February 23, 2024

The Honorable Kay Granger
Chairwoman
H-307, U.S. Capitol
Washington, D.C. 20515

The Honorable Rosa DeLauro
Ranking Member
1036 Longworth House Office Building
Washington, D.C. 20515

The Honorable Dave Joyce
Chairman
Subcommittee on Homeland Security
2006 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Henry Cuellar
Ranking Member
Subcommittee on Homeland Security
1036 Longworth House Office Building
Washington, D.C. 20515

Dear Chairwoman Granger, Ranking Member DeLauro, Chairman Joyce, and Ranking Member Cuellar:

As you complete your work to fund the Homeland Security account for the remainder of fiscal year (FY) 2024, we request that you include language in your bill prohibiting any administration efforts to defer the removal of Palestinian aliens.

On February 14, 2024, buckling to pressure from the Democrat Party’s base, President Biden released a memorandum deferring the removal of an untold number of Palestinians for a period of 18 months. Administration officials insisted in press coverage that only 6,000 Palestinian beneficiaries would stand to benefit from this memorandum; however, the memorandum itself mentions no limit as to the number of Palestinians who may benefit. While these aliens remain in the United States, they can apply for Employment Authorization Documents (EADs) and otherwise enjoy the benefits of remaining in the United States, even if they would be considered deportable or inadmissible without Deferred Enforced Departure (DED).

The exercise of DED represents a clear legal concern – Congress has never authorized the program, and the Supreme Court has never ruled on the program’s constitutionality. In this particular circumstance, DED expansion also represents a pressing threat to national security interests; namely, that the United States does not recognize a Palestinian state. At a time when apprehensions of aliens on the FBI’s terror watch list are at a record high, this memorandum creates legitimate fraud and vetting concerns.
The exemptions in President Biden’s DED order allow Palestinians charged with felonies or who even have a conviction for a serious misdemeanor to stay in the United States; it also gives the Secretary of Homeland Security far too much latitude\(^1\) in deciding whether to facilitate an alien’s participation in DED, saying only that the Secretary can avoid the provisioning of DED if it “is not in the interest of the U.S. or presents a danger to public safety.”

This broad discretionary authority, in the hands of public servants dedicated to the preservation of American liberty, would ordinarily not be an issue. Given the willful and systemic refusal of Secretary Mayorkas to comply with the law\(^2\), aliens who ought to be deportable or inadmissible may well be allowed to stay in the United States, covered by DED.

While Congress continues to debate the constitutionality of deferred enforced departure, it would be contrary to the national interest to expand its use. We therefore urge this Committee to include language in an upcoming appropriations bill prohibiting the use of any federal funds to defer the removal of Palestinian aliens.

We thank you for your consideration of our request and for your leadership on this Committee.

Sincerely,

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Andy Ogles                  Randy K. Weber
Member of Congress          Member of Congress

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Lauren Boebert              Jeff Duncan
Member of Congress          Member of Congress


\(^2\) [https://www.congress.gov/bill/118th-congress/house-resolution/863/text?s=8&r=1&q=%7B%22search%22%3A%22res863%22%7D](https://www.congress.gov/bill/118th-congress/house-resolution/863/text?s=8&r=1&q=%7B%22search%22%3A%22res863%22%7D)
Andy Biggs
Member of Congress