

United States Senate

WASHINGTON, DC 20510

October 10, 2024

Via Electronic Transmission

Vice President Kamala D. Harris
The White House
Office of the Vice President
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Vice President Harris:

In one of your first official public appearances, you joined President Biden in the Oval Office when he opined on the Trump administration's immigration and border policies. President Biden dismissed the previous administration's policies as "counterproductive to our security," "harmful," and a "moral and national shame."¹

Since your first day in office, you and President Biden have worked to dismantle the Trump-era border policies and halted further construction of the border wall. The presidential proclamation terminating construction read, in part: "It shall be the policy of my Administration that no more American taxpayer dollars be diverted to construct a border wall."² This initiated a so-called "careful review of all resources appropriated or redirected to construct a southern border wall."³ By April 2021, the Department of Defense (DOD) announced the cancellation of border barrier projects.⁴ In June of the same year, the Biden-Harris administration returned \$2 billion to the DOD previously allocated for the purpose of border wall construction.⁵ Your administration also initiated a review of the Remain in Mexico policy, which Department of Homeland Security (DHS) Secretary Mayorkas subsequently ended in June 2021.⁶

¹ *Remarks by President Biden at Signing of Executive Orders Advancing His Priority to Modernize Our Immigration System*, THE WHITE HOUSE (Feb. 2, 2021), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/02/remarks-by-president-biden-at-signing-of-executive-orders-advancing-his-priority-to-modernize-our-immigration-system/>

² *Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction*, Proclamation No. 10142, 86 F.R. 7225 (Jan. 20, 2021).

³ *Id.*

⁴ *DOD Release Regarding Cancellation of Border Barrier Project Cancellation*, U.S. DEPARTMENT OF DEFENSE (Apr. 30, 2021), <https://www.defense.gov/News/Releases/Release/Article/2591993/dod-release-regarding-cancellation-of-border-barrier-project-cancellation/>

⁵ See Camilo Montoya-Galvez & Nicole Sganga, *Biden Returns \$2 Billion in Funds Trump Had Diverted From Pentagon to Use For Border Wall*, CBS NEWS (June 11, 2021), <https://www.cbsnews.com/news/biden-returns-border-wall-funds-pentagon/>

⁶ See Office of United States Department of Homeland Security Secretary Alejandro Mayorkas, Memorandum (Oct. 29, 2021), *Termination of the Migrant Protection Protocols*, https://www.dhs.gov/sites/default/files/2022-01/21_1029_mpp-termination-memo.pdf

Meanwhile, every fiscal year throughout your engagements, crossings from Mexico and the Northern Triangle markedly exceeded any year of the Trump administration.⁷ Despite the stark increase from those nations and many others, deportations and returns overall have decreased as a share of crossings.⁸

Now, you are engaging in a numbers racket, telling Americans modest decreases in encounters from soaring, record highs is somehow proof that what your administration has been doing all along is working. It is not.

President Biden's executive order—more than three years after your administration's reckless reversal of key policies—is an implicit admission that he and you bear ultimate responsibility for this crisis and this disastrous approach. As a result of these slow-walked changes, our national security has been undermined and the safety of our communities has been threatened all across the country.

Due to the Biden-Harris administration's failure to achieve adequate border security, illegal immigrants, including those entering from Mexico and the Northern Triangle, have been able to perpetrate heinous acts against innocent American citizens. For example:

- On May 14, 2024, an 18-year-old Honduran national, who purportedly entered the United States illegally in April 2022, pled guilty to sexually abusing a 12-year-old girl in Waterloo, Iowa.⁹
- On April 2, 2024, a Honduran national, who was previously convicted of sexual assaulting a woman in Connecticut and deported, was charged for failing to register as a sex offender. He was reportedly able to re-enter the United States undetected by Customs and Border Protection (CBP) and subsequently was arrested twice before being charged.¹⁰
- On February 25, 2024, a 19-year-old Honduran national was arrested for the alleged rape and aggravated assault of a 14-year-old girl at knifepoint in Louisiana. He entered the United States illegally in October 2023.¹¹

⁷ See Nick Miroff, et al., *Trump vs. Biden on Immigration: 12 Charts Comparing U.S. Border Security*, WASHINGTON POST (Feb. 11, 2024), <https://www.washingtonpost.com/immigration/2024/02/11/trump-biden-immigration-border-compared/>

⁸ See *id.*

⁹ Jeff Reinitz, *Teen Sentenced to Prison For Sex Abuse, Faces Possible Deportation*, THE COURIER (June 26, 2024), https://wcfcourier.com/news/local/crime-courts/teen-sentenced-prison-sex-abuse-possible-deportation/article_4282fada-33d2-11ef-865e-57870e97d130.html

¹⁰ *Honduran National Charged With Illegally Reentering U.S., Violating Federal Sex Offender Registration and Notification Act*, U.S. DEPARTMENT OF JUSTICE (Apr. 2, 2024), <https://www.justice.gov/usao-ct/pr/honduran-national-charged-illegally-reentering-us-violating-federal-sex-offender>

¹¹ *Undocumented Immigrant Accused of Rape, Stabbing in Separate Kenner Incidents*, FOX 8 (Feb. 27, 2024), <https://www.fox8live.com/2024/02/27/undocument-immigrant-accused-rape-stabbing-separate-kenner-incidents/>

- On May 4, 2024, a Guatemalan national was arrested for allegedly kidnapping and sexually assaulting an 11-year-old girl in a van in Palm Beach County, Florida. He reportedly entered the United States illegally in January 2024, was given an immigration hearing date in 2027, and was released by DHS.¹²
- On June 26, 2024, a Guatemalan national was charged with alleged sexual battery of a 14-year-old girl in Okaloosa County, Florida. He was deported on February 9, 2024, before this incident, but was able to re-enter the United States untraced days later.¹³
- On May 8, 2024, an El Salvadoran migrant was arrested for allegedly murdering a woman and the malicious assault of two homeless individuals with a baseball bat in West Virginia. He had an extensive criminal history and was in prison in El Salvador for over twenty years for “DUI [driving under the influence], sexual assault/murder, aggravated robbery, and narcotics related crimes.” Law enforcement believes he illegally entered the United States shortly after his release from prison.¹⁴

This is just a snapshot from this year alone of the sorts of preventable tragedies, which have become all too common across the United States.

The Biden-Harris administration’s policies—pulling resources, reversing Remain in Mexico, and stopping wall construction—are largely to blame for our open and unsafe border over the last three-and-a-half years. Because of your actions and inactions, every state is now a border state and every community is a border community.

Given your role as the leader of engagement with this region, which the media has colloquially dubbed as “Border Czar” or “Root Causes Czar,” I ask that you provide answers to the following immigration and border policy questions by October 24, 2024.

1. Have you engaged with your international counterparts regarding violence perpetrated against innocent Americans by citizens of their countries? Have you raised this concern with any counterpart(s)? If so, what concerns were raised and when? What was their response?

¹² Ari Hait, *Lake Worth Beach Man Accused of Sexually Assaulting 11-Year-Old Girl*, ABC 25 WPBF NEWS (May 7, 2024), <https://www.wpbfl.com/article/florida-undocumented-immigrant-sexual-assault-palm-beach-county/60701237>

¹³ *Illegal Immigrant Charged with Sexually Assaulting 14-Year-Old Girl in Okaloosa County*, ABC 3 WEAR NEWS (June 27, 2024), <https://weartv.com/news/local/illegal-immigrant-charged-with-sexually-assaulting-14-year-old-girl-in-okaloosa-county>; Robert Ristaneo, *Guatemalan Man Charged With Sexual Battery on a 14-Year-Old After Previously Being Deported*, FOX 10 NEWS (June 27, 2024), <https://www.fox10tv.com/2024/06/27/guatemalan-man-charged-with-sexual-battery-14-year-old-after-previously-being-deported/>

¹⁴ C. Max Bachmann, *Man Accused of Murdering Woman in West Virginia Arrested in Frederick County*, THE WINCHESTER STAR (May 13, 2024), https://www.winchesterstar.com/winchester_star/man-accused-of-murdering-woman-in-w-va-arrested-in-frederick-county/article_d6ff3469-d3a5-556c-9d5d-1842f54d1145.html; Marsha Chwalik, *More Information Released on Suspect in Case of Woman’s Body Found Near Martinsburg, WV*, METRONews (May 23, 2024), <https://wvmetronews.com/2024/05/23/more-information-released-on-suspect-in-case-of-womans-body-found-near-martinsburg/>

2. In light of the Biden-Harris administration's ending of Remain in Mexico in 2021, what data can you provide suggesting migration from Mexico has been "stemmed" as you were tasked with accomplishing prior to 2024?
3. In February 2024, the Biden-Harris administration endorsed a proposal that, among other provisions, included a requirement that a few hundred million dollars in unspent funds be used specifically for border wall construction. As noted above, the Biden-Harris administration previously returned \$2 billion allocated for the purpose of building a border wall. Did the Biden-Harris administration ever consider reversing course regarding this funding? If not, why not? If so, why has no discernable action been taken to that end?
4. The Biden-Harris administration has auctioned off some \$300 million worth of unused border wall materials for mere pennies on the dollar.¹⁵ Why did the Biden-Harris administration endorse a proposal asking Congress to require them to use hundreds of millions of unspent dollars for border wall construction after deciding to sit on hundreds of millions of dollars worth of unused supplies instead of building the wall?

Sincerely,



Charles E. Grassley
United States Senator

¹⁵ See Aleks Phillips, *Joe Biden Sold Off Border Wall Materials Weeks Before Announcing New Wall*, NEWSWEEK (Oct. 6, 2023), <https://www.newsweek.com/joe-biden-border-wall-material-auctions-new-wall-approval-1832711>