

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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April 26, 2021

Mr. Troy Miller
Senior Official Performing the Duties of the Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Ave., NW
Washington, D.C. 20229

Dear Mr. Miller:

I write today to express my concern and conduct oversight over the negative impact the current border crisis is having on the federal workforce, particularly among Border Patrol agents. The Biden Administration reversed course on successful Trump immigration policies without any replacement strategy during the COVID-19 pandemic. The result has been a security, health, and humanitarian catastrophe on the border. As the Biden Administration fails to adequately confront the realities of an unprecedented crisis, the men and women of the Border Patrol have experienced the negative impacts of a staffing shortage, low morale, and ultimately the inability to effectively perform their border security mission.

While staffing issues have long been a concern,¹ Border Patrol agents tell me that they are now critically understaffed, working longer hours but less time on the line patrolling the border as their attention is diverted to the care and custody of families and children due to the recent migrant surge. Cartels, which control the human smuggling industry, use large groups of migrants to overwhelm Border Patrol agents which permits illicit narcotics and criminal aliens to enter into now unprotected areas. Border Patrol agents are also recounting high numbers of “gotaways” – or instances in which illegal immigrants completely evade apprehension by Border Patrol after crossing – due to the surge and the tactics of the cartels.² This is especially concerning considering there are recent documented instances of criminal aliens and known or suspected terrorists attempting to cross the southwest border undetected.³

Despite Border Patrol agents going above and beyond to attend to the care and feeding of those in their custody, they are largely reliant on other agencies like U.S. Immigration and

¹ See Hesson, Ted, *The Border Patrol's recruiting crisis*, POLITICO (Feb. 10, 2019), available at <https://www.politico.com/story/2019/02/10/border-patrol-recruitment-crisis-1157171>.

² See Miroff, Nick, *Border officials say more people are sneaking past them as crossings soar and agents are overwhelmed*, WASH. POST (Apr. 2, 2021), available at https://www.washingtonpost.com/national/got-aways-border/2021/04/01/14258a1e-9302-11eb-9af7-fd0822ae4398_story.html.

³ *Id.*

Customs Enforcement or the Department of Health and Human Services to take custody of apprehended migrants in a timely fashion. Yet those agencies have also been strained by the crisis and are unable to adequately respond. Border Patrol agents are often wrongfully blamed for deteriorating conditions of custody in facilities that were simply not designed to house large numbers of families and unaccompanied children, even though it is the Biden Administration's policies which have caused the current crisis.

Border Patrol agents already make sacrifices to perform their mission in an increasingly hostile and dangerous environment, often working long hours in remote areas. It is no surprise that Border Patrol agents are experiencing deteriorating morale, which is worsened by political rhetoric coming from the Biden Administration which quibbles over calling the situation exactly what it is: a crisis.⁴

To assist the subcommittee in exercising important oversight of the situation on the southwest border and to understand the impact the border crisis is having on the federal workforce, especially among Border Patrol agents, please provide the following information no later than May 10, 2021:

1. All documents and communications containing a staffing analysis regarding or referencing the total number of Border Patrol agents needed to adequately effectuate the mission of the Border Patrol;
2. The total number of Border Patrol agents currently employed;
3. The total number of potential Border Patrol agent candidates being considered for service, disaggregated by what stage of the process those candidates are currently in (i.e. initial hiring stage, background check, training, etc.);
4. All documents and communications regarding or referencing any impediments to fully staffing the Border Patrol with qualified candidates;
5. All documents and communications from January 20, 2021, to the present analyzing the impact, if any, of increased use of overtime among Border Patrol agents;
6. All data from Fiscal Year 2017 to the present analyzing or estimating the number of "gotaways," or individuals who illegally crossed the border but evaded apprehension by Border Patrol agents;
7. All documents and communications from January 31, 2020 to the present regarding instances of COVID-19 infection among Border Patrol agents or their families;

⁴ Klein, Betsy, *White House backtracks after Biden calls border situation a 'crisis'*, CNN (Apr. 19, 2021), available at <https://www.cnn.com/2021/04/19/politics/biden-border-crisis-unaccompanied-minors/index.html>.

8. All documents and communications from January 20, 2021 to the present referring to or containing an analysis of morale among Border Patrol agents, including any analysis or mention of the impact of low morale on effectuating the Border Patrol's mission.

Thank you for your consideration of this important issue. To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,



Jody Hice
Ranking Member
Subcommittee on Government Operations

cc: The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations