DHS SECRETARY ALEJANDRO MAYORKAS HAS EMBOLDENED CARTELS, CRIMINALS, AND AMERICA’S ENEMIES

PHASE 2 INTERIM REPORT

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Introduction: Mayorkas Has Empowered the Worst Actors Around the Globe

Department of Homeland Security (DHS) Secretary Alejandro Mayorkas’ open-borders policies have empowered and emboldened some of the most vicious, ruthless, and savage individuals and groups in the world. Whether it is transnational criminal organizations (TCOs) like the cartels and human smuggling organizations in the Western Hemisphere; potential national security threats from countries who sponsor terrorism, or those coming from major state adversaries like China and Russia; or those coming from major state adversaries like China and Russia, the wide-open Southwest border has given America’s enemies all over the globe an opportunity to infiltrate the homeland—an opportunity too good to pass up.

This report will demonstrate the massive threats posed by these groups and individuals to Americans’ safety and security. It will also highlight how the cartels have seized unprecedented control of the Southwest border to smuggle record amounts of illicit drugs and illegal aliens into the United States, pocketing historic profits in the process. Finally, the report will document the historic increase of individuals apprehended at the Southwest border who are being flagged as potential national security threats, and the inept use of federal personnel to respond to the crisis.
Section 1: How Cartels Are Taking Advantage of Open-Borders Policies

Understanding the Cartels

The cartels are the most vicious, evil organizations in the Western Hemisphere,1 with operations that include a number of illicit activities—drug trafficking, human smuggling, and human trafficking chief among them. According to one senior official with the Drug Enforcement Administration (DEA), they are “ruthless and violent global criminal enterprises, with members, associates, facilitators and brokers in all 50 states and in at least 100 countries throughout the world. The cartels use treachery and deceit to drive addiction and deaths in our country.”2

Moreover, the DEA’s 2020 National Drug Threat Assessment highlights the cartels’ connection to “independent drug trafficking organizations” and “transnational gangs, U.S.-based street gangs, prison gangs, and Asian money laundering organizations (MLOs).”3 These groups employ brutal violence to exert their influence in Mexico. For example, in August 2023, members of the Jalisco Nueva Generación Cartel (CJNG) lured, abducted, and later beheaded five young men in the Mexican state of Jalisco after the men reportedly refused to be recruited into the cartel’s ranks.4

These groups maintain substantial control in Mexico, with the two largest and most powerful cartels—Sinaloa and CJNG—actively operating in the majority of Mexico’s 32 states.5 The cartels are the leading suppliers of drugs to the United States,6 with Sinaloa and CJNG responsible for most of the illicit fentanyl entering the country.7

Americans must understand the sheer control these organizations exert over the flow of illegal aliens and illicit drugs across the Southwest border, and how they profit from it all. The cartels control smuggling routes throughout Mexico and exert near-complete control on the movement of individuals through that country, particularly at and near the Southwest border.8

Before the cartels increased their control of the Southwest border, aliens could often cross by themselves to complete their journey to the United States. Now, it is nearly impossible to cross without paying some sort of price to the cartels. Former Border Patrol Chief Rodney Scott

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1 “Cuccinelli: Cartels are the most evil, vicious people in western hemisphere,” Fox Business, YouTube video, April 1, 2021, https://www.youtube.com/watch?v=siDPx3APGIU.
answered affirmatively when asked by one media outlet in February 2023 if “every single person” crossing illegally has had “some sort of contact with the cartels,” further explaining, “That hasn’t always been that way, by the way.”

Before smugglers controlled the Rio Grande River, some individuals crossed back and forth daily, according to Timothy Tubbs, a retired agent with Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (HSI).

The New York Times’ Miriam Jordan put it succinctly in a July 2022 report, writing, “Migrant smuggling on the U.S. southern border has evolved over the past 10 years from a scattered network of freelance ‘coyotes’ into a multi-billion-dollar international business controlled by organized crime, including some of Mexico’s most violent drug cartels.”

Now, almost anyone who crosses the Southwest border, including at ports of entry, has done so only because they have first paid a cartel, or agreed, knowingly or not, to enter into months or years of debt to the organization upon arriving in the United States. Jason Owens, then-chief patrol agent for the Del Rio Sector, told the House Committee on Homeland Security in May 2023 that the criminal organizations “keep a death grip on anything that comes across the border illicitly, because they want their cut. They want their money, and so they’re going to do things to dissuade individuals from doing what you’re saying, crossing on their own—to include violent tactics against them.” In his February 2023 testimony before the House Committee on Oversight and Reform, John Modlin, chief patrol agent for the Tucson Sector, said, “What I see in Tucson Sector, in my experience, is that no one crosses the border in Tucson Sector without going through the cartels.”

He later told the House Committee on Homeland Security in July 2023, “[N]ow nobody crosses without paying the cartels. ... It’s all controlled by them.”

The money these organizations have made has only increased their influence and command over the Southwest border. Former Customs and Border Protection (CBP) Acting Commissioner Mark Morgan pointed out in early 2022 that every individual who crosses the border illegally “paid the cartels. That illegal immigration is fueling and financing the cartels’ criminal operations. It’s making them stronger. And it’s also enabling their criminal schemes in other areas, including drugs, to expand.”

Cartels Now Control the Southwest Border

Numerous law enforcement veterans, local officials, and national security experts agree that the cartels have seized an unprecedented level of control at the Southwest border. This control

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11 Ibid.
14 John Modlin, Transcribed Interview with the House Committee on Homeland Security, 64, July 26, 2023.
represents a significant challenge to CBP’s national security mission, the safety of American communities, and the sovereignty of the United States.

Most notably, in a March 2023 hearing held by the House Committee on Homeland Security, then-Border Patrol Chief Raul Ortiz contradicted Mayorkas’ prior claims that DHS has operational control of the Southwest border.16 During the hearing, Ortiz testified to Chairman Mark Green, R-Tenn., that DHS did not have operational control of the border,17 and that five of the Border Patrol’s nine sectors along the Southwest border were under tremendous strain.18

During a July 2023 hearing, the House Committee on Homeland Security’s Border Security and Enforcement Subcommittee Chairman Rep. Clay Higgins, R-La., asked witnesses if the cartels have gained “unprecedented access and networking within the United States of America.” Derek Maltz, former special agent in charge of the DEA’s Special Operations Division, and Jaeson Jones, a former captain in the Texas Department of Public Safety’s (DPS) Intelligence and Counterterrorism Division, with years of experience in combatting the cartels, answered in the affirmative.19 They further confirmed that cartel control increased “incredibly” during Mayorkas’ tenure, with Maltz later testifying the cartels “have total control.”20

Former Border Patrol Chief Scott stated in February 2023, “[The cartels] control the border today. And they control the border today under the Biden administration because of this mass migration to a level that they’ve never had. And I mean...they don’t worry hardly at all about what they’re trying to get in because their success rate is so high.”21

Border correspondent Ali Bradley reported in February of this year that, based on Border Patrol assessments, the “cartels are controlling operations at the southern border as they force migrants across the Rio Grande at gunpoint and hold asylum seekers in stash houses...The cartel sees what is happening on the U.S. side and takes advantage of the lack of resources, pushing people and drugs through the holes while Border Patrol is busy processing...”22 Bradley further explained that Border Patrol officials believe the cartels “are always one step ahead” of law enforcement.23

Other officials have echoed this conclusion. Former DEA Acting Administrator Uttam Dhillon told a forum in Washington, D.C., in March 2022, “Mexican cartels basically control our border now.”24 Morgan and former DHS Acting Deputy Chief of Staff Lora Ries released a statement in September 2022 agreeing with this assessment, stating, “The drug cartels now have operational

23 Ibid.
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control of our southern border,”25 while Jonathan Lines, supervisor of Yuma County, Arizona, recently described the cartels as a major threat to communities like his—“Unless this situation changes and we take back control from the cartels, for the trafficking coming across our border, it will only get worse.”26

Law enforcement officials released photos in August 2023 of a group of suspected cartel gunmen armed with rifles and body armor caught on camera crossing illegally into Texas in the Rio Grande Valley region. In June 2023, the Border Patrol’s chief patrol agent for the Laredo Sector told the House Committee on Homeland Security that agents frequently encounter armed human smugglers in his sector.27 Lieutenant Chris Olivarez of Texas DPS said in August 2023 that incursions by armed cartel operatives have become “a more common occurrence.”28 (Source: Fox News)

The assessment of cartel control at the Southwest border is bipartisan. Independent Arizona Sen. Kyrsten Sinema said in May 2023, in the context of the Biden administration’s ending of the Centers for Disease Control and Prevention’s (CDC) Title 42 public health order, “The cartels are incredibly well-resourced and they’re very strategic, so they’re pushing people through different parts of the border at different times with different prices for different purposes, and they’re controlling what’s happening on the southern border, not the United States government.”29

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27 Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 122, June 1, 2023.
28 Ali Bradley [@AliBradleyTV], “I talked with @TxDPS @LtChrisOlivarez after two CDN cartel members were apprehended in Texas — He tells me cartel operatives are breaching our southern border on a daily basis— Saying state and federal partnerships are crucial in preventing those individuals from getting into our communities.” Tweet, Twitter, August 16, 2023, https://twitter.com/AliBradleyTV/status/169198181422594640.
This malign presence is not just confined to the Southwest border. As one West Texas sheriff put it during a recent roundtable with the House Committee on Homeland Security, “As far north as we are from the border—the cartels are here. They’re everywhere.”

The American people agree with the judgment of these law enforcement and national security professionals. According to a poll released in September 2022, 61 percent of registered voters believe the cartels possess more control of the Southwest border than the federal government.

**How the Cartels Seized Control of the Southwest Border**

Multiple factors have enabled the cartels’ unprecedented seizure of control at the Southwest border—and they can all be traced back to President Joe Biden and Mayorkas’ open-borders policies.

First, Mayorkas and Biden’s reversal of the effective border security policies of the previous administration, as well as the host of policies they have subsequently implemented, have encouraged millions of individuals to make the journey to the Southwest border in hopes of being released into the United States. The Committee’s Phase 1 interim report on Mayorkas’ dereliction of duty presented substantial evidence of the consequences of these policies in explicit detail.

The massive increase in the number of people now traveling up through Mexico on their way to the Southwest border represents a historic business opportunity for the cartels, as each person is someone off whom they can profit.

Second, the unmitigated tide of individuals flooding across the Southwest border under Mayorkas’ policies has forced Border Patrol agents to focus their efforts on processing, transporting, and releasing unprecedented numbers of illegal aliens, rather than patrolling the border.

This has left broad stretches of the border open to exploitation by the cartels, who not only take advantage of areas where agents are no longer present, but often send across groups of aliens in places where agents are in order to tie up Border Patrol resources. While those agents are responding, the cartels will then push drugs or other groups of aliens across in another location.

This process—“flooding the zones,” as one expert has called it—has been repeated day in and day out ever since Mayorkas implemented his open-borders policies, a fact confirmed by senior Border Patrol officials.

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Gregory Bovino, then-chief patrol agent for the El Centro Sector, confirmed this tactic to the House Committee on Homeland Security in July 2023, stating, “So, what in fact happens, there is a large group [that] comes across or a group comes across, gives up to Border Patrol agents, and, as Border Patrol agents are busy dealing with that group that had given up, the gotaways come around the periphery.”36 In May 2023, two other chief patrol agents confirmed the cartels’ use of this tactic in interviews with Committee staff.37

Local law enforcement officials have documented this tactic, as well. According to Sheriff Leon Wilmot in Yuma County, Arizona:

“So, what the cartels do is they tie up Border Patrol resources by sending across large groups of ‘give ups’ … so they can actually funnel in those that are smuggling narcotics. And they are actually dropping off certain groups out 30 miles away from civilization and having them call 911, so that ties up our resources, and that’s why we’re seeing such a large amount of fentanyl throughout the whole of the U.S. We’ve never seen it this bad. Human life is nothing to them. It’s a commodity…”38

Open Borders Equal Record Profits and Expanded Arsenals for the Cartels

The sheer volume of people and drugs the cartels are moving across the border has generated historic profit margins for these criminal organizations. Indeed, the cartels are no longer just “drug cartels,” as human smuggling and trafficking have become central to their business model.39 Per the New York Times, the cartels may have made as much as $13 billion just from human smuggling in 2021,40 a year in which CBP recorded around 1.5 million encounters at the Southwest border.41

In Fiscal Year (FY)22, encounters jumped to 2.37 million, and through July 2023, CBP was on pace to record a similar number in FY23.42 In an interview with House Committee on Homeland Security staff in May 2023, Owens said that his sector intelligence unit ascertained the cartels were making more than $30 million per week from human smuggling just in the Del Rio Sector alone, for a total of around $1.5 billion a year.43

Also to be factored into the cartels’ balance sheet are the historic number of known gotaways—at least 1.5 million since FY21,44 among whom are often previous deportees and individuals with

37 See Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 51-52, May 5, 2023; and Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 40-41, May 9, 2023.
38 America’s Newsroom [@AmericaNewsroom], “CARTEL CRISIS: How Mexican Cartels Are Exploiting Biden’s Open Border Policy @BillHemmer – Reporting Live from Yuma, AZ – Is Joined by Two County Officials Who Claim the Border Is Under Control of the Cartels, Not the US. ‘We Have Never Seen It This Bad.’,” Tweet, Twitter, February 14, 2023, https://twitter.com/AmericaNewsroom/status/1625511036227842048.
40 Ibid.
42 Ibid.
44 MaryAnn Martinez, “1.5M ‘gotaways’ have slipped into the US under Biden — three times as many as during 3 years of Trump,” New York Post, May 15, 2023, https://nypost.com/2023/05/15/1-5m-gotaways-have-slipped-into-the-us-under-biden-three-times-as-many-as-during-3-years-of-trump/.
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criminal records who “pay premium rates” to avoid apprehension.45 Aaron Heitke, then-chief patrol agent for the San Diego Sector, confirmed this to the House Committee on Homeland Security in May 2023, saying, “From what we have gathered from people...it costs more to go through an area that has a better chance of getting away.”46

Then-Border Patrol Chief Ortiz told the Committee in March 2023 that the true number of gotaways—known and undetected—could be 20 percent higher than the reported 1.5 million.47 These numbers are truly historic. Through August 2023, the Border Patrol had recorded approximately 590,000 known gotaways in FY23, putting the agency on pace to record more than 640,000 gotaways this fiscal year.48 In FY22, known gotaways totaled around 599,000, and more than 389,000 in FY21.49

All three totals far exceed annual known gotaways from the 10 years prior to the Biden administration. In fact, the number of gotaways in just the El Paso Sector in the first nine months of FY23—166,34450—exceeded total known gotaways across all nine Border Patrol sectors every year between FY10-20 except one, as the DHS numbers below show.

![Table 2b](image)

The number of known gotaways has exploded on Mayorkas’ watch, averaging well over 500,000 per year, and dwarfing known gotaway numbers from recent years. (Source: DHS 2021 Border Security Metrics Report)

Further, the approximate 1.5 million known gotaways from FY21-23 exceeds those from FY10-20 combined (1.29 million), according to the department’s 2021 Border Security Metrics Report.51 Even in 2019, with the short-lived spike in illegal crossings, known gotaways remained relatively stable compared to historic trends.52

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46 Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 43, May 9, 2023.


50 Anthony Scott Good, Transcribed Interview with the House Committee on Homeland Security, 73-74, June 29, 2023.


52 Ibid.
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Texas DPS arrested 14 illegal aliens dressed in camouflage attempting to evade apprehension in April 2023. They would have entered as gotaways if not for the efforts of law enforcement. (Source: Texas DPS)

The massive increase in gotaways is just more fuel on the fire of the cartels’ profits. Ultimately, as the number of illegal aliens—gotaways or not—being smuggled or trafficked across the border continues to rise, so do the cartels’ profits.

In 2018, then-DHS Secretary Kirstjen Nielsen estimated the cartels made at least $500 million annually from human smuggling.\(^5\) In August 2021, John Condon, HSI acting assistant director of international operations, told Congress the number had risen to somewhere between $2-$6 billion, and potentially more.\(^4\) In February 2021 alone, the Border Patrol estimated the cartels made $14 million per day smuggling illegal aliens across the border.\(^5\)

Crossing the border illegally is an expensive proposition. In 2021, Newsweek reported Border Patrol sources saying that Mexicans could expect to pay several hundred to several thousand dollars, while Central Americans could pay between $8,000-$10,000, and those from South American nations could pay upwards of $15,000.\(^6\) Another 2021 report, this one from CNN, found that illegal aliens from Guatemala, Honduras, and El Salvador paid smugglers an average of $7,500 to make it to the border.\(^7\) Additionally, press reports quoting individuals making the

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journey show many make various payments to different groups along the way in order to traverse particular sections of the route, or simply to pay off robbers or gangs.  

It is also instructive to note the higher fees the cartels charge individuals from nations like China. One report found that three Chinese nationals who entered in February 2023 each paid $35,000.  

Texas officials say the $35,000 number for Chinese nationals is a baseline and may go as high as $50,000. The Border Patrol’s Joel Martinez, then-acting chief patrol agent for the Laredo Sector, told the House Committee on Homeland Security in June 2023 that he had heard reports of Chinese nationals being charged $60,000 by the cartels.  

The math gives Americans a sense of the potential scope of cartel profits under Mayorkas’ policies. If every Chinese national apprehended illegally crossing the Southwest border in FY23—the Border Patrol recorded 17,678 apprehensions of Chinese nationals through July 2023—paid the cartels $50,000 to cross the border, that would represent roughly $880 million in revenue. At $35,000 per Chinese national, the total would be around $618 million. Of course, 17,678 apprehensions are a mere drop in the bucket compared to almost 5.8 million Southwest border encounters recorded since Mayorkas took office and the more-than 1.5 million known gotaways, making total cartel profits a troubling figure to imagine. As Jones said in July 2021, “I can without any doubt tell you that the profits they are making today are like nothing we have seen prior. This is a major revenue stream.”  

Contrary to Mayorkas’ assertions, his new policy that allows otherwise inadmissible aliens to request an appointment at an official port of entry via the CBP One mobile app is failing to stem the record profits flowing to the cartels. This is because individuals must still pay to get through Mexico to the Southwest border, whether they choose to cross between the ports of entry, or make use of Mayorkas’ parole pathway at a port of entry. According to Jessica Vaughan, director of policy studies at the Center for Immigration Studies (CIS), in her testimony before the House Committee on Homeland Security on July 19, 2023:  

“Biden officials have claimed that that CBP One policy is a great success because the illegal migrants no longer have to do business with the cartels. We should be skeptical of this claim. First of all, CBP One can only be used from locations in northern Mexico and the migrants still have to get there, and for most, that still means paying a cartel-approved
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smuggler, and the CBP One appointment itself turns out to be yet another opportunity for them to extort the migrants.”

Subsequent reporting demonstrates that the cartels are continuing to rake in record profits. According to media analysis of the data:

“The Secretary Alejandro Mayorkas has characterized the decline as a blow to the smuggling cartels that control the market. Yet those who make the attempt are paying more, according to The Washington Times’ database of smuggling cases, which tracks payments in near-real time and which suggests that the cartels aren’t taking as big of a hit as Mr. Mayorkas would like.”

The Times noted, “A Mexican crossing into the Laredo area of Texas is paying an average of $9,500, up from about $7,400 earlier this year, before the end of the Title 42 border pandemic expulsion policy in May. A Mexican sneaking into Arizona is paying an average of nearly $10,000, up from about $9,300.”

And, of course, as reported by the Washington Examiner in August 2023, the cartels have hijacked the app through the use of virtual private networks (VPN) to help aliens from all over the globe request appointments through the app, getting around the requirement that an individual be in northern Mexico before submitting such a request. Indeed, cartels are now offering this as a paid service, meaning they are actually using DHS’ own policies and procedures to expand their profit margins.

Lucrative drug operations add even more revenue. A report published by ICE as far back as 2010 estimated cartels made nearly $30 billion on drug trafficking, though more recent comprehensive estimates are hard to come by. With the massive increase in the production of fentanyl and the favorable profit margin it provides, one can only imagine the cartels’ revenues from trafficking illicit drugs today.

And many of those dollars go right back to expanding the cartels’ operations, including building up their massive paramilitary capabilities. Journalist Todd Bensman, who is also a former member of Texas DPS’ Intelligence and Counterterrorism Division, wrote in a recent op-ed that there is “plenty of evidence to suggest” the cartels have acquired the capability to “outgun” the Mexican government:

67 Ibid.
“It’s impossible to know how much military hardware the revenues from the Biden border crisis have paid for, but the cartels are clearly reinvesting their massive profits. ... These are armies, with highly trained special forces units, supported by professional intelligence operations and run by warlords...I’m not alone in my estimation that Biden’s cartel-enriching mass migration crisis poses serious threats to important U.S. national interests, including many that are rarely discussed out loud, such as Mexican trade.”

Bensman also highlighted several recent seizures by the American and Mexican governments of military assets the cartels acquired or attempted to acquire. The sheer firepower wielded by these organizations is staggering:

“In March 2022, inside four houses controlled by a faction of the Sinaloa Cartel in the northern State of Sonora, the Mexican army recovered 2.8 million rounds of ammunition, 89 hand grenades, 20 machine guns, six .50 caliber sniper rifles, more than 150 handguns and automatic rifles, and bulletproof vests.

“In May 2022, U.S. authorities broke up a Cartel del Noreste scheme to buy $500,000 worth of machine guns, grenades, and rocket-propelled launchers to be smuggled south from the U.S. into Mexico.

“An August 2022 report showed that the state of Tamaulipas seized 257 shop-built armored ‘narco-tanks’ from the cartels in recent years, so-called ‘monsters’ made of semis, SUVs, or pickup trucks encased in thick steel with machine-gun ports. Video shows well-kitted masked cartel soldiers filling them.”

The cartels have even made use of advanced submarines, known as “narco-submarines,” to traffic drugs into the United States. According to one report, “The technology has progressed in recent years and has become a significant force in the international drug trade.” In May 2023, one prominent Colombian TCO operative—the “Prince of Semi-Submersibles”—was sentenced to more than 20 years in prison for smuggling thousands of pounds of drugs into the United States via these submarines. According to federal prosecutors, the organization “primarily sent vessels such as self-propelled semi-submersible vessels to Guatemala, where the cocaine was then smuggled over the Guatemala/Mexican border and then into the United States.”

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71 Todd Bensman, “Biden's border crisis is fueling growing cartel armies - now armed to the teeth and rivaling Mexico's military, warns TODD BENSMAN... so why is no one talking about this threat to American interests?,” The Daily Mail, December 22, 2022, https://www.dailymail.co.uk/news/article-11563659/Mexicos-cartels-getting-rich-powerful-Biden-mass-migration-crisis-TODD-BENSMAN.html.

72 Ibid.


74 Ibid.

These criminal operations are not limited simply to Mexico and border states, however. Indeed, the cartels are increasingly active in communities across the United States. As Mayorkas and Biden’s border crisis has continued to expand, so has the reach and influence of these groups. The DEA’s most recent assessment in FY19 showed major Mexican cartels already operating in at least 60 American cities.76 Since the publication of that assessment, “the cartels have expanded to all 50 states, battling for control of the nation, coast to coast.”77 This section of the report will detail the innovative tactics being used by the cartels on Mayorkas’ watch, and the criminal activity in which they are engaged in American communities.

The Inhumane and Destabilizing Tactics of the Cartels

Debt Bondage and Coercion—A Horrific New Phenomenon: Increasingly, vulnerable individuals coming to the border are not just being forced to pay one-time fees, which perhaps constitute their entire life savings, in order to enter the United States. In many cases, they are being further

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exploited and forced to serve the cartels and smuggling organizations—a phenomenon known as “debt bondage.”

In its 2021 Border Security Metrics report, DHS documented an increase in “alternative forms of payment in exchange for passage, including migrants being required to participate in smuggling controlled substances or other illicit items across the border or to work off debts upon arrival in the United States, as well as reports of harsh negotiations concerning payment plans with family members.”\(^{78}\) In other words, they pay their debt by facilitating and committing crimes against Americans inside the United States.

In July 2023, the San Francisco Chronicle corroborated this finding as part of an in-depth investigation into the city’s drug trade. The report included interviews with numerous dealers who had arrived from other countries and were now selling drugs supplied by the cartels. According to the Chronicle, one dealer “said the migrants’ desperation makes them easy targets for exploitation by coyotes:”

“‘They offer to take you to the United States and help you find a job,’ the man said in an interview from jail. ‘They tell you that once you work you can pay them back for the help they gave you. But once you are in their hands they start trying to figure out who your family is, who your parents are. Later, the threats start. They put you out there selling drugs.’

“The coyotes, he said, ‘put you under threat because you owe them money and you have to pay them. There are people who pay them, but they don’t succeed in getting out because once you are benefiting them, they don’t want to set you free. They always want you to be working.’”\(^{79}\)

In a heartbreaking February 2023 report, the New York Times detailed the plight of unaccompanied alien children (UACs) brought across the border illegally and who now reside in the United States.\(^{80}\) The next phase of this investigation will cover in unflinching detail the horrors many of these minors continue to experience daily. In this context, however, Americans must understand that in addition to the horrific exploitation and abuse to which many of these minors have been subjected, many are trapped in a system of debt bondage from which they may never escape. Per the Times, “Far from home, many of these children are under intense pressure to earn money. They send cash back to their families while often being in debt to their sponsors for smuggling fees, rent and living expenses.”\(^{81}\)


\(^{81}\) Ibid.
Just consider the experience of one Guatemalan teenager sent by his parents to the United States to find work:

“Nery Cutzal was 13 when he met his sponsor over Facebook Messenger. Once Nery arrived in Florida, he discovered that he owed more than $4,000 and had to find his own place to live. His sponsor sent him threatening text messages and kept a running list of new debts: $140 for filling out HHS paperwork; $240 for clothes from Walmart; $45 for a taco dinner.

“Don’t mess with me,’ the sponsor wrote. ‘You don’t mean anything to me.’

“Nery began working until 3 a.m. most nights at a trendy Mexican restaurant near Palm Beach to make the payments. ‘He said I would be able to go to school and he would take care of me, but it was all lies,’ Nery said.”

Another teenager told the Times, “I still have to pay back my debt, so I still have to work.”

The Border Patrol’s Owens highlighted this practice in May 2023, telling Committee staff that individuals can “find themselves indentured and paying off that debt for years to come, doing unspeakable things.”

Jones, the former Texas DPS captain, has said, “If they don’t pay their debt then the cartel has the information about where they’re going, but more importantly, they have the information on their families in home countries. From there, they can start the threats and hold them accountable through debt bondage, a form of human trafficking. Either pay or we’re going to come after your family.”

He further explained how the debt-bondage system works in his July 2023 testimony before the House Committee on Homeland Security:

“The Gulf Cartel specifically has a saying and that is that ‘people are the gift that keep giving,’ because they can make them move the commodity...but we have seen that on the border, where they’re now making migrants carry narcotics. We have seen where they then

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82 Ibid.
83 Ibid.
84 Jason Owens, Transcribed Interview with the House Committee on Homeland Security, 142-143, May 5, 2023.
exploit them. We’ve seen where other migrants are now being used to transport migrants themselves because you can truly make this commodity do what you want it to do. And what these really represent, that’s the most important here to understand, is this is a process, because just as Border Patrol was being absolutely overwhelmed with these people, so were the cartels.

“And the Gulf had to come up with a process that worked and you’re seeing it in my hand. There’s a number on each of these [wristbands] ... That number goes into a database.”

“And now [the cartels] have transitioned into the final version of human trafficking known as ‘debt bondage’ and I am holding it in my hands. This is it. This is how emboldened they’ve become.” — Former Texas DPS Capt. Jaeson Jones testifies before the House Committee on Homeland Security, July 19, 2023, about the Mexican cartels’ sophisticated new system of inventorying, trafficking, and enslaving hundreds of thousands of individuals.

According to testimony submitted to the Committee by Sheriff Bill Waybourn of Tarrant County, Texas, on July 19, 2023, smugglers and traffickers are even exploiting the state’s criminal justice system to further advance their illicit objectives, in particular trapping vulnerable women in forced servitude:

“These traffickers also capitalize on the vulnerable inmate population by identifying females who are incarcerated and bond them out of jail for the strict purpose of sex trafficking. They will also force uncooperative females, sometimes those who were smuggled over the border, to engage in petty criminal activity to ensure they are arrested.}

and jailed. These criminal organizations are using the jail system—a taxpayer funded public safety system—to both capitalize on their victims and identify new ones.”

Texas DPS has reported a similar phenomenon, stating that smugglers often pick up individuals from stash houses and attempt to transport them to other destinations throughout the state, where some are “forced into debt bondage and work off the debt through forced labor and sex trafficking.”

Vaughan, in her July 2023 testimony before the House Committee on Homeland Security, also noted this new reality for many people who make the journey, stating:

“Some people pay a discounted fee and give up their children for the smugglers to use to give to other single adults. Others agree, or are forced, to be drug mules. A large number just make a down payment on the smuggling fee that’s paid off in fear-driven forced labor, debt bondage arrangements that are difficult for them to escape from.”

In July 2023, nearly 60 victims of human trafficking were rescued from an illicit marijuana facility in central California. According to one report, “The victims arrived several days earlier, smuggled across the southern border ‘with the promise that they would have a good-paying job and a place to stay’...They were found living in ‘horrible’ conditions, forced to process marijuana ‘to pay back the individuals that brought them across the border,’” per law enforcement.

The cartels’ mass use of debt bondage, and the complex systems devised to make it a reality, are a unique consequence of Mayorkas’ open-borders policies. The following exchange between New York Rep. Andrew Garbarino, and the Texas DPS veteran Jones in July 2023 should sober every American:

*Garbarino:* “You talked about how you’ve seen this before, but lower numbers. With these higher numbers and the amount of people, is this relatively a new phenomenon under Secretary Mayorkas?”

*Jones:* “It is. Now the smuggling of people has always been there, but the adjustment from smuggling into the trafficking through debt bondage because due to the sheer numbers, they thought to themselves, ‘My God, we can make so much money and we can do it for the long run.’ This is the game-changer. When you think of human trafficking, most people think of commercial sex. That’s one piece of it. Don’t forget you have forced labor, and this is your final form, debt bondage, and now it’s nationwide.”

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91 Ibid.

Complex Human Trafficking/Smuggling Operations: One of the ways in which some of the cartels execute their mass trafficking operation and enslave people in debt bondage is by using a complex system of wristbands. These wristbands help create an inventory of those who will owe the cartels upon arriving in the United States, where individuals are going, which group is responsible for smuggling the alien, and other logistical information.

The office of Rep. Henry Cuellar, D-Tex., has confirmed this type of system, in which different color wristbands indicate how many times the alien has attempted to cross the border, and whether they will be allowed to try again—“Those with red bands are first-time crossers and those with purple bands are not allowed to try to cross again.”93 One expert on smuggling has observed that the cartels “are organizing the merchandise in ways you could never imagine five or 10 years ago.”94 The Border Patrol’s Owens told the House Committee on Homeland Security these organizations use these wristbands “as a way to categorize them, basically treating them like cattle.”95

Incredibly, Mayorkas claimed ignorance of these wristbands when questioned by Texas Sen. Ted Cruz in a March 2023 Senate Judiciary hearing. When shown pictures of the bracelets worn by illegal aliens, as well as one in Cruz’s hand, Mayorkas testified he did not know what they were.96

WATCH: Mayorkas Confesses Ignorance About Cartel Human Trafficking Operations

In response to this surprising admission by the secretary, National Border Patrol Council (NBPC) Vice President Art Del Cueto told Fox Business, “A Google search would have gotten him the

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The cartels use homes, apartments, or even hotel rooms as stash houses to hide large groups of illegal aliens after they have been smuggled into the country and prior to transporting them to their next destination. CBP officials describe these sites as often being filthy buildings with no water, food, or electricity, where smugglers pack illegal aliens until they can be distributed around the country, with air conditioning “unheard of,” despite temperatures often in excess of 100 degrees. Illegal aliens are often locked in these houses, unable to leave. Garbage often accumulates inside, as putting the trash generated by dozens of people out for collection could attract unwanted attention.

These stash houses represent a public health nightmare, as the cramped and unsanitary conditions facilitate the transmission of diseases like COVID-19 and tuberculosis, particularly among populations coming from countries with minimal public health infrastructure or lower vaccination rates for diseases largely eradicated in the United States.

The use of stash houses has exploded on Mayorkas’ watch. In May 2021, in the early days of the crisis, Texas DPS and Border Patrol officials reported a 400-percent increase in the number of illegal aliens rescued from stash houses. From October 2022 to April 2023 in just the El Paso

(Source: U.S. Border Patrol)

answer. It’s been reported many times. ... It baffles me for the Secretary of Homeland Security to say he has no idea what they’re for.”

Stash Houses: “Just imagine 60 people in an enclosed space with no electricity, running water, or food,” from which they “can’t escape because often they are locked in,” said Laredo Sector Border Patrol agent Kenneth Kroupa in 2020.

Such images offer just a glimpse into the network of stash houses the cartels and smugglers use to facilitate the trafficking and smuggling of illegal aliens throughout the country.


Sector, Border Patrol agents discovered more than 165 stash houses, containing more than 2,400 individuals.\footnote{Chief Raul Ortiz [@USBPChief], “51 Migrants Located in a Single Stash House! US Border Patrol El Paso Sector Human Smuggling Interdiction Teams Have Uncovered over 165 Stash Houses in the Region with over 2,421 Migrants so Far in FY23. Outstanding Work Is Being Done at EPT! @USBPChiefEPT,” Tweet, Twitter, April 28, 2023, https://twitter.com/USBPChief/status/1652010403734384640.}


In September 2022, CBP announced Border Patrol agents and members of Texas DPS had rescued 21 illegal aliens from a stash house in Laredo, seizing more than 160 pounds of illicit drugs in the process.114

In August 2022, Border Patrol agents and local law enforcement rescued 28 illegal aliens from a stash house in Edinburg, Texas, after a woman called 911 and told operators she was being held against her will.115

In April 2022, the Border Patrol disrupted operations at four stash houses in 24 hours, leading to the apprehension of 53 illegal aliens. The stash houses were part of El Paso apartment complexes and motels.116

Stash houses are not limited to border towns, but are used throughout the country wherever the cartels need to store illegal aliens. For example, in July 2022, ICE busted multiple stash houses in Washington, D.C.117 More than 70 illegal aliens were found in the operation, including 13 minors.118

These stash houses also represent a major humanitarian concern. According to Border Patrol agent Fidel Baca, “So you have criminals inside these homes, a lot of the times they’ve committed serious crimes, crimes against people, crimes of sexual assault, crimes of assault, and they are caretaking for lots of people...We have children, we have women in these homes, and they are being taken care of by criminals.”119

Per the Border Patrol’s Martinez during a transcribed interview with the House Committee on Homeland Security in June 2023, when it comes to how long individuals are held in these locations, “It could be hours, it could be days, it could be weeks. It depends on when the coast is clear, when the cartel believes the coast is clear for them to travel up north or further their travel.”120 When the cartels decide to move, many of these people are crammed into tractor-trailers, train cars, or other

118 Ibid.
120 Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 105, June 1, 2023.
vehicles to be transported elsewhere in the United States.

Now-Border Patrol Deputy Chief Matthew Hudak has said, “They’ll stockpile them for a couple of days in one of these stash houses until they have enough people to put in a tractor-trailer, then lock it with no way for them to escape the brutal South Texas heat. When we open up these containers, and it’s well over 105 degrees with no ventilation...no water. It’s tragic.”121 Americans need look no further than the horror uncovered in San Antonio last summer, when more than 50 individuals died after being smuggled in the back of a locked tractor-trailer, for devastating proof of how the cartels treat these people like cargo.122

In another devastating example, 13 Mexicans and Guatemalans were killed in March 2021, when their transport vehicle was struck by a tractor-trailer in Imperial County, California.123 At the time of the accident, 25 people were packed in the Ford Expedition driven by Jose Cruz Noguez, a Mexican national who, according to the Department of Justice’s (DOJ) criminal complaint, “oversees the transportation of individuals who are in the United States illegally to stash houses; collects smuggling payments from family members or sponsors; recruits drivers; and scouts for the presence of law enforcement.”124

More than a dozen people were killed in early March 2021 when the overpacked SUV they were being smuggled in was hit by a tractor-trailer in California. (Source: Gregory Bull/AP)

The cartels’ casual disregard for human life is manifestly apparent. According to Martinez:

“I mean, they consider you a commodity, not a human being, and they will stop at nothing to make money. So, you being a commodity, it doesn’t matter if something happens to you. So, they’re gonna lock you in an 18-wheeler; they’re gonna walk you through the brush, and if you fall behind because you sprain your ankle, they’re gonna leave you behind to find your own way home. They have no regard for human life.”

Stash houses also function as prisons for an increasing number of illegal aliens, as more and more are being held for ransom after being brought into the United States. In July 2022, the Federal Bureau of Investigation (FBI) announced that since February 2022, the agency—along with the Border Patrol and other law enforcement—had “rescued 88 victims from kidnapping for ransom incidents and continue to see an increase in extortion crimes directly affecting undocumented immigrants who have paid human smugglers to bring them across the United States-Mexico border.” According to Jeffrey Downey, FBI special agent in charge in El Paso, the FBI documented no instances of such extortion in 2021.

“They have already paid upfront to cross the border. And then once they get here, they are assaulted and held in life-threatening situations,” Downey told the New York Post last year. In his

125 Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 122-123, June 1, 2023.
experience, individuals' families are forced to pay between $3,000–$10,000 on top of the thousands of dollars that have already been paid by the aliens themselves to enter the country.\textsuperscript{128} Another immigration expert has said that family members of those being held in stash houses are often extorted by the smuggling groups for even more money.\textsuperscript{129} In another report, the Post noted, “Migrants who are taken captive by cartel members have their cell phones taken away and have been dismembered if their families or friends in their home countries in the U.S. are unable to pay a ransom.”\textsuperscript{130}

Border Patrol agent Oscar Joanicot has made clear the stakes involved with these stash houses—“I don’t care who you are, when you walk in and see something like [a stash house], especially when there’s children involved, your heart goes out to them. ... [The smugglers’] commodity is people. They don’t care if someone dies. They just go and find another person waiting to come across.”\textsuperscript{131}

**Drone Operations and Surveillance:** The cartels have also developed and deployed sophisticated tactics in their use of drones to conduct surveillance and intelligence-gathering operations, as well as deliver drugs across the border. According to the DEA’s 2020 National Drug Threat Assessment, “Mexican TCOs also exploit various aerial methods to transport illicit drugs across the Southwest border. These methods include the use of ultralight aircraft and unmanned aerial systems (drones) to conduct airdrops.”\textsuperscript{132} Per testimony from DHS officials in 2022, “use of drones for illicit cross-border activity is not only wide-spread, but also organized and an integrated element of TCO operations.”\textsuperscript{133}

If Border Patrol agents are stretched to the breaking point trying to secure the border and apprehend illegal aliens and illicit drugs coming across on the ground, imagine the extra nightmare that expanded cartel drone operations represent.

Lieutenant Chris Olivarez of Texas DPS recently described the dire situation—“They’re able to scout everything and watch what we are doing, every movement we are making. That’s why it’s a cat and mouse game and we have to try and be one step ahead of them.”\textsuperscript{134} NBPC President Brandon Judd has echoed Olivarez’s assessment, saying, “They’ll use drones to scout our positions, where our Border Patrol agents are, how can they facilitate the drug trade. They’ll also use the drones to actually fly into United States land and they’ll carry small packages with drugs.”\textsuperscript{135}

\textsuperscript{128} Ibid.
\textsuperscript{135} Ibid.
According to Gloria Chavez, chief patrol agent for the Border Patrol’s Rio Grande Valley Sector, the cartels “have 17 times the number of drones, twice the amount of flight hours and unlimited funding to grow their operations.”\(^\text{136}\) In a June 2023 interview with the House Committee on Homeland Security, the Border Patrol’s Martinez confirmed that the cartels were using drones to track agents’ movements and patterns in order to assist their smuggling operations.\(^\text{137}\)

One Border Patrol agent told the press in July 2023, two months after the expiration of Title 42, that these operations were still ongoing. According to the agent, “We don’t have operational control of the border,” and the cartels are “using drones to bypass our movements, including sensor locations. They know where we are at all times. They know how to get around us.”\(^\text{138}\)

During a recent hearing conducted by the Committee, Texas Rep. Monica De La Cruz said that drone operations just in the Rio Grande Valley Sector had skyrocketed, posing a potentially insurmountable challenge for Border Patrol: “The cartel drone detections just right here in the RGV Sector in FY22 was 35,000 drone detections. ... Out of the 35,000 drone detections, only 10,000 were intercepted.”\(^\text{139}\) One Texas sheriff recently told Congress that just three Texas counties observed almost 2,000 drone incursions in a 31-day period earlier this year.\(^\text{140}\)

The cost-benefit analysis also weighs heavily in favor of the cartels’ expansive use of drones. James Mandryck, deputy assistant commissioner of CBP’s Office of Intelligence, testified to the Committee in July 2023 that for the cost of perhaps $1,000 per drone, the cartels could smuggle around $1 million worth of fentanyl into the country per flight and run “continuous” flights throughout the day.\(^\text{141}\)

The cartels also employ a vast human intelligence network in support of their operations. El Paso Sector Chief Patrol Agent Anthony “Scott” Good told the House Committee on Homeland Security in June 2023 that the cartels use the agency’s own checkpoints against them. When asked whether cartel-employed scouts “know about situations where Border Patrol is vulnerable, like when you have to shut down checkpoint[s] because of decompression or weather extremity,” he responded, “Yes. People, scouts, will frequently drive through the checkpoints to see if they’re open or not, yes.”\(^\text{142}\)

**The Cartel Connection to Crime at the Border and in Our Communities**

The crime and chaos caused by TCOs has been exacerbated by Mayorkas’ policies. According to the American Sheriff Alliance—a national coalition of several major sheriffs’ associations—these


\(^{137}\) Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 120, June 1, 2023.

\(^{138}\) Bethany Blankley, “Border Patrol agents: June southwest border apprehension data is a ‘shell game,’” The Center Square, July 11, 2023, [https://www.thecentersquare.com/national/article_4dce7e71e-2049-11ec-8fd8-1309be1ed70e.html](https://www.thecentersquare.com/national/article_4dce7e71e-2049-11ec-8fd8-1309be1ed70e.html).


\(^{141}\) “Protecting the U.S. Homeland: Fighting the Flow of Fentanyl from the Southwest Border,” Homeland Security Committee Events, YouTube video, 1:52:00, July 12, 2023, [https://www.youtube.com/watch?v=1O0uNITZ0M4?feature=share&time=6716](https://www.youtube.com/watch?v=1O0uNITZ0M4?feature=share&time=6716).

\(^{142}\) Anthony Scott Good, Transcribed Interview with the House Committee on Homeland Security, 142, June 29, 2023.
groups “are directly responsible for the increases in deaths, human trafficking, sex trafficking, and unprecedented violence occurring in cities and counties across our nation.”

Sheriff Eddie Guerra of Hidalgo County, Texas, who is also chairman of the Southwestern Border Sheriffs’ Coalition, said in a February 2023 press release that the crisis “is a public safety and public health issue. It’s not just the violence and drugs, it’s the sexual assaults, human trafficking, enslavement, and fear and terror that are destroying neighborhoods here in the United States.”

**Drug Trafficking:** The illicit drug trade in American cities is booming on Biden and Mayorkas’ watch. According to Michelle Cook, sheriff of Clay County, Florida, in 2022, “I will tell you that the open borders are a problem. We are seeing a significant amount of drugs making its way to Clay County because of open borders, and that is definitely something that concerns me as a Sheriff.”

The cartels have grown so bold that the illegal alien dealer networks they supply have taken over the drug trade in major American cities. In California, “Honduran migrants have taken over San Francisco’s drug market with the aid and blessing of Mexican cartels,” where “they have squeezed competition out through their highly-coordinated organization and sheer numbers...”

Per the San Francisco Chronicle’s investigation, the cartels are behind the rise of this vast network:

> “The cartels hire runners to ferry their product from Mexico to Southern California; from there it’s transported up the West Coast with local operatives close to the cartels working

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143 “Nation’s Sheriffs Call for the Eradication of Drug Cartels, Starting with the Sinaloa and Jalisco New Generation Cartels,” The American Sheriff Alliance, February 9, 2023, [https://www.sheriffs.org/AmericanSheriffAlliance_Feb092023](https://www.sheriffs.org/AmericanSheriffAlliance_Feb092023).
144 Ibid.
out the details. These operatives often own a few properties in the East Bay, which can serve as stash houses and rental units for street dealers, according to court records and police interviews.

“These operatives are the highest-ranking members of the Bay Area network and are the middlemen in this global operation. The operatives are known to their underlings as ‘the machine,’ according to two sources.

“Drugs will typically flow through the machine to either a lower-level distributor or directly to a dealer.

“Shipments are often sent by car to distributors who live primarily in Oakland and are from Honduras.”

Mayor London Breed said the massive and complex network “conduct[s] business like they’re going to a job.” One dealer told Chronicle reporters that the city’s streets are “oversaturated with migrant Honduran teens,” while another, a man in his mid-20s, told them, “I’m going to be honest, I came here to sell drugs,” and that he has been arrested four times since 2022.

Tom Wolf, founder of Pacific Alliance for Prevention and Recovery and a recovering addict himself, told one media outlet in March 2023 that San Francisco had “become the epicenter of the overdose crisis in the United States,” and that authorities needed to “take these organized drug dealers down because they are cartel-fueled, organized drug dealers that are operating on our streets.”

Meanwhile, the cartels’ drug-smuggling operations are gaining momentum in Texas, as well. According to Tarrant County’s Waybourn, the county recorded “a 1000% increase in the amount of drugs seized in a two-year span. In 2020, we seized $3 million worth of drugs. In 2022, it was $35 million.” Along with this increase in drugs flooding the Dallas-Fort Worth area came a massive increase in the number of fentanyl poisonings, increasing from 10 between 2018-2019 to 113 between 2020-2021.

This deadly phenomenon is not just limited to border states, however. States and towns hundreds of miles from the Southwest border are feeling the consequences of increased cartel activity.

Per NewsNation’s Robert Sherman, “Once limited to cities along the southern border, the influence of Mexican drug cartels has spread to smaller American towns across the country, including several in the state of Montana.” Montana Attorney General Austin Knudsen told the

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148 Ibid.
149 Ibid.
150 Ibid.
153 Ibid.
154 Ibid.
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outlet last year, “We have specific intelligence that primarily two drug cartels based out of Mexico are operating here in Montana on a very large scale,” and that he assesses the likelihood of drugs on Montana streets being linked to the cartels at “100 percent,” saying, “Within 20 or 30 miles of where you purchased that, there is very likely a Mexican drug cartel member or an associate involved with that drug trade.” In December 2022, the DOJ announced that it had secured 22 convictions of individuals in Montana involved in a “large-scale drug trafficking organization that had ties to the Sinaloa Cartel,” with three of those 22 directly connected to the cartel.

A sheriff in Oregon recently told the press, “When you hear about the drug cartels and the amounts of drugs coming across the border, you start thinking those are big city problems. But if you have drugs in your community, and I don’t think there is any community that can say they don’t have any, it is coming from the drug cartels.”

In May 2023, the DEA announced dozens of arrests and the seizure of 1.3 million fentanyl pills in Kansas, Missouri, and southern Illinois following a year-long operation, “Operation Last Mile,” which targeted “operatives, associates and distributors affiliated with the Sinaloa and Jalisco cartels — the two drug cartels based in Mexico responsible for the ‘vast majority’ of the fentanyl

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154 Ibid.
and methamphetamine that is killing Americans.”\textsuperscript{158} Per one report, “The operation showed that the cartels use violent local street gangs and criminal groups and people across the U.S. to flood American communities with ‘huge’ amounts of fentanyl and methamphetamine, which drives addiction and violence and kills Americans.”\textsuperscript{159}

The operation resulted in the seizure of nearly 193 million lethal doses of fentanyl across the country,\textsuperscript{160} with the agency’s efforts also highlighting the cartels’ relationships with gangs and dealers in states far from the border, like Kentucky,\textsuperscript{161} Nebraska,\textsuperscript{162} and Colorado.\textsuperscript{163} According to another recent report, more than 300 people in the United States have been charged or arrested for criminal activity directly linked to the Mexican cartels since January 2022.\textsuperscript{164}

The cartels are primarily motivated by profit margins, but law enforcement officials have noted more sinister elements within the cartels’ trafficking of record amounts of fentanyl into the United States. According to Waybourn, “TCSO intelligence collection shows that Mexican cartels have weaponized drugs with the intent to harm Texas residents and destabilize our communities. In fact, cartel members have before expressed to our team that ‘they will send whatever kills the gringo [Americans, irrespective of race].’”\textsuperscript{165}

Similarly, when asked by Rep. Josh Brecheen, R-Okla., during a July 2023 hearing if law enforcement had observed a “revenge element” in the cartels’ operations, DEA Principal Deputy Administrator George Papadopoulos testified:

“We have evidence in some of the previous cases I mentioned where the cartels knew that there was deadly fentanyl. The amount of fentanyl that they were sending to the U.S. was deadly because they tested it on human beings in Mexico and they still sent it anyway...[We]’ve seen pills with less than a milligram of fentanyl all the way up to eight milligrams of fentanyl. The average dose is 2.4 milligrams, and two milligrams is considered a potentially deadly dose.”\textsuperscript{166}

Mayorkas’ new CBP One app scheme also presents an opportunity for the cartels to push more illicit drugs across the Southwest border. One recent press report noted, “Frontline employees being pulled from normal inspection duties are reducing the number of labor hours dedicated to finding hidden narcotics, according to a source within Customs and Border Protection,” and that


\textsuperscript{159} Ibid.


\textsuperscript{166} “‘Protecting the U.S. Homeland: Fighting the Flow of Fentanyl from the Southwest Border,’” Homeland Security Committee Events, YouTube video, 1:12:38, July 12, 2023, https://www.youtube.com/live/L0EurNtLz0M?feature=share&t=4358.
per this source, “One worry is by redirecting personnel from inspections to asylum processing we are missing the deadlest drug we have seen in modern times, fentanyl.”

The source explained that those entering the country via the new CBP One app “require hours of administrative processing that is converting some frontline CBP Officers into asylum petition clerks.”

Ultimately, “even here in the heartland of America, cartels are taking lives from our communities,” said Michael Davis, special agent in charge of the DEA’s St. Louis Division, in May 2023. Unfortunately, even as these vital federal agencies work tirelessly to protect Americans from the scourge of fentanyl and other drugs, the cartels are relentlessly flooding more of these illicit substances across the Southwest border. Under Mayorkas and Biden’s policies, no community is safe from the expanding reach of the cartels and the drugs they are trafficking.

**Violence:** Cartel and gang violence continues to be a growing problem in the United States. Though it is less prevalent than in Mexico, direct cartel violence is well documented in the United States.

In January 2023, six people, including a six-month-old baby and her teenage mother, were shot dead in a house in the city of Goshen, California. Tulare County Sheriff Mike Boudreaux left no ambiguity about who was responsible, saying, “I think it’s specifically connected to the cartel. The level of violence ... this was not your run-of-the-mill low-end gang member.” Boudreaux also said of the young mother murdered protecting her child, “I know for a fact this young lady was running for her life. And I know for a fact that there was no reason to kill her—but they did.”

His assessment of the cartel presence in California was sobering: “I can tell you, the cartels are here. We have a very unsecure border right now—there’s a lot of back and forth when it comes to the cartels and free movement up and down the state and across the border.”

Charles Marino, a former DHS senior law enforcement advisor, recently said, “My expert opinion is that we’re going to see an increase in cartel violence within the United States in all of its forms.” Authorities in Texas have also been raising the alarm about cartel violence. In November 2021, Texas law enforcement reported that Mexican cartels were murdering victims and dumping their bodies on the American side of the border, with the Texas Rangers investigating a range of cartel activities linked to the dead bodies. On Oct. 26, 2021, authorities found a woman who had been raped and tortured before she was killed. Texas DPS’ Olivarez said

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168 Ibid.


172 Ibid.


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that cartels are “professional” and “very methodical” in their murderous actions, and that the cartels come to the United States to kill people and then cross back over the border. He pointed out that these murders send a message to rival cartels.\footnote{Ibid.}

Drugs coming from Mexico and beyond are being sold by the cartels to transnational and American gangs, who effectively function as the cartels’ distribution network, and who then engage in their own turf wars on the streets of American cities, leading to even further carnage and devastation. DEA Administrator Anne Milgram has stated, “The Sinaloa and Jalisco Cartels use multi-city distribution networks, violent local street gangs, and individual dealers across the United States to flood American communities with fentanyl and methamphetamine, drive addiction, fuel violence, and kill Americans.”\footnote{U.S. Department of Justice, Drug Enforcement Administration, \textit{DEA Operation Last Mile Tracks Down Sinaloa and Jalisco Cartel Associates Operating within the United States}, May 8, 2023, \url{https://www.dea.gov/press-releases/2023/05/08/dea-operation-last-mile-tracks-down-sinaloa-and-jalisco-cartel-5}.} The Virginia Department of Criminal Justice Services has also reported collaboration between the cartels and street gangs, noting, “Mexican Cartels have continued their strategic relationship with traditional street gangs operating in the United States.”\footnote{State of Virginia, Department of Criminal Justice Services, \textit{Mexican Drug Cartels}, March 2023, \url{https://www.dcjs.virginia.gov/training-events/mexican-drug-cartels}.} One expert has noted how cartel violence often “will be subcontracted to local street gangs, prison gangs, and local actors,” while others have reported, “[D]rug disputes that ultimately stem from cartel activities may be attributed to domestic street gangs instead.”\footnote{Andrew Dorn, “Are Mexican cartels carrying out more violence on US soil?,” \textit{NewsNation}, January 20, 2023, \url{https://www.newsnationnow.com/crime/are-mexican-cartels-carrying-out-more-violence-on-us-soil/}.}

These gangs are also involved in other avenues of violence, including manufacturing illicit, privately made firearms. In January 2023, for example, following an eight-month investigation, the DOJ charged nine members of the Latin Kings gang in New Jersey with not just conspiracy to distribute substances like fentanyl, but also with “manufacturing untraceable gun parts that could be used to convert weapons for automatic firing.”\footnote{U.S. Department of Justice, United States Attorney’s Office for the District of New Jersey, \textit{Nine Men Charged with Roles in Gang-Led Drug and Gun Trafficking Network}, January 5, 2023, \url{https://www.justice.gov/usaonj/pr/nine-men-charged-roles-gang-led-drug-and-gun-trafficking-network}.}

In addition to the drug-related violence, senior Border Patrol officials have also acknowledged that cartel and gang violence targeting illegal aliens themselves has been happening more frequently inside the United States. During a May 2023 interview with the House Committee on Homeland Security, the Border Patrol’s Heitke said:

“[W]e have seen considerably more bandit activity on our side, as well. ... It’s individuals coming up from Mexico and robbing the migrants as they’re moving through. And it’s a combination of the individual smugglers wanting to make a little extra money. They’ll have—it’s coordinated. So, they’re working together.

“But one of the foot guides, for example, will leave for a little while. They’ll leave the group and say, ‘I’ll be back in a little bit.’ Two more individuals will come up and rob them and leave, and then the smuggler will come back and move them on. It’s just a way of earning extra money and preying on the remote areas with minimal law enforcement on either side...
of the border. And most of the migrants have everything they own with them, so they’re easy targets.”180

**Human Trafficking:** These groups do not simply smuggle illegal aliens across the Southwest border—they are now engaged in transnational human trafficking operations worth billions of dollars.181 Senior DHS officials have noted the cartels’ shift away from simply drug trafficking to the insidious practice of human smuggling and trafficking. Blas Nuñez-Neto, DHS assistant secretary for border and immigration policy, said on July 20, 2023:

“We see migrants now routinely paying smuggling organizations what are vast sums of money for them—often more than $10,000 to $15,000—to facilitate their journey to the border. This is so lucrative, in fact, that we are now seeing the drug cartels increasingly becoming a key player in not just collecting taxes for people who transit through their territory, which is what we saw historically, but actually moving people and becoming deeply involved in human smuggling, not just in Mexico, but throughout the region, including, you know, in Colombia and the Darien region.”182

In testimony before the House Judiciary Committee in April 2023, CIS’ Vaughan emphasized that the resurgence of the violent gang MS-13 in the Washington, D.C.-metro area “has brought an increase in cases of brutal sex trafficking in the area. The gang preys on young teenage girls who run away from shelters, foster care, or broken homes.”183 Other organizations have noted how MS-13 uses this trafficking to fund other aspects of its operations:

“MS-13 preys on the vulnerability of the unaccompanied minors; some have previously suffered sexual abuse either in their home country or during the trip north; others lack a community and do not speak English. Members of MS-13 seek out the vulnerable young girls using violence and other coercive tactics to intimidate the girl into having sex for money to help financially support the gang.”184

Guerra further described in March 2021 how the cartels use sex trafficking to enhance their profit margins, explaining that for family units looking to illegally enter the United States, “If you can’t afford it, and you have that little 15, 16-year-old child with you, well, guess what? Well, you’re gonna go to Houston. And that little girl is gonna go to work in sex trafficking and that little girl is going to pay off all your debt. That’s happening.”185

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180 Aaron Heitke, Transcribed Interview with the House Committee on Homeland Security, 166, May 9, 2023.
181 Human trafficking and human smuggling are two different crimes. Human trafficking is a crime committed against another person that does not necessarily require transportation or physical movement of that individual. For example, a victim of human trafficking may be coerced into forced labor at a marijuana grow farm. In contrast, human smuggling is a crime committed in violation of a country’s immigration laws and requires the illegal transportation of a person across an international border.
And these groups continue to deploy creative methods in their effort to evade law enforcement. On June 14, 2023, the Border Patrol’s Good tweeted that Border Patrol agents and Texas DPS officers had broken up a human smuggling operation involving three vehicles and 26 aliens. Two of the vehicles being used by the smuggling groups were sprinter vans made to resemble FedEx delivery trucks.\textsuperscript{186}

\textit{Organized Retail Theft:} According to a July 2023 press report, the cartels have expanded their operations into mass-retail theft, “targeting big-box stores, luxury retail brands, and small businesses, then selling the stolen goods online and laundering the profits through Chinese brokers.”\textsuperscript{187} Per the Washington Examiner, the cartels “that have facilitated the greatest-ever human smuggling operation across the U.S.-Mexico border over the past two years and simultaneously caused the fentanyl epidemic in America now have a hand in organized retail crime.”\textsuperscript{188}

According to HSI, “Organized retail theft results in $125.7 billion in lost economic activity each year as criminals use e-commerce platforms to resell stolen merchandise.”\textsuperscript{189} And now the cartels have extended their operations into this multi-billion-dollar, illicit business. HSI also revealed in a June 2022 press release, “Recent investigations have also identified organized retail crime schemes exploiting undocumented migrants forced to steal goods to pay back ‘coyotes’ who smuggle them across international borders.”\textsuperscript{190}

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{Mexican_drug_cartels_are_behind_the_surge_in_retail_thefts.png}
\caption{The cartels have expanded their operations into mass-retail theft to increase their profit margins. (Source: Washington Examiner report)}
\end{figure}

\textit{Disorder in Border Towns:} In March 2023, four Americans were attacked by members of the Gulf Cartel in the Mexican border state of Tamaulipas, with two of them, Shaeed Woodard and Zindell Brown, fatally wounded in the incident.\textsuperscript{191} The group had traveled to Tamaulipas from South Carolina in order for one member, LaTavia Washington, to receive a medical procedure.

\textsuperscript{186} Anthony “Scott” Good [@USBPChiefEPT], “Express Consequence Delivery! #SantaTeresa Station Anti-Smuggling Unit Agents along with @TxDPSWest Intercepted a Smuggling Scheme Involving 26 Smuggled Migrants. Of the 3 Vehicles Involved, 2 Were Cloned FedEx Vans. The Smugglers Will Face Charges! @cbp,” Tweet, Twitter, June 14, 2023, \url{https://twitter.com/USBPChiefEPT/status/1669116247093686272}.


\textsuperscript{188} Ibid.


\textsuperscript{190} Ibid.

\textsuperscript{191} Noe Torres, Sarah Morland and Dave Graham, “Five men arrested in Mexico over killings of Americans,” Reuters, March 10, 2023, \url{https://www.reuters.com/world/americas/five-people-mexico-held-over-killings-americans-state-prosecutor-2023-03-10/}.
Officials believe the group was fired upon and then abducted because the cartel believed they were part of a rival Haitian smuggling group.\(^{192}\)

Peter Yachmetz, a former hostage negotiator for the FBI, said following the events in Tamaulipas, “The big takeout is the border is wide open, and drug cartels are operating and controlling the border. Do not go through any of these border crossings. It is a known ‘Do Not Travel’ zone.”\(^{193}\) In fact, Tamaulipas’ official “Do Not Travel” designation from the State Department puts it on par with nations like Afghanistan and Syria.\(^{194}\)

The incident underscored just how unstable the cartels have made the region, on both sides of the border. That same month, shocking video emerged of hundreds of illegal aliens rushing across the Paso Del Norte International Bridge connecting El Paso with Ciudad Juarez, Mexico, “posing a potential threat to make a mass entry” into the United States, according to CBP.\(^{195}\)

Texas DPS’ Olivarez later said that this was the result of cartel efforts to distract and undermine law enforcement: “As it is, Border Patrol is overwhelmed, they’re tied up in processing. So, they want to expose more vulnerable gaps along the border, so they can bring across criminals, fugitives or drugs, whatever the case may be.”\(^{196}\)

**WATCH: Hundreds of People Storm Bridge Leading to El Paso**

In August 2022, four Mexican border cities—Tijuana, Mexicali, Rosarito and Ensenada—erupted in violence when gang members targeted civilians and demolished stores and cars to send a

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message to authorities cracking down on the gangs. Tijuana is a prime corridor for drug-trafficking, with various groups, including CJNG and Sinaloa, battling for control of the city. Around the same time, 600 Mexican troops were sent to Juarez to combat cartel activity, shutting down many schools in the area.

In the Mexican state of Chihuahua, meanwhile, the murder rate is surging due to “cartel infighting for control of migrant smuggling.” Per Chihuahua Attorney General Cesar Jauregui, “It is clear to us what is going on. Criminal groups are having disputes and there is an increase in homicides related to people-trafficking. They are disputing control (of territory) and that has led to people being murdered for being involved in people-trafficking.” Most of these murders are taking place in Juarez, just across the border from El Paso.

The city of Laredo, Texas, was put on edge in March 2022, after the Mexican border city of Nuevo Laredo was rocked by violence following the arrest of a cartel leader. Two international bridges into Mexico were closed as a precaution, and law enforcement was put on alert, in another example of how cartel and gang violence impacts Americans even when it occurs on the other side of the border.

The Connection Between the Cartels, Gangs, and Open Borders

“MS-13, other gang members exploit migrant wave to cross into U.S.,” reads one headline from May 2021. Unfortunately, this reporting is altogether accurate. It is not just the cartels who

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198 Ibid.
199 Ibid.
201 Ibid.
202 Ibid.
204 Ibid.
205 Isabel Vincent, “MS-13, other gang members exploit migrant wave to cross into US,” New York Post, May 1, 2021, [https://nypost.com/2021/05/01/ms-13-other-gang-members-exploit-migrant-wave-to-cross-into-us/](https://nypost.com/2021/05/01/ms-13-other-gang-members-exploit-migrant-wave-to-cross-into-us/).
have taken advantage of Mayorkas’ open-borders policies—so have the transnational gangs seeking to expand their operations and influence. These gangs are responsible for human trafficking, drug smuggling, and criminal violence.

On April 30, 2021, the Border Patrol’s Hudak tweeted that gang members “attempt to evade arrest by exploiting the influx of migrants attempting to enter our country.”206 CBP statistics show that the main gangs Border Patrol encounters include MS-13, Paisas, 18th Street, Surenos (Sur-13), and the Latin Kings.207

These gangs work closely with the cartels. Texas DPS Director Steve McGraw said earlier this year that the gangs “work to support cartel operations on both sides of the border. They certainly do it, they operate in Mexico and they operate on this side too in terms of stash houses where there’s drugs and people. They extort people on the south of the border and extort them when they get to this side of the border.”208 Per ICE, “Transnational criminal gangs account for a large percentage of narcotics trafficking in communities throughout the United States.”209

According to Texas DPS veteran Jones in his July 2023 testimony before the House Committee on Homeland Security:

The cartels “contract directly with U.S.-based street gangs and what we call Tier-1 gangs. Those are gangs which impact multiple regions in our country. They work directly with the cartels, and today it is very important to understand, your U.S.-based street gangs are working side by side contracting with the cartels. ... So, when you wonder today why you are being overrun with drugs, it is because the Tier-1 gangs and U.S.-based street gangs are contracting and working directly with these cartels...”210

Per one report, “Cartels have been doubling down on their efforts, including recruiting American street gangs to act as distribution centers in major urban areas...Cartel recruitment efforts are ramping up in the U.S. as they wrangle members of notoriously violent American gangs like the Bloods, the Crips and the Aryan Brotherhood to work both sides of the border.”211

Texas DPS estimates there are more than 100,000 gang members in the Lone Star State, many of whom are connected to Mexican cartels.212 In California, the Mexican Mafia maintains
documented ties to cartels.\textsuperscript{213} The Sinaloa and Gulf cartels are operating in cities like Chicago, providing drugs that are then sold and distributed by the violent street gangs in those locales.\textsuperscript{214} However, despite the carnage being inflicted by these groups, the number of illegal alien gang members being removed from the United States has decreased under Mayorkas’ leadership. In FY19, ICE removed 5,497 known or suspected gang members, compared to just 2,667 in FY22.\textsuperscript{215}

**MS-13—The World’s Most Violent Gang Thrives on Mayorkas’ Watch**

MS-13 is perhaps the most notorious of the transnational gangs operating in the United States, and has been designated a transnational criminal organization by the U.S. government.\textsuperscript{216} The gang’s motto of “mata, viola, controla” (“kill, rape, control”) accurately describes the group’s activity within the United States.

MS-13 “has a reputation for particularly violent criminal activity.”\textsuperscript{217} Its members regularly commit crimes like “extortion, drug distribution, prostitution, robbery, and murder, as well as in more transnational illicit activity such as drug trafficking and human smuggling and trafficking. While some of the illegal activities help support the gang’s criminal finances, others facilitate the maintenance of territory as well as gang brand and unity.”\textsuperscript{218} The gang also plagues Central American communities in the United States by extorting businesses, providing drugs to addicts, recruiting members of the community into its ranks, and inciting violence.\textsuperscript{219}

For example, in February 2023, 15-year-old Limber Lopez Funez from Frederick, Maryland, went missing.\textsuperscript{220} Two months later, his body was discovered in a Maryland state park. In May, five illegal aliens under the age of 30 were arrested and charged with Lopez Funez’s murder. All five suspects were found to be MS-13 gang members.\textsuperscript{221}

Additionally, many MS-13 members present in the United States are here illegally, with the gang historically taking advantage of “weaknesses in border enforcement policies.”\textsuperscript{222} In October 2020, the DOJ under the Trump administration released a report highlighting its efforts to combat TCOs, including MS-13. In the report, the DOJ noted 74 percent of 749 MS-13 members

\begin{footnotes}
\item[213] Ibid.
\item[214] Ibid.
\item[218] Ibid.
\end{footnotes}
prosecuted by the department since 2016 were “unlawfully present” in the United States, with another 15 percent unable to have their immigration status verified.\textsuperscript{223}

The gang continues to try to exploit the porous Southwest border. In FY22, agents arrested more than 300 MS-13 members attempting to sneak into the United States.\textsuperscript{224} Through July 2023, the Border Patrol had apprehended another 156 members of the gang.\textsuperscript{225} On Aug. 16, 2023, Border Patrol Chief Jason Owens tweeted that Border Patrol agents in both Laredo and Miami had recently arrested “violent gang members,” with one MS-13 member assaulting and injuring two agents in the Miami incident.\textsuperscript{226} In May 2023, ICE officials in New York conducted operations over a three-day period targeting “over a dozen individuals who have reentered the United States unlawfully—some of whom are connected to the MS-13 gang,” and per one press report, “Officials told NewsNation that many of the people they’re arresting this week gain entry through the southern border.”\textsuperscript{227}

Officials do not know how many MS-13 members have entered the United States un-apprehended or undetected since Mayorkas took office. However, given the skyrocketing number of gotaways and the tendency of bad actors like violent criminals and gang members to pay more to enter the country without being caught, it is potentially a number that should cause great concern.\textsuperscript{228}

Recent events demonstrate why Americans should be concerned about MS-13 members among the historic number of gotaways. In August 2023, ICE arrested MS-13 gang member Juan Carlos

\textsuperscript{223} Ibid.
\textsuperscript{226} Chief Jason Owens [@USBPChief], “8/14: USBP agents in Laredo & Miami arrested violent gang members. During the arrest in Miami, an MS-13 gang member assaulted & injured two of our agents. That subject is now in custody & facing prosecution for Reentry & for Assault on a Federal Officer, both felonies.,” Tweet, Twitter, August 16, 2023, https://twitter.com/USBPChief/status/1691797407753781421.
Portillo in Alabama. At the time of his apprehension, Portillo was on El Salvador’s “100 Most Wanted” list for a variety of heinous crimes, including aggravated kidnapping, attempted aggravated homicide, and aggravated homicide. He had previously been apprehended and subsequently removed from the United States after crossing illegally near Hidalgo, Texas, in December 2022, but later reentered the country on an unknown date in an unknown location—in other words, as a gotaway.

The historic influx of UACs is another area in which Mayorkas’ policies have uniquely benefitted the gang, and almost certainly served to swell its ranks. Between May 2017 and March 2018, for example, ICE conducted an ongoing enforcement effort called “Operation Matador.” During the course of the operation, ICE arrested 475 gang members and affiliates, including 274 members of MS-13—99 of those 274 had entered the country as UACs.

During a law enforcement roundtable hosted at the White House in 2018, Angel Melendez, HSI special agent in charge for New York, said that ICE routinely finds that 30 percent of MS-13 members they arrest came into the country as UACs. Melendez also provided analysis that demonstrates the UAC pipeline MS-13 can exploit today at far greater scale.

He pointed out that in FY17, 40,810 UACs were referred by DHS to the Department of Health and Human Services’ (HHS) Office of Refugee Resettlement (ORR) to be resettled in the United States with sponsors, and that of this population, 21,881 were from Northern Triangle countries, male, and the right age for gang recruitment (13-17). Melendez also briefed that MS-13 was “looking at these 21,000 unaccompanied alien children that came into the states as potential recruits to continue to fill in their ranks.”

By comparison, in FY21 and FY22, DHS referred approximately 250,000 UACs to HHS for placement, and in FY22, 72 percent of all UACs referred were over 14 years old, and 64 percent entered the country as UACs.
were male. Simple math makes clear that Mayorkas and the Biden administration’s policies have almost certainly brought a flood of new potential recruits right to MS-13’s doorstep.

A recent grand jury investigation in Florida into the Biden administration’s irresponsible handling of the flood of UACs across the border found that a growing number of gang members are being brought into the United States under the guise of being UACs:

“According to the testimony of the Border Patrol’s acting chief, even as far back as 2017 it was known that at least 59 UAC had been identified as members of the MS-13 gang. That number has increased significantly; we received testimony that other gangs likewise send members and even have UAC members graduate to adulthood and apply to sponsor other UAC members. Entire separate facilities were required at some ORR shelters to house those UAC who were flashing gang signs, engaging in fights, and making threats due to gang affiliation.”

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Section 3: The Surge of National Security Threats Across the Border

The Biden-Mayorkas border crisis represents an unmitigated national security threat. It is well documented that cartels, human smugglers, and violent gangs have taken full advantage of Mayorkas and Biden’s open-borders policies in pursuit of their malicious ambitions—but they are not the only ones.

Individuals from more than 160 countries have been encountered by Border Patrol agents since January 2021, including individuals from countries that sponsor terrorism or are major U.S. adversaries. According to DHS’ Nuñez-Neto, an “enormous proportion” of the individuals CBP now encounters are not from Mexico or the Northern Triangle at all, in stark contrast to the majority of encounters in previous years. John Modlin, Tucson Sector’s chief patrol agent, told Committee staff in July 2023, “This flow of nontraditional migrants was what [the Yuma Sector] was dealing with a year ago—a lot of Chinese, a lot of...nontraditional migrants. Not Mexico, not Northern Triangle, just the rest of the world, basically. Now we are seeing that [in Tucson Sector]. It’s not uncommon for one of these large groups to be made up of 12 to 15 different nationalities.”

Individuals on the Terror Watchlist Coming Across in Record Numbers

Perhaps most troubling is that an increasing number of those coming across the Southwest border represent potential national security threats. Since FY21, the Border Patrol has recorded a historic number of apprehensions of individuals who appear on the Terrorist Screening Data Set (TSDS) since the start of FY21. The TSDS, also known as the “terror watchlist,” is the “U.S. government’s database that contains sensitive information on terrorist identities.” The TSDS originally provided information on known or suspected terrorists, but now includes information about individuals who represent a potential threat to the United States.

From FY17–FY20, between ports of entry along the Southwest and northern borders, the Border Patrol apprehended just 14 individuals whose names were on the TSDS, with most of them attempting to enter through the Southwest border. \(^{243}\) In comparison, 263 individuals whose names appear on the TSDS have been apprehended since FY21—259 of them along the Southwest border. \(^{244}\) More than half of these individuals (146) have been apprehended at the Southwest border this fiscal year alone, far surpassing the previous record of 98 set in FY22. \(^{245}\)

Shortly after the Title 42 public health order expired, CBP reported multiple apprehensions of individuals on the TSDS, including an Afghan national apprehended near San Diego, \(^{246}\) a Pakistani national near Ajo Station, Arizona, \(^{247}\) and five more individuals caught in the Tucson Sector. \(^{248}\)

This historic number of TSDS apprehensions represent just the individuals Border Patrol agents have been able to catch. It is unknown how many additional national security threats have been among the approximately 1.5 million known gotaways that have evaded Border Patrol altogether. Richard Wiles, sheriff of El Paso County, has said the open border “is ripe for terrorists and criminals to simply walk across our border and do harm to our citizens.” \(^{249}\) When asked if he was concerned about the public safety implications of the gotaways in his sector, Sean McGoffin, chief

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\(^{243}\) Ibid.

\(^{244}\) Ibid.

\(^{245}\) Ibid.


patrol agent for the Big Bend Sector, told the House Committee on Homeland Security in April 2023, “Absolutely. I don’t think anybody in law enforcement wouldn’t be.”

The Border Patrol’s Owens told Committee staff during a May 2023 interview that he was “absolutely” concerned that the high flow of illegal aliens through the Del Rio Sector was impeding his agents’ ability to reduce the number of gotaways:

“[I]f my men and women are stuck in a humanitarian effort of processing these folks, they cannot be in two places at once. They cannot be out on patrol. And where I need them out on patrol is to not only account for those gotaways but to reduce them, where possible. Everything revolves, as I said before, around having those men and women on the ground doing the job. ... I need them out doing the job that they were hired to do. And where they’re doing something else, they cannot be there.”

“Anytime somebody chooses to evade capture, as I said before, you have to ask yourself why, and is that individual a cause of greater concern? What do they have to hide that they’re willing to go through such lengths to try and evade capture? Those are the ones that—especially if they are among the gotaways—that keep us up at night,” he later added.

Finally, as former ICE Acting Director Tom Homan has pointed out, it is reasonable to assume that potential national security threats are among the gotaways entering the country, because they do not want to be apprehended by the Border Patrol. He told Fox News in March 2023:

“After 9/11, we created all these databases so if you want to come to the United States, get a plane ticket or a visa, you gotta go through all this vetting through various databases. Why would any terrorist put themselves in a position to be vetted through these databases when you can simply get to Mexico, cross the Southwest border like 1.3 million others did, and not get arrested?”

Some individuals have already tried to take advantage of the open border to commit acts of terrorism, including Shihab Ahmed Shihab Shihab. Shihab came to the United States on a non-immigrant visa, but was charged with planning to smuggle terrorists into the country through the open Southwest border in an attempt to assassinate former President George W. Bush.

Individuals on the TSDS have also been released into the United States after being apprehended. In April 2022, a Colombian man named Isnardo Garcia-Amado was released into the interior with a GPS monitoring device via the Alternatives to Detention (ATD) program. Three days
after his release, the FBI flagged his name as a hit on the terror watchlist, but ICE did not rearrest him until almost two weeks later. He had traveled from Arizona to Florida in that time.\textsuperscript{256}

In June 2023, the DHS Office of the Inspector General (OIG) released a shocking report showing that in April 2022, CBP officials had released an illegal alien who was ultimately found to have been on the terror watchlist.\textsuperscript{257} On April 17, 2022, the alien was apprehended with family members in Yuma, Arizona. He was initially determined to be an “inconclusive Terrorist Watchlist match” based on data provided by CBP to the FBI, and subsequently released April 19. Two days later, when the alien and his family attempted to fly from California to Tampa, Florida, the FBI received more information from TSA showing the alien was actually on the terror watchlist. Two weeks later, ICE arrested the alien.\textsuperscript{258}

According to the OIG, “CBP apprehended and subsequently released a migrant without providing information requested by the [Terrorist Screening Center] that would have confirmed they were a positive match with the Terrorist Watchlist.”\textsuperscript{259} This potential terrorist was released before proper vetting was completed because, according to Border Patrol agents at the Yuma centralized processing center, “the Yuma CPC was over capacity following an increase in apprehensions, which created pressure to quickly process migrants and decreased the time available to review each file.”\textsuperscript{260}

It is deeply troubling that individuals on the terror watchlist are being released before they have been fully vetted simply because CBP officials feel pressured to release them. Ultimately, it is Mayorkas’ policies that are to blame, as record numbers of illegal aliens continue to flow across the Southwest border in response to his mass “catch-and-release” policies.

Additionally, one recent report makes clear that those connected to terror groups have been able to take advantage of a Southwest border increasingly left vulnerable by Mayorkas’ policies. On Aug. 29, 2023, CNN reported that a large group of Uzbek nationals were smuggled across the Southwest border earlier in 2023 by a smuggling network that contained at least one individual “with ties to ISIS.”\textsuperscript{261} At the time of CNN’s report, federal law enforcement had not yet located all these individuals who had illegally crossed into the United States, and more than 15 of those who had been apprehended were “still under scrutiny by the FBI as possible criminal threats.”\textsuperscript{262}

\textsuperscript{256} Ibid.
\textsuperscript{258} Ibid.
\textsuperscript{259} Ibid., p. 9.
\textsuperscript{260} Ibid., p. 12.
\textsuperscript{262} Ibid.
SECTION 3: THE SURGE OF NATIONAL SECURITY THREATS ACROSS THE BORDER

Perhaps these examples demonstrate why the Laredo Sector's Martinez, in the context of national security, told the House Committee on Homeland Security, “every apprehension worries me,” because agents “never know...who we’ll run into. One minute we’re dealing with a child and the next we’re dealing with an adult. We don’t know what their intentions are.”263 Mayorkas has lost control of the border, and created an environment in which nefarious individuals with the intention of doing Americans harm can enter the country at will.

**Potential National Security Threats Arriving from Other Nations**

It is not just potential terrorists that are flooding across the border, however. Waves of individuals from adversarial countries like China and Russia continue to flow across, as well. Then-Border Patrol Chief Ortiz tweeted on June 9, 2023, that from FY22 to FY23, Border Patrol agents had recorded surges of illegal aliens from China and Afghanistan in excess of 1,000 percent.264

The number of Chinese and Russian nationals crossing illegally has skyrocketed in the last two years. This fiscal year alone, the Border Patrol has recorded 17,678 apprehensions of Chinese nationals just at the Southwest border.265 In all of FY20, that number was 1,236, just 323 in FY21, and 1,970 in FY22.266 In the same timeframe, the Border Patrol has also apprehended more than 7,000 Russians illegally crossing the Southwest border, compared to 24 in FY20, 509 in FY21, and 5,197 in FY22.267

The surge in apprehensions of Chinese nationals at the Southwest border has placed a substantial strain on CBP officials. The Border Patrol’s Chavez said in March 2023 that apprehensions of Chinese nationals in FY23 in the Rio Grande Valley Sector had increased more than 900 percent compared to FY22.268 She tweeted that the surge was “creating a strain on our workforce due to the complexities of the language barrier & lengthens the processing.”269 Through July 2023, Border Patrol apprehensions of Chinese nationals along the Southwest border exceeded FY22

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263 Joel Martinez, Transcribed Interview with the House Committee on Homeland Security, 27-28, June 1, 2023.
264 Chief Jason Owens [@USBPChief], “We Have Seen an Increase of over 1000% from Some Countries. While We Work Diligently to Repatriate Migrants from These Countries, We Still Have Challenges with Countries’ Governments to Get Working Programs in Place to Repatriate All Those We Apprehend.,” Tweet, Twitter, June 9, 2023, https://twitter.com/USBPChief/status/1667215420984573960.
266 Ibid.
267 Ibid.
269 Chief Patrol Agent Gloria I. Chavez [@USBPChiefRGV], “RGV Continues to Lead the Nation in Chinese Migrant Encounters. In FY23, There Have Been 1,577 Apprehensions-91% Being Single Adults. A 920% Increase Compared to FY22 Creating a Strain on Our Workforce Due to the Complexities of the Language Barrier & Lengthens the Processing.,” Tweet, Twitter, March 16, 2023, https://twitter.com/USBPChiefRGV/status/1636489039917219840.
SECTION 3: THE SURGE OF NATIONAL SECURITY THREATS ACROSS THE BORDER

apprehensions of the same demographic by almost 800 percent—the overwhelming majority of them single adults.  

Chinese and Russian nationals are of particular concern, given those nations’ status as the United States’ most significant adversaries and the threat they pose to America’s national security. Fox News’ Adam Shaw and Bill Melugin reported in February 2023 that Chinese nationals are typically processed for expedited removal, “unless they claim to have a credible fear of persecution if returned to the country—where the Chinese Communist Party holds power.” Consequently, sources told Shaw and Melugin, “many are claiming that fear and are subsequently being released into the U.S. on their own recognizance and with a notice to appear for a court date for their immigration hearings.”

It is possible that many of these individuals are fleeing the authoritarian, repressive regimes in their home countries. Some of them may even qualify for asylum, unlike the vast majority of those who are crossing illegally for economic reasons or to flee general violence in their home countries. Notably, however, Chief Patrol Agent Good told the House Committee on Homeland Security in June 2023 that based on his observations, the “typical reason” given by Chinese nationals for entering illegally was “the same as most of the migrants—for work or a better life.”

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272 Ibid.

273 Members of the House Committee on Homeland Security were given a bipartisan classified briefing on July 27, 2023, by multiple CBP officials. In this briefing, officials stated that some of the Chinese nationals apprehended illegally crossing the border presented they were fleeing from oppression by the Chinese Communist Party, or taking advantage of relaxed COVID-19 restrictions.

274 Anthony Scott Good, Transcribed Interview with the House Committee on Homeland Security, 37, June 29, 2023.
The threat to national security lies not just in the fact that these individuals are crossing illegally to begin with, putting undue strain on Border Patrol agents, but that CBP and other federal agencies simply do not have the ability to properly screen them before they are released into the interior. As the crisis continues, and agents are forced to continue rapidly processing and releasing those they encounter, the possibility of bad actors from these countries being released into American communities will only increase.

It is simply unknown how many of those released into the interior have sinister intentions. What is known, however, is that some unquestionably do. In an astounding revelation on June 14, 2023, House Homeland Security Committee Chairman Green revealed that senior Border Patrol sources had confirmed that some of the Chinese nationals apprehended in recent months at the Southwest border “have ties to the Chinese Communist Party (CCP) and the People’s Liberation Army (PLA).”

Russia has been suspected of using similar tactics on the borders of European nations for its own ends, smuggling operatives in amongst the flow of migrants between these states. A 2021 Newsweek report noted, “NATO allies on its Baltic front lines fear that Russia and Belarus are exploiting the flow of thousands of migrants into the European Union (EU)—perhaps even as cover for their agents—to infiltrate and destabilize Western democracies, and threaten exiled dissidents.”

(Source: CBP Nationwide Encounters data)


Moscow, however, is not the only American adversary using migration flows for its own sinister purposes. In the Western Hemisphere, Venezuela has done the same thing. During a June 2023 hearing held by the House Homeland Security Committee’s Subcommittee on Counterterrorism, Law Enforcement, and Intelligence, Christopher Hernandez-Roy of the Center for Strategic and International Studies (CSIS) testified that Venezuela had been known to embed spies in the flow of individuals into neighboring Colombia to “harass and persecute” those opposed to the Maduro regime. Such conduct, he said, raises questions about what other U.S. adversaries are doing to take advantage of the porous Southwest border:

“Thus, a U.S. adversary has taken advantage of this human wave to conceal the entry of spies into a traditional U.S. ally. This begs the question of what more sophisticated U.S. adversaries like China and Russia might be doing to take advantage of the historic migration flows across the U.S. southern border.”

During the same hearing, Elaine Dezenski, former DHS acting assistant secretary for policy, was asked whether policymakers should assume China is taking advantage of the porous Southwest border. She responded, “I think we should assume that any vulnerabilities at our southern border are open for authoritarian influence of many kinds. I think that’s a safe assumption. If the gaps are there, then those who are working against us are going to use them to their advantage.”

According to Dezenski, finding the national security risks among the millions of illegal aliens crossing the border is a “needle in the haystack problem” and that the United States has “an identity management problem at the border” that is only “going to become more and more difficult.”

Section 4: Irresponsible Use of Federal Law Enforcement Personnel

The massive influx of illegal aliens on Mayorkas’ watch has put a tremendous strain on CBP personnel and resources. As a result, federal law enforcement personnel from around the country have been diverted from their vital responsibilities in order to support operations on the Southwest border—often in simple administrative capacities.

**Redeploying Border Patrol Agents from the Northern Border**

One of DHS’ more controversial personnel shifts has been the deployment of Border Patrol agents from the northern border to the Southwest border. According to CBP, between October 2020-April 2023, thousands of Border Patrol agents and CBP officers were temporarily relocated from the northern border to the Southwest border.²⁸⁰ Deployments of CBP officials, in particular, increased substantially from FY22 to FY23,²⁸¹ likely to further enable CBP to more rapidly process and release illegal aliens into the United States. In 2022, per a DHS spokesperson, “at the peak of deployments, 464 [Border Patrol] agents were deployed from northern border sectors.”²⁸² It should be noted that the Committee was provided the specific numbers of deployments for each agency, by year, but was prohibited from publishing them in this report by an arbitrary ‘For Official Use Only’ marking on the data.

After DHS confirmed the personnel policy in early 2022, Texas Rep. Cuellar criticized the policy, saying, “It’s almost like bringing people so they can be more efficient in allowing the migrants to come into the United States... It’s ‘how do we move the migrants faster from the border out into the interior?’”²⁸³

In FY20, the number of Border Patrol agents assigned to the northern border totaled around 2,000, while around 17,000 were serving on the Southwest border.²⁸⁴ The Border Patrol’s Good, who previously served in the Grand Forks Sector along the northern border, told the House Committee on Homeland Security in June 2023 that sending agents to the Southwest border, and even having them help with processing remotely, had an impact on operations at the northern border:

> “Like I said before, we only have 200 agents for over 800 miles of border in the Grand Forks Sector. So, sending sometimes up to 30 agents...required us to have less shifts. So, if a station had two shifts for a 24-hour period, they were reduced to one shift. And there was a station that had three shifts, a 24/7 operation, that reduced to two shifts. And we were

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²⁸⁰ Information provided by CBP to the House Committee on Homeland Security, April 19, 2023.
²⁸¹ Ibid.
SECTION 4: IRRESPONSIBLE USE OF FEDERAL LAW ENFORCEMENT PERSONNEL

successful by leveraging our Stone Garden partners, local law enforcement in those areas to assist us. However, there were less agents in the field doing border security missions in the Grand Forks Sector.”

In May 2023, the DHS OIG released a report on the operations being conducted at various CBP facilities it had inspected along the northern border. In speaking with Border Patrol personnel in the course of this investigation, the OIG found that the deployment of agents to the Southwest border had a substantial operational impact:

“Swanton sector Border Patrol officials also said the details affected enforcement on the northern border. For example, boat patrols on the St. Lawrence River were curtailed, as was participation in joint law enforcement task forces operating on the northern border. When agents needed to take emergency leave due to illness, some shifts were not staffed or were understaffed. Officials said as a result of the details, the Swanton sector Border Patrol was less effective at disrupting cross-border smuggling and assisting with criminal cases.”

Even as more Border Patrol agents and resources have been shifted to the Southwest border, illegal crossings at the northern border have surged. Total northern border encounters have jumped in the past two years. In FY21, CBP recorded 27,180 total encounters of inadmissible aliens at or between northern ports of entry. That jumped to 109,535 in FY22, and through July of FY23, stood at 150,743 encounters. As noted by one independent analysis of the figures in February 2023, “the number of ‘other than Canadian’ nationals deemed inadmissible at the northern border ports jumped sixfold between FY 2021 and FY 2022 — from around 10,250 to nearly 67,000,” with around 10 percent coming from China.

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287 Ibid, 12.
Meanwhile, the number of Border Patrol apprehensions between northern border ports of entry this fiscal year (7,633) has already more than tripled FY22’s total (2,238), which in turn more than doubled FY21 (916).

North Carolina Rep. Dan Bishop, chairman of the House Committee on Homeland Security’s Subcommittee on Oversight, Investigations, and Accountability, said in March 2023:

The northern border “is now a hot spot for illegal alien crossings, including individuals on the terrorist watchlist, organized criminal activity, and illicit drug smuggling. Illegal alien encounters are up more than 800 percent from last fiscal year in the Swanton Sector alone. The Biden administration has encouraged and facilitated this lawlessness and left our northern Border Patrol agents without the means to accomplish their mission and defend our porous border.”

According to Border Patrol agents in the Swanton Sector in June 2023, illegal crossings between October 2022-May 2023 exceeded total crossings from the past six years combined. By September, that number had increased even more, with Robert Garcia, chief patrol agent for the

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section, tweeting that apprehensions had exceeded 6,100 individuals from 76 different countries through August of FY23—more than the previous 10 years combined.293

The NBPC’s Judd pointed out in congressional testimony in March 2023 that given Canada’s more-lax visa policies, individuals from hostile nations like China can more easily enter Canada and then illegally cross the United States’ northern border.294 Other officials have confirmed similar findings.295

The northern border’s extreme elements can also be just as perilous as those at the Southwest border. In January 2022, Canadian police found an Indian family, including two young children, frozen to death near the U.S.-Canada border. Authorities believe the family perished attempting to cross.296

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293 Chief Patrol Agent Robert Garcia [@USBPChiefSWB], “Over 6,100 apprehensions from 76 different countries in just 11 months, surpassing the last 10 years combined. Swanton Sector Agents are resolute and determined to hold the line across our 295 miles of border in northeastern New York, Vermont & New Hampshire,” Tweet, Twitter, September 6, 2023, https://twitter.com/USBPChiefSWB/status/1699368978932449444.


Finally, in an embarrassing turn of events demonstrating Mayorkas’ reactionary approach to dealing with the border crisis, DHS has responded to the growing crisis at the northern border by deploying agents from the Southwest border to handle the influx there.\(^{297}\)

**Not-So-Friendly Skies—Reassigning Air Marshals to Administrative Duty**

The Federal Air Marshals Service (FAMS) has also been impacted by the crisis, as marshals have been pulled away from their roles ensuring security on flights to instead perform duties at the Southwest border unrelated to law enforcement. The House Committee on Homeland Security received information in spring 2023 that air marshals are being placed on three-week rotations, with up to several dozen air marshals and multiple supervisors at the border at any given time.\(^{298}\)

In mid-2021, the marshals service requested volunteers for shifts at the Southwest border, but after few individuals volunteered to be taken away from their law enforcement duties, the deployments were made mandatory.\(^{299}\)

According to the Air Marshals Association, the forced deployment of air marshals has put immense strain on the workforce as a whole, since many marshals are retiring. The association recently stated in an internal newsletter, “We have had a staggering number of retirements in the last few years. We cannot keep sending a large number of our flying FAMS to the border at the expense of our current mission, while also creating new AVO positions, which currently take more FAMS out of the air without a clearly defined job.”\(^{300}\)

These deployments also represent a national security risk. Per one 2022 press report, these involuntary deployments to the Southwest border “would strip 99% of commercial flights from federal protection as people take to the skies during the busiest time of the year for air travel,” leaving “just 1-in-100 U.S. flights with federal agents on board, one-eighth of its normal coverage.”\(^{301}\)

The National Association of Police Organizations (NAPO) released a statement in November 2022 highlighting similar concerns with the policy:

> “During these deployments, air marshals are not using their law enforcement skills to help secure the border, but are tasked with non-law enforcement jobs, including janitorial duties. The Federal Air Marshal Service is understaffed and covering the fewest number of flights since before September 11, 2001. We strongly question the decision by the Department of Homeland Security to divert much-needed aviation security to the southern border especially as we enter the busiest travel season of the year, particularly as a Federal emergency has not been declared at the border. The jobs air marshals are being asked to

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\(^{298}\) Information provided to the Committee by Transportation Security Administration Legislative Affairs, May 4, 2023.


\(^{300}\) “April Membership Update: Message from the AMA,” *Air Marshal Association*, email newsletter, April 22, 2023.

do at the border are well below their skill level and a waste of important resources. Further, it puts an incredible strain on an already stressed workforce.”

**Diverting HSI Away from Federal Investigations**

In addition, based on data provided to the Committee, as many as 120 HSI agents have been diverted from working on border security efforts, many of them being pulled away from their jobs doing casework on crimes like child trafficking. In August 2023, the Biden administration announced it was sending 140 more HSI agents to the Southwest border, prompting one source to say, “You’re using skilled and trained special agents who are trained in criminal investigations and law enforcement tactics to guard people and to hand out food to individuals and help with processing.”

The HSI source further told the press:

“So, when you pull an agent from an active investigation, and you put them somewhere else for 30 days, that affects that agent’s ability to continue working in that case. And for HSI a lot of times, we have just one agent in that case. We don’t have multiple agents assigned to it. So, someone else can’t pick up that slack once somebody has to go down there. So, your case just gets put on standstill, put on pause, but the criminal activity doesn’t. That continues.”

“So, you’re not able to continue with the activity going on in that investigation, which includes terrorism cases, human trafficking cases, violent organized crime cases and child exploitation cases. We’re already understaffed as an agency, and pulling us down to the border — it makes us almost a critical level of understaffed.”

On a similar note, the Border Patrol’s Good told Committee staff in June 2023 that law enforcement detailees are typically “put where the need is, which is usually processing and transportation,” and that these professionals could be placed in administrative functions because that was the area of need.

Senior DHS officials confirmed these functions in official memos, as well. In an April 2023 memorandum of agreement (MOA) signed by the heads of both ICE and CBP, the agencies stipulated that HSI detailees to the Southwest border would be assigned primarily to administrative functions, including “hospital watch,” “entry control,” and “welfare checks.”

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303 Internal correspondence provided to House Committee on Homeland Security.


305 Ibid.


307 April 2023 CBP-ICE Memorandum of Agreement provided to the House Committee on Homeland Security.
MEMORANDUM OF AGREEMENT
BETWEEN
U.S. CUSTOMS AND BORDER PROTECTION
AND
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
TO PROVIDE ASSISTANCE TO U.S. BORDER PATROL
ON THE SOUTHWEST BORDER

1. PARTIES:
The parties to this Memorandum of Agreement (MOA) are the U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) (collectively, “the Parties”), both of which are components of the U.S. Department of Homeland Security (DHS).

2. AUTHORITIES:
The authorities for CBP and ICE to enter into this Agreement are:

(A) 5 U.S.C. § 3341 and 5 C.F.R. § 300.301, which authorize details of personnel within an Executive agency for 120-day periods; and,

(B) 31 U.S.C §§ 1535-1536.

3. BACKGROUND:
The Nation is experiencing a surge in irregular migration along the Southwest Border. The unprecedented volume of Noncitizen Migrants (NCMs) currently apprehended and in U.S. Border Patrol (USBP) custody along the Southwest Border requires immediate action to protect the life and safety of federal personnel and noncitizens in CBP custody. To support its mission, CBP is seeking federal employees from DHS Components and other federal agencies to be placed on reimbursable detail to assist in critical support functions.

4. PURPOSE:
The purpose of this MOA is to document approval of, and terms and conditions for, the reimbursable detail of ICE, Homeland Security Investigations (HSI) Special Agents to CBP in support of the border security and humanitarian mission along the Southwest Border. This MOA addresses the relationships between operational (i.e., daily) control and administrative and management control of the detailees.
5. DUTIES:

Detailees will not be assigned responsibilities that exceed their current pay band. Non-supervisory personnel will not be asked to perform supervisory responsibilities while on detail to include but not limited to, monitoring, assigning, and directing work or work assignments of co-workers. No temporary promotions will be afforded during the detail assignments. Individual detailees, at the discretion of CBP, will be assigned to non-supervisory duties in one of the following categories:

a. Hospital Watch – Escort and transportation of NCMs to local health providers and hospitals, security detail for the duration of the NCM’s hospital care, and transportation back to the USBP station or Office of Field Operations (OFO) facility once medically deemed fit for travel.

b. Transportation – Escort and transportation of NCMs from the point of apprehension to processing; from a port of entry to holding or processing; between Border Patrol Sector facilities or from Border Patrol Sector facilities to U.S. Immigration and Customs Enforcement (ICE) custody, the U.S. Department of Health and Human Services (HHS), or other entities with jurisdiction over post-processing custody, or point of release, as appropriate.

c. Law Enforcement Searches – Performing searches of NCMs in CBP custody in accordance with CBP Transportation, Escort, Detention, and Search (TEDS) standards, including immediate pat downs of individuals in custody before they board for transport, placing or removing handcuffs or restraint devices on individuals in custody, if necessary, during transport, and responsibility and oversight of NCMs’ personal property, documents, and medications during transportation.

d. Entry Control – Aiding with authorizing access to CBP owned or managed facilities and/or grounds at the vehicle entry/exit-control points.

e. Security at CBP Facilities – Staffing holding areas at CBP facilities, including soft-sided detention facilities, and providing walking escort of NCMs, pedestrian access control, security for housing units, processing pods, and roving patrols on CBP owned/managed grounds.

f. Welfare Checks – Physically observing NCMs in holding areas and assessing safety and well-being while pending processing or transportation. These checks are required every 15 minutes and are required during the period that any person is in CBP custody.

An April 2023 memorandum of agreement shows that HSI agents are being required to perform administrative functions at the Southwest border.
DHS Requesting Volunteers from Federal Workforce

The Biden administration has also repeatedly solicited volunteers from other federal departments, even those not connected to border security, asking for assistance. In March 2021, the administration sent a request for volunteers to help process UACs as part of an HHS detail.308 A year later, DHS leadership sent a department-wide request asking for more volunteers to assist CBP with the “large numbers” of illegal aliens flooding across the border.309 Even more recently, in the summer of 2023, DHS sent an internal memo calling for volunteers to assist CBP, looking for “general support and data entry volunteers to perform non-law enforcement and logistics tasks to help our CBP colleagues at the Southwest border.”310

Conclusion: Mayorkas Has Ceded Control of the Southwest Border to Cartels, National Security Threats

In the early days of the crisis, Texas Rep. Chip Roy and Nicole Bishop, criminal district attorney for Kendall County, Texas, explained that the crisis sparked by Mayorkas’ policies at the Southwest border has not only overwhelmed federal and state law enforcement, but has empowered the cartels:

“And with interior enforcement overrun, cartels are proving they are in control of this crisis. They are profiting handsomely as a result...This is no longer just a border problem; it’s a problem for the whole country. There are dangerous people doing horrible things to human beings for profit further and further away from our border and closer and closer to where most of us live. Cartel smugglers are becoming increasingly armed and increasingly emboldened as they expand their operations on U.S. soil.”

This conclusion is inescapable. The evidence overwhelmingly demonstrates three incontrovertible facts about cartel operations at the Southwest border and in American communities across the nation.

First, the cartels have seized unprecedented control of the Southwest border. The testimony of experienced border security and law enforcement professionals, to say nothing of the sheer number of illegal aliens and illicit drugs being moved across the border every day, together demonstrate that the cartels now possess a historic level of control at the Southwest border. Despite their heroic efforts, the men and women of federal, state, and local law enforcement have been overwhelmed by the onslaught, and are only able to mitigate some of the consequences of that control.

Second, the cartels have seized control as a result of the open-borders policies of Mayorkas and the Biden administration. These groups have seized on the millions of people streaming through Mexico to the Southwest border to take advantage of Mayorkas’ radical “catch and release” policies, confident in the knowledge that if they gain entrance into the United States, they will never be sent home. The cartels have capitalized on this eagerness, and devised insidious new ways to take advantage of vulnerable populations to ensure an effectively endless stream of revenue.

Third, cartel control of the Southwest border has led to dire consequences for Americans and aliens alike. The cartels’ operations at the border and in communities across the country have meant more crime, more families ripped apart by addiction, and more vulnerable people exploited and abused. The massive increase in the frequency of these tragedies finds its root in Mayorkas’ willful opening of America’s borders. Meanwhile, the cartels continue to smuggle an unknown number of potential national security threats across the border, some of whom are simply released into the interior.

It is, therefore, this Committee’s conclusion that Mayorkas and Biden’s policies have emboldened and enriched the cartels, ceded control of America’s sovereign Southwest border to these organizations, and jeopardized the safety and security of individuals and communities across this country in the process.

As Sheriff Mark Dannels of Cochise County, Arizona, stated in written testimony to the House Judiciary Committee in February of this year:

“By allowing our border security mission and immigration laws to be discretionary, these Criminal Cartels continue to be the true winners, their exploitation of mankind is simply “Modern Day Slavery”; allowing thousands of pounds of illicit drugs into our country that continue to erode the core-values of families, schools, and subsequently killing Americans on an average of 270 every day is completely unacceptable at any level. ... Our voice of reason has been buried during what I call an intellectual avoidance by this Administration, and yes, members of [the] U.S. Congress.”

The facts are indeed clear—the cartels have been the greatest winners from Mayorkas and Biden’s open-borders policies. In his testimony before the House Judiciary Committee on July 26, 2023, Mayorkas brazenly claimed that his policies had “weakened” the cartels. That claim does not withstand even cursory scrutiny.

The next phase of this Committee’s investigation will focus in even greater depth on the various human costs of Mayorkas’ radical agenda, many of them stemming from the unprecedented control cartels now exercise over the United States’ sovereign Southwest border.

(Source: Al Drago/Bloomberg via Getty Images)

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