



February 6, 2024

Dear Congressional Leaders,

Late Sunday, the Senate released the long-anticipated product of secret negotiations with DHS Secretary Mayorkas and President Biden. The legislative text confirms our worst suspicions: if enacted, the bill would codify the border crisis and severely limit any future enforcement-minded administration from securing the border.

We now know why this text was released on a Sunday evening and is being rushed to the floor: the bill wouldn't solve the crisis and has been falsely portrayed. The legislative text

would not end “catch and release.” Instead, it would replace current statutory mandatory detention with a mass release program of weaker discretionary “monitoring,” intentionally undermining the capacity for removal, per DHS’s own enforcement reports. The bill would not close the loopholes weaponized by cartels to recycle children with fake families as a means of release for adults. The bill was advertised as empowering a future administration with new authorities but instead, it would severely limit executive authority to take aggressive enforcement steps. The advertised reform of standards in the asylum process would not significantly prevent asylum fraud, and when coupled with the supercharged catch and release, would only continue the flood of asylum abuse as a means of entry into the U.S. Moreover, the bill would expand funding to fund sanctuary cities and the non-governmental organization secretive infrastructure that processes, transports, and provides social services for illegal aliens in the United States.

The Biden Administration inherited the most secure border in our lifetimes. Many of us were involved in the direct operations to achieve that outcome. Through scores of executive actions and policy decisions, the Biden Administration has systematically opened the border and recruited, sustained, and exacerbated the crisis at every step. As we write, the Biden Administration is fighting a border state to keep the border open.

If the Biden Administration were interested in anything but political messaging, they would immediately take steps to undo their own actions. They do not require legislation to take those steps. We all united in support of the policies contained in H.R. 2 precisely because it would close the loopholes that have been weaponized, not because new authorities to secure the border are needed.

Our national security and sovereignty should be above politics. This legislative package turns a crisis of epic magnitude into a political talking point. If passed, politicians will hurt our national security in favor of a cheap messaging cycle. The only measure of the effectiveness of border security policy is whether it *actually secures the border*. This legislative package does not secure the border and it will severely curtail the ability of future administrations to do so.

Sincerely,

America First Policy Institute

Advocates for Victims of Illegal Alien Crime

BORDER911

Center for the American Way of Life

Chad Wolf

Christopher Landau

Citizens for Renewing America

The Claremont Institute

Conservative Partnership Institute

Counterpoint Institute for Policy, Research, and Education

Derek Maltz

Eagle Forum

Federation for American Immigration Reform

Gene Hamilton

The Heritage Foundation

Heritage Action for America

Immigration Accountability Project

Joseph Edlow

Mark Morgan

National Immigration Center for Enforcement

NumbersUSA

The Remembrance Project

Rodney Scott

Russ Vought

Texas Public Policy Foundation

Tom Homan