

December 23, 2022

President Joseph R. Biden  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear President Biden:

We are writing with a sense of urgency about the conditions at our southern border. You recently stated, before travelling to Arizona, that you had more important things to do than visit the southern border. This statement was beyond discouraging because the southern border is in complete shambles. The ongoing crisis at our southern border is a national security nightmare and a humanitarian disaster, and the amount of illegal drugs flowing through our southern border, particularly fentanyl, is at an all-time high. With the looming end of Title 42 deportation authority, the problems at the border are getting exponentially worse.<sup>1</sup>

We urge you to reconsider your position on visiting the southern border, as California Governor Gavin Newsom recently did. Upon his visit and after being briefed on the conditions at the border, he stated, “The fact is, what we’ve got right now is not working and is about to break in a post-[Title] 42 world unless we take some responsibility and ownership. . . . I’m saying that as someone that feels responsible for being part of the solution.”<sup>1</sup>

Mr. President, to understand the situation Border Patrol agents are working hard to remedy without much-needed support, you must do what Governor Newsom did – get on the ground, see the border for yourself, and talk to the men and women who are trying to secure it. Without their perspective, it is impossible to exercise sound judgment and good decision-making. If you fail to see the border for yourself, you will only worsen what has been a major debacle for our nation on multiple fronts. The conditions at the southern border are untenable and unconscionable.

Here is the state of play at the southern border:

- There were 2,378,944 illegal alien encounters by Customs and Border Protection (CBP) on the southern border in fiscal year 2022, the most ever in a single year and 419% higher than in fiscal year 2020, before you took office.<sup>2</sup>

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<sup>1</sup> Timothy H.J. Nerozzi, *Newsom Says California About to “Break” Amid Flood of Illegal Migrants When Title 42 Expires*, FOX NEWS (Dec. 15, 2022), <https://www.foxnews.com/politics/newsom-says-california-break-flood-illegal-migrants-title-42-expires>.

<sup>2</sup> U.S. Customs and Border Protection, *Southwest Land Border Encounters*, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

- In October 2022 alone, there were 230,678 encounters, the third highest month of any month on record (behind April and May of this year) and the 8<sup>th</sup> consecutive month with over 200,000 encounters.
- Reporting from NBC News suggests that CBP agents are currently apprehending 7,500 to 8,000 aliens every day.<sup>3</sup>
- The Department of Homeland Security’s own estimates suggest these daily apprehension numbers could nearly double, up to 14,000 alien apprehensions a day, if Title 42 expulsions cease.
- CBP apprehended 2,963 unaccompanied minors at the border in fiscal year 2022, up 331% compared to fiscal year 2020.
- CBP apprehended 98 individuals on the Terrorist Screening Dataset between ports of entry in fiscal year 2022, more than 3 times as many apprehended in the past 5 years *combined*.<sup>4</sup>
- There have been 1.1 million got-aways – aliens who are known to have successfully evaded apprehension by CBP – since October 2020.<sup>5</sup>
- CBP seized 14,700 pounds of fentanyl – enough to kill over 3 billion people – in fiscal year 2022, up 206% compared to fiscal year 2020, but only a fraction of what is being smuggled into the U.S. undetected.<sup>6</sup>
- The unchecked influx of fentanyl into the U.S. is killing Americans at all-time highs – 71,000 people died from fentanyl overdose in 2021, which became the #1 cause of death among U.S. adults, ages 18-45.<sup>7</sup>
- Since January 2021, 41 CBP agents have died in the line of duty, including a Border Patrol agent who was killed on December 7<sup>th</sup>, 2022, after crashing his all-terrain vehicle while in pursuit of a group of illegal aliens.<sup>8</sup>
- The sheer magnitude of the situation at the border has completely demoralized CBP, which has seen 14 agents take their own lives in 2022.<sup>9</sup>

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<sup>3</sup> Julia Ainsley, *Daily Border Crossings Have Stayed Near Record Highs, and the End of a Covid Ban This Month Could Mean a New Surge*, NBC NEWS (Dec. 2, 2022), <https://www.nbcnews.com/politics/immigration/migrant-border-crossings-record-highs-end-covid-ban-surge-rcna59712>.

<sup>4</sup> U.S. Customs and Border Protection, *CBP Enforcement Statistics Fiscal Year 2022*, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>.

<sup>5</sup> Andrew R. Arthur, *Biden Seeking Billions to Pay for His Border Disaster*, CENTER FOR IMMIGRATION STUDIES (Dec. 8, 2022), <https://cis.org/Arthur/Biden-Seeking-Billions-Pay-His-Border-Disaster>.

<sup>6</sup> U.S. Customs and Border Protection, *Drug Seizure Statistics*, <https://www.cbp.gov/newsroom/stats/drug-seizure-statistics>.

<sup>7</sup> Centers for Disease Control and Prevention, National Center for Health Statistics, *Provision Drug Overdose Death Counts*, <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm>; Audrey Conklin, *Fentanyl Overdoses Become No. 1 Cause of Death Among US Adults, Ages 18-45: “A National Emergency”*, FOX NEWS (Dec. 16, 2021), <https://www.foxnews.com/us/fentanyl-overdoses-leading-cause-death-adults>.

<sup>8</sup> MaryAnn Martinez, *US Border Patrol Agent Killed Chasing Illegal Immigrants in Texas*, N.Y. POST (Dec. 7, 2021), <https://nypost.com/2022/12/07/border-patrol-agent-killed-chasing-illegal-migrants-in-texas/>.

<sup>9</sup> MaryAnn Martinez, *Three Border Patrol Agents Die by Suicide in Three Weeks*, N.Y. POST (Nov. 30, 2022), [https://nypost.com/2022/11/30/three-border-patrol-agents-die-by-suicide-in-three-weeks/?utm\\_source=NYPTwitter&utm\\_campaign=SocialFlow&utm\\_medium=SocialFlow](https://nypost.com/2022/11/30/three-border-patrol-agents-die-by-suicide-in-three-weeks/?utm_source=NYPTwitter&utm_campaign=SocialFlow&utm_medium=SocialFlow).

The conditions described above are real and cry out for corrective action. We must change our asylum program, and we urge you to reinstate Remain in Mexico, continue the use of Title 42 authority and pursue other policies of the prior administration that dramatically reduced the flow of illegal immigration.

When it comes to our broken southern border, we are living on borrowed time regarding a potential terrorist attack. As terrorism rises around the world, a broken border is very enticing to those who wish our nation harm. The likelihood of a major terrorist event emanating from abroad and perpetrated by those who come into the U.S. via our border with Mexico goes up by the day.

The number of deaths related to fentanyl is at an all-time high and growing. Not seeing firsthand the open border responsible for this tragic and preventable loss of life is an incredible mistake and an opportunity lost. We must regain control of our border, change the policies that have led to massive illegal immigration, and deal with a growing terrorist and drug threat emanating from the southern border before it's too late.

You are the Commander in Chief, and you owe it to those working on behalf of our nation to secure our border to hear from them directly about the conditions they face. In many cases, seeing is believing, and it is now time for you to see.

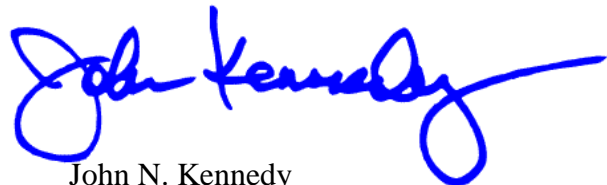
We would like to work with your administration to fix this problem, but our number one priority should be to regain control of our southern border. The consequences of failing to take corrective action are monumental for our nation.

We hope you will reconsider your decision to not visit the border before it's too late.

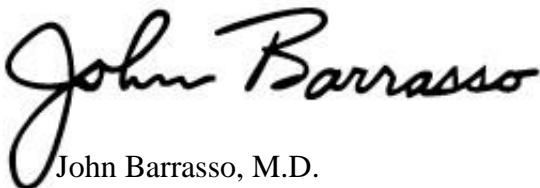
Sincerely,



Lindsey O. Graham  
United States Senator



John N. Kennedy  
United States Senator



John Barrasso, M.D.  
United States Senator



Thom Tillis  
United States Senator