



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

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Chairman

Rick Larsen
Ranking Member

Jack Ruddy, Staff Director

Katherine W. Dedrick, Democratic Staff Director

October 5, 2023

The Honorable Troy Miller
Acting Commissioner
United States Customs & Border Protection
1300 Pennsylvania Avenue NW
Washington, DC 20004

Dear Acting Commissioner Miller:

I write to highlight the critical importance of the Eagle Pass, Texas, rail gateway to freight traffic and the Nation's supply chain. I recognize and appreciate the Customs and Border Protection (CBP) agency's incredibly challenging work, as CBP agents confront the worst migrant and humanitarian crisis at the Southern border in the agency's history.¹ Unsurprisingly, the consequences of the border crisis continue to spread far beyond the border towns, and beyond constituting solely an illegal immigration issue. In particular, the crisis now directly impacts the Nation's flow of goods and commerce via freight rail. While the Eagle Pass rail gateway closed on September 19, 2023, I commend CBP for working diligently to quickly reopen this important supply chain artery at midnight on September 23, 2023.² I want to stress the importance of balancing the essential goal of protecting our border from illegal crossings while maintaining the freight supply chain across the border, to the greatest extent possible. To address these significant concerns, I am asking for further information to be provided to the Subcommittee.

The Eagle Pass rail gateway serves two United States-based Class I freight railroads – Union Pacific (UP) and BNSF.³ The gateway ranks as the second busiest rail passage on the Texas/Mexico border.⁴ Between August 2022 and July 2023, over 6.2 million tons of freight moved on trains through the gateway.⁵ This movement totaled over \$25.7 billion in value over

¹ Fact Sheet, SEN. REPUBLICAN CONFERENCE, *Biden's Border Crisis is the Worst in American History*, available at <https://www.politico.com/f/?id=0000017f-d8bd-d522-ab7f-debd59400000>.

² William C. Vantuono, *Eagle Pass, El Paso Border Crossings Reopened (Updated)*, RAILWAY AGE, (Sept. 26, 2023) available at <https://www.railwayage.com/freight/class-i/up-eagle-pass-border-crossing-reopening/> [hereinafter Eagle Pass].

³ See Bill Stephens, *Second-busiest Texas-Mexico rail border crossing shut down due to migrant crisis (updated)*, TRAINS, (Sept. 21, 2023), available at <https://www.trains.com/trn/news-reviews/news-wire/second-busiest-texas-mexico-rail-border-crossing-shut-down-due-to-migrant-crisis/> [hereinafter Rail Shutdown].

⁴ *Id.*

⁵ UNITED STATES DEP'T OF TRANSP., *U.S.-North American Freight: Last 12 Months*, (Last accessed Sept. 27, 2023), available at

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that period.⁶ In August 2023, 243 freight trains traveled north through Eagle Pass rail gateway bringing goods into the United States.⁷

Essential commodities moving through the Eagle Pass rail gateway include motor vehicles, building materials, fuels, agricultural and food products, beverages, and other consumer products that Americans depend upon for daily life.⁸ Closing the gateway impacted roughly 60 freight trains, with UP reporting that roughly 2,400 cars of goods weighing 240,000 tons stalled on its trains.⁹ The estimated costs of the closure totaled \$2.32 million per day.¹⁰ Moreover, attempts to divert the freight to alternate routes proved impossible, further emphasizing the value of the Eagle Pass rail gateway to the flow of commerce.¹¹

Supply chain issues plagued the United States since President Biden assumed office in 2021.¹² Freight rail remains relatively resilient and reliable despite the supply chain crisis. However, closing Eagle Pass rail gateway represents a direct and substantial harm to the industry and the supply chain that could negatively impact our economy if shut down over a lengthy period. It is encouraging that Mexican officials are more actively engaged with CBP to prevent migrants from dangerously boarding freight trains heading north to the border by establishing checkpoints and other deterrent means.¹³

Unfortunately, an end to the massive illegal migrant surge seems unlikely soon, and the Biden Administration fails to acknowledge the crisis, let alone meaningfully work to stabilize the Southern border.¹⁴ It remains very possible that CBP, or other relevant decision makers, will again close the Eagle Pass rail gateway to freight traffic.

Accordingly, I strongly encourage CBP to continue working with Mexican officials, freight railroads, law enforcement, and other relevant entities to develop a plan to balance the essential need to enforce our Nation's immigration laws while keeping the Eagle Pass rail gateway operable for the movement of goods between countries. Shutting down a main freight rail artery such as the Eagle Pass rail gateway would exact tremendous extra burdens on

https://explore.dot.gov/views/Dashboard_PortbyCommodity/Last12MonthsofTrade?%3Aembed=y&%3Aiid=1&%3AisGuestRedirectFromVizportal=y [hereinafter American Freight].

⁶ *Id.*

⁷ Rail Shutdown, *supra* note 3.

⁸ American Freight, *supra* note 5.

⁹ Eagle Pass, *supra* note 2.

¹⁰ Ananta Agarwal, *Mexico urges against migrant-related US border closures hurting trade*, REUTERS, (Sept. 21, 2023), available at <https://www.reuters.com/world/americas/union-pacific-says-freight-traffic-hit-by-migrant-crisis-us-mexico-border-2023-09-21/>.

¹¹ *Id.*

¹² Jessica Chasmar, *Buttigieg says supply chain crisis 'will continue into next year'*, FOX NEWS, (Oct. 17, 2021), available at <https://www.foxbusiness.com/politics/buttigieg-supply-chain-issues-continue-next-year>.

¹³ Associated Press, *International railway in Eagle Pass reopens*, BORDER REPORT, (Sept. 25, 2023), available at <https://www.borderreport.com/immigration/international-railway-in-eagle-pass-reopens/>.

¹⁴ Geoff Earle, *Biden's Department of Homeland Security Secretary Mayorkas rejects claims there is a border 'crisis' and insists it has been managed in an 'orderly way' – and insists the President knows the situation 'very well'*, DAILY MAIL, (Jan. 6, 2023), available at <https://www.dailymail.co.uk/news/article-11607329/Bidens-Department-Homeland-Security-Secretary-Mayorkas-rejects-claims-border-crisis.html>.

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American consumers at a time when inflation and the possibility of a recession already threaten the economy and American way of life.

Accordingly, I request CBP provide Committee staff with the following, as soon as possible, but no later than 5:00 p.m. ET on October 19, 2023:

- 1) A briefing on the status of the Eagle Pass rail gateway and plans to keep the rail gateway open, including in the event of future illegal alien surges.
- 2) Acknowledgement that advance notice will be provided to the Committee of any closure or plans to close the Eagle Pass rail gateway.

To schedule the briefing, please contact Majority Staff on the Subcommittee on Railroads, Pipelines, and Hazardous Materials at (202) 225-9446. Thank you for your prompt attention to this matter.

Sincerely,



Troy E. Nehls
Chairman
Subcommittee on Railroads,
Pipelines, and Hazardous Materials

cc: The Honorable Donald M. Payne Jr.
Ranking Member
Subcommittee on Railroads, Pipelines, and Hazardous Materials