

United States Senate

WASHINGTON, DC 20510

May 23, 2022

VIA ELECTRONIC TRANSMISSION

The Honorable Anne Milgram
Administrator
Drug Enforcement Administration
700 Army Navy Drive
Arlington, VA 22202

Dear Administrator Milgram:

Last November, we wrote to you in the wake of concerning reports issued by the Department of Justice Office of Inspector General (DOJ OIG) and the Office of Special Counsel (OSC) to raise questions about longstanding problems with the Drug Enforcement Administration's (DEA) oversight of its foreign operations.¹ In our letter, we referenced an August 26, 2021, DOJ OIG audit report that examined past examples of malfeasance associated with DEA-supported foreign law enforcement units and found that the DEA conducted only limited oversight following those incidents.² We also requested a briefing and asked about the status of a "top to bottom review of [the DEA's] foreign operations" that you had publicly stated would be conducted and "overseen by an independent team."³

After more than six months, and despite multiple follow-up requests from both of our offices, we have received neither the briefing we requested nor a response to our November 16, 2021, letter. By any measure, such an extended delay is unacceptable. As the DEA's committee of jurisdiction, the Senate Judiciary Committee requires timely responses to its oversight requests.

Furthermore, recent developments in Mexico raise additional concerns and speak to an ongoing need for congressional oversight. On April 21, 2022, the President of Mexico, Andres Manuel Lopez Obrador, announced that a sensitive investigative unit (SIU) that worked with the DEA in Mexico was closed last year.⁴ There are conflicting reports about the unit in question. While one unnamed DEA agent told reporters that the unit's closure "shatters the bridges we spent decades putting together," President Obrador reportedly stated that the unit "which was

¹ Letter from Hon. Charles E. Grassley, Ranking Member, U.S. Senate Judiciary Committee, and Hon. Richard Durbin, Chair, U.S. Senate Judiciary Committee, to Hon. Anne Milgram, Administrator, U.S. Drug Enforcement Administration (November 16, 2021), available at

https://www.grassley.senate.gov/imo/media/doc/grassley_durbin_to_dea_-_oversight_of_foreign_operations.pdf.

² Department of Justice Office of the Inspector General, "Audit of the Drug Enforcement Administration's Headquarters-Based Oversight of its Supported Foreign Law Enforcement Units" (August 2021), available at <https://oig.justice.gov/sites/default/files/reports/21-109.pdf>.

³ Press Release, Drug Enforcement Administration, DEA Announces Review of International Operations (August 26, 2021), available at <https://www.dea.gov/press-releases/2021/08/26/dea-announces-review-international-operations>.

⁴ "Mexican president confirms closure of counter-narcotics unit working with U.S." *Reuters* (April 21, 2022), available at <https://www.yahoo.com/news/mexican-president-confirms-closure-counter-145650792.html>.

supposedly a high-level strategic group, was infiltrated (by criminals).”⁵ According to reports, the former chief of the unit, Ivan Reyes Arzate, previously pleaded guilty in U.S. court in association with what the DOJ has called a drug trafficking conspiracy.⁶ Also, a “former high-level DEA official” reportedly characterized the unit as “a mess,” adding that “[v]ehicles couldn’t be located, radios couldn’t be located” and that “[g]uys weren’t showing up to work. Nobody knew what the hell they were doing.”⁷ Multiple sources also reportedly “described the SIU as deeply dysfunctional and constantly leaking to the cartels.”⁸

According to reports earlier this month, the DEA has also removed an aircraft from Mexico which had been used in association with missions aimed at combatting drug cartels.⁹ The DEA reportedly moved the plane after the Mexican Attorney General’s Office asked the DEA to remove it from its parking space at the Toluca airport near Mexico City.¹⁰ A former DEA agent who served in Mexico reportedly stated that the plane was “invaluable” to missions and that “[i]t’s very important to the DEA’s ability to function and be effective in Mexico.”¹¹ Another security source reportedly stated that the removal of the plane would “bring things to a halt” since it is too dangerous to drive through parts of Mexico.¹²

If accurate, these reports raise additional concerns about the status of DEA operations in Mexico and the DEA’s working relationship with foreign law enforcement units. Accordingly, without any further delay, we ask that you provide detailed answers to the questions we asked in our November 16, 2021, letter and contact our staff to schedule the briefing we requested. In addition, we ask that you respond to the following no later than June 6, 2022.

1. Did the DEA close one of its SIUs in Mexico in 2021 at the request of the Mexican government? If so, please provide the exact dates that the unit in question was in operation and describe the circumstances that led to its closure.
2. Please provide the number of misconduct allegations, broken out by offense category—and including any allegations of waste, fraud, abuse, mismanagement, and/or corruption—received by the DEA associated with the aforementioned unit from the date that it was opened until the date that it was closed.

⁵ *Id.*; Drazen Jorgic, “Exclusive: Mexico shuts elite investigations unit in blow to U.S. drugs cooperation” *Reuters* (April 19, 2022), available at <https://www.reuters.com/world/americas/exclusive-mexico-shuts-elite-investigations-unit-blow-us-drugs-cooperation-2022-04-19/>.

⁶ “Mexican president confirms closure of counter-narcotics unit working with U.S.” *Reuters* (April 21, 2022), available at <https://www.yahoo.com/news/mexican-president-confirms-closure-counter-145650792.html>; Press Release, *Former Mexican Federal Police Commander Sentenced to 10 Years’ Imprisonment for Drug Trafficking Conspiracy* (February 9, 2022), available at <https://www.justice.gov/usao-edny/pr/former-mexican-federal-police-commander-sentenced-10-years-imprisonment-drug>.

⁷ Keegan Hamilton, “The DEA’s Elite Police Unit in Mexico Was Actually Dirty as Hell” *Vice World News* (April 26, 2022), available at <https://www.vice.com/en/article/y3v737/dea-mexico-elite-police-unit-corrupt>.

⁸ *Id.*

⁹ Drazen Jorgic, “Exclusive-U.S. anti-drugs agency pulls plane from Mexico in fresh cooperation blow” *Reuters* (May 11, 2022), available at <https://www.yahoo.com/news/exclusive-u-anti-drugs-agency-135334513.html>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

3. Please also include a detailed description of each allegation, steps the DEA took to investigate those allegations, any referrals to other agencies for further investigation, and any disciplinary actions and/or reforms undertaken to address problems associated with the unit.
4. Did the DEA recently remove a plane that had been used in missions combatting drug cartels following a request from the Mexican government? If so, please explain the circumstances that led to the plane's removal and describe the impact that plane's removal has had on the DEA's ability to carry out its mission in Mexico.

Thank you for your attention to this important matter. Should you have questions, please contact Daniel Parker of Ranking Member Grassley's staff at 202-224-5225 or Joe Charlet of Chair Durbin's staff at 202-224-0723.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Richard J. Durbin
Chair
Committee on the Judiciary