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Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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June 4, 2015

The Honorable John F. Kerry
Secretary
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Secretary:

A congressional delegation recently visited the U.S. Embassy in Mexico City and received a briefing on the security situation in Mexico, with an emphasis on the conditions in cities where U.S. consulates are located. Another delegation of congressional staff visited U.S. Consulates in Matamoros and Nuevo Laredo last week. Members and staff who visited Mexico learned that the security situation in and around some of the cities where U.S. consulates are located has deteriorated to an alarming extent.

Improving the security situations in cities where U.S. facilities are located is crucial to ensuring the protection of American personnel and also the many U.S. and Mexican citizens who visit the consulate daily. In light of the current conditions in Matamoros, Nuevo Laredo, and Guadalajara, we are requesting information on the security situation in those three cities, as well as on the efforts that the U.S. government is taking to protect our personnel and to address the security situation generally in northern Mexico.

Mexico's drug war began to escalate in 2006 when the government deployed troops to combat drug cartels.[1] Since then, more than 100,000 people have died or gone missing.[2] The State Department's travel warnings with respect to Mexico reflect the dangers related to the Mexican government's ongoing battle against the cartels. The most recent State Department Travel Warning for Mexico warns that visitors to the State of Tamaulipas (which includes Matamoros and Nuevo Laredo) should:

> [d]efer all non-essential travel . . . . Throughout the state violent crime, including homicide, armed robbery, carjacking, kidnapping, extortion, and sexual assault, pose significant safety risks. State and municipal law enforcement capacity is limited to nonexistent in many parts of Tamaulipas. **Violent conflicts between rival criminal elements and/or**

[1] Ulises Zamarroni, *Mexico ambush kills 10, including 5 federal police*, YAHOO NEWS, Mar. 20, 2015.
[2] *Id.*

> **the Mexican military can occur in all parts of the region and at all times of the day.** Violent criminal activity occurs more frequently along the northern border. While **no highway routes through Tamaulipas are considered safe**, the highways between Matamoros-Ciudad Victoria, Reynosa-Ciudad Victoria, Ciudad Victoria-Tampico, Monterrey-Nuevo Laredo, Matamoros-Reynosa, and Monterrey-Reynosa, are more prone to criminal activity. Organized criminal groups sometimes target public and private passenger buses traveling through Tamaulipas. These groups sometimes take all passengers hostage and demand ransom payments. In Tamaulipas, U.S. government employees are subject to movement restrictions and a curfew between midnight and 6 a.m. Matamoros, Reynosa, Nuevo Laredo, and Ciudad Victoria have experienced numerous gun battles and attacks with explosive devices in the past year. **The number of reported kidnappings in Tamaulipas is among the highest in Mexico, and the number of U.S. citizens reported to the consulates in Matamoros and Nuevo Laredo as being kidnapped, abducted, or disappearing involuntarily in 2014 has also increased**.[3]

According to the State Department's Overseas Security Advisory Council (OSAC), since February 1, 2015, infighting within the Gulf Cartel (Cartel del Golfo or CDG) and confrontations with Mexican security forces have led to an increase in public gun battles and violent street crime in Matamoros.[4] In particular, OSAC reports that despite concerted efforts from state and federal law enforcement officers to quell public outbreaks of violence, local CDG factions and other organized crime groups (OCGs) continue to terrorize businesses and residents alike with threats of extortion, kidnapping, and armed robbery while also dueling internally for turf and power.[5] According to OSAC, a "recent surge in organized crime-related violence in Matamoros is the result of an offensive against Los Ciclones (the dominant CDG faction in Matamoros) by Los Metros, a rival CDG splinter group . . . ."[6] A recent firefight in Matamoros between "caravans of fighters" armed with fully-automatic rifles, .50 caliber machine guns, and grenade launchers killed 12 gang members.[7]

In February, the U.S. Consulate in Matamoros reported 227 separate security incidents in the U.S. border region, including a carjacking at a supermarket frequented by U.S. Consulate employees. The 227 incidents represented only a fraction of actual criminal activity due to self-censorship by journalists.

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[3] U.S. Dep't of State, *Mexico Travel Warning* (May 5, 2015), *available at* http://travel.state.gov/content/passports/english/alertswarnings/mexico-travel-warning.html (last accessed May 19, 2015). (emphasis added)
[4] OSAC Report, *Caught in the Crossfire: Matamoros* (Apr. 9, 2015) *available at* https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=17405 (last accessed May 19, 2015).
[5] *Id.*
[6] *Id.*
[7] *Id.*

On two separate occasions in February 2015, the U.S. Consulate General in Matamoros warned U.S. citizens of increased violence due to rolling gun battles between Los Ciclones and Los Metros factions. U.S. Consulate staff and their families were advised to restrict travel temporarily due to violence.[8] There were numerous reports of Ciclones' convoys patrolling major thoroughfares used regularly by U.S. Consulate staff.[9] The State Department also warned consulate personnel to stay indoors to avoid daytime convoys of cartel gunmen, some of whom were armed with grenade launchers.[10] In fact, a grenade was detonated three miles from the consulate in Matamoros.

Attacks on Mexican government facilities have continued in Matamoros. On May 21, 2015, two government buildings in Matamoros were attacked.[11] A bomb was thrown on that date at the National Electoral Institute in the downtown area of the city, and a second explosive device was thrown at the offices of the Federal Police 30 minutes later, causing exterior damage to the building.[12] On June 3, 2015, press reports indicated that four people were injured when an assailant tossed an explosive device at a courthouse in Matamoros.[13]

The danger in Matamoros has directly affected American citizens. Ernest Garcia and his brother, Jesus, two U.S. Army veterans from Brownsville, have not been heard from since February 2, 2015, when they were visiting their grandmother in Matamoros.[14]

With respect to Guadalajara, media outlets reported that 15 state police officers were killed by suspected gang members in an ambush on the road from Puerto Vallarta to Guadalajara on April 6, 2015.[15] In September 2014, a federal lawmaker was abducted as he drove to the airport near Guadalajara; his charred body was found hours later in a neighboring state.[16]

According to OSAC, in May 2015, the New Generation Jalisco Cartel (CJNG) "coordinated a day of violence throughout metropolitan Guadalajara and the states of Jalisco, Colima, and Guanajuato."[17] Among other things, CJNG "set vehicles ablaze, fire-bombed banks and gas stations, and engaged in firefights with Mexican security forces" and torched buses, commercial trucks, and personal vehicles in the middle of key intersections and roads to form blockades.[18]

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[8] John Burnett, *Matamoros Becomes Ground Zero As Drug War Shifts On Mexican Borde*r, NAT'L PUBLIC RADIO, Apr. 1, 2015.
[9] OSAC Report, *Caught in the Crossfire: Matamoros* (Apr. 9, 2015), *available at* https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=17405 (last accessed May 19, 2015).
[10] John Burnett, *Matamoros Becomes Ground Zero As Drug War Shifts On Mexican Borde*r, NAT'L PUBLIC RADIO, Apr. 1, 2015.
[11] *Grenade attacks reported in Matamoros*, THE BROWNSVILLE HERALD, May 22, 2015.
[12] *Id.*
[13] *4 injured by explosive tossed at Mexico border courthouse*, STAR-TELEGRAM (Fort Worth), June 3, 2015.
[14] *2 US Army veterans disappear in Mexico border town hit with cartel violence*, FOX NEWS.com, Feb. 8, 2015.
[15] *See, e.g.,* Lizbeth Diaz and Dave Graham, *15 state police killed in ambush in western Mexico*, REUTERS, Apr. 7, 2015.
[16] Ulises Zamarroni, *Mexico ambush kills 10, including 5 federal police*, YAHOO NEWS, Mar. 20, 2015.
[17] OSAC Report, *Guadalajara Hit by Narco-Violence* (May 5, 2015), *available at* https://www.osac.gov/Pages/ContentReportDetails.aspx?cid=17580 (last accessed May 18, 2015).
[18] *Id.*

The financial vitality of southern Texas is directly related to the economic strength of northern Mexico. That strength is sapped, however, by insecurity in the region. When drivers and shippers fear violence, commerce stops. When business owners are in fear, they are unwilling to make capital investments and hire new employees.

Of even greater significance are the risks posed to U.S. personnel and the public by the criminal violence in northern Mexico. Families must live, work, and educate their children in the shadow of this threat. Further, even if U.S. personnel in these posts are not directly targeted, they run the risk of being in the wrong place at the wrong time when violence occurs.

In light of the widespread violence in northern Mexico, and the crime-fueled unrest in Matamoros, Nuevo Laredo, and Guadalajara, we urge you to take all steps possible to reduce the level of violence, and to protect the lives of Americans working there.

We are requesting information that will allow us to assess whether the State Department is adequately protecting American personnel in Mexico. Please provide a written response that addresses: (1) why those consulates should remain open given the level of criminal violence in the areas in which they are located; and, (2) what steps the U.S. government is taking to assist the Mexican government in responding to the threat posed by the criminal cartels.

In addition, the State Department's Danger Pay Allowance Table indicates that consular employees in Nuevo Laredo receive a 20 percent Danger Pay Allowance, employees in Matamoros receive a 15 percent Danger Pay Allowance, and employees in Guadalajara receive no Danger Pay Allowance at all.[19] We have been informed that proposed procedural changes will eliminate Danger Pay in Matamoros and Nuevo Laredo.

In the written response, please also address: (3) why Danger Pay is being eliminated for employees of those consulates; (4) whether some other form of additional pay will be provided to the employees of those consulates to compensate them for working under the conditions described above; and, (5) why Danger Pay is not available to the employees of the U.S. consulate in Guadalajara.

Please provide the written response as soon as possible, but no later than 5:00 p.m. on June 22, 2015. In addition to the written response, please provide a briefing to address the issues raised above as soon as possible, but no later than 5:00 p.m. on June 24, 2015. The briefing should address why any or all of those consulates should remain open; whether additional security measures will be implemented to protect consular employees in those cities; and whether the Danger Pay Allowance for employees at those consulates will be raised or cut, or other compensatory pay will be provided.

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[19] U.S. Dep't of State, Danger Pay Allowance (DSSR 650), *available at* http://aoprals.state.gov/Web920/danger_pay_all.asp (last accessed May 19, 2015).

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and may at "any time" investigate "any matter" as set forth in House Rule X.

Please contact Art Arthur of the Oversight Committee staff at (202) 225-5074 with any questions about this request. Thank you for your attention to this matter.

Sincerely,

Jason Chaffetz
Chairman
Committee on Oversight and Government Reform

Filemon Vela
Ranking Member
Subcommittee on Border and Maritime Security
Committee on Homeland Security

cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable Michael McCaul, Chairman
Committee on Homeland Security

The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security

The Honorable Candice Miller, Chairman
Committee on Homeland Security
Subcommittee on Border and Maritime Security

The Honorable Edward R. Royce, Chairman
Committee on Foreign Affairs

The Honorable Eliot L. Engel, Ranking Member
Committee on Foreign Affairs

The Honorable Hal Rogers, Chairman
Committee on Appropriations

The Honorable Nita Lowey, Ranking Member
Committee on Appropriations

The Honorable Kay Granger, Chairman
Committee on Appropriations
Subcommittee on State, Foreign Operations, and Related Programs

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.

2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.

3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.

4. Documents produced in electronic format should also be organized, identified, and indexed electronically.

5. Electronic document productions should be prepared according to the following standards:

   (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.

   (b) Document numbers in the load file should match document Bates numbers and TIF file names.

   (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

   (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;

   BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT,CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.

8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.

9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.

10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.

11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.

12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.

13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.

14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.

15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.

16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.

17. All documents shall be Bates-stamped sequentially and produced sequentially.

18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.

4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.

6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.

7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.