

United States Senate
WASHINGTON, DC 20510

October 30, 2023

VIA ELECTRONIC TRANSMISSION

Mr. Troy A. Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection

Dear Mr. Miller:

It's an absolute fact that our southern border is out of control. Report after report shows a vast influx of illegal immigrants crossing the Mexico-U.S. border and increased violence occurring near U.S. border towns.¹ Numerous reports make clear that illegal immigrants have armed themselves with weapons, including suspected cartel members, as they approach and cross the Mexico-U.S. border putting U.S. law enforcement and American lives at risk.² In addition, reports also indicate Mexican cartels have increased their use of unmanned aerial systems (i.e., drones) on both sides of the U.S. and Mexico border.³ These drones are used by the cartels to carry out targeted assassinations and violent attacks by dropping explosives in Mexico, monitor and gain reconnaissance on the movements of U.S. Border Patrol (CBP) agents and other U.S. law enforcement officers, and track the progress of their smugglers illegally crossing into the U.S.⁴ The horrific attacks by Hamas terrorists against the people of Israel and their use of weaponized drones to deploy explosives further highlight the need to secure the U.S. border from

¹ See Drazen Jorgic and Sandra Maler, *U.S. Consulate in Mexico border town tells staff 'to shelter in place' amid gun violence*, Reuters (Sept. 4, 2023) <https://www.reuters.com/world/americas/us-consulate-mexico-border-town-tells-staff-to-shelter-place-amid-gun-violence-2023-09-04/>; Cara Tabachnick, *Feuding drug cartels block roads near U.S. border as gunmen force children off school bus*, CBS News (May 3, 2023)

<https://www.cbsnews.com/news/mexico-cartels-block-roads-near-us-border-gunmen-force-children-off-school-bus/>; Maria Sacchetti and Nick Miroff, *Biden border plan faces breakdown amid record influx of families*, Wash. Post (Oct. 6, 2023) <https://www.washingtonpost.com/immigration/2023/10/06/border-families-migrants-biden-chicago/>.

² Domenick Candelieri, *Border Patrol agents seize weapons after encounter with armed men*, Fox 5 San Diego (Oct. 31, 2022) <https://fox5sandiego.com/news/local-news/border-patrol-agents-seize-weapons-after-encounter-with-armed-men/>; Emma Colton, *Americans hit by gunfire as cars truck into Mexico amid cartel violence spiral: report*, Fox News (Sept. 11, 2023) <https://www.foxnews.com/world/americans-injured-gunmen-cartel-heavy-mexican-state-open-fire-truck-convoy-report>.

³ Anna Giaritelli, *Texas sheriff tells Congress nearly 2,000 Mexican drug cartel drones are swarming US skies*, Washington Examiner (Feb. 15, 2023) <https://www.washingtonexaminer.com/policy/immigration/texas-sheriff-drones-border-mexico-congress>.

⁴ Ali Bradley and Robert Sherman, *Border agent describes how cartels are using drones*, News Nation (Feb. 9, 2023) <https://www.newsnationnow.com/us-news/immigration/border-coverage/border-agent-cartels-using-drones/>; AP, *Raid on western Mexican home uncovers massive drone bomb workshop*, Fox News (Oct. 4, 2023) <https://www.foxnews.com/world/raid-western-mexican-home-uncovers-massive-drone-bomb-workshop>;

these types of national security threats.⁵ Recent reports warning of the risk that Hamas and Hezbollah fighters could soon attempt to enter the U.S. through Mexico illustrates the immediate necessity to secure our southern border.⁶

In June 2023, Texas law enforcement officers, the National Guard, and CBP agents arrested five suspected members of the Cartel Del Noreste in Texas for illegally crossing into the U.S. while armed with rifles and tactical gear and accompanied by several juveniles.⁷ In August 2023, news reports published images of two suspected cartel members illegally entering the U.S. through the Texas border.⁸ These suspected cartel members were spotted carrying rifles and wearing body armor as they illegally crossed the border, but evaded capture.⁹ About a week later, the suspected cartel members were reportedly apprehended after making another attempt to illegally cross into the U.S. in the same area in Texas.¹⁰ On August 18, 2023, it was reported CBP agents were fired upon while trying to apprehend a group of suspected immigrants attempting to illegally enter the U.S. from California.¹¹ These reports indicate CBP agents heard the gunshots directed towards them and took cover as the group of assailants fled back across the border to Mexico.¹²

Additionally, the Department of Homeland Security's (DHS) Homeland Threat Assessment identified use of drones by Mexican transnational criminal organizations as one of the most pressing threats to the U.S. homeland for 2024.¹³ The DHS report states that these transnational criminal organizations are using smaller, commercially available drones; however, more recently, media outlets have indicated that the cartels are now using modified, more sophisticated drones with greater capabilities, such as thermal imagining and the ability to carry

⁵ David Hambling, *How Hamas Leveraged Cheap Rockets And Small Drones To Ambush Israel*, Forbes (Oct. 9, 2023) <https://www.forbes.com/sites/davidhambling/2023/10/09/how-hamas-leveraged-cheap-rockets-and-small-drones-to-ambush-israel/?sh=b1d770c6be20>.

⁶ Adam Shaw and Bill Melugin, *CBP memo sounds alarm on Hamas, Hezbollah fighters potentially using southern border to enter US*, Fox news (Oct. 23, 2023) <https://www.foxnews.com/politics/cbp-memo-sounds-alarm-hamas-hezbollah-fighters-potentially-using-southern-border-enter-us>.

⁷ Louis Casiano and Bill Melugin, *Armed suspected Mexican cartel members arrested on Texas side of border*, Fox News (Jun. 2, 2023) <https://www.foxnews.com/us/armed-suspected-mexican-cartel-members-arrested-texas-side-border>.

⁸ Adam Shaw and Bill Melugin, *Images show men armed with rifles, body armor coming across southern border*, Fox News (Aug. 8, 2023) <https://www.foxnews.com/politics/images-show-men-armed-rifles-body-armor-coming-southern-border>.

⁹ *Id.*

¹⁰ Adam Shaw and Bill Melugin, *Authorities arrest armed Mexican cartel members who came across US border with rifles*, Fox News (Aug. 14, 2023) <https://www.foxnews.com/politics/authorities-arrest-mexican-cartel-members-who-came-across-us-border-rifles>.

¹¹ Debbie L. Sklar, *Border Patrol Sees Escalation of Gun Violence By Some Migrants*, Times of San Diego (Aug. 25, 2023) <https://timesofsandiego.com/crime/2023/08/25/border-patrol-sees-escalation-of-gun-violence-by-some-migrants/>.

¹² *Id.*

¹³ Department of Homeland Security, *Homeland Threat Assessment 2024*, (Sept. 9, 2023) at iv, 14 <https://www.dhs.gov/publication/homeland-threat-assessment>.

heavier payloads (e.g., explosives, drugs, contraband).¹⁴ These reports have described the cartels as “arming themselves like rogue militaries” and using drones to carry out targeted assassinations against rivals and to watch over their territory.¹⁵ In August 2023, CBS News reported there were *at least* 260 incidents where criminal organizations used drones to carry and deploy explosives, most likely an underestimate.¹⁶ These reports found that criminal organizations in Mexico have attached C-4 or other types of explosives to drones and drop the payload to assassinate or destroy their targets.¹⁷ The cartels in Mexico are also using these drones to increase their efforts to evade detection at the border to illegally cross into the U.S.¹⁸ According to statements by CBP Chief Patrol Agent Gloria Chavez, in just the Rio Grande Valley area alone, there were “over 10,000 drone incursions” and “25,000 drone detections” in just one year.¹⁹ According to Agent Chavez, the cartels are utilizing these drones to track the positions of border patrol officers to gain intelligence on their movements.²⁰

The influx of armed illegal immigrants and cartel members encountered by U.S. law enforcement and the use of Mexican cartel operated drones operated in U.S. territory illustrate why the current situation on the border is a national security crisis.²¹ These threats put the lives of U.S. law enforcement, American citizens, and the national security of our country at serious risk.²² CBP San Diego Chief Patrol Agent Aaron M. Heitke has said “[W]hen events like this occur, we think of our fallen Border Patrol Agents Bryan Terry, Robert Rosas, and others who have paid the ultimate sacrifice in service to this nation” and these dangerous encounters with armed immigrants and cartels on the border must not be tolerated.²³

¹⁴ AP, *Police raid on a house in western Mexico uncovers workshop for making drone-carried bombs*, AP (Oct. 4, 2023) <https://apnews.com/article/mexico-bombs-drones-cartels-ba1d3a4d702c1c5f9baae105add1f493>; Giaritelli *supra* note 3; Anders Hagstrom, *Rival drug cartels open fire on each other with .50 cal weapons just miles from Texas border*, (Oct. 17, 2022) <https://www.foxnews.com/us/rival-drug-cartels-open-fire-each-other-50-cal-weapons-just-miles-texas-border>.

¹⁵ Karol Suárez, *Drug cartels attack enemies and spread terror with weaponized drones in US, Mexico*, Louisville Courier Journal (May 24, 2021) <https://www.courier-journal.com/story/news/crime/2021/05/24/el-mencho-cjng-mexican-drug-lords-use-drones-spread-terror/5131708001/>.

¹⁶ CBS and AP, *Drug cartels are sharply increasing use of bomb-dropping drones, Mexican army says*, CBS News (Aug. 23, 2023) <https://www.cbsnews.com/news/drug-cartels-more-bomb-dropping-drones-mexico-army/>; Julian Resendiz, *Cartel reportedly drops 33 bombs from drones in Guerrero*, Border Report (Aug. 18, 2023) <https://www.borderreport.com/regions/mexico/cartel-reportedly-drops-33-bombs-from-drones-in-guerrero/>.

¹⁷ Suárez *supra* note 15; Julian Resendiz, *Cartel reportedly drops 33 bombs from drones in Guerrero*, Border Report (Aug. 18, 2023) <https://www.borderreport.com/regions/mexico/cartel-reportedly-drops-33-bombs-from-drones-in-guerrero/>.

¹⁸ Alec Schemmel, *Cartels using drones to track border officials, authorities tell Congress*, ABC News 7 (Feb. 8, 2023) <https://katv.com/news/nation-world/cartels-using-drones-to-track-border-officials-authorities-tell-congress-mexico-smuggling-trafficking>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Tom Homan, *Biden's border crisis is about bad policies, not a lack of resources*, Washington Times (Oct. 11, 2023) <https://www.washingtontimes.com/news/2023/oct/11/bidens-border-crisis-is-about-bad-policies-not-lac/>.

²² Candelieri *supra* note 2.

²³ *Id.*

The recent heinous attacks by Hamas terrorists, who used arms and explosive-rigged drones against Israeli civilians, underscores the very real risk that could happen at our southern border and against Americans.²⁴ Moreover, recent reports warning of the risk that Hamas and Hezbollah fighters could soon attempt to enter the U.S. through Mexico highlights that the need to immediately secure our southern border is paramount.²⁵

So that Congress may conduct objective and independent oversight concerning CBP encounters with armed migrants at the border and Mexican cartels operating drones with potential explosive payloads in around the southern border, please provide answers to the following no later than November 10, 2023.

1. For each of the last five years, how many armed migrants have been identified at the southern border?
2. Of those identified, how many had ties to
 - a. Transnational criminal organizations;
 - b. Terrorist organizations; and
 - c. Countries outside of the U.S. and Mexico.
 - d. List each organization or country at issue.
3. For each of the last five years, how many encounters have occurred between armed migrants and CBP officers? Of those encounters, provide
 - a. the migrant's country of origin;
 - b. the weapons possessed;
 - c. the armed migrant's suspected criminal or terrorist organization affiliation;
 - d. if an arrest was made;
 - e. if the suspect was prosecuted in the U.S.;
 - f. the disposition of the prosecution, length of the sentence, and if the offender was deported back to their country of origin.
4. For each of the last five years, how many CBP agents have been hurt, injured, or fell in the line of duty after encountering armed migrants?
5. Describe how CBP cooperates with other U.S. law enforcement agencies to trace and connect weapons recovered at the southern border to transnational criminal organizations, terrorist organizations, and countries outside of the U.S. and Mexico.

²⁴ Andrew Mark Miller, *Hamas attacks reminder that sleeper cells are crossing southern border, expert warns: 'They're already here'*, Fox News (Oct. 11, 2023) <https://www.foxnews.com/politics/hamas-attack-reminder-sleeper-cells-crossing-southern-border-expert-warns-theyre-already-here>; Howard Kurtz, *Hamas brutality against Israeli innocents shocks the world's conscience*, Fox News (Oct. 11, 2023) <https://www.foxnews.com/media/hamas-brutality-against-israeli-innocents-shocks-worlds-conscience>; Lindsay Dodgson, *Hamas used drone bombs to launch its war with Israel from Gaza, and took out hi-tech observation towers, videos show*, Business Insider (Oct. 8, 2023) <https://www.businessinsider.com/video-hamas-used-drone-bombs-to-launch-war-with-israel-2023-10>; Hambling *supra* note 5.

²⁵ Adam Shaw and Bill Melugin, *CBP memo sounds alarm on Hamas, Hezbollah fighters potentially using southern border to enter US*, Fox news (Oct. 23, 2023) <https://www.foxnews.com/politics/cbp-memo-sounds-alarm-hamas-hezbollah-fighters-potentially-using-southern-border-enter-us>.

6. For each of the last five years, provide the number of drones controlled by operators in Mexico that have been detected at the southern border. Of those,
 - a. How many crossed into U.S. territory?
 - b. Did any drone operators have ties to transnational criminal or terrorist organizations? If so, how many and which organizations?
7. With respect to the data in question six, list the
 - a. Type of drone used;
 - b. How the drone was modified (if applicable);
 - c. Describe how the drone was used;
 - d. The number of drones that carried payloads;
 - e. Describe how those payloads were used; and
 - f. The type of payload.
 - g. Provide all records²⁶ to include photos and video evidence of the drones and explosive devices.
8. For each of the last five years, provide the number of drones controlled by operators within the U.S. on the southwest border that have ties to transnational criminal or terrorist organizations.
9. With respect to the data in question eight, list the
 - a. Type of drone used;
 - b. How the drone was modified (if applicable);
 - c. Describe how the drone was used;
 - d. The number of drones that carried payloads;
 - e. Describe how the payload was used; and
 - f. The type of payload.
 - g. Provide all records to include photos and video evidence of the drones and payloads.
10. What support has CBP provided to the government of Mexico to identify the source of improvised explosive devices and explosive payloads deployed by drones and prevent their use?

In keeping with Executive Order 13526, please segregate all unclassified materials within the classified documents, and provide all unclassified information directly to the committees, and provide a classified addendum to the Office of Senate Security. Although the committees comply with all laws and regulations governing the handling of classified information, they are not bound, absent their prior agreement, by any handling restrictions.

Thank you for your prompt review and responses. If you have any questions, please contact my Committee staff at (202) 224-0642.

²⁶ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style with a prominent "C" and a long, sweeping "y" at the end.

Charles E. Grassley
Ranking Member
Committee on the Budget