

Congress of the United States  
House of Representatives  
Washington, DC 20515-3102

May 3, 2022

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

Dear Secretary Mayorkas,

We write to you with grave concerns about the ongoing synthetic opioid epidemic that continues to plague the United States. As you are aware, synthetic opioids such as fentanyl are 80-100 times stronger than morphine,<sup>1</sup> and are primarily smuggled through our southwest land border and ports of entry by cartels and dangerous criminals. Fentanyl alone is responsible for killing tens of thousands of Americans each year, and accounts for most overdose deaths in the United States today.

Since 2012, synthetic opioid ingredients and precursors have primarily originated from and are synthesized<sup>2</sup> in the People's Republic of China. The ease of access and inexpensive nature of these drugs are helping to fuel U.S. demand for synthetic opioids. Chinese transnational criminals, in conjunction with Mexican drug cartels, have successfully smuggled lethal synthetic opioids into the United States for decades. The Sinaloa Cartel, CJNG, and other illegal entities facilitate the trafficking and distribution of fentanyl, methamphetamine, and other dangerous drugs into the United States. These criminal enterprises are making billions of dollars in the process and face limited consequences and repercussions, bolstering their networks, and expanding their operations across the globe.

In Fiscal Year (FY) 2021, CBP seized 134% more (11,201 lbs.) fentanyl than the previous year and in FY 2022 to date, CBP has already seized 4,249.55 lbs. The Commission on Combating Synthetic Opioid Trafficking, established under Section 7221 of the National Defense Authorization Act for Fiscal Year 2020 found "the trafficking of synthetic drugs into the United States to be not just a public health emergency but a national emergency that threatens both the national security and economic well-being of the country."<sup>3</sup> However, fentanyl remains a Schedule II drug, according to the Drug Enforcement Agency (DEA).<sup>4</sup> Yet, between October 2020 and

<sup>1</sup> United States Drug Enforcement Administration, "[Fentanyl](#)," April 2020.

<sup>2</sup> Department of Justice/Drug Enforcement Administration, "[Drug Fact Sheet: Fentanyl](#)," April 2020.

<sup>3</sup> United States Commission on Combating Synthetic Opioid Trafficking, "[Final Report](#)," February 8, 2022.

<sup>4</sup> United States Drug Enforcement Administration, "[Drug Scheduling](#)."

II drug, according to the Drug Enforcement Agency (DEA).<sup>4</sup> Yet, between October 2020 and September 2021, 104,288 Americans died of drug overdoses with opioids accounting for 78,388 of those deaths.<sup>5</sup> In the United States, this number translates to at least 250 deaths a day. This is the equivalent of a large commercial airliner crashing every day of the year in the United States and killing everyone onboard.

In New Mexico alone, two of three drug overdose deaths involved an opioid and every 14 hours one New Mexican dies.<sup>6</sup> According to the Centers for Disease Control (CDC), fentanyl is also now the leading cause of death of Americans ages 18-45, higher than any other mortality factor.<sup>7</sup> Even more alarmingly, teenage overdose deaths in the United States increased drastically in 2020 and into 2021, but these deaths are not attributed to an increase of teen drug usage.

Rather, with the prevalence of fentanyl and synthetic counterfeit drugs, it has claimed more teen lives even with decreased drug use.<sup>8</sup> In fact, “fatal overdoses doubled from 492 in 2019 to 954 in 2020 and there was an additional 20% rise in 2021.”<sup>9</sup> These trends are alarming, and we are devastated and dismayed that this continued crisis is taking innocent lives and significantly harming families across our nation.

Since 1999,<sup>10</sup> over 1 million Americans have died by drug overdoses, increasing exponentially with synthetic opioids in recent times. Synthetic opioids are extremely easy and cheap to produce, and a deadly dose of fentanyl is small enough to fit on the tip of a pencil. Customs and Border Patrol have already seized enough fentanyl to give every living American a lethal dose.<sup>11</sup> Oftentimes, people who overdose on fentanyl have purchased recreational drugs off the street, having no ability to detect that they are laced with lethal doses of fentanyl.

With an already overwhelmed southern border, we are deeply concerned with the CDC and HHS announcement to lift<sup>12</sup> Title 42 on May 23<sup>rd</sup>, 2022. Title 42 is an effective public health policy and deterrent that enables the Department of Homeland Security (DHS) to immediately expel individuals who attempt to cross our southern border illegally. There will be devastating consequences if this policy is lifted. Such a policy reversal could result in upwards of 18,000<sup>13</sup> or more apprehensions per day, shattering already record-setting border encounters and apprehensions.

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<sup>4</sup> United States Drug Enforcement Administration, “[Drug Scheduling](#).”

<sup>5</sup> Center for Disease Control and Prevention, “[Provisional Drug Overdose Death Counts](#),” April 13, 2022.

<sup>6</sup> New Mexico Department of Health, “[Drug Overdose in New Mexico](#),” March 2021.

<sup>7</sup> Centers for Disease Control and Prevention, “[Drug Overdose Deaths](#),” February 22, 2022.

<sup>8</sup> American Medical Association, “[Trends in Drug Overdose Deaths Among US Adolescents](#),” April 12, 2022.

<sup>9</sup> Ibid.

<sup>10</sup> Brookings Institute, “[China and Synthetic Drugs Control: Fentanyl, Methamphetamines, and Precursors](#),” March, 2022.

<sup>11</sup> U.S. Customs and Border Protection, “[CBP Officers at South Texas Ports of Entry Post Significant Increases in Fentanyl, Cocaine Seized in FY 2021](#),” January 5, 2022.

<sup>12</sup> U.S. Department of Health and Human Services Centers for Disease Control and Prevention, “[Order Under Sections 362 & 365 of the Public Health Service Act \(42 U.S.C. && 265, 268\) and C.F.R. & 71.40](#),” April 1, 2022.

<sup>13</sup> ABC News, “[Biden administration says it will lift Title 42 restrictions along the southern border](#),” April 1, 2022.



As you are also aware, Health and Human Services Secretary Becerra extended<sup>14</sup> the COVID-19 public health emergency for 90 days through at least mid-July in the United States, yet the administration is still intent to lift Title 42 simultaneously. With this announcement, migrant caravans have made way towards the southern border, presenting a dangerous situation to our already overwhelmed CBP.

These actions invite the opportunity for more drugs, human smuggling, gang members and dangerous criminals to cross our southern border.<sup>15</sup> With a sudden influx and rush of migrants flooding the southern border, it will make it more difficult for the United States Border Patrol to detect and seize dangerous drugs that are being smuggled in. In the last six months alone there have been at least 300,000 known got-aways and every single day there are an estimated 2,000 known got-aways. Each day, thousands of unvetted, untested, and dangerous criminals evade CBP. This alarming trend should worry every American, especially our border communities who are closest to this crisis.

Lifting Title 42 while extending the public health emergency in our country is beyond irrational, sends mixed messages to the American people, and is not based on sound science. Illegal migrants will be allowed to further flood our border as a result of lifting Title 42, yet Americans are still forced to live under pandemic-era restrictions for at least another 90 days.

We need to secure our southern border, disincentivize illegal border crossings, and empower CBP to do their job to prevent drugs from coming into our country in the first place. After just over a year in office, illegal border crossings have reached all-time highs totaling two million encounters in 2021 alone. The current posture and neglect of our immigration laws is empowering cartels, dangerous criminals, and hurting border communities in states such as New Mexico, Arizona, and Texas—our people should not have to bear the burden of this manufactured border crisis.

Therefore, we implore you to provide answers to the following questions by Friday, May 13<sup>th</sup>.

1. On what basis/justification is Title 42 being lifted May 23<sup>rd</sup>, yet the public health emergency in the United States has been extended until at least mid-July?
2. What is your plan to secure our Southern border amidst limited use of the Migrant Protection Protocols (MPP), lifting of Title 42, and halted construction of the border wall? Please provide a breakdown of how many migrants are placed in MPP by sector and month. Has capacity been increased and agreed to by the Republic of Mexico in light of the ending of Title 42?
3. What is DHS's plan to mitigate the projected surge of illicit drugs, human trafficking, and migrant caravans to our southern border?
4. Specifically, how will your agency prevent the Sinaloa and CJNG from successfully smuggling and distributing fentanyl and methamphetamine into the United States?

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<sup>14</sup> Roll Call, "[Administration extends public health emergency for 90 days](#)," April 13, 2022.

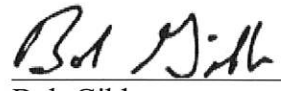
<sup>15</sup> U.S. Customs and Border Protection, "[Criminal Migrants and Gang Members Arrested Throughout the RGV](#)," April 1, 2022.

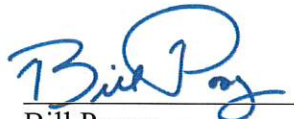
Sincerely,

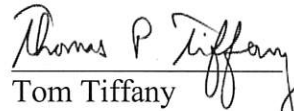
  
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Member of Congress


  
Mike Kelly  
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Ralph Norman  
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Member of Congress

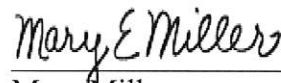
  
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Member of Congress

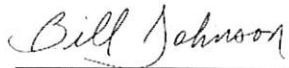
  
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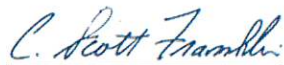
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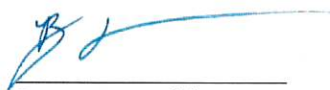
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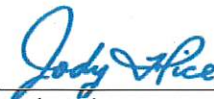
Austin Scott  
Member of Congress



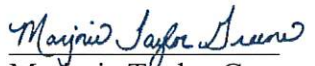
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Glenn Grothman  
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Jody Hice  
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Marjorie Taylor Greene  
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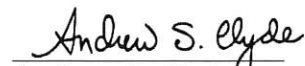
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