

118TH CONGRESS  
1ST SESSION

# H. R. 2737

To require the President to suspend the entry of aliens into the United States when the average number of “encounters” exceeds a certain number, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2023

Mr. OGLES (for himself, Mr. DUNCAN, Mr. POSEY, Mr. ROSENDALE, Mrs. BOEBERT, Mr. GOSAR, Mrs. MILLER of Illinois, Mr. BIGGS, Mrs. LESKO, Mr. GOOD of Virginia, Mr. WILSON of South Carolina, Mr. WEBSTER of Florida, Mr. NORMAN, Mr. BABIN, Mr. WEBER of Texas, and Mr. LAMALFA) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require the President to suspend the entry of aliens into the United States when the average number of “encounters” exceeds a certain number, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop the Invasion  
5 Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The U.S. Customs and Border Protection  
4 Agency (in this Act, referred to as “CBP”) “encoun-  
5 tered” 251,978 illegal aliens at the Southwest bor-  
6 der in December 2022, the highest monthly total  
7 ever recorded; this represented 10 consecutive  
8 months of over 200,000 illegal alien “encounters”.

9 (2) Since the creation of the Department of  
10 Homeland Security, the number of monthly “en-  
11 counters” had never crossed the 200,000 threshold;  
12 the Biden administration is responsible for the 6th  
13 highest and 8 of the 10 highest months ever re-  
14 corded.

15 (3) While January 2023 “encounters” fell  
16 below 200,000, that number reached 156,274, a  
17 record high for the month of January.

18 (4) February 2023 saw 154,998 “encounters”  
19 at the Southwest border, the 24th consecutive month  
20 that “encounters” exceeded 150,000. Nearly half of  
21 the February total stemmed from expulsions under  
22 title 42.

23 (5) In fiscal year 2022, CBP “encountered”  
24 nearly 2,380,000 illegal aliens at the Southwest bor-  
25 der (excluding a reported 600,000 known  
26 “gotaways”) and more than 2,700,000 nationwide.

1       CBP data indicates that from February 1, 2021,  
2       through February 28, 2023, nearly 4.85 million ille-  
3       gal aliens have been “encountered” at the United  
4       States Southwest border.

5           (6) In the first 5 months of fiscal year 2023,  
6       CBP has “encountered” 1,029,953 illegal aliens at  
7       the Southwest border, putting the Department of  
8       Homeland Security on pace to “encounter” nearly  
9       2,500,000 illegal aliens this fiscal year.

10          (7) According to congressional testimony pro-  
11       vided by U.S. Border Patrol Chief Raul Ortiz on  
12       March 15, 2023, the number of known “gotaways”  
13       since January 20, 2021, has exceeded 1,300,000,  
14       bringing the total number of aliens attempting to  
15       cross the Southwest border well in excess of  
16       6,000,000.

17          (8) Six million is a greater population than the  
18       populations of 31 of the 50 States. It is more than  
19       the populations of North Dakota, South Dakota,  
20       Rhode Island, Alaska, Vermont, Delaware, and the  
21       District of Columbia combined.

22          (9) The ongoing border crisis has inflicted  
23       harrowing costs on the welfare of women and chil-  
24       dren. The number of unaccompanied alien children  
25       “encountered” by CBP at the Southwest border in

1 fiscal year 2017 was 48,681. In fiscal year 2022,  
2 that number stood at 152,057, a 212 percent in-  
3 crease. Hundreds of thousands of vulnerable chil-  
4 dren have been “encountered”, trafficked, and smug-  
5 gled across the Southwest border in the 2 years  
6 since President Biden took office, representing hun-  
7 dreds of children every day.

8 (10) According to CBP, migrant deaths at the  
9 Southwest border of the United States totaled 856  
10 in fiscal year 2022, the deadliest year on record.

11 (11) A May 2017 report from Doctors Without  
12 Borders indicated that out of the number of women  
13 surveyed, nearly one-third had been sexually as-  
14 saulted as they approached the Southern border.

15 (12) According to Drug Enforcement Agency  
16 statistics, over 50,600,000 fentanyl pills were seized  
17 in 2022, including over 10,800 pounds of fentanyl  
18 powder; these fentanyl seizures are enough to kill  
19 over 379,000,000 people. Recent data from the Cen-  
20 ters for Disease Control and Prevention indicate  
21 that 107,735 Americans died of a drug overdose in  
22 the 12-month period ending July 2022.

23 (13) Due to rampant drug trafficking at our  
24 Southern border, the leading cause of death for  
25 Americans aged 18–45 can now be attributable to

1 fentanyl overdoses; in 2020 and 2021, fentanyl was  
2 responsible for killing more Americans in this age  
3 group than COVID–19, car accidents, cancer, and  
4 suicide.

5 (14) According to CBP data, in the first five  
6 months of fiscal year 2023, 106,000 pounds of  
7 drugs were seized at the Southwest border, including  
8 11,000 pounds of fentanyl. The first five months of  
9 fiscal year 2023 have seen a 179.3 percent increase  
10 in fentanyl seizures over the same time frame in fis-  
11 cal year 2022.

12 (15) The historic crisis at the Southwest border  
13 demands decisive action on the part of Congress.

14 **SEC. 3. MORATORIUM.**

15 Section 212(f) of the Immigration and Nationality  
16 Act (8 U.S.C. 1182) is amended—

17 (1) by striking “Whenever” and inserting “(1)  
18 Whenever”; and

19 (2) by adding at the end the following:

20 “(2)(A) Notwithstanding any other provision of  
21 law, if the average number of apprehensions and  
22 findings of inadmissible aliens documented by U.S.  
23 Customs and Border Protection exceeds an average  
24 of 30,000 per month over the most recent 12-month  
25 period, the President shall suspend the entry of cov-

1       ered aliens until the monthly average number of ap-  
2       prehensions of illegal aliens is less than 30,000.

3               “(B) For the purpose of this paragraph, the  
4       number of apprehensions and findings of inadmis-  
5       sible aliens shall be the total number of U.S. Cus-  
6       toms and Border Protection enforcement actions  
7       taken under this Act and section 362 of the Public  
8       Health Service Act.

9               “(C) In this paragraph, the term ‘covered alien’  
10       means an alien seeking entry to the United States  
11       who is inadmissible under subsection (a)(6) or sub-  
12       section (a)(7).”.

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