7th St. S.W.
Washington, DC 20528

Dear Secretary Mayorkas:

The Committee continues to conduct oversight of the unprecedented illegal immigration crisis along the southwest border. As a part of its oversight efforts, we conducted transcribed interviews with several Immigration and Customs Enforcement (ICE) officials. During these transcribed interviews, the ICE witnesses were unable to answer certain questions about data, documents, and communications related to the Biden Administration's immigration policies. On November 2, 2023, the Committee requested that the Department provide the information that the ICE witnesses could not provide during their transcribed interviews.¹ To date, the Department of Homeland Security (DHS) has failed to fully comply with our requests.

Our November 2 letter requested production of the outstanding material by November 16.² After DHS failed to meet that deadline, Committee staff inquired about the status of the requested information on November 28, December 5, December 14, December 20, December 22, and December 29.³ On January 2, 2024, two months after our initial request, DHS finally responded with only a partial answer.⁴ On January 4, the Committee again sought voluntary cooperation with its oversight and reiterated the outstanding requests.⁵

Since our January 4 letter, the Committee has repeatedly followed up with DHS about our outstanding requests. On January 22, January 23, and January 24, 2024, Committee staff

¹ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Nov. 2, 2023).

² *Id.*

³ Emails from Comm. staff, H. Comm. on the Judiciary, to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Nov. 28, Dec. 5, Dec. 14, Dec. 20, Dec. 22, and Dec. 29, 2023) (on file with Comm.).

⁴ See HJC Letter Getbacks, U.S. Immigr. and Customs Enf't (Jan. 2, 2024) (on file with Comm.).

⁵ Letter from Jim Jordan et al., Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Jan. 4, 2024).

The Honorable Alejandro Mayorkas

March 13, 2024

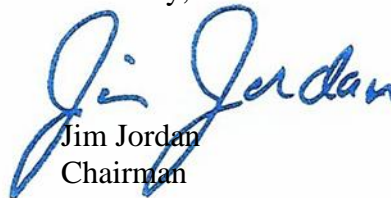
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inquired about the status of the outstanding requests.⁶ On January 29, 2024, DHS staff provided links to some public data and information; however, what was provided did not fully satisfy the Committee's requests.⁷ Although we appreciate that DHS has provided some limited data, your failure to produce all the requested documents and information prevents the Committee from fulfilling its constitutional oversight obligations.

The Supreme Court has recognized that Congress has a "broad and indispensable" power to conduct oversight, which "encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them."⁸ Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning federal immigration law to inform potential legislative reforms.⁹ These potential legislative reforms could include, among other proposals, reforming Alternatives to Detention, increasing penalties on aliens who abscond from ICE, and enhancing ICE's tracking, detention, and communications standards for aliens on the terrorist watchlist. To inform such potential reforms, the Committee must first understand the Administration's current application of federal immigration law.

Accordingly, and given your failure to comply in full with our request voluntarily, please find attached a subpoena.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive. Below the signature, the name "Jim Jordan" and the title "Chairman" are printed in a standard black font.

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure

⁶ Emails from Comm. staff, H. Comm on the Judiciary, to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Jan. 22, 23, and 24, 2024) (on file with Comm.).

⁷ Email from Off. of Legis. Aff., U.S. Dep't of Homeland Sec., to Comm. staff (Jan. 29, 2024) (on file with Comm.).

⁸ See, e.g., *Trump v. Mazars LLP*, No. 19-715 at 11 (U.S. slip op. July 9, 2020) (internal quotation marks and citations omitted).

⁹ Rules of the House of Representatives R. X (2023).