



**Homeland  
Security**

January 26, 2023

The Honorable James Comer  
Chairman  
Committee on Oversight and Accountability  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Comer:

The U.S. Department of Homeland Security (the Department) is in receipt of the House Oversight and Accountability Committee's January 19, 2023, invitation to U.S. Customs and Border Protection, U.S. Border Patrol (USBP) to testify at a hearing regarding the Southwest Border during the week of February 6, 2023. The Department is pleased to provide Border Patrol Chief Raul L. Ortiz.

The Department is committed to cooperating with Congressional oversight, a commitment it maintained throughout the 117th Congress and intends to continue in this one. The Department works diligently to accommodate Congressional requests for public testimony, although it is not always possible to participate or address all topics a Committee wishes to raise. 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, including their schedules, their position, and their ability to best provide the information a Committee is seeking, among other suitability concerns. Toward that end, the Department and USBP have also suggested a subsequent remote Member-level briefing with the four invited Sector Chiefs that would enable the Committee to hear from these individuals without compromising operational efficiency in these critical sectors.

As we relayed to your staff in discussions last week, 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. As a general matter, the Department identifies the individual(s) best situated to testify and has a history of working with the Committee to provide those witnesses. Most recently, for example, the Department in consultation with the Committee facilitated an alternate, higher-level witness from the U.S. Secret Service for a public hearing.

In this instance, we believe that Chief Ortiz is best positioned to answer the Committee's questions concerning USBP operations and policies, including their implementation along the southwest border. Chief Ortiz oversees the full scope of USBP's operations along our nation's borders, which include nearly 2,000 miles with Mexico, more than 5,000 miles with Canada, hundreds of coastal miles, and our territories in the Caribbean. Chief Ortiz has served in the Border Patrol for over thirty years and has held numerous critical career leadership positions including Chief of the Del Rio Sector and Acting Chief of the Rio Grande Valley Sector. While we recognize your interest, as your staff expressed, in perspectives from "on the ground," we are unaware of any particular information the Committee is seeking from the requested Sector Chiefs that Chief Ortiz could not provide.

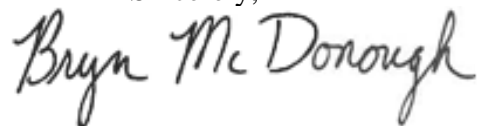
The Department has significant operational concerns with recalling four USBP Sector Chiefs on short notice from some of our nation's busiest sectors to appear before the Committee in Washington, D.C. As you know, preparation for witnesses to testify and answer questions at a public hearing is time-intensive, particularly for witnesses who have not previously testified before a Congressional Committee. The Department is also unaware of ever having provided four hearing witnesses simultaneously who were all from any single subcomponent.

To avoid any disruption in operations in sectors along the southwest border, USBP is offering a remote Member-level briefing with these four Sector Chiefs, which should satisfy the Committee's stated objective of hearing the Sector Chiefs views.

We understand the Committee's need for timely information and are committed to continuing discussions on this topic. The Department will continue to steadfastly engage on issues concerning the southwest border, and we welcome the opportunity to explore concrete solutions. We look forward to engaging further on other ways we can collaborate and support the Committee's work.

Should you need additional assistance, please have your staff contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,

A handwritten signature in cursive script that reads "Bryn McDonough".

Bryn McDonough  
Acting Assistant Secretary for Legislative Affairs

cc: The Honorable Jamie Raskin  
Ranking Member  
Committee on Oversight and Accountability  
U.S. House of Representatives

Stephanie Talton  
Deputy Assistant Commissioner  
U.S. Customs and Border Protection