



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-6501**

January 11, 2024

The Honorable Alejandro Mayorkas  
Secretary  
U.S. Department of Homeland Security  
3017 7th Street S.W.  
Washington, D.C. 20528

Dear Secretary Mayorkas:

As you know, last week, more than 60 House Republicans traveled to the Del Rio Sector to meet with Customs and Border Protection (CBP) officials and tour the U.S. Border Patrol processing facility in Eagle Pass, Texas. The purpose of our Congressional Member Delegation (CODEL) was to engage in Congressional oversight and to see firsthand the economic, national security, and humanitarian crisis that has unfolded along the southwest border as a result of the deliberately destructive policies of the Biden Administration.

The decision to visit Eagle Pass was made largely because, on December 20, 2023, the media reported the Border Patrol's Eagle Pass facility "was processing over 4,500 migrants into the facility on Tuesday [December 19, 2023] while a further 5,300 people were already being held inside, bringing it to 260% capacity...."<sup>1</sup> On that same day, staff of the Speaker's office emailed several Department of Homeland Security (DHS) officials to notify them of the Speaker's intent to lead a CODEL to Eagle Pass.

While nearly 10,000 illegal aliens were in Border Patrol custody in Eagle Pass on December 20, 2023, when our CODEL arrived 14 days later Border Patrol officials advised us they had fewer than 600 aliens in custody. According to one news report, a concerned CBP official disclosed that in the days leading up to our CODEL's arrival, DHS intentionally released nearly 1,500 illegal aliens every day from custody in Eagle Pass until the illegal alien detained population there was approximately 5 percent of what it had been on December 20th, equal to nearly half of the facility's holding capacity.<sup>2</sup>

Media reports have suggested DHS took these steps to hide the truth from Members of Congress. According to one CBP source, the agency sought to ensure that what the CODEL

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<sup>1</sup> Jack Morphet and Alex Oliveira, *New York Post*, "Texas border agents outnumbered 200 to 1 by migrants at Eagle Pass — station at 260% capacity," December 20, 2023. See: <https://nypost.com/2023/12/20/news/eagle-pass-border-agents-outnumbered-by-migrants-200-to-1/>

<sup>2</sup> Randy Clark, *Breitbart*, "Potemkin Village: Biden Admin 'Cleans Up Border' Ahead of Congressional Visit, Says Source," January 3, 2024. See: <https://www.breitbart.com/border/2024/01/03/potemkin-village-biden-admin-cleans-up-border-ahead-of-congressional-visit-says-source/>

witnessed would “pale[] in comparison to the migrant surge and grossly overcrowded facilities experienced during the month of December.”<sup>3</sup>

Further, both prior to and during our tour of the Eagle Pass facility, CBP officials attempted several times to stop Members of Congress from taking photographs of the facilities. Meanwhile, we were accompanied at the facility by several CBP officials who used professional cameras to take pictures of the CODEL. When one Member of Congress asked why CBP officials were able to take photographs while Members and our staff were prohibited from doing so, a CBP official responded with, “We are the government.” Simply put, the effort by DHS to impede and obstruct Congress in our efforts to engage in oversight of the Executive Branch is unacceptable. Congress is constitutionally charged with exercising oversight of the Executive Branch. The Supreme Court has repeatedly held that Congress’s authority to conduct oversight is a “broad and indispensable” power that “encompasses inquiries into the administration of existing laws, studies of proposed laws, and surveys in our social, economic or political system for the purpose of enabling Congress to remedy them.”<sup>4</sup>

Even as CBP refused to allow Members of Congress to take photographs, House Republicans learned that CBP later gave *CBS’s Face the Nation* access to the same Eagle Pass facility. *Face the Nation* was also permitted to take photographs and record video while on the premises. This is a clear double standard designed to hide the truth of the crisis you have created at the southern border.

To assist the House of Representatives and its committees with continued oversight of DHS and federal immigration policies and procedures, please provide the following documents and information for the time period December 20, 2023 to January 4, 2024:

1. All documents and communications between or among DHS employees or its components’ employees and the Executive Office of the President, local and state governments (including law enforcement entities), foreign governments, or non-governmental organizations referring or relating to:
  - a. The January 2-3, 2024, Congressional Delegation to San Antonio and Eagle Pass, Texas;
  - b. The ingress and egress of foreign nationals en route to the United States who entered or were likely to enter the United States through Eagle Pass, Texas and/or the Del Rio Sector;
  - c. Any effort to divert or delay the entry of foreign nationals who were en route to the United States and likely to enter through Eagle Pass, Texas and/or the Del Rio Sector;

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<sup>3</sup> *Id.*

<sup>4</sup> *Trump v. Mazars USA, LLP*, 140 S. Ct. 2019, 2031 (2020)

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- d. The release of illegal aliens from CBP/Border Patrol custody in Eagle Pass, Texas and/or the Del Rio Sector; and
  - e. The transport of illegal aliens into the interior of the United States who had entered the United States through Eagle Pass, Texas and/or the Del Rio Sector.
2. Documents sufficient to show whether any verbal communication, instructions, or directives between or among DHS or its components and the Executive Office of the President, local and state governments (including law enforcement entities), foreign governments, or non-governmental organizations relating to the CODEL, were given in the lead up to the CODEL.
  3. All documents and communications between or among DHS or its components and the Executive Office of the President, or foreign governments referring or relating to:
    - a. The establishment of any regulation, policy, guidelines, or directives concerning prohibitions, limitations, and/or restrictions related to the use of video, photographic, or audio recording equipment and/or making or taking videos, photographs, or audio recordings within CBP/Border Patrol facilities; and
    - b. Any regulation, rule, order, policy, guidance, or any other legal document or communication referring or relating to a legal justification for CBP and/or Border Patrol officials to impede, obstruct, or restrict Members of Congress and Congressional staff from using video, photographic, or audio equipment within CBP/Border Patrol facilities.

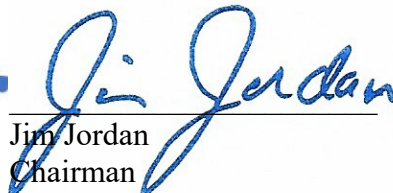
Please provide this information as soon as possible, but no later than 5:00 p.m. on January 19, 2024. If you have any questions, please contact my staff at (202) 225-4000. Thank you for your prompt attention to this matter.

Sincerely,




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Mike Johnson  
Speaker of the House



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Jim Jordan  
Chairman  
Committee on the Judiciary



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Mark E. Green, MD  
Chairman  
Committee on Homeland  
Security