



**One Hundred Eighteenth Congress**  
**Committee on Homeland Security**  
**U.S. House of Representatives**  
**Washington, DC 20515**

November 1, 2023

Ms. Zephranie Buetow  
Assistant Secretary for Legislative Affairs  
U.S. Department of Homeland Security  
Washington, D.C. 20528

Mr. Sean M. Hackbarth  
Acting Assistant Director, Office of Congressional Relations  
U.S. Immigration and Customs Enforcement  
500 12th Street, S.W., Mail Stop 5003  
Washington, D.C. 20536

Dear Ms. Buetow and Mr. Hackbarth:

The Committee on Homeland Security (Committee) continues its oversight of U.S. Immigration and Customs Enforcement (ICE)'s contracts related to housing and supervision of illegal migrants encountered at the Southwest border.<sup>1</sup> On August 10, 2023, the Committee sent a letter to ICE requesting documents and information related to ICE's Office of Immigration Program Evaluation (OIPE).<sup>2</sup> When the Committee followed up on the request the Department of Homeland Security's (Department) Office of Legislative Affairs (OLA) and ICE's Office of Congressional Relations (OCR) failed to provide clarity on a production timeline.

On August 10, 2023, the Committee transmitted its letter to OLA via e-mail, requesting a response by August 24, 2023.<sup>3</sup> After receiving no response or acknowledgement, on September 6, 2023, the Committee e-mailed OLA requesting a status on the production.<sup>4</sup> On that day, OLA

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<sup>1</sup> Letter from Hon. John Katko, Ranking Member, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't (Dec. 7, 2022); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. & Customs Enf't (Jan. 30, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Aug. 10, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Sept. 26, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Joseph B. Maher, Principal Deputy Gen. Counsel, U.S. Dep't of Homeland Sec., et al. (Oct. 24, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Oct. 27, 2023) (on file with Comm.).

<sup>2</sup> Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Aug. 10, 2023) (on file with Comm.).

<sup>3</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Aug. 10, 2023, 19:16 EDT) (on file with author).

<sup>4</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 6, 2023, 14:13 EDT) (on file with author).

called Committee staff and advised that OLA received the letter and forwarded it to OCR on September 6, 2023.<sup>5</sup> On September 7, 2023, the Committee e-mailed OLA requesting a production timeline.<sup>6</sup> On September 8, 2023, OLA advised the Committee again that OLA forwarded the request to OCR.<sup>7</sup> In an effort to contact OCR for an update, the Committee requested from OLA the names of OCR officials handling the request.<sup>8</sup> OLA did not respond to that request.

On September 18, 2023, the Committee sent a follow up e-mail to OLA requesting the names of the OLA officials who sent the Committee's letter to OCR and the names of the OCR officials who received the forwarded letter.<sup>9</sup> In the alternative, the Committee requested an organization chart for OCR.<sup>10</sup> The Committee also requested a production timeline and offered 10 dates and times for a telephone call to discuss the outstanding requests.<sup>11</sup> On September 19, 2023, the Committee spoke with OCR by telephone.<sup>12</sup> The Committee followed up with an e-mail, memorializing the September 19, 2023 telephone call, again requesting a production timeline, the names of OCR officials handling the requests, and proposed dates for a follow up telephone call.<sup>13</sup> OCR responded to the e-mail advising that an OCR official "researched" the request letter's history and did "not see where OLA sent the Chairman's request [to OCR]."<sup>14</sup>

On September 20, 2023, OCR e-mailed the Committee advising that ICE's Office of Executive Secretariat was working on the production response, that most requested information was identified, and that OCR would get a status and "circle back."<sup>15</sup> The Committee responded with a request to know who in the Office of Executive Secretariat was working on the request and proposed a telephone call to discuss.<sup>16</sup> On September 22, 2023, the Committee spoke with OCR by telephone, and OCR provided an update on the production.<sup>17</sup> On October 2, 2023, the Committee e-mailed OCR requesting an update on the production discussed in the September 22,

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<sup>5</sup> Telephone Call with Office of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 6, 2023).

<sup>6</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 7, 2023, 16:52 EDT).

<sup>7</sup> E-mail from Off. of Legis. Aff., U.S. Dep't of Homeland Sec., to Staff, H. Comm. on Homeland Sec. (Sept. 8, 2023, 9:55 EDT).

<sup>8</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec., (Sept. 8, 2023, 12:22 EDT).

<sup>9</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 18, 2023, 8:59 EDT).

<sup>10</sup> *Id.*

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

<sup>12</sup> Telephone Call with Office of Cong. Relations, U.S. Immigr. & Customs Enf't (Sept. 19, 2023).

<sup>13</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 19, 2023, 10:16 EDT).

<sup>14</sup> E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't., to Staff, H. Comm. on Homeland Sec. (Sept. 19, 2023, 18:55 EDT).

<sup>15</sup> E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't., to Staff, H. Comm. on Homeland Sec. (Sept. 20, 2023, 10:21 EDT).

<sup>16</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff., U.S. Dep't of Homeland Sec. (Sept. 20, 2023, 10:38 EDT).

<sup>17</sup> Telephone Call with Office of Cong. Relations, U.S. Immigr. & Customs Enf't (Sept. 22, 2023).

2023 telephone call.<sup>18</sup> On October 3, 2023, OCR provided an 86-page production responsive to one of the requests made in the August 10, 2023 letter.<sup>19</sup> The production included e-mails and attachments previously provided to the Committee in response to a separate request, but this version revealed Ms. Claire Trickler-McNulty's name in unredacted form.<sup>20</sup>

On October 23, 2023, the Committee sent an e-mail to OCR explaining its disappointment with the initial production and requesting clarity on the status of the remaining requests.<sup>21</sup> The Committee advised that if a fully responsive letter was not received by October 25, 2023, the Committee would consider using compulsory process.<sup>22</sup> OCR advised that the issue was passed up the "leadership chain."<sup>23</sup> On October 24, 2023, OCR advised that the response is pending with the Office of the Principal Legal Advisor, but OCR failed to provide a production timeline,<sup>24</sup> so the Committee reiterated its request.<sup>25</sup> OCR advised that the request for a production schedule was passed to ICE's Executive Secretariat, the Department's Office of General Counsel, and ICE leadership.<sup>26</sup> To date, neither ICE nor the Department has provided the Committee a production schedule or a clear answer on which entity is handling the production response. The Committee is concerned that the Department's internal inefficiency is simply another effort to stonewall the Committee's oversight efforts at worst, or indicative of incompetency at best.

Three categories of requests made in the August 10, 2023 letter<sup>27</sup> and all 13 categories of requests made in the September 26, 2023 letter<sup>28</sup> as part of the Committee's oversight of ICE contracts related to housing and supervision of illegal migrants encountered at the Southwest border remain unsatisfied. Responses to those 16 categories of requests are all delinquent. An October 27, 2023 letter reiterated the September 26, 2023 requests and included an additional three categories of requests, which also remain outstanding.<sup>29</sup> Moreover, the Committee is

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<sup>18</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Cong. Relations, U.S. Immigr. & Customs Enf't (Oct. 2, 2023, 12:55 EDT).

<sup>19</sup> See E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't, to Staff, H. Comm. on Homeland Sec. (Oct. 3, 2023, 10:06 EDT) (producing the records in three e-mail tranches).

<sup>20</sup> *Id.*

<sup>21</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. Of Legis. Aff., Dep't of Homeland Sec. (Oct. 23, 2023, 16:27 EDT).

<sup>22</sup> *Id.*

<sup>23</sup> E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't, to Staff, H. Comm. on Homeland Sec. (Oct. 24, 2023, 7:05 EDT).

<sup>24</sup> E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't, to Staff, H. Comm. on Homeland Sec. (Oct. 24, 2023, 16:10 EDT).

<sup>25</sup> E-mail from Staff, H. Comm. on Homeland Sec., to Off. of Legis. Aff, Dep't of Homeland Sec. (Oct. 24, 2023, 16:20 EDT).

<sup>26</sup> E-mail from Office of Cong. Relations, U.S. Immigr. & Customs Enf't, to Staff, H. Comm. on Homeland Sec. (Oct. 24, 2023, 16:33 EDT).

<sup>27</sup> *Supra* note 2.

<sup>28</sup> Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Sept. 26, 2023) (on file with Comm.).

<sup>29</sup> Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et. al., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. & Customs Enf't (Oct. 27, 2023) (on file with Comm.).

Secretary Mayorkas

November 1, 2023

Page 4

waiting for responses to seven categories of requests related to Ms. Trickler-McNulty made in an October 24, 2023 letter.<sup>30</sup> The Committee reiterates all of these outstanding requests.

To assist the Committee's efforts to understand the inefficient, untimely, and unsatisfactory responses to my letter, and the opaque nature of how Committee requests are processed, please provide the following as soon as possible but no later than 5:00 pm on November 8, 2023:

1. All communications, including but not limited to, e-mail, text messages and Microsoft Teams Chat messages, and internal memoranda, between or among officials in the Department's Office of Legislative Affairs and ICE's Office of Congressional Relations referring or relating to the Committee's August 10, 2023, September 26, 2023, October 24, 2023, and October 27, 2023 letters.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.  
Chairman

Encl.

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

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<sup>30</sup> Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., et al., to Joseph B. Maher, Principal Deputy Gen. Counsel, U.S. Dep't of Homeland Sec., et al. (Oct. 24, 2023) (on file with Comm.).