



May 1, 2024

Sent via electronic mail

Honorable Gary C. Peters, Chair
Honorable Rand Paul, Ranking Member
U.S. Senate Committee on Homeland Security
and Governmental Affairs
Washington, D.C. 20510

Honorable James Comer, Chairman
Honorable Jaime Raskin, Ranking Member
U.S. House Committee on Oversight and
Accountability
Washington, DC 20515

Honorable Richard J. Durbin, Chair
Honorable Lindsey O. Graham, Ranking Member
U.S. Senate Committee on the Judiciary
Washington, D.C. 20510

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Office of Special Counsel
1730 M Street, N.W., Suite 218,
Washington, D.C., 20036-4505

Re: Protected Whistleblowers' Disclosures Regarding Violations of CBP's Use of Force Handbook and Unsafe Conditions at the CBP Office of the Chief Medical Officer

To Whom It May Concern:

Today, we write on behalf of multiple whistleblowers who share deep concerns about the irregular possession of and misuse of a CBP-issued firearm by the Acting Customs and Border Protection Chief Medical Officer.

Government Accountability Project represents multiple whistleblowers who are current and former employees of both U.S. Customs and Border Protection (CBP) and Loyal Source Government Services ("Loyal Source"), who possess critical information about CBP Leadership and the Office of Acquisition's ongoing failures to oversee its medical services contract with Loyal Source Government Services.¹ These individuals have also disclosed reports of wrongdoing by the

¹ On November 30, 2023, we wrote to you regarding the protected whistleblower disclosures of Mr. Troy Hendrickson, the former Contract Officer Representative assigned to the CBP Medical Services Contract. Letter from Troy Hendrickson to Congress (November 30, 2023), <https://whistleblower.org/wpcontent/uploads/2023/11/11-30-2023-Hendrickson-Congressional-Disclosure.pdf>. Mr. Hendrickson faced retaliation after he and his colleagues at the CBP Office of the Chief Medical Officer (OCMO) raised concerns that the CBP Office of Acquisition was continuously failing to hold Loyal Source accountable for its dangerous underperformance in the provision of medical services in CBP facilities. CBP leadership failed to heed Mr. Hendrickson and his OCMO colleagues' warnings, and 8-year-old Anadith Reyes Alvarez died in May 2023 — a preventable tragedy.

Acting CBP Chief Medical Officer, Dr. Alexander Eastman, who currently leads the office responsible for CBP's medical mission.²

According to multiple CBP whistleblowers, Dr. Eastman regularly wears a visible pistol and habitually informs others that he is doing so. Though it is unclear that the position of Acting CBP Chief Medical Officer is one that requires a firearm, Dr. Eastman has stated on multiple occasions that Commissioner Troy Miller insisted on the issuance of a CBP firearm to Dr. Eastman.

Assuming his firearm was issued by CBP, Dr. Eastman is accountable to the CBP Use of Force Handbook.³ The first chapter of the Use of Force Handbook explicitly prohibits authorized firearm holders from consuming alcohol while carrying CBP firearms, except during authorized undercover activities. Even then, consumption must be limited to an amount that does not impair judgement or the ability to safely carry, control, or use the firearm. The handbook states:

Authorized Officers/Agents are prohibited from consuming alcoholic beverages while carrying CBP firearms, except when engaged in authorized undercover activities necessitating the consumption of alcoholic beverages. In these cases, the consumption of alcoholic beverages shall be limited to an amount that does not impair the officer's/agent's judgment and/or ability to safely carry, control, or use a firearm (Section E.1.).

Nevertheless, multiple whistleblowers have reported witnessing Dr. Eastman consuming liquor while in possession of his CBP issued firearm on more than one occasion since he was named Acting CBP Chief Medical Officer in June of 2023. He was not working undercover during any of these incidents, which occurred in front of multiple CBP employees and became a subject of concern.

It is common knowledge within CBP that drinking while in possession of a firearm is strictly prohibited. This directive is communicated in required training before a firearm is issued by CBP and is reiterated through regular communications from CBP leadership. Dr. Eastman's blatant violation of explicit CBP policy further illustrates the dynamic described in our February 16, 2024 letter, in which Dr. Eastman's frequent and facially inappropriate behavior, such as use of sexually suggestive and lewd language in front of staff and yelling and cursing at staff, creates a hostile work environment and the appearance of impunity for his wrongdoing.

Following Mr. Hendrickson's disclosures, over a dozen individuals have contacted Government Accountability Project to make additional disclosures related to CBP's medical mission.

² On February 16, 2024, we wrote to you again with disclosures from multiple whistleblowers who shared concerns that senior CBP leadership knew of Loyal Source's failures and did not support OCMO's medical mission before Anadith's death. Letter from Government Accountability Project to Congress on behalf of Multiple Whistleblowers (February 16, 2024), <https://whistleblower.org/wp-content/uploads/2024/02/02-16-2024-CBP-Medical-Services-Whistleblower-Disclosure.pdf>. The letter also shared serious concerns about Dr. Alexander Eastman, the Acting CBP Chief Medical Officer appointed in June 2023 purportedly to improve medical oversight after Anadith's death. The whistleblowers described serious allegations of gross mismanagement, abuse of authority, gross waste, and the creation of a substantial and specific threat to public health and safety.

³ U.S. Customs and Border Protection, CBP Use of Force – Administrative Guidelines and Procedures Handbook, January 2021, https://www.cbp.gov/sites/default/files/assets/documents/2021-Jul/cbp-use-of-force-admin-guide-procedure-handbook_4500-002B.pdf.

At least one report of Dr. Eastman’s policy violation in his consumption of alcohol while in possession of his firearm has been made to the CBP Office of Professional Responsibility (OPR) following our February 16, 2024 letter. Due to an apparent confidentiality breach by OPR, Dr. Eastman is now aware of this whistleblower’s identity and has begun to target this employee with disparate treatment. Given the whistleblower retaliation that has already occurred within CBP, this employee reasonably fears impending retaliation.

Whistleblowers are concerned that Dr. Eastman has not faced accountability for the disclosures in our February 16, 2024 letter, and they are further concerned that he remains in possession of his firearm despite those allegations and a formal report that he breached the prohibition on consuming alcohol while carrying his weapon. Whistleblowers report that if they had been accused of only the latter offense, consumption of alcohol while in possession of a firearm, they would be swiftly disciplined within 24 hours. Union representatives confirm this discipline would include removal of their firearm and law enforcement authority, and at least placement on administrative duties.⁴

Of concern, whistleblowers disclose that as recently as last week, Dr. Eastman was issued an automatic rifle by CBP despite a report to OPR that Dr. Eastman violated policy by drinking with his gun. Reports indicate the automatic rifle may have been irregularly stored during its transfer to Dr. Eastman.

The disparate treatment between Dr. Eastman and rank-and-file CBP employees appears to be part of an agency-wide problem. A recent Government Accountability Office investigation revealed that CBP supervisors were less likely to face discipline than non-supervisors.⁵

Many whistleblowers have reported that Dr. Eastman’s ongoing possession of a gun, his apparent impunity for drinking in public while carrying his firearm, along with his aggressive temper, as described in the February 16, 2024 disclosure – including cursing at staff, yelling at staff, and making staff cry in the office – have created a culture of fear within the CBP Office of the Chief Medical Officer. Some workers reportedly avoid in-person work at CBP Headquarters when they know Dr. Eastman will be visiting Washington, D.C. because they fear Dr. Eastman and his gun.

These allegations are especially alarming given the DHS Office of Inspector General’s September 2023 findings that CBP has weak “controls and oversight” of its firearms and ammunition, “which could impair CBP’s mission and pose a public safety risk.”⁶

We urge you to promptly investigate Dr. Eastman’s alleged breach of the CBP Use of Force Handbook and what disciplinary steps have been taken to address both the February 16, 2024

⁴ Indeed, the CBP Use of Force Handbook calls for temporary “revocation of the authority to carry CBP firearms and/or credentials” for evidence of “serious breaches of CBP integrity of security policies” and a determination that revocation is in the best interests of CBP, among other reasons. *Id.* at 9.

⁵ Government Accountability Office, “DHS Employee Misconduct: Actions Needed to Better Assess Differences in Supervisor and Non-Supervisor Discipline,” Feb. 2024, <https://www.gao.gov/assets/d24105820.pdf>. Alarming, the report noted that of the four components of DHS evaluated, CBP was an outlier in that it had, “not developed a policy that documents the disciplinary adjudication policy for all employees.” *Id.* at 16.

⁶ Department of Homeland Security Office of Inspector General, “CBP Accounted for Its Firearms but Did Not Always Account for Ammunition or Monitor Storage Facilities,” September 27, 2023, <https://www.oig.dhs.gov/sites/default/files/assets/2023-09/OIG-23-60-Sep23.pdf>.

whistleblower disclosures and reports that he violated the handbook, and urge accountability and oversight for the medical contractor's ongoing performance failures.

Respectfully submitted,

/s/ Andrea Meza

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The White House
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