



One Hundred Eighteenth Congress  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

September 6, 2023

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

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation  
Washington, D.C 20528

Dear Secretary Mayorkas and Director Wray:

The Committee on Homeland Security (Committee) is conducting oversight of the Department of Homeland Security's (DHS) and the Federal Bureau of Investigation's (FBI) processes for identifying and investigating terrorist threats at the southwest border. Specifically, the Committee is concerned about a recent report that more than a dozen individuals from Uzbekistan and additional countries used a smuggler with ties to the Islamic State of Iraq and Syria (ISIS) to travel to the southwest border and enter the United States.<sup>1</sup> The Committee staff received a classified briefing on August 30, 2023 from DHS and other agencies on the matter, but several questions remain.

The reporting, which cited multiple U.S. officials, states that a group of individuals from Uzbekistan and additional countries sought asylum at the southwest border and were granted entry into the United States after they were screened by DHS. Initial screenings did not uncover their smuggler's connection to ISIS at the time. Subsequently, the FBI learned about a human smuggling network with connections to ISIS that helped the Uzbek and other nationals travel to the United States.<sup>2</sup> According to counterterrorism officials, this incident shows the United States is "deeply vulnerable to the possibility that terrorists could sneak across the southern border by hiding amid the surge of migrants entering the country."<sup>3</sup>

This report is only the latest in a series of incidents that raise concerns about DHS's failure, under Secretary Mayorkas' leadership, to secure the southwest border and protect the American people from potential terrorist threats. The Committee repeatedly expressed warnings about the security of our southwest border and the potential for terrorists to exploit the vulnerabilities due to the Biden administration's open-border policies. For instance, on May 23, 2023, the Committee wrote to both DHS and the FBI requesting information related to the reported arrests of foreign nationals on the FBI's terrorist watchlist who illegally crossed the

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<sup>1</sup> Katie Bo Lillis, Evan Perez, et al., *Exclusive: Smuggler With Ties to ISIS Helped Migrants Enter US From Mexico, Raising Alarm Bells Across Government*, CNN, Aug. 30, 2023, <https://www.cnn.com/2023/08/29/politics/migrants-us-southern-border-smuggler-isis-ties>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

U.S.-Mexico border in May 2023, which included a Pakistani national who was apprehended by Border Patrol agents in southeastern Arizona a day after Title 42's expiration.<sup>4</sup> To date, beyond a half-page interim response letter acknowledging the Committee's request with an assertion that DHS leadership considers the May 23 letter "a high priority,"<sup>5</sup> DHS and the FBI failed to produce any substantive materials in satisfaction of eight categories of information or provide Committee staff a briefing. The Committee reiterates its requests and expects full compliance.

DHS's and the FBI's failures to comply with the Committee's request comes at a time when the number of individuals illegally crossing the southwest border who are listed on the terrorist watchlist has significantly increased over the course of the last two years. According to U.S. Customs and Border Protection (CBP) data, CBP encountered 98 individuals on the Terrorist Screening Data Set (TSDS) in fiscal year 2022 and has encountered 146 individuals on the TSDS to date in this fiscal year alone.<sup>6</sup> These numbers, however, only account for known security threats. Since President Biden took office, CBP estimates there have been at least 1.5 million known "gotaways" who escaped into the U.S. interior after being observed but not apprehended.<sup>7</sup> In a May 5, 2023 transcribed interview conducted by the Committee, then-Del Rio Sector Chief Patrol Agent and now Chief of the U.S. Border Patrol Jason Owens also expressed concern about how little we know about gotaways who may be suspected terrorists. Chief Owens testified that "you don't know who [the gotaways] are, where they come from, what their intent is, what they're bringing with them. And it could range from very minimal to very severe. We just don't know."<sup>8</sup>

The Committee has serious concerns about security at our southwest border and the potential for terrorists to take advantage of the glaring vulnerabilities created by the Biden administration's open border policies. To assist the Committee with its oversight of terrorist threats at the southwest border, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on September 20, 2023:

1. Documents and data sufficient to show the number, demographic information, and processing outcomes, of individuals on the TSDS encountered at the southwest

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<sup>4</sup> Letter from Hon. Mark Green et al., Chairman, H. Comm. on Homeland Sec. to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. and Hon. Christopher Wray, Dir., Federal Bureau of Investigation (May 23, 2023); Anna Giaritelli, *Pakistani Illegal Immigrant on FBI Terror List Arrested at Border Day After Title 42 Ended*, WASH. EXAMINER, May 15, 2023, <https://www.washingtonexaminer.com/policy/defense-national-security/pakistani-illegal-immigrant-fbi-terror-list-arrested-border>.

<sup>5</sup> Letter from Ms. Zephrahanie Buetow, Ass't Sec'y for Leg. Affairs, U.S. Dep't of Homeland Sec., to Hon. Mark Green et al., Chairman, H. Comm. on Homeland Sec. (June 1, 2023). The Committee's May 23, 2023, letter requested information no later than June 5, 2023. Responses to these requests are now 92 days delinquent.

<sup>6</sup> *CBP Enforcement Statistics Fiscal Year 2023*, U.S. CUSTOMS AND BORDER PROTECTION, CBP Enforcement Statistics Fiscal Year 2023, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics> (last visited Aug. 30, 2023).

<sup>7</sup> *Failure by Design: Examining Secretary Mayorkas' Border Crisis: Hearing Before the H. Comm. on Homeland Sec.*, 118th Cong. (Mar. 15, 2023) (testimony of Raul Ortiz, Chief of U.S. Border Patrol).

<sup>8</sup> H. Comm. on Homeland Sec. & H. Comm. on Oversight and Accountability, Transcribed Interview of Jason Owens, Del Rio Sector Chief Patrol Agent at 96 (May 5, 2023).

- border, including but not limited to country of origin, encounter location, release decision, and current location, from January 20, 2021, to the present;
2. Documents and data sufficient to show the actions taken to investigate each individual on the TSDS encountered at the southwest border and the result of the investigation, from January 20, 2021, to the present;
  3. Any and all reports, memorandum, and case notes created during the investigation of the reported<sup>9</sup> smuggler with ties to ISIS;
  4. Documents sufficient to show whether any of the individuals smuggled by individuals linked to ISIS or other foreign terrorist organizations utilized the CBP One application;
  5. Documents sufficient to show the date and time of when Secretary Mayorkas and Director Wray were first informed that Uzbek nationals traveled to the United States with the assistance of a smuggler with ties to ISIS;
  6. All documents referring or relating to ISIS-affiliated smuggling networks or activities that have been discovered operating at the southwest border, from January 20, 2021 to the present; and
  7. All policies and procedures issued for identifying, assessing, and addressing individuals on the TSDS who are encountered at the southwest border, including but not limited to official guidance or inter-agency agreements, from January 20, 2021 to the present.

An attachment contains instructions for responding to this request. To the extent a complete response to this inquiry requires the provision of classified information, please do so under separate cover. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of “all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.”

Thank you for your prompt attention to this important matter.

Sincerely,

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<sup>9</sup> Lillis, *supra* note 1.

Secretary Mayorkas  
Director Wray  
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MARK E. GREEN, M.D.  
Chairman  
Committee on Homeland Security



DAN BISHOP  
Chairman  
Subcommittee on Oversight,  
Investigations, and Accountability



CLAY HIGGINS  
Chairman  
Subcommittee on Border Security  
and Enforcement



AUGUST PFLUGER  
Chairman  
Subcommittee on Counterterrorism,  
Law Enforcement, and Intelligence

Encl.

cc: The Honorable Bennie Thompson, Ranking Member  
Committee on Homeland Security

The Honorable Ranking Member Glenn Ivey, Ranking Member  
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Lou Correa, Ranking Member  
Subcommittee on Border Security and Enforcement

The Honorable Seth Magaziner, Ranking Member  
Subcommittee on Counterterrorism, Law Enforcement, and Intelligence