

Appendix

Secretary

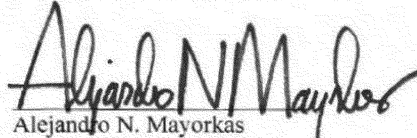
U.S. Department of Homeland Security
Washington, DC 20528Homeland
Security

Ratification of the Final Rule Regarding Surety Bonds

I am affirming and ratifying the delegable action taken by Acting Secretary Wolf, *see* 5 U.S.C. § 3348(a)(2), as listed below, to provide an independent basis to address potential legal challenges to the final rule because of a Government Accountability Office (GAO) opinion, *see* B-331650 (Comp. Gen., Aug. 14, 2020) and actions filed in federal court alleging that the April 9, 2019, order of succession issued by former Secretary Kirstjen Nielsen and the November 8, 2019, order of succession issued by former Acting Secretary Kevin McAleenan were not valid. *See, e.g., Guedes v. Bureau of Alcohol, Tobacco, Firearms, and Explosives*, 920 F.3d 1, 13 (D.C. Cir. 2019) (“We have repeatedly held that a properly appointed official’s ratification of an allegedly improper official’s prior action . . . resolves the claim on the merits by remedy[ing] the defect (if any) from the initial appointment.”) (internal quotation marks and citation omitted).

I have full knowledge of the ICE Final Rule: *Procedures and Standards for Declining Surety Immigration Bonds and Administrative Appeal Requirements for Breaches*, approved on July 1, 2020, and I believe that this action was consistent with the Department’s authorities.

Pursuant to the Secretary of Homeland Security’s authorities under, *inter alia*, the Homeland Security Act of 2002, Pub. L. No. 107-296, as amended, and 5 U.S.C. §§ 301-302, I hereby make a detached and considered affirmation and ratification of the above noted action originally taken and approved on July 1, 2020.


Alejandro N. Mayorkas
Secretary

April 15, 2021
Date

www.dhs.gov