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September 26, 2023

The Honorable Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave., S.E.
Washington, D.C. 20528

The Honorable Troy A. Miller
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Dear Secretary Mayorkas and Acting Commissioner Miller:

I write today to express my concerns about U.S. Customs and Border Protection's (CBP) recent port and rail crossing closures along the southern border. CBP is reportedly encountering over 9,000 migrants per day, and reports indicate that somewhere between 8,000 and 10,000 migrants have crossed the border in Eagle Pass over the last week.¹ These numbers are significantly higher, and they are straining CBP's ability to maintain its mission to facilitate lawful trade and travel along the southern border.

Over the past two years, I have engaged the U.S. Department of Homeland Security (DHS) and CBP to learn the details of their plan following the termination of the Title 42 public health order. Over the summer, DHS assured the public that the "plan is working" and that numbers were down after the termination of Title 42.² Under this reduction, we were still seeing historically high numbers of encounters. Numbers have now increased to even higher levels. Recent reporting in the *Washington Post* noted that CBP encountered the highest number of family units ever recorded.³ While we do not have final data from CBP for September, it is likely that the encounters for September are higher than the surge that occurred prior to the termination of Title 42.⁴

¹ Stef Kight, *Border crossings by migrant families hits record highs*, Axios, (Sept. 22, 2023), <https://www.axios.com/2023/09/22/us-border-migrant-families-biden>; Valerie Gonzalez, *As migrants overwhelm a Texas border city, others wait in Mexico for appointments to enter the US*, Associated Press (Sept. 22, 2023), <https://apnews.com/article/immigration-texas-california-border-asylum-seekers-314698bfb5644be8f8f6085ebe9b9b98>.

² U.S. Dept. of Homeland Sec. *Border Encounters Remain Low as Biden-Harris Administration's Comprehensive Plan to Manage the Border After Title 42 in Effect*, (Jun. 6, 2023), <https://www.dhs.gov/news/2023/06/06/border-encounters-remain-low-biden-harris-administrations-comprehensive-plan-manage>.

³ Nick Miroff and Maria Sacchetti, *Families crossing U.S. border illegally reached all-time high in August*, Washington Post (Aug. 31, 2023), <https://www.washingtonpost.com/immigration/2023/08/31/border-families-record-crossings-biden/>.

⁴ Daina Beth Solomon and Ted Hesson, *Migrant encounters at US-Mexico border on pace to reach record highs in September*, Reuters, (Sept. 21, 2023), <https://www.reuters.com/world/americas/migrant-encounters-us-mexico-border-pace-reach-record-highs-september-2023-09-21/>.

CBP is currently seeing a significant migrant surge in Eagle Pass, Texas. In order to address this migrant surge, CBP temporarily shut down the rail crossing and diverted the CBP Officers, whose primary mission is to facilitate lawful travel and trade, to process migrants.⁵ Over the past week, CBP has also suspended commercial traffic in El Paso and Eagle Pass and pedestrian operations in San Ysidro.⁶ Trade between the United States and Mexico accounts for billions of dollars of goods on a weekly basis.⁷ These port closures affect the livelihoods of border communities, and they will have downstream effects that will significantly harm American businesses across the country by disrupting supply chains and fueling inflation in the food, consumer goods, and automobile markets. American companies are losing millions of dollars as these ports remain closed, and businesses will start to feel the cascading effects of these closures on our supply chains.

It is clear that the plan isn't working. This situation is undermining our national security, and it will soon inflict serious economic harm on our country. I urge you to prioritize the resumption of normal commercial rail and traffic flows through our ports. In addition, I ask the following questions:

1. Does DHS or CBP have a plan in place for continuing normal commercial and pedestrian operations at southern border ports during a migrant surge? If so, please share a copy of this plan.
2. Does DHS or CBP have a plan in place for maintaining normal operations at international rail crossings along the southern border during a migrant surge? If so, please share a copy of this plan.
3. DHS and CBP often receive intelligence indicating that there is a higher likelihood of a migrant surge happening in different sectors of the border. While not perfect, this intelligence helps DHS and CBP allocate resources and have a plan in place to maintain normal operations while managing a migrant surge. When did DHS or CBP have intelligence indicating that there would be a higher likelihood of the ongoing migrant surge in Eagle Pass?
 - a. If DHS or CBP had intelligence indicating that a migrant surge was coming to Eagle Pass, what steps did it take to prepare for managing the surge while continuing normal commercial processing operations?
 - b. What communication occurred in real time with Mexican authorities about deterring the surge of migrants on the freight trains?

⁵ Alicia A. Caldwell and Michelle Hackman, *Migrants Overwhelm Texas City of Eagle Pass*, Wall St. Journal, (Sept. 21, 2023), <https://www.wsj.com/politics/policy/migrants-overwhelm-texas-city-of-eagle-pass-531879cf>.

⁶ Letter from Border Trade Alliance to Secretary of Homeland Security Alejandro Mayorkas, (Sept. 21, 2023), *accessible at*: <https://www.thebta.org/border-trade-alliance-urges-swift-action-by-sec-mayorkas-to-work-with-mexico-restore-order-to-border/>.

⁷ United States Census Bureau, *Trade in Goods with Mexico*, available at: <https://www.census.gov/foreign-trade/balance/c2010.html>.

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4. When do DHS and CBP anticipate that the current surge in Eagle Pass will end? Please share any intelligence products discussing this surge and any anticipated end date.
5. What impact will a government shutdown have on DHS and CBP's commercial processing operations along the southern border?
6. What is your plan for maintaining normal commercial processing during the potential government shutdown? Please share a copy of this plan.

Thank you for your attention to this matter. I look forward to receiving your response by not later than 5:00pm, October 31, 2023.

In God We Trust,



James Lankford
Ranking Member
Subcommittee on Government Operations
and Border Management