

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<https://oversight.house.gov>

January 27, 2023

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Mayorkas:

On January 19, 2023, I invited the Chief Patrol Agents of four U.S. Border Patrol sectors to testify at a hearing before the Committee on Oversight and Accountability the week of February 6, 2023.¹ As I wrote in those invitations, “[t]his hearing will examine the crisis on the southwest border and will enable Members of the Committee to obtain essential information based on [those Chief Patrol Agents’] experience leading Border Patrol operations” in those four sectors.² Yet, instead of working to facilitate the testimony of those law enforcement professionals, the Department of Homeland Security (DHS) is refusing to permit the four invited Chief Patrol Agents to appear and provide live testimony at a Committee hearing.³ DHS is obstructing congressional oversight.

DHS pays lip service to its own internal protocols in making this determination,⁴ and even argues that it is DHS’s prerogative—not Congress’s—to determine for congressional committees who would be an appropriate witness.⁵ DHS’s internal protocols are not binding on Congress, and it is irrelevant whether DHS disagrees with the Committee’s determination that these four law enforcement professionals should testify at a Committee hearing. Taken to its logical conclusion, the arguments advanced by DHS would render most federal officials in the Executive Branch completely immune from providing essential information to Congress. It is

¹ Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to Jason Owens, Chief Patrol Agent, U.S. Border Patrol (Jan. 19, 2023); Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to Gloria Chavez, Chief Patrol Agent, U.S. Border Patrol (Jan. 19, 2023); Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to Patricia McGurk-Daniel, Acting Chief Patrol Agent, U.S. Border Patrol (Jan. 19, 2023); Letter from James Comer, Chairman, H. Comm. on Oversight and Accountability to Gregory Bovino, Chief Patrol Agent, U.S. Border Patrol (Jan. 19, 2023).

² *Id.*

³ Letter from Bryn McDonough, Acting Assistant Secretary for Legislative Affairs, Dep’t of Homeland Security (Jan. 26, 2023).

⁴ *Id.* (“...Department protocol has long dictated that an agency or significant component head should be provided with the priority option to appear before Congress in matters that the component or agency oversees.”).

⁵ *Id.* (“Once the format, panels and topics of a hearing have been determined, it is the Department’s longstanding practice to identify one or more officials to appear after consideration of all factors...”).

The Honorable Alejandro Mayorkas

January 27, 2023

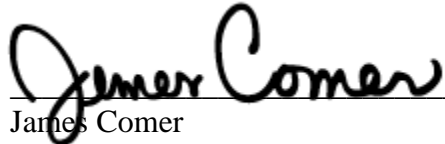
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unfortunate that you are trying to prevent the American people from hearing candid and truthful testimony of U.S. Border Patrol Chief Patrol Agents. This is necessary oversight, which you and your Department are attempting to block. The Committee on Oversight and Accountability 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.

Therefore, I reiterate my request for the four U.S. Border Patrol Chief Patrol Agents to testify at a hearing before the full Committee to be held on February 7, 2023 at 10:00 a.m. EST, and request your confirmation of their appearance by Tuesday, January 31, 2023 at 5:00 p.m. EST.

If you continue to direct DHS to obstruct congressional oversight in this matter, I will be forced to consider the use of the compulsory process.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style and is positioned above a horizontal line.

James Comer
Chairman

Committee on Oversight and Accountability

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability