

Congress of the United States

Washington, DC 20515

December 21, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
245 Murray Lane SW, Suite 14
Washington, DC 20528

Dear Secretary Mayorkas,

We write today to express our deep concerns regarding the status of the southern border. Under the Biden administration's watch, illegal crossings at our southern border continue to skyrocket with more than 5 million encounters since President Biden took office and an estimated 2.4 million still in the country.¹

As you know, our Customs and Border Patrol (CBP) agents are overrun and outmanned due to the open border policies your Department of Homeland Security (DHS) has implemented. These policies have incentivized migrants, including criminals, to cross the U.S.-Mexico border with little to no resistance. This year alone, approximately 160 individuals on the terrorist watch list have been arrested attempting to enter the country,² with an unknown number having made it through. However, your policies at the southern border have not only affected everyday Americans through crime and other threats to our national security but have also begun to threaten some of our most important industries.

This week, CBP suspended rail operations through international rail crossings in Eagle Pass, Texas, and El Paso, Texas, citing the surge of migrants being illegally smuggled from Mexico into the United States via freight trains.³ The real-world consequences from these delays will soon come to light and this suspension will certainly lead to delays in the movement of goods, especially agricultural products, to and from households, businesses, and farms across the country.

Given the closure, Union Pacific (UP) has had to embargo customer goods actively being transported on more than 60 trains or nearly 4,500 cars being held north of the border. There is an equivalent amount of northbound traffic currently held south of the border. The business mix at the interchange includes agricultural food and beverage products, automotive vehicles, consumer goods, and other industrial commodities⁴.

¹ 2023-10-09-New-Data-and-Testimony.pdf (house.gov)

² Homeland Security says 'growing' number of people on US terror watchlist being encountered at the border | Fox News

³ Statement from CBP on Suspension of Rail Operations in Eagle Pass and El Paso, Texas | U.S. Customs and Border Protection

⁴ Union Pacific (up.com)

Eagle Pass and El Paso crossings account for approximately 45% of UP's Mexico rail traffic. These two crossings see a daily average of 24 trains from UP and Burlington Northern Sante Fe Railway (BNSF) alone⁵. As of the morning of December 18, 2023, there are grain trains holding at origin in Illinois, Iowa, Kansas, Missouri, Minnesota, and Nebraska⁶.

This is the status of our southern border under your watch. A safe and secure southern border from the onset would have avoided a closure of this magnitude, and it is past time you take the steps needed to secure our border that should have been taken long ago.

Accordingly, we request answers to the following questions regarding your policies and plan to secure the border, which would allow for the swift reopening of both the Eagle Pass and El Paso crossings:

1. How long does CBP plan to suspend rail operations in Eagle Pass and El Paso?
2. Did your department account for the economic effects, especially on our agricultural industry, prior to implementing these closures and if so, what were your calculations regarding this impact?
3. What is your plan to ensure an efficient and effective reopening of these crossings while preventing freight rail from being a mode for illegal smuggling of migrants?

Thank you for your prompt attention to this matter and we request a response to these questions by January 12, 2024.

Sincerely,



Brad Finstad
Member of Congress



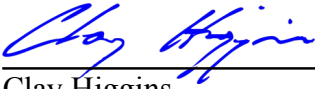
James Comer
Member of Congress



Troy E. Nehls
Member of Congress

⁵ Railroads Call for Immediate Reopening of El Paso & Eagle Pass Crossings - Association of American Railroads (aar.org)

⁶ Union Pacific (up.com)



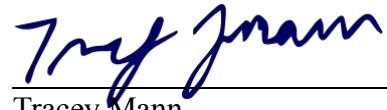
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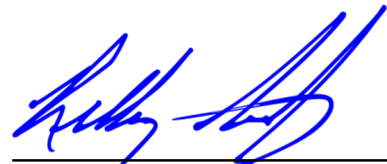
Lance Gooden
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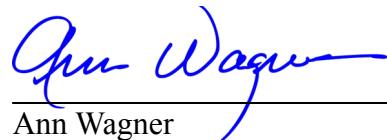
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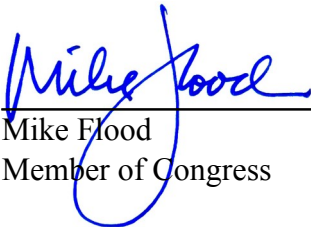
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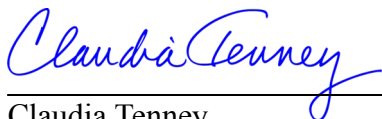
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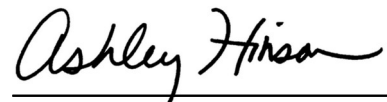
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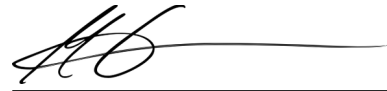
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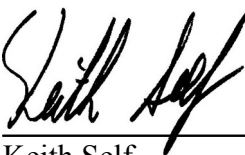
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