

United States Senate
WASHINGTON, DC 20510

September 27, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security

Mr. Troy A. Miller
Senior Official Performing the Duties of the Commissioner
Customs and Border Protection

Dear Secretary Mayorkas and Mr. Miller:

On August 18, 2023, I sent the Department of Homeland Security (DHS) a letter with respect to U.S. Customs and Border Protection (CBP) retaliating against Mr. Fred Wynn, Mr. Mike Taylor, and Mr. Mark Jones. After that, CBP publicly stated that “[t]he Office of Special Counsel (OSC) terminated its investigation into these claims without issuing a Prohibited Personnel Practice Report or seeking corrective action.”¹ On September 11, 2023, I wrote to the both of you and noted that my staff had spoken to OSC twice and each time OSC unequivocally stated that they did seek corrective action with CBP and again asked what steps you have taken to protect these whistleblowers. One day later, CBP was quick to publicly say with respect to that letter: “This is a mischaracterization of this issue based on incomplete records, and we are unable to comment further based on open litigation regarding these cases.”² CBP apparently has time to respond to media inquiries and dispute my letter to a third party but not directly address my letters that raise serious issues with respect to blatant whistleblower retaliation.

Accordingly, please explain what CBP meant by “mischaracterization of this issue” and why CBP has refused to retract its demonstrably false statement with respect to OSC not “seeking corrective action.”³ Finally, when can I expect a full and complete response to my August 18, 2023, letter with respect to your plans to initiate corrective action regarding retaliatory conduct against the whistleblowers at issue and hold the retaliators accountable?

¹ Josh Christenson, *Sen. Grassley calls on Secretary Mayorkas to end retaliation against CBP employees*, NY Post, (Aug. 23, 2023), <https://nypost.com/2023/08/22/sen-grassley-calls-on-secretary-mayorkas-to-end-retaliation-against-cbp-employees/>.

² Josh Christenson, *US border agency made ‘demonstrably false’ claim to Post about demoted whistleblowers: Grassley*, NY Post, (Sep. 12, 2023), <https://nypost.com/2023/09/12/us-border-agency-made-demonstrably-false-claim-to-post-about-demoted-whistleblowers-grassley/>.

³ Josh Christenson, *Sen. Grassley calls on Secretary Mayorkas to end retaliation against CBP employees*, NY Post, (Aug. 23, 2023), <https://nypost.com/2023/08/22/sen-grassley-calls-on-secretary-mayorkas-to-end-retaliation-against-cbp-employees/>.

Thank you for your attention to this important matter. If you have any questions, please contact Julian Wilson of my committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget

cc: The Honorable Joseph V. Cuffari
Inspector General
Department of Homeland Security