

United States Congress
Washington DC, 20510

May 19, 2022

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20016

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human
Services
200 Independence Avenue, SW
Washington, DC 20201

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

Dear President Biden, Secretary Mayorkas, Secretary Becerra, and Director Walensky:

As Members of the bipartisan Problem Solvers Caucus, we are writing to urge your Administration to reevaluate the rescission of the Title 42 public health order that was issued by the Centers for Disease Control and Prevention (CDC) on April 1, 2022. We are concerned about ending this authority now while the highly transmissible Omicron BA.2 subvariant continues to spread across the United States. We are also concerned that the impending cancellation of this policy on May 23, 2022, will overwhelm our current border infrastructure and law enforcement resources.

To that end, we urge Congressional leadership to bring the Public Health and Border Security Act of 2022 to the House and Senate floor for a vote. This legislation would improve coordination between Congress and the Executive Branch as both work in tandem to manage the transition to a post-Title 42 border environment. It is critical that intergovernmental transparency exists between lawmakers and the Administration on Title 42 planning. This bipartisan, bicameral legislation has been endorsed by the Problem Solvers - a process that requires a minimum of 75% approval by the entire caucus.

The Title 42 directive, which has been in place under both Republican and Democratic administrations, is essential to ensure the health and safety of the American public, law enforcement personnel, border communities, non-governmental organizations (NGOs), and migrants that continue to make the life-endangering trek to our southern border. While there are record-breaking encounters at the southern border with no signs of slowing, we also need to look at a strategy that reforms our broken immigration system, supports U.S. jobs, and ensures smart border security.

Although we understand that Title 42 was not intended to be used as a placeholder for comprehensive policy solutions to our broken immigration system, we are wary that its absence will accelerate the humanitarian and national security challenges that are presently manifesting

along our border. Customs and Border Protection (CBP) is now recording more than 7,000 migrant encounters daily. Currently, the agency can safely manage between 3,500 encounters per day and 5,000 migrants per day at maximum capacity. This is problematic considering projections that DHS is bracing for as many as 18,000 migrant encounters daily if Title 42 is rescinded.

These estimates conflate with the ongoing reality that CBP has been experiencing a record number of migrant encounters. Last fiscal year, a historic 1.7 million encounters were recorded by CBP. Furthermore, only six months into FY22, CBP has already reported more than 1 million migrant encounters across the southwest border. These trends are only expected to accelerate during the Spring, as warmer weather tends to facilitate chain migration.

Title 42 was put in place to prevent the introduction of dangerous communicable diseases into the country. Any changes to it will have a serious and immediate impact not only on our border communities but also in metropolitan areas throughout the U.S. We must strengthen measures to protect our communities and economy from health threats, not weaken them.

It's estimated that migrants pay upwards of \$4,000 each and collectively nearly \$2 billion monthly to human smuggling cartels and transnational criminal organizations to travel to the southern border. These criminal units are being enriched by exploiting the current situation at our border, which overburdens law enforcement and creates new threats to our national security. As these bad actors seek to consolidate their activities, they incentivize migrants to undertake a dangerous and deadly journey; more than 1,200 migrants died in 2021, marking a 50 percent increase over the previous record year. A long-term solution is needed to fix this broken system, to incentivize the pathway for people to come to our country legally – instead of making the dangerous trek to the border – and to tailor our legal immigration system to the needs of our businesses, workers, and communities.

Considering the current and anticipated security, capacity, and humanitarian issues along our southern border, we believe it is premature to execute changes to the Title 42 public health authority. A rollback of this policy requires the utmost coordination among all facets of government and transparency to U.S. citizens. Although your Southwest Border Strategic Concept of Operations and DHS Plan for Southwest Border Security and Preparedness attempt to establish a framework for the proposed collaboration, it's unclear how DHS and its partners can promptly secure the resource requirements that are demanded by this outline.

To ensure that a whole-of-government approach is effective in resolving this crisis, we urge the Administration to engage in further consultation with Congress, intergovernmental stakeholders, border communities, and non-profit organizations before considering acting on Title 42. We respectfully request a bipartisan briefing to the Problem Solvers Caucus members on your plan to manage border encounters in a safe and operable fashion before any changes to Title 42 are executed.

We acknowledge that a long-term solution is needed to fix our broken immigration system. Until the Administration undertakes further consultation, we believe it is premature to consider changes to Title 42 authorities. There are too many unanswered questions related to DHS having a sufficient plan to maintain a humane and orderly process, adequately protect the health of our families and

communities, and ensure those providing services to migrants have the capacity to assist. We urge postponing the cancellation of Title 42 until affected federal agencies and NGOs are ready to execute and coordinate a comprehensive plan that ensures a secure, orderly, and humane process at the border.

Thank you for your attention to this matter. We look forward to working with you to produce a thoughtful, bipartisan strategy that improves our immigration system and restores order to our border infrastructure.

Sincerely,



Josh Gottheimer
Member of Congress
Problem Solvers Caucus Co-Chair



Brian Fitzpatrick
Member of Congress
Problem Solvers Caucus Co-Chair



Jared Golden
Member of Congress



Tony Gonzales
Member of Congress



Elaine Luria
Member of Congress



Peter Meijer
Member of Congress



Fred Upton
Member of Congress



Tom Rice
Member of Congress



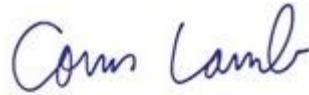
David Valadao
Member of Congress



Bill Johnson
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Ben Cline
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Conor Lamb
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Dusty Johnson
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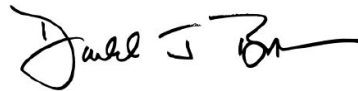
Ed Case
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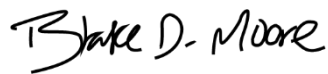
David P. Joyce
Member of Congress



Dan Meuser
Member of Congress



Don Bacon
Member of Congress



Blake Moore
Member of Congress



Andrew R. Garbarino
Member of Congress

Cc: The Honorable Nancy Pelosi, Speaker of the House
The Honorable Kevin McCarthy, House Republican Leader