

Congress of the United States
Washington, DC 20515

October 18, 2024

The Honorable Merrick Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Attorney General Garland,

Due to the border crisis created by this administration, U.S. Customs and Border Protection (CBP) agents are overwhelmed by illegal aliens crossing the southwest border, many of whom resort to physical violence to evade detainment. In FY23, CBP reported that 610 agents were assaulted, while in FY24 at least 413 agents were assaulted.¹ Though these incidents primarily involve physical assault, CBP agents also endure a large percentage of assaults by other means, including through the use of projectiles, vehicles, and firearms.

Recently, it was reported that an illegal alien bit a CBP agent in the face while the agent was attempting to detain a group that had crossed the border in New Mexico.² According to the report, the illegal alien who bit the agent was arrested and taken to the hospital, with the agent sustaining non-life threatening injuries. Though this incident was somewhat outlandish in the mode of attack, CBP agents have stated they experience assaults like this almost every night while on duty, including getting rushed by large groups of illegal aliens all at once, many of whom will punch and kick the outnumbered agents.³

In the attack described above, it has been reported that the illegal alien who attacked the agent has been charged with assault of a federal agent.⁴ However, agents have stated that many times illegal aliens who assault their fellow agents are not prosecuted or are only prosecuted for illegal entry. In one instance, a Border Patrol agent was pulled off his horse by an illegal alien, after which both the agent and the illegal alien were injured. In subsequent prosecution, the illegal alien was not charged with assault on the agent but only for illegal entry into the country.⁵

¹ *Assaults and Use of Force Statistics*, U.S. CUSTOMS AND BORDER PROTECTION (last visited Sept. 30, 2024), <https://www.cbp.gov/newsroom/stats/assaults-use-force>.

² Adam Shaw, *Illegal Immigrant bites Border Patrol agent in the face amid 'significant rise' of attacks on CBP*, FOX NEWS (Sept. 20, 2024), <https://www.foxnews.com/politics/illegal-immigrant-bites-border-patrol-agent-face-rise-attacks-cbp>.

³ Jennie Taer, *Illegal migrant punches, bites US Border Patrol agent—as agency battles face 'significant rise' in attacks*, NEW YORK POST (Sept. 20, 2024), <https://nypost.com/2024/09/20/us-news/illegal-migrant-punches-bites-us-border-patrol-agent-as-agency-battles-face-significant-rise-in-attacks/>.

⁴ Randy Clark, *Federal Prosecutors Charge Migrants for Increasing Assaults Against Border Patrol Agents*, BREITBART (Oct. 13, 2024), <https://www.breitbart.com/border/2024/10/13/federal-prosecutors-charge-migrants-for-increasing-assaults-against-border-patrol-agents/>.

⁵ Taer, *supra* note 3.

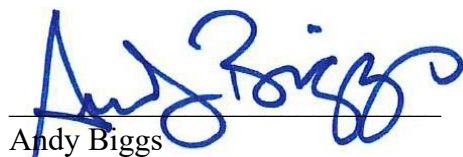
In August, CBP issued a press release stating that Border Patrol, specifically in the El Paso Sector, were seeing a “significant rise” in assaults on agents.⁶ Within the press release, CBP states that it works closely with the Department of Justice (DOJ) to hold these criminal illegal aliens accountable. With this recent increase in attacks on CBP agents, reports that DOJ is failing to prosecute illegal aliens who attack federal officers are concerning and likely contributing to losses in morale and support among CBP personnel.⁷

In light of this, please answer the following questions by October 31, 2024:

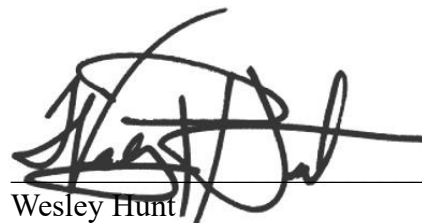
1. How many illegal aliens have been referred to DOJ for prosecution for assaulting CBP agents?
2. Of those who have been referred to DOJ, how many have been charged with assault?
3. When an illegal alien referred to DOJ for prosecution is not charged with assault, does DOJ discuss the rationale behind this decision with CBP?
4. Aside from simply investigating the incident, does DOJ reach out to the agent who was assaulted when deciding whether to charge an illegal alien with assault?
5. How many total illegal aliens have been convicted of assaulting a CBP agent?
6. Why would an illegal alien who injured a CBP agent by pulling him off his horse not be charged with assaulting the CBP agent?
7. Does DOJ provide any victim services to CBP agents who have been assaulted by illegal aliens?

We look forward to your timely response.

Sincerely,



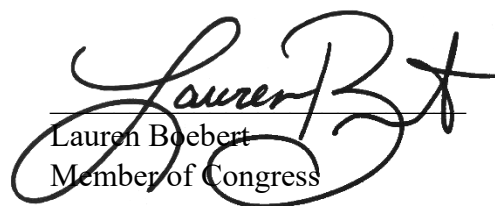
Andy Biggs
Member of Congress



Wesley Hunt
Member of Congress



Eli Crane
Member of Congress



Lauren Boebert
Member of Congress

⁶ U.S. Border Patrol reminds criminals about the consequences of assaulting federal officers, U.S. CUSTOMS AND BORDER PROTECTION (Aug. 9, 2024), <https://www.cbp.gov/newsroom/local-media-release/us-border-patrol-reminds-criminals-about-consequences-assaulting>.

⁷ Taer, *supra* note 3.



Troy Nehls
Member of Congress



Nancy Mace
Member of Congress



Andy Ogles
Member of Congress