

Congress of the United States
House of Representatives
Washington, DC 20515-3102

June 24, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Dr. Rochelle Walensky, MD, MPH
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dear Secretary Mayorkas and Director Walensky,

We write to express grave concern about recent media reports that the Biden administration intends to end the use of Title 42 restrictions along our border. We ask that you keep these protections in place until all restrictions related to COVID-19 have been lifted within the United States and until all legal travel between the U.S., Mexico and Canada has been restored to its pre-pandemic status.

These restrictions have had the effect of keeping Americans safe from COVID-19 and other infectious diseases potentially carried by those who have crossed illegally. These protections are one of the only remaining measures preventing a total collapse of America's border security. According to Axios, you plan to lift these restrictions on July 31.¹

As the situation at the border continues to worsen, Title 42 has been the only thing preventing your border crisis from turning into a complete and uncontrollable catastrophe. If Title 42 is lifted, a surge of illegal immigration will hit our border, dwarfing what is happening today, which has reached crisis numbers already. Secretary Mayorkas's former boss, Secretary Jeh Johnson, stated that 1,000 migrants a day was a crisis.² In May 2021, U.S. Customs and Border Protection (CBP) encountered 180,034 illegal immigrants along the southwest border, a 20-year monthly high.³ This amounts to 5,807 illegal immigrants per day in May. This is a crisis nearly six times greater than the threshold established by President Obama's Secretary of Homeland

¹ Stef W. Kight, "Scoop: White House eyes ending migrant family expulsion by July 31," Axios, Jun 20, 2021.

² Former Secretary Jeh Johnson *on Morning Joe*, March 29, 2019.

³ CBP, Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>; Nick Miroff, "May was the busiest month along Mexico border since Biden took office, CBP figures show," *The Washington Post*, June 9, 2021.

Security. Since October 2020, CBP has encountered nearly one million illegal immigrants.⁴ While tens of thousands of illegal immigrants have been released into our country due to your catch and release policy enacted on January 21st, Title 42 successfully prevented hundreds of thousands of illegal immigrants from being released into our country.⁵ The catch and release policy is particularly concerning as our government has little knowledge of the health of migrants, criminal backgrounds, or if released migrants will indeed show up to their immigration court proceedings.⁶

This crisis is pulling Border Patrol agents off the line, allowing tens of thousands of illegal immigrants to evade detection and avoid interdiction.⁷ This has allowed more drugs to pour through our border.⁸

It is your responsibility to protect all Americans. Title 42 will help prevent the introduction of new cases and variants of COVID-19 from Central America and Latin America, where the pandemic still rages. For instance, Guatemala is at 91 percent of its peak weekly infection rate, Brazil is at 97 percent, and Colombia is at its peak.⁹ In May 2021, 26,347 Guatemalans were encountered by CBP. During this fiscal year, approximately 13,000 Brazilians have been encountered in the Yuma Border Patrol Sector and an additional 7,000 have been encountered in two other sectors.¹⁰ To end Title 42 now, while the pandemic continues in Latin America, sends the message that illegal immigration is more important than protecting Americans.

Therefore, we request that you preserve Title 42 border restrictions until all local, state, and federal government restrictions end; all state and federal public health emergencies end; and Centers for Disease Control and Prevention (CDC) COVID-19 travel risk levels for Canada and Mexico have been reduced to Level 1.

Sincerely,



Yvette Herrell
Member of Congress



Brian Babin, D.D.S.
Member of Congress
Co-Chair, Border Security Caucus

⁴ CBP has encountered 929,868 illegal immigrants along the southern border CBP in FY21, Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁵ CBP, Southwest Land Border Encounters, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁶ CBP Personnel conversations with staff; Institute for Defense Analyses, Powerpoint Presentation.

⁷ Anna Giaritelli, "More than 61,000 migrants released into the US from the border under Biden," *Washington Examiner*, May 19, 2021.

⁸ CBP, Drug Seizure Statistics, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

⁹ Reuters COVID-19 Tracker, Latin America and the Caribbean, <https://graphics.reuters.com/world-coronavirus-tracker-and-maps/regions/latin-america-and-the-caribbean/>, accessed 6/23/21/

¹⁰ Stef W. Kight, "Scoop: Illegal border crossing most in over decade – with four months to go," *Axios*, Jun 8, 2021.



Andy Biggs
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Chip Roy
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