

**Congress of the United States**  
**Washington, DC 20515**

April 5, 2022

Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Ave. N.E.  
Washington, D.C. 20500

Dear President Biden:

We write to you regarding your Administration's decision to rescind the Title 42 public health authority on May 23, 2022. The rescission of Title 42 will exacerbate the ongoing border crisis, while putting the health of Border Patrol agents, migrants, and our communities at risk. We urge you to reverse course and keep Title 42 in place.

As you know, Title 42 has been in effect since the onset of the pandemic in March 2020. The public health authority gives the Department of Homeland Security (DHS) the ability to immediately expel migrants that would otherwise be detained in U.S. Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE) facilities or released into our communities in the United States. Your Administration utilized Title 42 through all stages of the pandemic, including in January 2022, when daily COVID-19 deaths were averaging 2,000, as well as July 2021 when average daily deaths were around 215<sup>1</sup>. Rescinding Title 42 at a time when our country is experiencing an average of 572 daily deaths makes little sense<sup>2</sup>.

Under the previous administration, Title 42 combined with a litany of other deterrence policies helped in drastically reducing illegal immigration at our southern border, keeping our Border Patrol agents, local communities, and migrants safe. Unfortunately, your Administration has not used the tools available to it to deter illegal immigration, including by reducing interior immigration enforcement, dismantling the Migrant Protections Protocols (MPP), and releasing hundreds of thousands of illegal immigrants into the interior of the United States<sup>3</sup>. As a result, Title 42 is the only means left to deter illegal immigration and keep our communities healthy and safe.

Rescinding Title 42 will lead to the worst border crisis this country has ever faced. Your own Administration has admitted it is preparing for up to 18,000 illegal border crossings per

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<sup>1</sup> COVID Data Tracker, Centers for Disease Control and Prevention, *available at* [https://covid.cdc.gov/covid-data-tracker/#trends\\_dailydeaths](https://covid.cdc.gov/covid-data-tracker/#trends_dailydeaths).

<sup>2</sup> *Id.*

<sup>3</sup> *See* Custody and Transfer Statistics FY2022, U.S. Customs and Border Protection, *available at* <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics>, *and* Custody and Transfer Statistics FY2021, U.S. Customs and Border Protection, *available at* <https://www.cbp.gov/newsroom/stats/custody-and-transfer-statistics-fy2021>.

day<sup>4</sup>. This would mean approximately 540,000 per month, which is more than twice the number of encounters in July 2021—the highest number during your presidency<sup>5</sup>. This will further overwhelm our Border Patrol agents and overcrowd border facilities. This crisis will make it more difficult for Border Patrol agents to interdict human traffickers, drug traffickers, and other bad actors. Further, as your Administration has embraced catch-and-release, having half a million illegal immigrants flood our border every month and be later released into the interior of the United States will put massive strains on our local communities, including hospitals, that they are unequipped to handle.

For the sake of public health, rule of law, and the security of this nation, we urge you to keep Title 42 in place. We also request an in-person Member-level briefing with senior Administration officials from the Centers for Disease Control and Prevention (CDC) and DHS on your Administration’s rationale for ending Title 42 and actions it intends to take to improve border security and deter illegal immigration at our southern border.

Sincerely,



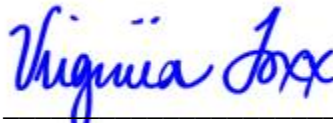
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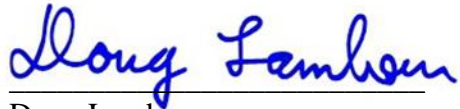
Scott Perry  
Member of Congress



Nancy Mace  
Member of Congress

<sup>4</sup> Michelle Hackman, *Biden Administration to Lift Title 42 Border Policy, Officials Say*, WALL STREET JOURNAL (Mar. 30, 2022).

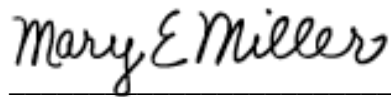
<sup>5</sup> Southwest Land Border Encounters, U.S. Customs and Border Protection (Mar. 15, 2022), available at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.



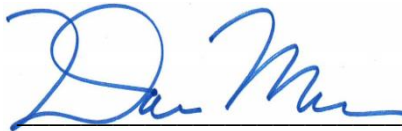
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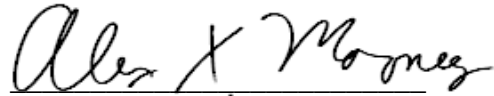
Bob Good  
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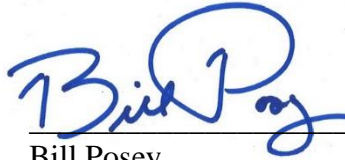
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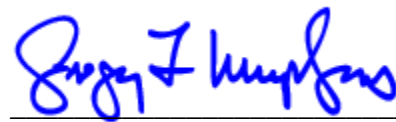
Austin Scott  
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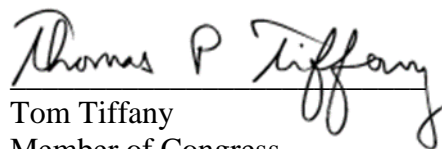
Louie Gohmert  
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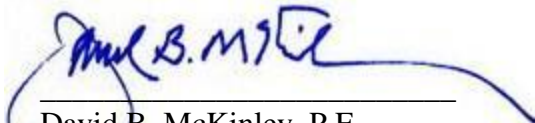
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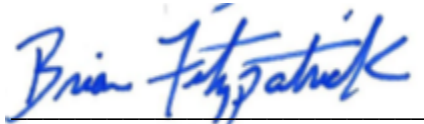
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David B. McKinley, P.E.  
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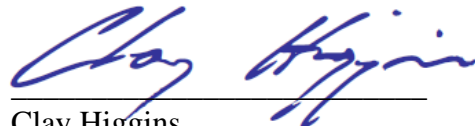
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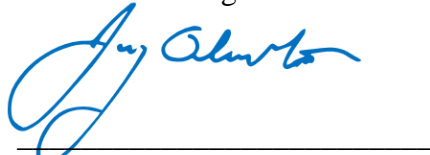
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Brian K. Fitzpatrick  
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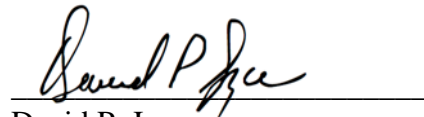
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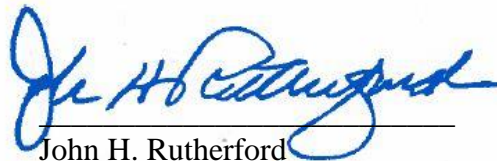
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