Congress of the United States
Washington, DC 20515

August 6, 2021

The Honorable Alejandro Mayorkas
Office of the Secretary
Department of Homeland Security
Washington, D.C. 20525

Dear Secretary Mayorkas:

We write as Members of the Texas delegation with serious concerns about COVID-positive migrants being released into communities across our State. Since February of this year, the Administration's catch-and-release policies have resulted in the discharge of more than 120,000 migrants into the interior of the United States,[1] a majority of which originate in the El Paso, Del Rio, and Rio Grande Valley Sectors of Texas. This practice has been especially problematic given the inconsistent COVID-19 testing occurring along our southern border.

In a March 8th letter signed by 23 Members of Congress, we requested information on the enforcement status of Title 42 (42 U.S.C. Section 265) as reports surfaced of more than 100 migrants being released after testing positive for COVID-19. Your response stated that Customs and Border Protection (CBP) personnel conduct initial inspections of individuals for symptoms or risk factors associated with COVID-19, but that suspected COVID-19 cases are referred to local health systems for testing and treatment.

Waiting to refer individuals to local health authorities until symptoms are apparent creates a public health hazard since many COVID-19 cases are asymptomatic. Furthermore, positive cases can be spread before a person may even develop symptoms.

The Delta variant of COVID-19 is spreading rapidly throughout the United States, and your department has recognized increased rates of noncitizens testing positive for COVID-19.[2] Given the rising number of cases, it is imperative that all undocumented individuals who are apprehended at our borders either show proof of a Food and Drug Administration approved vaccination or be tested for COVID-19.

[1] https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics
[2] http://cdn.cnn.com/cnn/2021/images/08/02/dhs.declaration.pdf

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We recognize the immense strain on our frontline border officials as the number of encounters along the southwest border continues to rise. If additional resources and personnel are needed to conduct comprehensive COVID-19 testing at our border, your department should approach Congress with that request.

Furthermore, it is counterproductive to implement additional lock down measures on our communities if we continue releasing untested, undocumented migrants into the country. If a fully vaccinated U.S. citizen is required to have a negative COVID-19 test to board a plane and return to the United States, then migrants who enter this country must also be tested.

Although this delegation stands firmly against the catch-and-release policies that have been directed by the Administration, we are ready to work with your department to implement a comprehensive COVID-19 testing program along our southern border and urge that this testing be undertaken immediately.

Sincerely,

Michael C. Burgess, M.D.

Tony Gonzales

Ronny L. Jackson, M.D.

Brian Babin, D.D.S.

Jodey C. Arrington

Louie Gohmert

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Dan Crenshaw

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