

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

August 09, 2024

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

Dear Secretary Mayorkas:

The House Committee on Natural Resources (Committee) continues to conduct oversight on the decision to house migrants at Floyd Bennett Field (FBF), a portion of Gateway National Recreation Area, located on National Park Service (NPS) land.¹ Evidence in the Committee's possession produced by other Biden administration agencies corroborates not only our understanding that the Department of Homeland Security (DHS) was principally involved in discussions preceding the establishment of a migrant camp at FBF, but also that DHS initiated and coordinated the interagency effort to transform this national park land into an encampment. Yet, DHS continues to obstruct the Committee's investigation rather than comply in a timely manner with legitimate oversight requests.

To ensure the effective management of America's public lands, the Committee wrote DHS two oversight letters—dated January 22, 2024² and February 9, 2024³—seeking the production of documents and information critical to the Committee's investigation. The Committee initially requested ten categories of documents critical to our ongoing oversight effort on DHS' involvement in the decision to transform Floyd Bennett Field into a migrant camp.

DHS failed to substantively respond to the Committee's letters by both the original February 8, 2024, deadline, and the extended February 23, 2024, deadline. In fact, DHS has largely

¹ National Park Service, *Lease Between U.S. Dept. of the Interior, National Park Service and the City of New York for the Premises known as Portions of Floyd Bennett Field, in the Jamaica Bay Unit of Gateway National Recreation Area*, DEPT. OF THE INTERIOR (Sept. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

² Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources and Rep. Paul A. Gosar, Chairman, Subcomm. on Oversight and Investigations, H. Comm. on Natural Resources, to Alejandro Mayorkas, U.S. Dept. of Homeland Security (Jan. 22, 2024), https://naturalresources.house.gov/uploadedfiles/2024.01.22_hnr_letter_to_dhs_on_fbf_migrant_encampment.pdf.

³ Letter from Rep. Bruce Westerman, Chairman, H. Comm. on Natural Resources and Rep. Paul A. Gosar, Chairman, Subcomm. on Oversight and Investigations, H. Comm. on Natural Resources, to Alejandro Mayorkas, U.S. Dept. of Homeland Security (Feb. 9, 2024), https://naturalresources.house.gov/uploadedfiles/2024.02.09_hnr_follow-up_letter_to_dhs.pdf.

neglected its duty to produce responsive materials.⁴ Since February 2024, at least twelve conversations between Committee and DHS staff about document production proved ineffectual. DHS blamed production delays on other priorities, software outages, backlogs, and review time for thousands of pages of tailored search results. The Committee’s attempts to work with DHS and counteract the agency’s snafus by asking for a rolling production, or at least an expected production timeline, were either futile or met with unacceptably delayed timelines. Thus far, DHS has successfully kicked the production can down the road and refused to meaningfully cooperate with the Committee—with no end in sight. The Committee is no longer willing to allow DHS to impede its inquiry.

As you are aware, the Supreme Court has long recognized that Congressional oversight power is broad, indispensable, and far-reaching. See *Barenblatt v. United States*, 360 U.S. 109 (1959); *Watkins v. United States*, 354 U. S. 178, 187, 215 (1957). The Supreme Court has also established that Congress has a duty “to look diligently into every affair of government” and “use every means of acquainting itself with the acts and the disposition of the administrative agents of the government.” *Doe v. McMillan*, 412 U.S. 306 (1973). Hence, a “legislative inquiry may be as broad, as searching, and as exhaustive as is necessary.” *Townsend v. United States*, 95 F.2d 352, 361 (D.C. Cir. 1938). Moreover, under House Rule X, the Committee on Natural Resources has “general oversight” of any matter relating to its jurisdiction, including the management of national parks and federal lands.

The excuses provided by DHS for its lengthy document production delay are unacceptable and have left the Committee no choice but to compel responsive production. In an effort to expedite responsive production, the Committee’s attached schedule of documents includes just four priority requests originating from the Committee’s letters, three requests arising from Rebecca Sternhell’s June 27, 2024, transcribed interview, and three requests proceeding from DHS’ July 11, 2024, production. Accordingly, and pursuant to House Rule XI and Rule 4(d) of the Rules for the Committee on Natural Resources, please find enclosed a subpoena.

Thank you for your attention to this very important matter.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

Enclosure

⁴ In response to impending use of the compulsory process, DHS produced one grossly inadequate set of documents comprised of redacted documents, missing attachments, and newsletters. DHS also provided documents and information responsive to some—but not all—of the Committee’s requests stemming from Rebecca Sternhell’s transcribed interview.

SAVE

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SUBPOENA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

The Honorable Alejandro Mayorkas, Secretary
U.S. Department of Homeland Security

To

You are hereby commanded to be and appear before the

Committee on Natural Resources

of the House of Representatives of the United States at the place, date, and time specified below.

- to produce the things identified on the attached schedule touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of production: 1324A Longworth House Office Building

Date: August 23, 2024 Time: 5:00 PM ET

- to testify at a deposition touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Dat _____ Tim _____

- to testify at a hearing touching matters of inquiry committed to said committee or subcommittee; and you are not to depart without leave of said committee or subcommittee.

Place of testimony: _____

Dat _____ Tim _____

To U.S. Marshals Service or any authorized staff member

_____ to serve and make return.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, D.C. this 9th day of August, 2024.

Bruce Westerman
Chairman or Authorized Member

Attest:

Kevin F. McAuliffe

Clerk