

Congress of the United States
Washington, DC 20515

February 18, 2024

Dear Colleague,

We write to ask your support for **H.R. 7372, the *Defending Borders, Defending Democracies Act***. This legislation provides, for one-year, the necessary authorities to secure the U.S. border and defense-only appropriations to support Ukraine, Israel, and Taiwan.

Control of our border is essential to preserving order and stability, necessary elements in a healthy democracy. Last year, both the House and Senate voted on a bipartisan basis to end the COVID-19 public health emergency, which also ended the expulsion authority known as Title 42. The Immigration and Nationality Act provides that the federal government “may” return an asylum seeker who arrives at the U.S. border to the country from which they entered to await a hearing. The Supreme Court has ruled that this is a discretionary authority, stating that if Congress intended mandatory expulsion, it would have said so.

Congress is responsible for making the laws that govern our borders, providing resources to enforce those laws, and overseeing the federal agencies responsible for enforcement. It is a mistake to defer our responsibility to the Executive Branch, and the crisis at the border is too great to wait more than eight months for the outcome of an election. We can fulfill our duties by passing this bill to restore expulsion authority and by amending the Immigration and Nationality Act to make “Remain in Mexico” a requirement, not an option. These two policies would empower the Border Patrol and Immigration and Customs Enforcement to reassert order and control at our border.

The border is at an inflection point. So too is the world. Democracy is under attack from Vladimir Putin’s Russia in Europe, and from the terrorist organization Hamas in the Middle East. Historically, the United States has acted on our conviction that democracy is not the birthright of Americans alone, that all people have a right to self-governance. This is also a question of our own national security, as Putin and Hamas harbor acknowledged hostility toward America. Congress cannot abandon its responsibility for our national security and the protection of American interests abroad.

Russia has made its hostile intent toward America clear. In recent years, it has conducted information warfare to sow division and instability in our homeland, and it has carried out cyber attacks against our elections infrastructure. Furthermore, in 2018 — at a time when American service members remained on the frontlines in Afghanistan — U.S. generals made clear that Russia was arming the Taliban.

In the two years since Russia invaded Ukraine in the most brazen campaign of territorial aggression in Europe since World War II, America’s support for Ukraine’s young democracy has been a bipartisan consensus in Congress. But as we write, Ukraine’s position is imperiled. Its freedom fighters are running out of ammunition and withdrawing from the East, paving the way for Russia’s further advance. This is a direct result of Congress’ gridlock.

We cannot turn our backs on the Ukrainian people as they fight and die by the tens of thousands to preserve their democracy and sovereignty. They have proven that when equipped with American arms and ammunition, they can win this struggle. We know that without them, they may fail.

On October 7, Hamas launched an attack into Israeli territory — a terrorist incursion of murder, mutilation, and rape against thousands of Jewish men, women and children, mostly civilians, that was the largest act of violence against the Jewish people since the Holocaust. This is an unforgivable atrocity. Eleven Americans were killed in the attacks, and Americans are among the hundreds of hostages who remain in Hamas captivity. Israel is the only democracy in the Middle East, and is at war with Hamas to get those hostages back and to end the terrorists’ ability to launch attacks into Israel. Sadly, in the wake of Hamas’s brutal attack, we have seen an ugly rise in antisemitism around the world. In the face of this, America must stand with Israel.

While our responsibility to protect American interests and democracy is great, so too is our duty to be mindful of America’s resources. That is why our bill narrows prior foreign aid proposals to critical military essentials for Ukraine and Israel. The international community has the will and resources to provide important humanitarian assistance to both Ukraine and Gaza, and the United States should offer to aid in the logistics of its delivery as necessary.

Sixty-three years ago, at the height of the Cold War, President Kennedy committed the strength of the United States “to assure the survival and success of liberty” at home and abroad. This Congress must decide: Will we continue to carry the torch for democracy, or will we be the ones who drop it? We believe it would be a grave mistake for America to leave our allies in the fight for democracy against common enemies to fend for themselves.

For your review, we are providing a summary of each provision of H.R. 7372. We hope that you will join us as a cosponsor. We are committed to an open floor process, with amendments considered, and will demand such from House leadership so that the House may express its will.

To join this bill as a cosponsor, or if you have questions about it, please contact Matthew Clarkin (Matthew.Clarkin@mail.house.gov) from the office of Brian Fitzpatrick or Eric Kanter (Eric.Kanter@mail.house.gov) from the office of Jared Golden.

Very Respectfully,



Brian Fitzpatrick
Member of Congress



Jared Golden
Member of Congress



Don Bacon
Member of Congress



Ed Case
Member of Congress



Michael V. Lawler
Member of Congress



Marie Gluesenkamp-Perez
Member of Congress



Lori Chavez-DeRemer
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Jim Costa
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Doug Lamborn
Member of Congress



Donald G. Davis
Member of Congress

Defending Borders, Defending Democracies Act

Fitzpatrick, *Golden*, Bacon, *Case*, Lawler, *Gluesenkamp-Perez*, Chavez-DeRemer, *Costa*, Lamborn, *Davis* (NC)

Overview

This legislation would require the suspension of entry of inadmissible aliens to **achieve operational control over U.S. borders**, require immigration officers to **detain and immediately expel inadmissible aliens**, and **provide \$66.32 billion in defense-only funding** for Ukraine, Israel, and Taiwan. The border security authorities and the national security appropriations would be active for one year after enactment.

Defending Borders

Only for a period of 1 year after the date of enactment, the bill requires the Secretary of Homeland Security to suspend the entry of inadmissible aliens at a U.S. land or maritime border if the Secretary determines that it is necessary in order to achieve operational control of such border.

Likewise, the bill requires an immigration officer who determines that a migrant arriving in the U.S. or along the Southern Border is inadmissible to be detained and expelled to Mexico (or their nation of origin, birth, or residence) without further hearing or review. Exceptions for aliens claiming to be threatened with persecution or torture would not be permissible if:

- a) the alien has ordered or participated in the persecution another individual
- b) the alien, having been convicted of a particularly serious crime, is a danger to U.S. citizens
- c) there is reason to believe the alien committed a serious nonpolitical crime outside the U.S.
- d) there are reasonable grounds to believe the alien is a danger to U.S. national security

Humane exceptions such as for those with disabilities or acute medical conditions are permissible.

The bill prohibits the use of federal funds to transfer an alien in the custody of the Government from a facility in which they were first detained to another location for a purpose other than adjudicating the alien's status.

Finally, the legislation implements a “Remain in Mexico” policy for 1 year by requiring that an alien seeking admission (including asylum) and arriving on land from a foreign territory contiguous to the U.S. be returned to that territory pending proceedings for the adjudication of the alien’s status.

Defending Democracies

The bill makes available for Fiscal Year 2024, only for a period of 1 year after the date of enactment, \$66.32 billion for the Department of Defense for the following purposes:

- \$47.69 billion to support the defense of Ukraine, including \$13.77 billion for the Ukraine Security Assistance Initiative
- \$10.40 billion to support the defense of Israel, including \$4 billion to procure the Iron Dome and David’s Sling and \$1.2 billion to procure the Iron Beam
- \$4.91 billion to support U.S. and allied deterrence operations in the Indo-Pacific
- \$2.44 billion to support operations in U.S. Central Command, including to address combat expenditures related to recent conflict in the Red Sea
- \$542 million for U.S. Indo-Pacific Command to address critical, unfunded operations