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United States Senate  
COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

April 7, 2022

The Honorable Gary Peters  
Chairman  
Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Peters:

The Biden Administration recently announced plans to terminate the Title 42 border restrictions by May 23, 2022.<sup>1</sup> In addition, the Department of Justice (DOJ) and the Department of Homeland Security (DHS) are in the process of finalizing a regulation that completely upends the asylum process.<sup>2</sup> The implications of both of these decisions will undoubtedly lead to a surge of migrants at our southern border. It is unclear whether the Biden Administration has plans to respond effectively to the expected surge of illegal immigration that will result from these policy decisions this spring and summer. We write to request that you immediately convene a public hearing to examine the Biden Administration's termination of the Title 42 border restrictions and other border enforcement policies.

Last month, U.S. Customs and Border Protection (CBP) apprehended approximately 7,000 illegal immigrants per day at the southern border, which amounts to approximately 217,000 for the entire month.<sup>3</sup> CBP returned approximately 41 percent of those individuals in March under Title 42.<sup>4</sup> With the Biden Administration's termination of Title 42 border restrictions, Border Patrol officials are reportedly predicting a flow of illegal immigration that will lead to as many as 18,000 apprehensions per day.<sup>5</sup> This surge of illegal immigration is unconscionable, and it is unclear whether or how an already overrun CBP will be able to safely and effectively respond to this expected surge.

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<sup>1</sup>See Julia Ainsley, Biden admin will officially end Covid restrictions at border on May 23, ABC NEWS, Apr. 1, 2022, available at <https://www.nbcnews.com/politics/immigration/biden-admin-will-officially-end-title-42-covid-restriction-border-may-rcna22610>.

<sup>2</sup> Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal, and CAT Protection Claims by Asylum Officers, 87 Fed. Reg. 18078 (Mar. 29, 2022) (to be codified at 8 C.F.R. pt. 208 et. seq.), available at <https://www.federalregister.gov/documents/2022/03/29/2022-06148/procedures-for-credible-fear-screening-and-consideration-of-asylum-withholding-of-removal-and-cat>.

<sup>3</sup> White House interagency call with congressional staff, Apr. 1, 2022.

<sup>4</sup> *Id.*

<sup>5</sup> Michelle Hackman, *Biden Administration Braces for Bigger Surge of Illegal Border Crossings*, WALL ST. JOURN., Mar. 29, 2022, <https://www.wsj.com/articles/biden-administration-braces-for-bigger-surge-of-illegal-border-crossings-11648589959>.

The Biden Administration's policies are directly contributing to the historic levels of illegal immigration. Administration officials must explain to the American people the rationale for their decisions, and what their plans are to deal with the consequences of their actions.

Since the beginning of the 117<sup>th</sup> Congress, members of this Committee have repeatedly raised the need for the Committee to conduct oversight of the crisis at the southern border.<sup>6</sup> Under your leadership, however, the full Committee has only had one border-related hearing, and thus has failed to carry out its responsibility to conduct meaningful oversight of the southern border crisis.

Accordingly, we request you call a much-needed hearing to discuss how the Biden Administration plans to deal with the massive surge of illegal immigration that will result from their policies. We further request that the following witnesses testify at this hearing:

- Merrick Garland, Attorney General;
- Alejandro Mayorkas, Secretary, Department of Homeland Security;
- Rochelle Walensky, Director, Centers for Disease Control and Prevention;
- Ur Jaddou, USCIS Director;
- Tae Johnson, ICE Director;
- MaryAnn Tierney, Head of the Southwest Border Coordination Group; and
- Chris Magnus, Commissioner of U.S. Customs and Border Protection.

We appreciate your attention on this important matter.

Sincerely,



Ron Johnson  
Ranking Member  
Permanent Subcommittee on Investigations



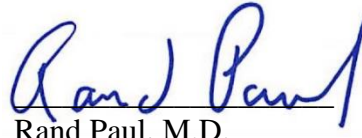
Rob Portman  
Ranking Member  
Committee on Homeland Security and  
Governmental Affairs

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<sup>6</sup> See Letter to Gary Peters, Chairman, Sen. Comm. on Homeland Security and Governmental Affairs, from Sens. Rick Scott, Ron Johnson, Rob Portman, Rand Paul, James Lankford, Josh Hawley, and Mitt Romney, Feb. 11, 2022; Letter to Gary Peters, Chairman, Sen. Comm. on Homeland Security and Governmental Affairs, and Sen. Rob Portman, Ranking Member, Sen. Comm. on Homeland Security and Governmental Affairs, from Sens. Ron Johnson, Josh Hawley, James Lankford, Rick Scott, and Rand Paul, Sept. 24, 2022.



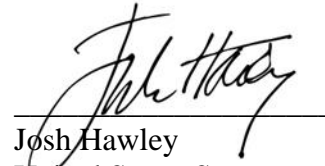
James Lankford  
Ranking Member  
Subcommittee on Government Operations  
and Border Management



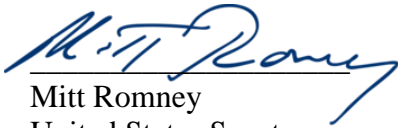
Rand Paul, M.D.  
Ranking Member  
Subcommittee on Emerging Threats  
and Spending Oversight



Rick Scott  
United States Senator



Josh Hawley  
United States Senator



Mitt Romney  
United States Senator