

United States Senate
WASHINGTON, DC 20510

May 10, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland
Security Washington, DC 20528

Dear Secretary Mayorkas,

The Administration has failed to acknowledge the crisis at our border, and is recognizing in the eleventh hour that the upcoming removal of Title 42 authorities, and the subsequent surge in border crossings that is predicted, will have disastrous effects on the security of our nation. There is no clearer evidence of this than the recently announced decision to send 1,500 active duty troops to assist border officials who are tasked with defending nearly 2,000 miles of border territory.

Additionally, the Administration's decision to halt construction of the southern border wall has contributed significantly to the acute humanitarian crisis brought about by illegal immigration and ahead of this week's Title 42 expiration, we urgently request more information on the status of the border wall in anticipation of future congressional action.

One of this Administration's first acts upon taking office was to stop building the border wall. It went so far as to take the controversial step of cancelling existing construction contracts.¹ On April 18, 2023, you testified before the Senate Homeland Security and Governmental Affairs Committee that you "approved almost 130 projects for the closing of gaps and the completion of gates on the wall."² While closing small gaps in existing portions of the wall may be better than nothing, the border wall remains incomplete with no apparent plan for additional construction.

In Fiscal Year 2022, there were 2.3 million migrant encounters along the southern border—the largest number of encounters ever recorded by U.S. Customs and Border Protection. The majority of these encounters involved illegal border crossings between ports of entry. Reports further indicate that there were around 599,000 "got-aways" who evaded law enforcement in Fiscal Year 2022.³ To compound this challenge, reports predict that around 35,000 individuals are prepared to cross the southern border when Title 42 expires this week.⁴

¹ See Nick Niedzwiedek, *Biden terminating border wall construction contracts*, Politico (April 30, 2021), <https://www.politico.com/news/2021/04/30/biden-terminates-border-wall-construction-485123>.

² U.S. Senate Committee on Homeland Security and Governmental Affairs, *The FY24 DHS Budget: Resources and Authorities to Protect and Secure the Homeland*, 118th Cong. (April 18, 2023).

³ See Bill Melugin, Ronn Blitzer, *Border officials count 599,000 'gotaway' migrants in Fiscal Year 2022: source*, Fox News (Oct 2, 2022), <https://www.foxnews.com/politics/border-officials-count-599000-gotaway-migrants-fiscal-year-2022-source>.

⁴ See Daniel Borunda, *El Paso declares border migrant 'state of emergency' as Title 42 nears end*, El Paso Times (April 30, 2023), <https://www.elpasotimes.com/story/news/immigration/2023/04/30/el-paso-border-state-of-emergency-migrants-title-42-end/70167708007/>.

When our border is overwhelmed and unsecured, there is a higher likelihood that dangerous, illegal immigrants will slip through the cracks and threaten the safety of our communities. Last week, an illegal immigrant who had been previously deported and had illegally re-entered the United States multiple times shot and killed five people in Texas, including a child.⁵

The crisis at the border has also contributed to ongoing harms against migrant children, and has left them vulnerable to exploitation, forced labor, and sex trafficking. We only know about the current Administration's failure to protect minors from the custody of dangerous or negligent guardians because of congressional oversight, journalists, and whistleblowers.

If the Administration had decided to spend congressionally-appropriated funds to finish the wall, perhaps your department would not need troops to assist. Perhaps the crisis would be more manageable. Terrorists, traffickers, and other bad actors know about our country's failure to secure the border and they continuously exploit those weaknesses. There is a glaringly simple solution right in front you: we must finish the border wall.

We request answers to the following questions by May 22, 2023.

1. How many miles of border wall along the U.S.-Mexico border have been built under the current Administration?
2. How much money has the Department of Homeland Security allocated to the construction of the physical border wall under your leadership?
3. Please share a list of all of the "almost" 130 projects you referenced during your testimony last month, including a description and estimated date of completion for each.
 1. Of the "almost" 130 projects, how many of those involve construction of the physical border wall?
 2. Of the "almost" 130 projects, how many have begun construction?
4. How many illegal immigrants is the Department of Homeland Security forecasting will seek entry to the United States following the expiration of Title 42?

Thank you for your attention to this matter.

Sincerely,


Mitt Romney
United States Senator


James Lankford
United States Senator

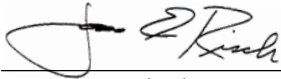
⁵ See Jesus Jiménez, *Fugitive Accused of Killing 5 in Texas Was Deported Several Times, Officials Say*, New York Times (May 1, 2023), <https://www.nytimes.com/2023/05/01/us/texas-shooting-suspect-manhunt.html>.



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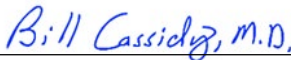
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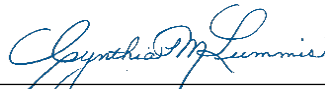
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