



TESTIMONY OF

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For a Hearing

BEFORE

United States House of Representatives
Committee on Judiciary
Subcommittee on Responsiveness and Accountability to Oversight

ON

“Compliance with Committee Oversight”

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Washington, D.C.

Chairman Cline, Ranking Member Swalwell, and distinguished Members of the Subcommittee:

I am honored to appear again before you today. I am Zephra Buetow and I have served as the Assistant Secretary for Legislative Affairs at the Department of Homeland Security – or DHS – since February 2023. I last appeared before this Committee on June 22, 2023, and since that time, our department has continued to work tirelessly to respond to oversight requests from this Committee, as well as the over 70 Congressional Committees and subcommittees that have jurisdiction over DHS. Congressional oversight is an important priority for both our department and our democracy.

The volume and pace of Congressional oversight has increased since the beginning of the 118th Congress. With roughly eight months remaining in the 118th Congress, DHS has already testified in 86 hearings with 128 Department witnesses, and participated in over 3,300 briefings and other non-hearing engagements.

The number of requests for documents and data from this Committee has also increased during the 118th Congress, and since January 2024 in particular. In the past four months, DHS has received 33 letters from this Committee, including requests for 27 sets of immigration records, and three subpoenas. By comparison, the Committee requested 20 sets of immigration records and issued two subpoenas in all of 2023. We are making great efforts to meet the increased oversight requests from Congress with our existing resources.

As I noted during my last appearance, one of the challenges the Department faces is balancing the legitimate oversight interests of Congress with the Department's law enforcement and national security responsibilities and the Executive Branch's confidentiality interests. Much of the information sought by Congress is sensitive law enforcement or national security material, which is subject to time intensive reviews. Furthermore, this information is often owned by other agencies and thus requires interagency review. Some requests also pertain to pending litigation or criminal proceedings where producing documents could jeopardize the integrity and fairness of these legal proceedings. As a result of all these factors, information requested may not always be available within the desired timetable or with the granular detail requested.

These dynamics are compounded by the size and organization of the Department. DHS is the second largest cabinet agency, with eight primary operational components, and multiple other important mission and support components. It is not uncommon for congressional requests, particularly those dealing with immigration, to span multiple components and offices.

These challenges are especially acute with respect to quantitative data, including immigration enforcement data. Quantitative information is housed across DHS components which often use unique and incompatible data systems, requiring extensive consultation,

collaboration, and verification to ensure accuracy, completeness, and data integrity. Fortunately, DHS has made significant strides in this area. For example, in November 2023 the Department launched the Office of Homeland Security Statistics (OHSS) to coordinate the collection, validation, and reporting of key data. This includes the monthly OHSS Immigration Enforcement and Legal Processes Report, which includes 10 years of encounter data for the Southwest border. DHS has also made significant progress in reporting component-level statistics. As of January 2024, U.S. Immigrations and Customs Enforcement (ICE) began publishing enforcement data in dashboards sortable by date, country of citizenship, area of responsibility, and other filters. Although collecting and validating data remains a time-consuming process, DHS has nonetheless achieved an unprecedented level of data transparency. We remain committed to providing Congress with objective, timely, and authoritative statistical data on a consistent and predictable basis.

I understand that this hearing is focused on our responses to this Committee's oversight requests. Since the beginning of the 118th Congress, the Committee has sent over 45 document request letters to the Department and its components. The Department always attempts to respond to the Committee's requests voluntarily, in good faith, and in a timely manner, consistent with the accommodation process. To date, the Department has produced to the Committee approximately 9,000 pages of documents responsive to the letters received during this Congress and provided multiple substantive written responses. We continue to review potentially responsive records and will produce additional records, as appropriate, as they become available. Additionally, DHS has provided witnesses for fourteen voluntary transcribed interviews with the Committee, with another scheduled for later this month.

I would like to recognize that the Committee has issued five subpoenas to the Department for documents and data. These subpoenas were entirely unwarranted. In each case, our staff was already actively engaged with Committee staff in accommodations discussions prior to the issuance of the subpoena—and in most cases, the Department had already made significant productions and expressed the intent to make subsequent rolling productions. The Department has consistently sought to engage in the accommodations process in order to comply with Congressional oversight while balancing the constitutional and legal obligations of the Executive Branch and numerous challenges I have described, including the time required to gather and process material, the need for interagency coordination, and our own internal reviews.

We remain committed to cooperating with the Committee's legitimate efforts to seek information. We do so in a manner that safeguards the sensitive law enforcement and national security interests at the heart of our mission, and consistent with our obligation to protect the Executive Branch's well recognized confidentiality interests. We look forward to continued engagement with the Committee. We thank you for your partnership in service to the American people and look forward to answering your questions.