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19TH DISTRICT, TEXAS

HOUSE BUDGET COMMITTEE  
CHAIRMAN

COMMITTEE ON  
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TAX  
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September 8, 2023

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Ave., N.W.  
Washington, D.C. 20500

The Honorable Deb Haaland  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear President Biden and Secretary Haaland,

The first and most important responsibility of the Commander in Chief is to uphold the Constitution by providing for a common defense for the protection of the American people. Unfortunately, this administration has surrendered control of our southern border to paramilitary, narco-terrorist drug cartels who abuse your broken policies to the benefit of their lethal businesses. Instead of using your authority to stop illegal crossings, drug mules, and trafficking efforts, your Department of Justice filed frivolous lawsuits against Governor Abbott for defending Texas' citizens.

On July 25, 2023, the U.S. Fish and Wildlife Service (Service) proposed a rule to list the Salina mucket and the Mexican fawnsfoot mussels as endangered and designate critical habitat for the species in an apparent attempt to stop the Governor from installing more defensive buoys in the Rio Grande River. Thankfully, the Founding Fathers placed protections in the Constitution, so states do not fall victim to a failed federal government. Article I Section 10 and Article IV Section 4 grant the State of Texas, and all other states, the explicit right to defend their borders and protect their citizenry. The construction of the buoy barrier is completely within Governor Abbott's constitutional power, and the Service's proposed rule only infringes on this right.

The timing of this proposed rule is highly suspicious. On July 24, the Justice Department filed a complaint against the State of Texas for placing a floating buoy barrier in the Rio Grande River. The very next day, on July 25, the Service proposed a rule to list these mussel species. It is worth noting that a petition for the Salina mucket was filed in 2007 and for the Mexican fawnsfoot in 2008. That means, the Service sat on these petitions for more than fourteen years before making a listing decision on these species. In addition, the Service has proposed nearly 300 river miles of

critical habitat for the mussels along the border. This action will not only impact the State of Texas' ability to protect the border and its citizens, but also the ability of the U.S. Border Patrol to accomplish its mission of protecting the American people and safeguarding our borders. As you know, any federal or state actions that impact critical habitat, including border security operations, must go through a consultation process with the Service. This process can be lengthy and will most assuredly hamper vital daily border security operations.

The situation along the border in the area where these mussel species are found is dire. Between the Del Rio and Big Bend sectors, over 300,000 illegal immigrants have crossed just in the 2023 fiscal year already. To put it simply, if you are truly concerned about these species, you would enforce border laws to stop illegal migrants from crossing the Rio Grande and trampling the habitat for these species. If you want to protect the mussels, stop the crossings – not the buoys.

Given our concerns, we ask that you respond to the following inquiries by September 22, 2023.

1. Why did it take more than fourteen years for the Service to act on the petitions for the Salina mucket and Mexican fawnsfoot?
2. Was the Service's action on the listing petitions a direct response to the defense buoys deterring migrants from crossing the southern border?
3. Please explain the causes for the endangerment of the species, including any connection to illegal migrant crossings.
4. Please provide data sufficient to show how much the species population numbers have decreased since 2021.

We ask that you withdraw the Service's proposed rule from July 25, 2023, listing the Salina mucket and Mexican fawnfoot. Furthermore, we ask your administration to enforce the laws passed by Congress to defend our southern border. Since you have taken office, more than seven million illegal immigrants have crossed the southern border, bringing unprecedented volumes of drugs, crime, and criminals into the interior of our country. The American people need you to focus on combatting the cartels and protecting our communities, not peppering states with frivolous lawsuits under the guise of conservation.

Sincerely,



Chairman Jodey C. Arrington  
Member of Congress



Chairman Bruce Westerman  
Member of Congress



Rep. Clay Higgins  
Member of Congress



Chairman Mark E. Green, M.D.  
Member of Congress



Rep. Chip Roy  
Member of Congress



Rep. Dan Crenshaw  
Member of Congress



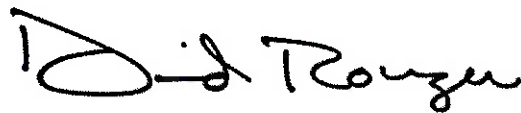
Rep. Doug Lamborn  
Member of Congress



Rep. Keith Self  
Member of Congress



Rep. Andy Biggs  
Member of Congress



Rep. David Rouzer  
Member of Congress

A handwritten signature in blue ink, appearing to read 'J. Ellzey', with a stylized, looped end.

Rep. Jake Ellzey  
Member of Congress

A handwritten signature in blue ink, appearing to read 'Brian Babin', with a cursive style and a long, sweeping underline.

Dr. Brian Babin  
Member of Congress

A handwritten signature in blue ink, appearing to read 'John Carter', with a cursive style and a long, sweeping underline.

Rep. John Carter  
Member of Congress