

7 More House Democrats Can Help Stop The Looming Border Catastrophe

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The Biden administration's decision to stop using Title 42 to stem the border traffic tide will precipitate an unprecedented deluge from the Rio Grande Valley to the California coast. It poses a grave national and economic security threat to the United States for one primary reason: it is the battlefield equivalent of laying down one's arms and surrendering—in this case, to dangerous cartels.

While we should fully reinstate Title 42 protocols, any responsible Congress would also respond to this crisis not by asking for mere "plans" or promises, but by immediately bolstering border security well beyond health codes.

Title 42 is a health law that allows the Centers for Disease Control (CDC) to establish the basis for the Department of Homeland Security (DHS) to turn away anyone at the border who might pose a health risk to the United States based on communicable diseases. Covid-19 clearly warranted this, and clearly continues to, given that the same bureaucrats who now claim we don't need Title 42 have no problem forcing Americans to wear masks on airplanes and inject themselves with a new vaccine to keep their jobs.

Although Title 42 isn't the border security panacea some make it out to be, it is nevertheless the last vestige of enforcement at our southern

border. Its repeal is the last step by the president, "Border Czar" Kamala Harris, and DHS Secretary Alejandro Mayorkas to carry out their clearly stated aim to end enforcement of immigration laws and to toss Trump administration policies that worked.

As a result, their border crisis will worsen, because the Biden administration is causing asylum claims to be the exception that swallows the border security rule. The result?

Thousands more dead Americans from fentanyl, more unknown crossers — including terrorists and violent criminals — more destroyed property for ranchers and Americans across the country, more migrants forced into indentured servitude and sex trafficking, and a greater incentive for more migrants around the world to take the dangerous journey. All of it will enrich and empower cartels to the tune of hundreds of billions of dollars.

Now that Congress is finally waking up to the dire situation at the border, leave it to some Republicans — those always ready to snatch defeat from the jaws of victory — to offer "solutions" that will fall short of accomplishing the needed goal of a secure border.

At least [11 Democrats](#) in Congress have now signed on to a bipartisan bill requiring Title 42 to be enforced until 60 days after the U.S. surgeon general submits written notification to Congress formally rescinding the Covid-19 public health emergency and national emergency. This plan leaves all the same federal powers to the bureaucrats behind this mess in the first place.

Even worse, the [bill states](#) that, no later than 30 days after the written notification is provided, the Biden administration must submit a plan to Congress on "addressing any possible influx of migrants." Not only

does the plan not have to be implemented, anything presented by this administration will inevitably be nothing more than a plan to *process* more illegal migrants, rather than to *secure* the border. One need look no further than the brief for DHS's "[contingency plan](#)" for proof.

More processing will mean less security at our border. Reports indicate we could see [roughly](#) 18,000 illegal migrants at our southern border per day without Title 42. Hector Garza, president of the Laredo Border Patrol Council, recently said it takes roughly 20 to 30 minutes for CBP agents to process migrants under Title 42, and 1 to 2 hours to process under Title 8.

So, without Title 42, it will take between 18,000 and 36,000 man hours to process one day's encounters. That means more agents, who can't even control the current flow of 7,000 per day, will be processing instead of patrolling the border. That means more human trafficking [victims](#), more [criminals](#) pouring over the border, and more [fentanyl](#) overdoses destined for our neighborhoods. We will be completely outmanned.

This looming catastrophe was completely foreseeable, of course. That's not because the "end" of the pandemic might one day come, but because such an obvious truth would elude a feckless Biden administration committed to permanent Covid phobia.

Even given the predictability of this crisis, it still took a year to amass 211 Republican signatures on a [discharge petition](#) I filed in April 2021 to force a vote on Title 42. The bill introduced by my friend Rep. Yvette Herrell, R-New Mexico, would keep the Trump-era Title 42 protocols in place until there is no longer a federal or state public health emergency declared and travel to Canada and Mexico is normalized. Currently, [18](#)

[states](#) still have public health emergencies due to Covid-19, and travel restrictions are “level 3” for Mexico.

We only need seven more signatures to get around House Speaker Nancy Pelosi on this. Instead of pursuing — or hiding behind — new half measures in the name of “bipartisanship,” House Democrats should join with the 211 Republicans ready to force a vote on what works.

Further, Title 42 isn’t just a Covid protocol. Its use is warranted any time, especially given the large number of diseases our Border Patrol agents encounter daily — diseases that are made worse with growing numbers.

In just the span of one week without Title 42, we could see well more than 100,000 illegal migrants encountered at our southern border. This many people in consolidated areas will ultimately lead to rampant [diseases spread](#) in tight spaces — diseases such as Dengue, Chikungunya, Zika viruses, and tuberculosis, to name a few.

In fact, before anyone had ever heard of Covid, in May 2019 public health “experts” warned that “crowding diseases” were [easily spreading](#) in CBP facilities. This was back when 133,000 migrants were apprehended in one month. We could be seeing four times as many encounters without Title 42 in front of this administration’s policies.

Importantly, Congress should get busy moving past Title 42 as a band-aid enforcement mechanism. The crucial, sovereign authority to control who enters our country shouldn’t be reduced to the idea of Covid-19 or communicable diseases at all. DHS should have statutory authority to turn people from our borders when it is the responsible thing to do to protect the security of the United States for any reason.

Even more, DHS should *be statutorily required* to turn away all border trespassers who cannot safely be detained in the United States, be placed in “migrant protection protocols,” or remain in a safe third country during the adjudication of their claims. Full operational control of the border — and the ability to turn away or remove the population rushing our border — should be the standard, not the exception.

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