

United States Senate

WASHINGTON, DC 20510-4404

COMMITTEES:

JUDICIARY

ENERGY AND
NATURAL RESOURCES

JOINT ECONOMIC
COMMITTEE

BUDGET

October 30th, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Secretary Mayorkas,

Your mismanagement of the border continues to jeopardize the health and safety of American citizens. Due to your negligence and refusal to enforce our current laws, tuberculosis (TB) is rapidly spreading through the millions of unscreened illegal immigrants released into the interior of the United States putting American lives and health at severe risk.

While the United States previously had one of the lowest TB rates globally, steadily declining for 27 years,¹ your appointment as the Secretary of Homeland Security in February 2021 ushered in a new era. Since then, TB case counts have continuously increased each year with a 16% increase from 2022 to 2023 alone.² It is well-documented by academics and government agencies such as the Centers for Disease Control and Prevention (CDC) and the National Institutes for Health (NIH) that foreign-born persons represent the greatest threat for the spread of TB, some of whom come from countries with TB rates as high as 60 times the U.S. rate.³

Despite this increasing human health risk, you have turned what was once border security into a rubber-stamp for any individual seeking access to the interior. Since the start of Fiscal Year 2021, Customs and Border Protection recorded nearly 11 million inadmissible encounters⁴ and roughly two million known “gotaways” who evaded Border Patrol agents⁵ with unknown numbers of illegal aliens evading detection altogether. Rather than requiring immigrants to apply for status prior to arriving at the border, and undergo health screenings, your policies encourage immigrants to unlawfully enter the interior with no meaningful processing, screening, or security analysis. As reported by the Federation for American Immigration Reform (FAIR), the top seven

¹Centers for Disease Control and Prevention (CDC). *TUBERCULOSIS – UNITED STATES, 2023*. Morbidity and Mortality Weekly Report 2024;73:265–270.

² Ibid.

³ Federation for American Immigration Reform (FAIR). *TUBERCULOSIS: MASS MIGRATION DRIVES ITS PREVALENCE IN THE UNITED STATES*. October 2024.

⁴ House Homeland Security Committee. *BORDER CRISIS STARTLING STATS*. October 2024.

⁵ House Homeland Security Committee. *KNOWN GOTAWAYS, NATIONWIDE*. October 2024.

nationalities encountered by CBP—Mexico, Venezuela, Guatemala, Honduras, Cuba, Colombia, and Haiti—all have significantly higher TB case rates than the U.S.⁶ There can be no doubt that your administration’s failure to enforce the law is the cause for the dramatic and dangerous rise of TB in the U.S.

While unscreened illegal immigrants are bringing TB into the U.S., they are not the only ones suffering from it. As the CDC noted on March 24, 2024, “National [TB] case counts increased among all age groups *and among both U.S.-born and non-U.S.-born persons*”⁷ [emphasis added]. Given TB’s status as one of the world’s leading airborne infectious diseases,⁸ it is no wonder that a frightening number of Americans are contracting it. While FAIR correctly details in its report how border counties are bearing the brunt of the TB influx,⁹ it is abundantly clear that Americans across the U.S. are feeling the harmful effects of open border policies. The Biden Harris Administration’s border crisis has made every town in America a border town. Just this month, an illegal Chinese immigrant in Louisiana exposed hundreds of individuals in the U.S. to a rare and aggressive form of TB with high mortality rates.¹⁰

There are many laws on the books to combat illegal immigration and its harmful effects, and it is past time for this administration to use them. In addition to closing the border, detaining and deporting inadmissible aliens, and working with the administration to re-instate the Remain-in-Mexico policy, we request that you reinstate Title 42 expulsion authority for this dangerous communicable disease. It is your duty to protect the health and safety of the American people.

Given the severity and time-sensitive nature of this crisis, please provide detailed responses to the following inquiries no later than November 13, 2024:

1. Does DHS recognize the correlation between increased illegal immigration to the U.S. from countries with high TB rates and the increase in TB cases in the U.S., including among U.S.-born persons?
 - a. Has DHS taken any meaningful steps to mitigate the spread of TB from illegal immigrants entering the country from high-rate countries? If yes, please explain.
 - b. Does DHS recognize the increase in tuberculosis cases as a public health crisis?
 - c. Has any DHS employee consulted with the White House on this issue?
2. Since January 20th, 2021, how many illegal immigrants has DHS screened for TB or referred to HHS for screening?

⁶ FAIR 2024.

⁷ CDC 2023.

⁸ Ibid.

⁹ FAIR 2024.

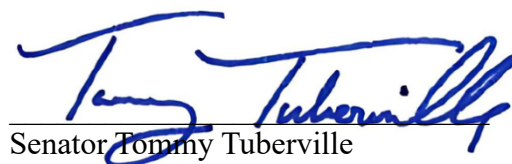
¹⁰ Fox News. [ILLEGAL CHINESE IMMIGRANT EXPOSED HUNDREDS IN LOUISIANA TO RARE TB STRAIN. STATE SUES MAYORKAS, ICE.](#) October 2024.

- a. Are illegal immigrants screened for active and latent TB upon transfer to a detention facility?
 - b. If an illegal immigrant tests positive for either form of TB, what are the quarantine/removal protocols to protect border patrol agents and other detainees from infection?
3. Has DHS knowingly released or paroled illegal immigrants into the U.S. with an active or latent TB infection?
4. Does DHS have a contingency plan to address the rising number of TB-positive illegal immigrants entering the U.S. and prevent the spread to Americans?
 - a. If so, please explain.
 - b. Does this plan include coordination with the CDC and HHS to strengthen screening and testing protocols for TB-positive illegal immigrants?
 - c. Does this plan include using Title 42 expulsion authority under 8 U.S.C. §1182 to render immigrants with TB inadmissible?
5. Have you discussed this issue with HHS Secretary Xavier Becerra?
 - a. If so, did the discussion include using Title 42 authority to declare TB a communicable disease of public health significance, thereby rendering immigrants with TB inadmissible?
 - b. If not, why not?
6. Have you discussed this issue with U.S. Surgeon General Dr. Vivek Murthy?
 - a. If so, did the discussion include using Title 42 expulsion authority to suspend entry for immigrants with TB?
 - b. If not, why not?

Sincerely,



Senator Michael S. Lee



Senator Tommy Tuberville



Senator Roger Marshall

CC:

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