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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

RICHARD J. KESSLER, STAFF DIRECTOR
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January 27, 2014

Via Electronic Transmission

The Honorable Thomas S. Winkowski
Acting Commissioner
U.S. Customs and Border Protection
U.S. Department of Homeland Security
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Acting Commissioner Winkowski:

The agents who make up the U.S. Customs and Border Protection (CBP) have demanding jobs as they carry out a wide range of important tasks. The most important task for CBP agents is guarding around 7,000 miles of land border along the northern and southern borders and the more than 2,000 miles of coastal waters. Each day CBP agents risk their lives on behalf of all Americans. I write to you today regarding an incident that occurred this weekend along the southern border which appears to have involved Mexican military personnel crossing over the International Border a couple of miles from the Sasabe Port of Entry (POE) in Sasabe, Arizona.

As mentioned, this incident occurred near the Sasabe POE, a border outpost, which has been described as "one of the quietest in U.S."¹ According to documents obtained by my office, just yesterday, January 26, 2014, a Border Patrol Agent (BPA) spotted two subjects entering the United States at around 9 o'clock Mountain Standard Time (MST). Apparently after locating this breach, a BPA responded to the area which was approximately 2.5 miles west of the Sasabe POE. The BPA located the subjects 50 yards north of the International Border and the BPA positively identified two subjects looking like Mexican Military. These subjects were wearing tan digital camouflage uniforms and traveling on foot westbound on the U.S. side of the International Boundary Fence Line.

According to the documents, as the BPA initiated contact, both the BPA and the two subjects drew their weapons. The subjects were carrying G3, 7.62 caliber battle rifles. The situation apparently cooled-off as the BPA communicated his identity and the subjects identified themselves as members of the Mexican Military's 80th Battalion. The BPA noticed that the names provided by the subjects did not match the name-tapes on their military uniforms. The two subjects explained to the BPA that they had been pursuing three subjects that were seen in

¹ Daniel Gonzalez. "Sasabe border outpost one of quietest in U.S." *The Arizona Republic*. December 7, 2011. Accessed at: <http://www.tucsonnewsnow.com/story/16130522/sasabe-border-outpost-one-of-quietest-in-nation>

the area. In the end, after additional CBP personnel made their way to the scene, these two subjects ended up going southbound back into Mexico.

A Supervisory Border Patrol Agent (SBPA) at the Tucson Station was contacted and made aware of the situation. I understand this SBPA attempted to make contact with the headquarters of Mexico's SEDENA in Nogales, Sonora, Mexico who cover the area of Sasabe, Sonora where the incursion occurred.

At this time it is unknown if this incident has been resolved as I understand a Critical Incident Team was contacted and they decided not to respond. As the ranking member of the Senate Homeland Security and Governmental Affairs Committee this incident is of concern. In an effort to better understand the nature and frequency of these types of events please respond to the following questions:

- 1) Did this incident happen as explained to my office?
- 2) Was the CBP Commissioners Situation Room advised of this incident? What, if any, actions were taken by CBP to investigate this incident?
- 3) Were any other U.S. agencies made aware of this incident?
- 4) Provide the Significant Incident Report (SIR) along with any follow-up documentation that occurred.
- 5) In an effort to determine the validity of the claims by the two subjects, was CBP able to determine whether three individuals ever crossed the International Border?
- 6) How often does this type of event occur? What protocols does CBP have in place in the event that members of the Mexican Military are seen on the U.S. side of the International Border?
- 7) How many times has Mexican Military personnel crossed the International Border in nexus to a narcotics trafficking investigation or some other significant event?
- 8) Does the CBP have concerns that some members of the Mexican Military could be providing security and/or intelligence to Drug Trafficking Organizations (DTOs)?

Thank you for your attention to this important matter. Please provide a written response by no later than February 3, 2014. If you have any questions regarding these issues, please contact Brian Downey of my Committee staff at (202) 224-4751.

Sincerely,



Tom A. Coburn, M.D.
Ranking Member

cc: The Honorable Thomas R. Carper
Chairman
U.S. Senate Committee on Homeland Security and Governmental Affairs

The Honorable John S. McCain
United States Senator

The Honorable Jeff L. Flake
United States Senator

The Honorable Jeh C. Johnson
Secretary
U.S. Department of Homeland Security

The Honorable John R. Roth
Inspector General
U.S. Department of Homeland Security