



One Hundred Eighteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

September 26, 2023

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

Dear Secretary Mayorkas:

The Committee on Homeland Security (Committee) continues to conduct oversight of the Department of Homeland Security's (Department) Cuban, Haitian, Nicaraguan, and Venezuelan (CHNV) parole program.¹ As part of the Committee's oversight, on August 22, 2023, after numerous efforts to obtain voluntary compliance from the Department, the Committee issued a subpoena for documents and communications related to the CHNV parole program, with a return date of August 29, 2023.² Despite an outstanding subpoena for records, the Department refuses to provide a timely production. The Department's continued stonewalling of a legitimate Congressional inquiry is unacceptable.

In its initial response to the Committee's subpoena, on August 22, 2023, Zephranie Buetow, the Department's Assistant Secretary for Legislative Affairs, noted that "extensive and granular data" related to the Committee's numerous requests was provided on August 15, 2023, one week prior to the subpoena's issuance.³ That production, however, consisted of a mere 17-page packet, of which two pages provided no information other than, "Table Key: Represents zero or rounds to 0.0," and a third page that contained only a source citation and the same sentence about a "Table Key."⁴ (see Appendix A) To date, the Department has produced zero pages of material responsive to the Committee's subpoena. Ms. Buetow's August 22, 2023 letter did not provide a timeline for anticipated production, noting only that the Department will "seek

¹ Letter from Hon. Mark Green, et al., Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Apr. 27, 2023). Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Aug. 3, 2023); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. (Aug. 22, 2023).

² Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec'y, U.S. Dep't of Homeland Sec. encl. (Aug. 22, 2023).

³ Letter from Zephranie Buetow, Assistant Sec'y for Legis. Aff., U.S. Dep't of Homeland Sec., to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. (Aug. 22, 2023).

⁴ Letter from Zephranie Buetow, Assistant Sec'y for Legis. Aff., U.S. Dep't of Homeland Sec., to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. encl. (Aug. 15, 2023) (see Appendix A).

to produce the additional information as soon as it is available, accurate, and complete.”⁵ The Department has made similar empty promises in the past.⁶

The day before the subpoena return date, Committee staff contacted Shiek Pal, Director of Oversight and Investigations in the Department’s Office of Legislative Affairs and requested a telephone call to discuss a production timeline.⁷ Mr. Pal did not respond to the request. Instead, two days after the subpoena’s return date had passed, Ms. Buetow sent the Committee a second letter noting that the Department “expect[s] to be able to make an additional production of documents . . . on October 13, 2023.”⁸ This delay is unreasonable and unacceptable.

The Committee sent its original request letter for documents, communications, and data related to the CHNV program on April 27, 2023.⁹ Accordingly, the Department has had more than four months to make a substantive production. Instead, the Department has only produced limited data that was prepared well before service of the subpoena.¹⁰ After the Committee’s subpoena, the Department has had four additional weeks to make a production, but has failed, claiming that providing *any* document-related response is a “laborious task.”¹¹ It should be noted that the Department is engaged in litigation related to the CHNV program and has produced hundreds of administrative record documents in that proceeding.¹² As such, some of the responsive documents are readily available for production, but for inexplicable reasons the Department simply will not provide them to the Committee.

The Committee requires the subpoenaed data, documents, and other information to evaluate potential legislation to reform the Department’s parole authority. The Department’s continued failure to comply with the subpoena deprives the Department’s authorizing Committee from reviewing critically important data. If the Department fails to make a good faith effort to begin complying with the Committee’s subpoena by September 29, 2023, the Committee will consider taking additional steps to obtain the information it requires. Specifically, the Committee will consider compelling the testimony of Ms. Buetow and Mr. Pal to explain the continued

⁵ *Id.*

⁶ See E-mail from Dep’t of Homeland Sec., Staff, to H. Comm. on Homeland Sec., Staff (May 18, 2023) (advising that “a comprehensive set of data will take a few more weeks”); e-mail from Dep’t of Homeland Sec., Office of Legis. Aff., to Staff, H. Comm. on Homeland Sec. (Jun. 15, 2023) (advising that the Department will send requested data “early next week”).

⁷ E-mail from Staff, H. Comm. on Homeland Sec., to Shiek Pal, Dir. of Oversight and Investigations, Dep’t of Homeland Sec. Off. of Legis. Aff. (Aug. 28, 2023).

⁸ *Id.*

⁹ Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Hon. Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Apr. 27, 2023).

¹⁰ See e-mail from Dep’t of Homeland Sec., Office of Legis. Aff., to Staff, H. Comm. on Homeland Sec. (Jun. 15, 2023) (advising that CHNV data was in “final review” and ready to be transmitted “early next week.”).

¹¹ Letter from Zephrañie Buetow, Assistant Sec’y for Legis. Aff., U.S. Dep’t of Homeland Sec. to Hon. Mark Green, Chairman, H. Comm. on Homeland Sec. (Aug. 30, 2023).

¹² *Texas v. United States Dep’t of Homeland Sec.*, Civil Action No. 6:23-CV-00007, 2023 U.S. Dist. LEXIS 40400 (S.D. Tex. Mar. 10, 2023).

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delay in complying with the Committee's constitutional responsibility to conduct investigations. Additionally, if we do not receive a production by September 29, 2023, the Committee will work with the Department to identify a date for you to appear and testify about your knowledge of the Department's parole program.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Sincerely,

A handwritten signature in black ink that reads "Mark E. Green". The signature is written in a cursive, slightly slanted style.

MARK E. GREEN, MD
Chairman
Committee on Homeland Security

Encl.

cc: The Honorable Bennie Thompson, Ranking Member
Committee on Homeland Security