



Congress of the United States
House of Representatives
Washington, DC 20515-6501

December 21, 2023

Dear President Biden,

The southern border of our nation is being overrun and U.S. Customs and Border Protection (CBP) is at a breaking point. This catastrophe requires your administration's full attention and commitment, particularly since Senate Majority Leader Schumer adjourned the Senate yesterday for the year without considering the commonsense solutions in our House bill (H.R. 2, the Secure the Border Act of 2023) or taking any other legislative action to address the matter.

In Fiscal Year (FY) 2023, CBP encountered a record 2.48 million illegal aliens at our southern border,¹ in addition to nearly 670,000 so-called "got-a-ways."² On average, more than 8,400 illegal aliens entered our country every single day over the last year. While those numbers are shocking, they are projected to be even worse in FY2024. Just this week, the record for illegal crossings in a single day was broken yet again.³

The wide-open border has caused unspeakable human tragedy for migrants and certainly for our own citizens. During FY2023, CBP seized "enough fentanyl to kill the entire U.S. population,"⁴ and fentanyl poisoning is now the leading cause of death for Americans aged 18-45.⁵ Countless children and adults have been victims of human trafficking and cartels have been emboldened and enriched. Local communities have been devastated and terrorists and dangerous criminals have entered illegally and dispersed across our country. We are now more vulnerable to a terrorist attack on our homeland than ever.

All of this is the direct result of your administration's policies. You have clearly undermined America's sovereignty and security by ending the Remain in Mexico policy, reinstating catch-and-release, suspending asylum cooperative agreements with other nations, ignoring existing restraints on the abuse of parole, and halting border wall construction. You also

¹ U.S. Customs and Border Protection Newsroom, Stats and Summaries, Nationwide Encounters. Available here: <https://www.cbp.gov/newsroom/stats/nationwide-encounters>

² Fox News, "Border Patrol officials say threat posed by 'gotaways' at southern border 'keeps us up at night'," Adam Shaw, December 20, 2023. Available here: <https://www.foxnews.com/politics/border-patrol-officials-say-threat-posed-gotaways-southern-border-keeps-us-up-night>
See also, U.S. Customs and Border Protection Newsroom, Stats and Summaries, Nationwide Encounters. Available here:

<https://www.cbp.gov/newsroom/stats/nationwide-encounters>

³ Fox News, "Southern border hit by record number of migrant encounters in a single day as thousands flood into Texas," Adam Shaw, Bill Melugin and Griff Jenkins, December 19, 2023. Available here: <https://www.foxnews.com/politics/southern-border-record-number-migrant-encounters-single-day-thousands-flood-into-texas>

⁴ Fox News, "Border Patrol seized enough fentanyl to kill entire US population this fiscal year," Adam Shaw and Griff Jenkins, September 27, 2023. Available here: <https://www.foxnews.com/politics/border-patrol-seized-enough-fentanyl-kill-entire-us-population-this-fiscal-year>

⁵ Drug Enforcement Administration, "DEA Administrator on Record Fentanyl Overdose Deaths," August 19, 2022. Available here: <https://www.getsmartaboutdrugs.gov/media/dea-administrator-record-fentanyl-overdose-deaths>

undermined Immigration and Customs Enforcement's (ICE) core mission, and even used a smartphone app to facilitate the release of border crossers into the United States.

Foreseeing this catastrophe, the House of Representatives led in developing reforms to secure America's borders. We passed H.R. 2 more than six months ago, but Senate Democrats have refused to act on it. While a bipartisan group of Senators has begun extensive negotiations over the past few weeks to try to find a compromise, they have not yet been able to finalize an agreement. Statutory reforms designed to restore operational control at our southern border must be enacted, but the crisis at our southern border has deteriorated to such an extent that significant action can wait no longer. It must start now, and it must start with you.

I urge you to immediately take executive actions available to you under existing immigration laws to stem the record tide of illegal immigration. Immediate executive actions should include the following:

- End catch-and-release, and either turn back or detain all illegal aliens encountered between ports of entry.
- Cease exploitation of parole authority, and ensure it is granted solely "on a case-by-case basis" instead of using parole for entire classes of aliens.
- Reinstate previous, and pursue new, asylum cooperative agreements and begin to negotiate with Mexico to reinstitute the Remain in Mexico program.
- Expand the use of expedited removal so that more aliens are screened and immediately removed if they cannot demonstrate asylum eligibility.
- Immediately renew construction of the border wall.

We also urge you to utilize Section 212(f) of the Immigration and Nationality Act to regain operational control of the border. That provision empowers the President to "suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate" if the President "finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States."

Sincerely,



Mike Johnson
Speaker of the House

CC:
The Hon. Alejandro Mayorkas
The Hon. Hakeem Jeffries

The Hon. Charles Schumer
The Hon. Mitch McConnell