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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

April 25, 2022

Dear Senators:

Thank you for your recent letter regarding oversight of the Department of Homeland Security (DHS) and the forthcoming rescission of the Title 42 public health order that was announced by the Centers for Disease Control and Prevention (CDC).

I welcome your renewed interest in Judiciary Committee oversight of DHS, which was absent during the 116th Congress. Committee Republicans did not hold a single DHS oversight hearing during the entirety of the 116th Congress, and the Immigration Subcommittee held only two hearings, despite unprecedented chaos and crisis at DHS during the Trump administration. In fact, Committee Republicans did not hold a single agency oversight hearing during the final year of the Trump administration.

Since becoming Chair, I have prioritized restoring the Judiciary Committee's oversight role, including by holding a November 16, 2021 hearing with DHS Secretary Mayorkas—the Committee's first agency-wide DHS oversight hearing since January 2018. The Committee has also held its first FBI oversight hearing since 2019 and first Department of Justice oversight hearing since 2017, as well as oversight hearings examining the Justice Department's response to rising hate crimes, the Federal Bureau of Prisons, the Justice Department's handling of the domestic terrorism threat, compliance with the Freedom of Information Act, the federal response to ransomware attacks, and the FBI's dereliction of duty in the Larry Nassar investigation, among others.

Oversight will remain a top priority of the Committee as long as I am Chair, and this will include holding an annual oversight hearing of DHS this year. In addition, I have requested that the administration brief members of the Committee as soon as possible about the rescission of Title 42 and the resumption of immigration processing under Title 8. I have requested that this be a classified briefing to ensure that DHS and Committee members can discuss classified and any other nonpublic aspects of the administration's plans, including those that pertain to the activities of cartels and smugglers.

The status of the CDC's Title 42 public health order—which is not an immigration enforcement authority—does not absolve the Senate of our responsibility to act on long-overdue immigration reform legislation on a bipartisan basis. As I have stated on several occasions, I welcome any efforts to work together on good faith, bipartisan solutions to fix our badly broken immigration system.

Sincerely,

A handwritten signature in blue ink that reads "Dick Durbin". The signature is fluid and cursive, with the first name "Dick" and last name "Durbin" clearly distinguishable.

Richard J. Durbin
Chair