

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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September 22, 2021

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

Dear Mr. Miller:

We were alarmed to see footage of the inhumane treatment of Haitian and other migrants in Del Rio, Texas, by Border Patrol agents on horseback. Images and videos showed Customs and Border Patrol (CBP) agents charging at women, men, and children; menacing them with bridle reins; and making derogatory comments towards the migrants. Such abusive conduct is unacceptable and raises troubling questions about culture, training, and discipline within CBP. In addition, reports that thousands of migrants are being deported to Haiti despite turmoil in that country raise serious concerns about whether the federal government is failing to treat migrants—including those fleeing violence, political instability, and natural disasters—with respect and dignity and affording them a meaningful opportunity to seek asylum. We write today to urge immediate action by CBP to address these concerns.

The actions by Border Patrol agents in Del Rio, Texas appear to violate CBP's Standards of Conduct, which states: "The conduct of CBP employees must reflect the qualities of ... courtesy and promptness in dealing with and serving the public; and a standard of personal behavior that reflects positively upon, and will be a credit to, both CBP and its employees."¹ CBP's Table of Offenses recommends disciplining agents for "[f]ighting, threatening, attempting to inflict or inflicting bodily harm to another; engaging in dangerous horseplay; any violent act, language, gestures, or conduct toward members of the public or co-workers."²

According to a Department of Homeland Security (DHS) spokesperson, CBP's Office of Professional Responsibility has opened an investigation of the actions of Border Patrol agents on

¹ *Customs and Border Protection, Standards of Conduct, CBP Directive No. 51735-013A* (Dec. 9, 2020) (online at www.cbp.gov/sites/default/files/assets/documents/2021-Jan/cbp-standards-conduct-2020_0.pdf).

² *Customs and Border Protection, Table of Offenses and Penalties* (Dec. 9, 2020).

the Del Rio border. The DHS Office of Inspector General has also been notified about this matter.³

The Committee has an ongoing investigation of misconduct by Border Patrol agents in secret Facebook groups as well as CBP's disciplinary process.⁴ The Committee remains concerned that Border Patrol agents who commit misconduct towards migrants continue to work directly with vulnerable populations. It is critical that thorough investigations are conducted regarding the conduct in Del Rio, Texas, and that appropriate disciplinary action is taken. In addition, we urge CBP to examine broader issues of culture and training within the agency that may have contributed to this conduct.

The Committee is also concerned by reports that CBP is deporting migrants to Haiti at a time when the country is still reeling from multiple crises, including the assassination of Haiti's president this July and an earthquake last month.⁵ These deportations have occurred pursuant to an order from the Centers for Disease Control and Prevention under Title 42 of the Public Health Services Act, which uses authorities intended to limit the spread of infectious diseases during a pandemic to allow for mass deportations of migrants entering the United States from Mexico, including migrants originally from Haiti.⁶ The Committee is troubled by the continued use of public health policies as a basis to conduct mass deportations, and we ask that the Administration immediately stop mass deportations to Haiti under Title 42.

As an initial step, the Committee requests a briefing by September 24, 2021, on what CBP knows about this incident, including the conduct of agents and directions from supervisors; what, if any, disciplinary steps have been taken regarding the agents and supervisors involved; what actions are being taken to protect migrants at the Del Rio border; and CBP's use of Title 42 to mass deport migrants.

The Committee also requests that by September 24, 2021, you confirm in writing whether the actions by Border Patrol agents at the Del Rio border were in accordance with CBP policy and whether migrants are being provided a fair opportunity to seek asylum before being deported.

³ "Extremely Troubling": Investigation Launched into Border Agents on Horseback Seen Chasing Migrants, Politico (Sept. 20, 2021) (online at www.politico.com/news/2021/09/20/investigation-border-agents-horseback-migrants-513237).

⁴ See Memorandum from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Members of the Committee on Oversight and Reform, *Notice of Intent to Issue Subpoena to Customs and Border Protection* (Oct. 30, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-10-30.COR%20Subpoena%20Memo%20re%20Customs%20and%20Border%20Protection.pdf>).

⁵ *Haiti Protests Mass U.S. Deportation of Migrants to Country in Crisis*, New York Times (Sep. 19, 2021) (online at www.nytimes.com/2021/09/19/world/americas/us-haitian-deportation.html).

⁶ Department of Homeland Security, *Press Release: DHS Outlines Strategy to Address Increase in Migrants in Del Rio* (Sept. 18, 2021) (online at www.dhs.gov/news/2021/09/18/dhs-outlines-strategy-address-increase-migrants-del-rio); Centers for Disease Control and Prevention, *Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists* (Oct. 13, 2020) (online at www.cdc.gov/coronavirus/2019-ncov/order-suspending-introduction-certain-persons.html).

Mr. Troy A. Miller

Page 3

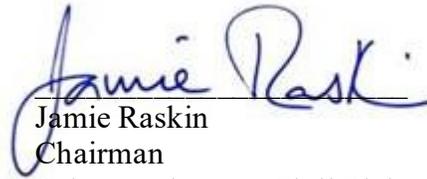
Upon completion of the CBP Office of Professional Responsibility's investigation and disciplinary process, the Committee requests that CBP produce an unredacted copy of the Report of Investigation and all related correspondence, including Discipline Review Board proposed and final letters.

In the words of the late Chairman Elijah E. Cummings, "We're better than this." We expect CBP to take immediate action to ensure that all migrants are treated humanely and with respect.

Sincerely,



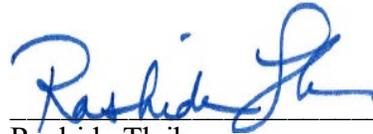
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Chairwoman
Committee on Oversight and Reform



Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties



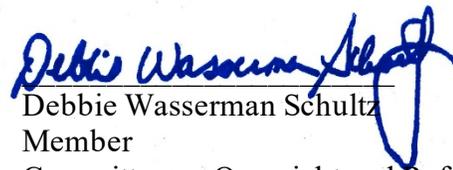
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Committee on Oversight and Reform



Rashida Tlaib
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Committee on Oversight and Reform



Alexandria Ocasio-Cortez
Member
Committee on Oversight and Reform



Debbie Wasserman Schultz
Member
Committee on Oversight and Reform

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Pete Sessions, Ranking Member
Subcommittee on Civil Rights and Civil Liberties