

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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September 27, 2024

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3017 7th St. S.W.
Washington, DC 20528

Dear Secretary Mayorkas:

The Committee on the Judiciary is continuing its oversight of the Biden Administration's compliance with federal immigration law. On July 19, 2024, pursuant to federal law, Ohio Secretary of State Frank LaRose requested access to federal citizenship verification records to verify the citizenship status of registered Ohio voters.¹ In total, Secretary LaRose has "sent four appeals to [you] asking the Biden-Harris administration to grant access to additional [Department of Homeland Security (DHS)] databases, specifically the Person Centric Query Service (PCQS) database, the Person Centric Identity Services (PCIS) database, and the Central Index System 2."² To date, you have ignored these requests.³ Especially in light of the open-border policies of the Biden-Harris Administration, we write to request information about DHS's failure to comply with the Ohio Secretary of State's requests for federal citizenship information.

As Ohio's chief election officer, Secretary LaRose has the statutory duty to enforce Ohio's election laws, including adopting the rules for the removal of ineligible voters from statewide voter rolls and ensuring the integrity of Ohio elections.⁴ Accordingly, Secretary LaRose's statutory obligations require that he maintain a seamless and secure voting process for all lawfully registered citizens in Ohio.

Federal law requires DHS to respond to Secretary LaRose's inquiry. Specifically, 8 U.S.C. § 1373 states that DHS "shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any

¹ See Letter from Hon. Frank LaRose, Ohio Sec'y of State, to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (July 19, 2024) [hereinafter "LaRose Letter"].

² Press Release, Ohio Secretary of State Frank LaRose, Secretary LaRose Urges Congress to Support Ongoing Citizenship Audits of State Voter Rolls (Sept. 11, 2024).

³ *Id.*

⁴ See generally Ohio Rev. Code § 3501.05 (delineating Ohio Secretary of State's duties and powers). See also LaRose Letter, *supra* note 1, at 1.

individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.”⁵ To this end, the statute is crystal clear that “a Federal, State, or local government entity or official *may not prohibit, or in any way restrict*, any government entity or official from sending to, or receiving from, [DHS] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.”⁶ Given Secretary LaRose’s state and federal statutory responsibilities to guarantee that only lawfully registered citizens vote in Ohio federal elections, his request for access to DHS’s citizenship verification databases is a “purpose authorized by law,”⁷ and you must grant it accordingly.

The Biden-Harris border crisis has allowed an unprecedented number of illegal aliens into the country,⁸ including at least 99 on the terrorist watchlist.⁹ Federal law is clear that only eligible U.S. citizens may vote in federal elections.¹⁰ Accordingly, to assist the Committee with our continued oversight of federal immigration policy and procedures, we ask that you provide answers to the following questions:

1. Why have you failed to respond to Secretary LaRose’s four requests for access to DHS’s citizenship verification databases?
2. When will you respond to Secretary LaRose’s requests for this access?
3. Will you permit Secretary LaRose access to the requested databases at least 30 days prior to the November 5, 2024, presidential election, as required by law?

In addition, please provide the following documents for the period January 1, 2024, to the present:

1. All documents and communications between or among DHS employees referring or relating to a request from a secretary of state, including but not limited to Secretary LaRose, for federal citizenship information; and

⁵ 8 U.S.C. § 1373(c).

⁶ § 1373(a).

⁷ § 1373(c).

⁸ STAFF OF H. COMM. ON THE JUDICIARY AND SUBCOMM. ON IMMIGR., SEC., AND ENF’T, 118TH CONG., THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION’S OPEN-BORDER POLICIES: THE CASE OF THE ILLEGAL ALIEN WHO BRUTALLY ASSAULTED A DEVELOPMENTALLY DISABLED WOMAN 2 (2024) (“In less than four years, the Biden-Harris Administration has released into the United States more than 5.6 million illegal aliens, with another 1.9 million illegal alien ‘gotaways’ escaping into the country during the same time.”).

⁹ STAFF OF H. COMM. ON THE JUDICIARY AND SUBCOMM. ON IMMIGR., SEC., AND ENF’T, 118TH CONG., TERROR AT OUR DOOR: HOW THE BIDEN-HARRIS ADMINISTRATION’S OPEN-BORDERS POLICIES UNDERMINE NATIONAL SECURITY AND ENDANGER AMERICANS 8 (2024) (“Under the Biden-Harris Administration, of the more than 250 illegal aliens on the terrorist watchlist who were encountered at the border just between fiscal years 2021 and 2023, DHS has released into American communities at least 99, with at least 34 others in DHS custody but not yet removed from the United States.”).

¹⁰ See, e.g., National Voter Registration Act, P.L. 103-31, 107 Stat. 77 (1993) (requiring voter registration forms to obtain information on registrant’s eligibility, including citizenship). See also 18 U.S.C. § 611 (criminal statute subjecting aliens who vote in federal elections to up to one year in prison or a fine).

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2. All documents and communications between or among DHS employees, Executive Office of the President employees, Office of the Vice President employees, or other executive branch employees referring or relating to a request from a secretary of state, including but not limited to Secretary LaRose, for federal citizenship information.

Please provide this information as soon as possible but no later than 5:00 p.m. on October 11, 2024. Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary is authorized to conduct oversight of federal immigration policy and procedures.¹¹ If you have any questions, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large, looping "J" and "D".

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

¹¹ Rules of the U.S. House of Representatives, R. X (2023).