

United States Senate

Washington, DC 20510

April 26, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Biden:

We recently visited the Rio Grande Valley. We wanted to see for ourselves what is currently happening on the southern border. What we saw was shocking, and a crisis by any standard.

The first night, we went on midnight patrol with the National Border Patrol Council. After a walk along a rough dirt path leading down to the banks of the Rio Grande, we came upon a small clearing in the landscape, where migrant, after migrant, after migrant, were crossing the river, in a nearly endless stream of dangerous and illegal border crossings. As we looked out over the river, we saw the bright light of coyotes who would soon be shepherding even more people illegally across the river in rickety and dangerous rafts to the spot where we currently stood. The coyotes heckled and taunted the agents who were with us, laughing and yelling that there was nothing the agents could do to stop the human smuggling. And they were right—as we learned the next morning, there had been 2,900 apprehensions in that sector over the previous 24 hours, quadruple the per day numbers of only a few weeks prior.

As soon as the coyotes get these individuals across the river, the migrants find arrows placed on the ground by the Department of Homeland Security (DHS). These arrows indicate the path to a make-shift outdoor processing area underneath the Anzalduas International Bridge—a “processing area” that some officers referred to as “clandestine,” and was established by DHS because U.S. Customs and Border Protection (CBP) simply lacks the space and capacity to process the staggering daily volume of crossings. The space is no more than five or six hundred yards, is bounded by plastic construction fencing, and processes hundreds of individuals at a time.

This area is, in essence, an expedited catch-and-release center. Migrants sit on the hard ground and move from processing station to processing station under the bridge in approximately 8 hours in order to make room for the inexhaustible stream of those coming up from the bank of the river to replace them. The process includes only the barest health screening. Migrants must pass a trailer with a paper medic sign and a folding table where a few DHS personnel with minimal personal protective equipment (PPE) ask detainees stock questions about their health, and, according to officers, migrants often provide answers based on what they believe will quickly result in their release into the interior. There is no routine COVID-19 testing in this area.

After processing, many of the migrants are loaded onto white transport buses, then taken for further processing either to McAllen or the Donna Processing facility. After being fully processed, many are then driven inland to the McAllen station, and released into the interior of the country. Some of them are released without even a notice to appear in immigration court—something the sector chief said he’s never seen in over two decades of service. Many of these migrants—how many

exactly, we simply cannot know—will never schedule an immigration hearing, and many others who received a notice to appear will never attend their hearing. They are now here to stay.

The unaccompanied minors (UAC) are not immediately released into the interior. They are instead brought to special facilities, where the conditions are simply appalling. We toured the Donna Processing facility—a white tent-city designed for no more than 250 children under COVID-19 restrictions and no more than 1,000 under normal conditions—and yet at the time of our visit, it was overflowing with approximately 4,200 people. There were cages after cages of little boys lying side-by-side, of little girls lying side-by-side, covered with crumpled reflective blankets, and with virtually no space between them. There was a playpen of infants and toddlers brought here by human traffickers and then left alone at the border. Outside, we saw a line of children who, having just been crammed into the crowded cages, were now testing positive for COVID-19. Border Patrol agents were doing their absolute best to care for these children, but these officials are not social workers—they are trained to protect our border. The conditions were, simply put and without exaggeration, inhumane.

We learned from Border Patrol agents on the ground that each of the migrants at the Anzalduas and Donna facilities—or in some cases, their relatives—paid for their crossing with thousands of dollars handed over to smugglers and coyotes, most of whom are affiliated with Mexico’s deadly drug cartels. One woman from Honduras, for example, told us that she paid smugglers \$6,000 to cross. As one CBP agent added, the border on the Mexican side is closed—no one crosses without the permission of the cartels. The result is a catastrophe at the border, with an unimaginable cost of human suffering. The dangerous path northward to the border is rampant with sex trafficking, child abuse, and rape. An agent at the Donna Processing facility told us of a girl who could not speak, having lost her voice after screaming so loudly while being raped by the coyotes who were taking her to the border. The cartels care nothing for these people.

This human trafficking is an *extremely* lucrative business for the cartels in its own right, but as we learned from the agents on the ground, it also enables their even more lucrative drug trade. Border Patrol agents told us that the cartels are strategic and calculating. They target areas to flood with illegal migrants, knowing they can overwhelm any border protection resources and stifle agents in their mission to stop illegal crossings. That appears to be exactly what is happening right now. In some areas, 50 percent of resources have been diverted from the field—agents are having to work in processing areas rather than going on patrol to protect our border from an influx of criminals, drugs, and other contraband. Moreover, those on the ground told us that the lack of a completed border wall only exacerbates the strain on resources. Agents explained that a barrier on the border is a critical “force multiplier,” as it diverts and funnels smugglers to specific areas. This in turn, enables far greater enforcement and prevention and gives our men and women on duty a fighting chance at stopping the cartels and smugglers. But we saw first-hand where the wall simply stops, mid-construction, and where its gate rests open because it has not been connected to a power-source.

It is difficult to know the exact amount, or kind, or origin of illicit drugs now flowing across the border and into our country, but during our visit to the Pharr-Reynosa International Bridge port of entry, CBP officers showed us the enormous volume they have seized and explained the means smugglers use to evade interdiction efforts. We saw, for example, wooden two-by-fours

meticulously hollowed-out to sneak contraband across the border. Not only are smugglers creative, they are taking this opportunity to push even more illegal drugs into the United States. CBP officers confirmed the dramatic increase in contraband. CBP's monthly operational update from the Laredo Field Office reported that fentanyl seizures are up 2,067%, cocaine seizures are up 187%, weapons seizures are up 131%, and currency seizures are up 64%. This confirms accounts that drug cartels and other smuggling operations are taking advantage of the disarray at the border to smuggle more drugs and weapons.

Finally, rounding out what has become a disastrous situation, the Pharr-Reynosa port remains largely closed to nonessential traffic, even as mere miles away thousands upon thousands of illegal migrants cross without obstruction. This port is the point of entry for many agricultural goods and other products relied upon by American businesses and consumers for every-day life. As local leaders made clear, border communities are suffering because the port remains effectively open for everyone except those who actually support and contribute to the local economy. One leader put it: the border policy gets it exactly backwards—closures and restrictions for the law-abiding whose livelihood relies on legal crossings, and open access for criminals and illegal immigration.

Everywhere we went, from the banks of the Rio Grande, to the Anzalduas bridge, to the Donna Processing facility, to the Pharr port, we saw and heard about the crisis at our border. We also heard repeatedly and uniformly that your administration's policies have caused this crisis.

Perhaps most prominently, we heard that this crisis was caused by your decision to eliminate the Migrant Protection Protocols. That program allowed for individuals seeking asylum to have their claims adjudicated before entry, while remaining in Mexico. To a person, border agents and officials informed us that this program had been working. Illegal crossings were down because migrants knew that if they were apprehended and detained, they would be sent back—there would be no catch-and-release. This, in turn, reduced the demand for human trafficking as well as the horrible abuses related to it, just as it freed border agents to do the essential work of protecting the border and the American people.

We also heard that this crisis was caused by your administration's decisions to advocate for broad-scale amnesty and to readopt catch-and-release policies. Agents made clear that migrants, like everyone else, respond to incentives, and that right now, the administration's message is that America is open. They told us that, just as soon as your administration decided to exclude Title 42 from the treatment of family groups entering illegally with a young child, the border saw a dramatic increase in the number of family groups—sometimes fraudulent family groups—crossing the border. When your administration announces that illegal entry will not be punished, or even policed, and that illegal migrants can stay, without consequence, once they have made it across the border, cartels and traffickers advertise and amplify that message. Sadly, the consequence is that more people take the perilous journey, suffering substantial danger and violence along the way.

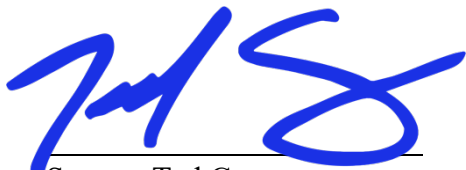
It would be one thing if this were unexpected, but the Rio Grande Valley Sector Chief and his team briefed your transition team on precisely these issues. They warned that these policies would create exactly the crisis we are now witnessing. They told your team that your policies would result in a surge of illegal immigration bound to overwhelm CBP's limited resources. And that is exactly what has happened. There were well over 100,000 apprehensions at the southwest border in

February alone. At such a pace, there would be well over a million apprehensions this year—the most since 2000.

Our delegation's tour of the border was eye-opening. We knew it was a crisis before we arrived, because we had seen the statistics. But witnessing it was different. From the coyotes heckling border agents on the ground, to the health and humanitarian hazards of the Anzalduas processing area, to the terrified and confused children in the unsanitary and crowded conditions of the Donna facility, to the struggle of local border communities near the Pharr bridge, what we saw convinced us that this is more than a crisis. It is a tragedy. It is a tragedy that could easily have been avoided if your administration had heeded the repeated warnings from the experts on the ground.

Our delegation represents a diversity of thought and approach on immigration policy. But we agree on one thing: you and your administration must acknowledge that this is a crisis, and you must begin a dramatic change of course to humanely secure our southern border.

Sincerely,



Senator Ted Cruz



Senator John Barrasso



Senator Mike Braun



Senator Mike Lee



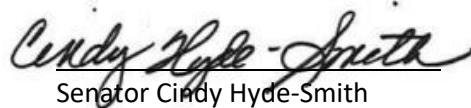
Senator Dan Sullivan



Senator Steve Daines



Senator John Thune



Senator Cindy Hyde-Smith



Senator Susan M. Collins



Senator John Hoeven