

United States Senate

December 21, 2023

The Honorable Alejandro Mayorkas, Secretary
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Secretary Mayorkas,

I write today to call your attention to the crisis unfolding at the southern border, particularly in Eagle Pass and El Paso Texas, where we are witnessing a severe breakdown in national security under your leadership.

As you certainly know, there has been a resurgence of smuggling organizations exploiting freight trains to transport illegal aliens from Mexico to the U.S. Just days ago, for instance, thousands of illegal aliens were seen lined up along railroad tracks, some three hours south of Eagle Pass.^[1] Furthermore, Border Patrol agents are also reportedly overwhelmed as they deal with unprecedented numbers of illegal aliens, which, last Tuesday, topped 10,000 in a single day.^[2] This was not an isolated incident, as the week prior, there were reportedly 12,000 illegal alien encounters on a single day, breaking daily records.^[3]

In reaction to the escalating border crisis, CBP officials declared that beginning at 8 A.M. on Monday, December 18, 2023, the agency's Office of Field Operations would suspend operations at the international railway crossing bridges in Eagle Pass and El Paso, Texas to "surge all available resources to safely process [illegal aliens] in response to increased levels of [illegal alien] encounters at the Southwest Border, fueled by smugglers peddling disinformation to prey on vulnerable individuals."^[4] CBP's official statement goes on: "Over the past several weeks, [the agency] has made a number of operational adjustments in order to maximize our ability to respond, process, and enforce consequences."^[5] The agency then goes on to reveal that these two entry ports are not the only ones from which critical personnel are being diverted away due to illegal aliens: "In Eagle Pass, vehicular processing remains suspended at Eagle Pass International

[1] Greg Wehner, *US Customs to Suspend Railway Operations at International Crossings Into Texas Starting Monday*, FOX NEWS (Dec. 17, 2023), <https://www.foxnews.com/us/us-customs-suspend-railway-operations-international-crossings-texas-starting-monday.amp>

[2] *Id.*

[3] *Id.*

[4] *Id.*

[5] *Id.*

Bridge 1. In San Diego, California, San Ysidro’s Pedestrian West Operations remain suspended. In Lukeville, Arizona, the Lukeville Port of Entry remains closed.”^[6]

And yet, sadly, as alarming as these bridge closures are, they are not unprecedented under your leadership. As recently as September 20, 2023, an estimated 4,000 illegal aliens, primarily from Venezuela, crossed into Eagle Pass, Texas. As a consequence, the Eagle Pass Bridge became inoperable for over three days, disrupting vital international trade routes and exacerbating supply-chain shortages.^[7] Tragically, amid such chaos, a three-year-old child was also found drowned in the Rio Grande, highlighting the human cost of incentivizing illegal border crossings.^[8] It remains unknown how many other deaths went untallied in this frenzied scramble on our southern border. Notably, this predictable disaster came almost exactly two years after your bridge fiasco in Del Rio, Texas, where thousands of Haitian illegal aliens crossed the Rio Grande into Texas, establishing a makeshift tent city.^[9]

This entirely preventable crisis will cause predictable downstream effects. Both of the two bridges closed this morning functions as a key rail link between the U.S. and Mexico. Consequently, the hundreds of thousands of tons of customer freight that cross this junction daily are now at risk of being indefinitely stalled.^[10] Already, a major rail carrier has announced that it will have to embargo the movement of goods on 60 trains, or nearly 4,500 rail cars. Each day that these ports of entries are closed has system-wide impacts on the transportation network that could last for months. For the foregoing reasons, these bridge closures result in immeasurable negative impact on domestic production and international trade, causing production shutdowns, product and food shortages for Americans, and severe economic damage to our country.

Accordingly, by shutting down legal border crossings to accommodate the surge of illegal aliens flooding the border at Eagle Pass, you have created a national security threat of the highest degree. You are also signaling to the world that the United States government—and certainly

^[6] *Id.*

^[7] Melissa Alonso, Priscilla Alvarez, Ed Lavandera, *Eagle Pass International Railway Crossing Reopens After Texas Migrant Surge*, CNN (Sept. 23, 2023), <https://www.cnn.com/2023/09/23/us/eagle-pass-railway-bridge-reopens/index.html/>.

^[8] Alicia A. Caldwell and Michelle Hackman, *Migrants Overwhelm Texas City of Eagle Pass*, THE WALL STREET JOURNAL (Sept. 21, 2023), <https://www.wsj.com/politics/policy/migrants-overwhelm-texas-city-of-eagle-pass-531879cf/>.

^[9] Alicia A. Caldwell, *In Overwhelmed Del Rio, Texas, Migrants Cross the Border Freely*, THE WALL STREET JOURNAL (Sept. 19, 2021), https://www.wsj.com/articles/in-overwhelmed-del-rio-texas-migrants-cross-the-border-freely-11632072062?mod=article_inline/.

^[10] Adam Shaw, *Cruz Blasts Biden Admin for Closing Bridges Near Site of Texas Migrant Surge: ‘An outrage’*, FOX NEWS (Sept. 21, 2023), <https://www.foxnews.com/politics/cruz-blasts-biden-admin-closing-bridges-near-site-texas-migrant-surge-outrage/>.

your Department—will put the interests of foreign citizens over the needs of American people and businesses. Furthermore, by ceding operational control of our southern border to criminal cartels that are ferrying terrorists, drugs, and dangerous criminals, you have effectively turned Border Patrol into a travel agency rather than a law enforcement organization. It goes without saying that this is an outrage and a total breakdown of law-and-order.

In light of CBP’s gross mismanagement, failure to secure the border, and disruption of international commerce, I demand immediate answers to the following questions, and in no case, later than December 22, 2023.

1. Who exactly made the decision to close the ports of entry at Eagle Pass and El Paso, and under what authority? If it was any person other than you, what position do they hold?
2. What specific triggering criteria led to the decision to suspend operations at the Eagle Pass and El Paso bridges? At what point in the surge of arriving illegal aliens is shutting down ports of entry justified under CBP procedures?
3. Prior to closing the bridges, what traffic management, staffing adjustments, or other measures did CBP implement to keep ports open? Was shutting them down the only option or merely the easiest option for CBP officials on the ground?
4. Why are you prioritizing the processing of illegal aliens over keeping our ports of entry open? What plans do you have to minimize the disruption your actions have caused to cross-border travel and international trade? When, specifically, will normal operations at the Eagle Pass and El Paso bridges resume?
5. What did you learn from the last time this happened in September and why didn’t you learn enough from this 3-day shutdown to prevent it from happening again less than three months later? Does closing these bridges set a bad precedent that ports will shut down whenever there is a surge of illegals? How will you prevent and deter this unacceptable situation from happening again?
6. Recent reports reveal that Border Patrol struggles to attract and retain job applicants and has resorted to offering signing bonuses of up to \$20,000.^[11] How do you explain this issue, and what specifically are you doing to boost recruiting and to make it more attractive to work for your agency?

^[11] Marc Duvoisin, *Border Patrol Needs Agents and is Dangling \$20K Bonuses — But Check the Fine Print*, SAN ANTONIO EXPRESS-NEWS (Nov. 2, 2023), <https://www.expressnews.com/news/article/border-patrol-bonuses-new-hires-recruiting-18464740.php>

7. The Department of Homeland Security previously pledged to expand the rapid-deportation program for families nationwide. But only a fraction of illegal alien families is expected to be put through the program.^[12] What steps have you taken to expand this program, and if you haven't taken any meaningful steps to do so, why haven't you?
8. You have insisted that the border is "secure"^[13] and even more recently that it is "not open."^[14] However, record numbers of illegal aliens are entering each month. How do you define a "secure border" if breaches are at all-time highs?
9. You have blamed Congress for failing to pass comprehensive immigration reform.^[15] But aren't you responsible for enforcing existing laws, regardless of future legislation? Why aren't you utilizing current statutes and enforcing them to the fullest extent of the law?

Your continued refusal to secure the southern border calls into question your commitment to executing our duly-enacted federal immigration and border security laws as well as your overall fitness for office. It also has far reaching impacts on the transportation network that impacts Americans' daily. I await your prompt response detailing how you will resolve the escalating crisis you have created.

Sincerely,



Ted Cruz
United States Senator (R-Texas)

CC:

Secretary Pete Buttigieg, Department of Transportation
Secretary Tom Vilsack, Department of Agriculture

^[12] *Supra* note 8.

^[13] Timothy H.J. Nerozzi, *Mayorkas Maintains 'Border is Secure' Despite Record Crossings; FBI Sees 'Significant Criminal Threats'*, FOX NEWS (Nov. 15, 2022), <https://www.foxnews.com/politics/mayorkas-maintains-border-secure-despite-record-crossings-fbi-sees-significant-criminal-threats>

^[14] Press Release, Alejandro N. Mayorkas, U.S. DEPARTMENT OF HOMELAND SECURITY (May 11, 2023) <https://www.dhs.gov/news/2023/05/11/statement-homeland-security-secretary-alejandro-n-mayorkas-regarding-immigration>.

^[15] Steven Nelson, *Mayorkas Blames Congress for Border Rush — Republicans Say Look in Mirror*, NEW YORK POST (May 11, 2023), <https://nypost.com/2023/05/11/mayorkas-blames-congress-for-border-rush-republicans-say-look-in-mirror/>