

# Congress of the United States

Washington, DC 20510

November 18, 2021

Joseph R. Biden Jr.  
President of the United States  
1600 Pennsylvania Ave NW  
Washington, DC 20500

President Biden,

On October 25, 2021, you announced new testing and vaccination requirements for travelers entering the United States.<sup>1</sup> Although we appreciate your efforts and concerns related to COVID-19, at ports of legal entry, we take issue with the fact that your administration has decided to outright neglect such public health standards at our nation’s southern border. As a result, the federal government has created a two-tiered standard by which American citizens and visa holders are subject to more stringent requirements to enter the country than are illegal migrants.

Between February 1, 2021, and September 30, 2021, over 1.4 million migrants were encountered illegally crossing the southwestern border by U.S. Customs and Border Protection (CBP).<sup>2</sup> This surge at our southern border can be totally attributed to your decision to reverse several critical border policies, and in turn, we are witnessing a humanitarian crisis that our country has never before seen at the southern border. CBP has seized record amounts of fentanyl, heroin, and methamphetamines destined for our communities. Further exacerbating this crisis at the border is your administration’s repeated refusal to fully implement the Migrant Protection Protocols, even though the Supreme Court has mandated that your administration reinstate the policy.

Due to your administration’s negligent and misguided border policies, it has been reported that thousands of COVID-positive illegal migrants have been released into border towns throughout the country. This was verified during a House Homeland Security Committee hearing in March when Secretary Mayorkas admitted there were “instances” in which illegal immigrants were released into the country — without being tested for COVID-19.<sup>3</sup> In September, the Department’s Office of Inspector General (OIG) released a report highlighting how “CBP does not conduct COVID-19 testing for migrants who enter CBP custody and is not required to do so.”<sup>4</sup> The OIG report goes on to state “without stronger COVID-19 prevention measures in place,

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<sup>1</sup>The White House, “A Proclamation on Advancing the Safe Resumption of Global Travel During the COVID-19 Pandemic,” web, 25 October 2021, accessed 28 October 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/10/25/a-proclamation-on-advancing-the-safe-resumption-of-global-travel-during-the-covid-19-pandemic/>.

<sup>2</sup>Department of Homeland Security, “Southwest Land Border Encounters,” web, last modified 22 October 2021, accessed 28 October 2021, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

<sup>3</sup>House Homeland Security Committee, “The Way Forward on Homeland Security,” web, 17 March 2021, 01 November 2021, <https://www.youtube.com/watch?v=fBiTGjbClk>.

<sup>4</sup>Department of Homeland Security Office of Inspector General, “DHS Needs to Enhance Its COVID-19 Response at the Southwest Border,” web, 10 September 2021, accessed 28 October 2021, <https://www.oig.dhs.gov/sites/default/files/assets/2021-09/OIG-21-60-Sep21.pdf>.

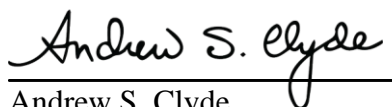
the Department of Homeland Security is putting its workforce, support staff, communities, and migrants at greater risk of contracting the virus.” Moreover, on September 22, 2021, Secretary Mayorkas testified before another House Homeland Security Committee hearing that DHS was working to implement a testing strategy and would follow-up with Members of Congress on when that strategy would be implemented.<sup>6</sup> Over a month later, we still have not received details or a timeline of implementation from the Secretary on that strategy.

While we agree that we must do everything we can to mitigate the threats COVID-19 poses to our nation to reduce spread and to jumpstart our economy, forcing one group of individuals to abide by a set of strict standards while turning a blind eye to those crossing our southern border illegally is reckless and hypocritical. As such, we compel the administration to reconsider its two-tiered approach to COVID-19 protocols to enter the country and to begin addressing the issues that are enflaming the crisis at our southern border.

In addition, we request that the Department of Homeland Security report to Congress within 30 days of this letter with a detailed strategy on how the Department will test each migrant encountered at the border.

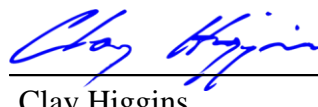
DHS’s mission statement holds “With honor and integrity, we will safeguard the American people, our homeland, and our values.” We urge you to uphold the values the Department was founded on and take steps to prevent this pandemic from causing any more harm to our nation.

Sincerely,



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Andrew S. Clyde  
Member of Congress



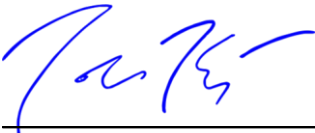
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Clay Higgins  
Member of Congress

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<sup>5</sup> Ibid.

<sup>6</sup>House Homeland Security Committee, “Worldwide Threats to the Homeland: 20 Years After 9/11,” web, 22 September 2021, 28 October 2021, <https://www.youtube.com/watch?v=fBiTGjbClk>.



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John Katko  
Member of Congress  
Ranking Member, Committee  
on Homeland Security



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Michael Guest  
Member of Congress



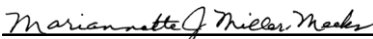
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Ralph Norman  
Member of Congress



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Jefferson Van Drew  
Member of Congress



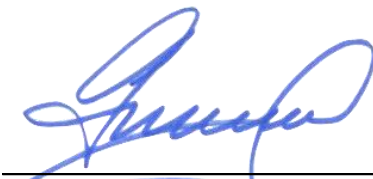
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Mariannette Miller-Meeks, M.D.  
Member of Congress



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Andrew R. Garbarino  
Member of Congress



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Carlos A. Gimenez  
Member of Congress



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Peter Meijer M.C.  
Member of Congress



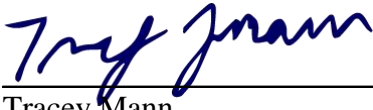
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Bill Posey  
Member of Congress



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Brett Guthrie  
Member of Congress



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Tracey Mann  
Member of Congress



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Barry Moore  
Member of Congress



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Debbie Lesko  
Member of Congress



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Michael C. Burgess, M.D.  
Member of Congress



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Steve Womack  
Member of Congress



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Fred Upton  
Member of Congress



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Pete Stauber  
Member of Congress



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Jodey C. Arrington  
Member of Congress




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Rick W. Allen  
Member of Congress



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Randy K. Weber, Sr.  
Member of Congress



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Dan Crenshaw  
Member of Congress



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Eric A. "Rick" Crawford  
Member of Congress



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Garret Graves  
Member of Congress



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John H. Rutherford  
Member of Congress



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Glenn Grothman  
Member of Congress



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Ted Budd  
Member of Congress



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David Schweikert  
Member of Congress



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KEN CALVERT  
Member of Congress



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Guy Reschenthaler  
Member of Congress




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H. Morgan Griffith  
Member of Congress



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Ronny L. Jackson  
Member of Congress



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Larry Bucshon, M.D.  
Member of Congress



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August Pfluger  
Member of Congress



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John R. Carter  
Member of Congress



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David P. Joyce  
Member of Congress



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Nancy Mace  
Member of Congress



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Brian Babin, D.D.S.  
Member of Congress



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Chris Jacobs  
Member of Congress



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Bob Gibbs  
Member of Congress



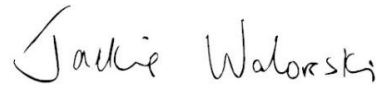
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Troy Balderson  
Member of Congress



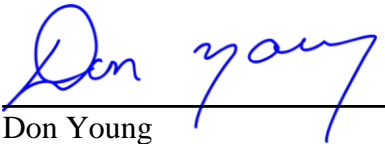
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Richard Hudson  
Member of Congress



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Jackie Walorski  
Member of Congress



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Don Young  
Member of Congress



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Roger Williams  
Member of Congress



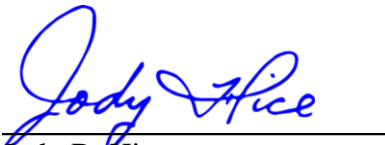
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Steven M. Palazzo  
Member of Congress



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Austin Scott  
Member of Congress



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Jody B. Hice  
Member of Congress



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Markwayne Mullin  
Member of Congress



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Rodney Davis  
Member of Congress



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Elise Stefanik  
Member of Congress

CC: The Honorable Alejandro Mayorkas, Secretary of Homeland Security  
The Honorable Xavier Becerra, Secretary of Health and Human Services  
The Honorable Antony Blinken, Secretary of State