

Congress of the United States
Washington, DC 20515

June 15, 2021

The Honorable Merrick Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Garland,

Several weeks ago, the undersigned Congressional Delegation (CODEL) respectfully requested the Department of Justice (DOJ) permit us a tour of the El Paso Intelligence Center (EPIC) during our visit to the southern border on May 25, 2021, to which we were denied.¹ As you are aware, EPIC is a shared facility between the Drug Enforcement Administration (DEA) and other law enforcement partners to identify threats to the nation, particularly on the Southwest border.

First, we want to be clear: The DEA staff have been cooperative and professional, in both previous interactions and visits with them to other sectors of the southern border and in helping us better understand their important and life-saving mission – particularly considering record amounts of fentanyl and other synthetic opioids are coming through a now porous U.S. border.² However, the public should know that it was the DOJ who ultimately rejected our request and instead offered for us to come back in “September or October” due to “time constraints.”³

This is completely unacceptable. Cherry-picking the dates of Congressional visits, particularly when they’re several months after an initial request, is a recipe for a dog-and-pony show, not legitimate oversight.

This tactic makes a mockery of the checks and balances envisioned in our Constitution and is a blatant violation of President Biden’s “commitment to transparency”⁴ regarding the crisis on our southern border.

With each passing day, it becomes clearer that this administration is desperately trying to cover up the failures that led to the worse border crisis in our country’s history and that they intend to

¹ Halon, Yael, “Republican delegation denied access to DEA facility during border visit: ‘What do they have to have to hide?’,” Fox News, May 25, 2021. Accessed at <https://www.foxnews.com/media/republican-delegation-el-paso-dea-facility-border>

² (Shea, 2021), “Tidal wave of drug trafficking happening at border: Former acting DEA admin,” Fox News, May 9, 2021. Interview transcript accessed at <https://www.foxnews.com/transcript/tidal-wave-of-drug-trafficking-happening-at-border-former-acting-dea-admin>

³ Email from DEA Office of Legislative Affairs to U.S. Representative Brian Babin (TX-36) Staff, May 21, 2021.

⁴ Dima, Jake, “Biden says he will commit to transparency at border when his ‘plan’ is ‘underway,’” Washington Examiner, March 25, 2021. Accessed at <https://www.washingtonexaminer.com/news/biden-border-transparency-plan-underway>

hide the truth from the American people about how their tax dollars are being spent and how dangerous Biden's policy decisions will be for generations to come.

The DOJ's decision to restrict our access is truly inconceivable under our democratic republic, where congressional oversight is a fundamental check in potential abuse of the president's executive power. No excuse, whether it be "time constraints" or otherwise, is acceptable when it impedes Members of Congress from performing their jobs as established by Article 1 of the U.S. Constitution.

EPIC is our collective responsibility. By operating this facility behind closed doors and outside of the lens of lawmakers who authorize its very existence and appropriate its funds will not be tolerated.

Therefore, we request a meeting with you at your convenience before Wednesday, June 30, 2021 to discuss why this administration is engineering bogus rationales and red tape in order to prevent oversight of EPIC.

Additionally, in order for us to better understand DOJ's decision to deny our request, please provide responses to the following questions:

- 1) What is the process for obtaining and approving proper clearances for Members of Congress to enter DEA controlled facilities, such as EPIC?
- 2) Per the Department's rules, how much advanced notice is currently required in order to accommodate a request of this nature?
- 3) Per correspondence with our Staff, we were told that "it is outside of standard DEA practice to grant successive CODEL requests from the same Member" – what is the DOJ rule stating that the Agency should not, or cannot, accommodate a request for oversight from the same Member of Congress in a successive manner?
- 4) What is the current number of FTEs under your jurisdiction at EPIC and how does that compare to the anticipated number of FTE's to be on-site in September or October?
- 5) What is the justification for delaying 13 Members of Congress access to a congressionally authorized and funded facility for several months?

We look forward to your swift response and our forthcoming meeting.

Sincerely,



Brian Babin
Member of Congress



Steven M. Palazzo
Member of Congress



John R. Carter
Member of Congress



Mike Garcia
Member of Congress



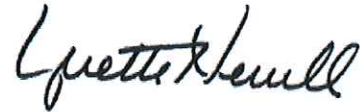
Gus M. Bilirakis
Member of Congress



Barry Moore
Member of Congress



Vicky Hartzler
Member of Congress



Yvette Herrell
Member of Congress



Jim Hagedorn
Member of Congress