

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

March 31, 2023

Mr. Troy A. Miller  
Acting Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229

Dear Acting Commissioner Miller:

We are in receipt of the Department of Homeland Security's (Department) March 24, 2023, letter signed by Assistant Secretary Zephrañie Buetow, in response to the Committee on Oversight and Accountability's (COA) and the Committee on Homeland Security's (CHS) requests for transcribed interviews of U.S. Border Patrol Chief Patrol Agents (CPA).<sup>1</sup> We reiterate our requests that CPAs serving on the southwest border be made available for transcribed interviews. Additionally, we will not tolerate the Department's mischaracterization of our committees' respective discussions with U.S. Customs and Border Protection (CBP).

After hearing testimony from two CPAs at its February 7, 2023, hearing,<sup>2</sup> COA requested transcribed interviews of seven CPAs from U.S. Border Patrol sectors along the southern border.<sup>3</sup> Specifically, COA is seeking information from each unique Border Patrol sector to fully understand the crisis at the southern border. This information is within COA's oversight jurisdiction<sup>4</sup> and sought for a clear legislative purpose.<sup>5</sup>

Since that letter, which initially proposed conducting the requested interviews in the CPAs' respective sectors at a convenient location to minimize impact to agency operations,<sup>6</sup> COA staff engaged in good faith negotiations with CBP Office of Congressional Affairs (OCA), discussing accommodations including proposed dates, handling of transcripts, length of interviews, topical scope, presence of agency counsel, and other matters over the course of several e-mails and two video calls.

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<sup>1</sup> Letter from Zephrañie Buetow, Assistant Sec'y. for Legis. Aff., Dep't. of Homeland Sec. to Rep. James Comer, Chairman, Comm. on Oversight and Accountability and Rep. Mark Green, Chairman, Comm. on Homeland Sec. (March 24, 2023).

<sup>2</sup> *On the Front Lines of the Border Crisis: A Hearing with Chief Patrol Agents: Hearing before H. Comm. on Oversight and Accountability*, 118th Cong. (Feb. 7, 2023).

<sup>3</sup> Letter from Rep. James Comer, Chairman, Comm. on Oversight and Accountability, to Troy A. Miller, Acting Comm'r, U.S. Customs and Border Protection (Feb. 26, 2023).

<sup>4</sup> H.R. Res. 5, 118th Cong. Rule X, Clause 2 § 3(i) (2023).

<sup>5</sup> See Letter from Rep. James Comer to Troy A. Miller, *supra* note 3 (citing hearing witness testimony emphasizing that Border Patrol agents have the experience to help lawmakers find legislative solutions for the border crisis).

<sup>6</sup> See *id.*

After hearing testimony from U.S. Border Patrol Chief Raul Ortiz at its March 15, 2023, field hearing in Pharr, Texas,<sup>7</sup> CHS requested transcribed interviews of nine CPAs from Border Patrol sectors along the southern border.<sup>8</sup> Specifically, CHS seeks information on each sector’s “unique climate, terrain, and operational environment”<sup>9</sup> and how each sector’s experience shapes the larger picture of the crisis at the southern border. This information is best understood by the Border Patrol agents assigned to each sector and is imperative for CHS, as the authorizing committee of jurisdiction for the Department, to understand the crisis and determine an appropriate legislative remedy.

Since sending its letter, CHS also began good faith negotiations with OCA regarding the transcribed interviews. Specifically, CHS met with OCA staff in-person and via call on March 22, 2023, to discuss the request. Ms. Buetow’s letter falsely claims that “CHS staff declined to coordinate with COA . . . .”<sup>10</sup> Unless Ms. Buetow or OCA concealed her participation, CHS staff remains unaware of her attendance in the March 22, 2023, meeting. More importantly, CHS staff made no such declination, which may be confirmed by OCA staff who actually participated in the meeting.

Despite Ms. Buetow’s assertion to the contrary,<sup>11</sup> staff on our committees will work together in pursuing the requested transcribed interviews. To that end, as an accommodation to the Department’s request, the committees will consolidate interviews. In further accommodation, and as previously offered by CHS and COA, the committees will conduct the transcribed interviews in each CPA’s respective sector at a convenient location. Given the multiple potential dates previously provided by COA to the Department, the committees will accommodate the first of these interviews to occur on April 11, April 12, or April 17, 2023. Additionally, please confirm the Department’s choice of one of the proposed dates, as soon as possible, but no later than 5:00 p.m. on April 5, 2023.

Please contact the Majority Staff of the Committee on Homeland Security at (202) 226-8417 and the Committee on Oversight and Accountability at (202) 225-5074 to schedule the transcribed interviews or with any questions about this request.

Thank you for your prompt attention to this matter.

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<sup>7</sup> *Failure By Design: Examining Secretary Mayorkas’ Border Crisis: Hearing Before the H. Comm. on Homeland Sec.*, 118th Cong. (Mar. 15, 2023).

<sup>8</sup> Letter from Rep. Mark E. Green, Chairman, Comm. on Homeland Sec., to Troy A. Miller, Acting Comm’r, U.S. Customs and Border Protection (Mar. 17, 2023).

<sup>9</sup> Dep’t of Homeland Security, *U.S. Customs and Border Protection, Fiscal Year 2024 Congressional Justification* (Mar. 13, 2023).

<sup>10</sup> Letter from Zephrañie Buetow, *supra* note 1.

<sup>11</sup> *Id.*

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Sincerely,



MARK E. GREEN, MD  
Chairman  
Committee on Homeland Security



JAMES COMER  
Chairman  
Committee on Oversight and Accountability

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

The Honorable Jamie Raskin, Ranking Member  
Committee on Oversight and Accountability