



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

September 10, 2020

The Honorable Chad Wolf  
Department of Homeland Security  
Washington, DC 20520

Dear Mr. Wolf:

I am in receipt of the Department of Homeland Security's September 8, 2020 letter rescinding your commitment to participate in the Committee on Homeland Security's hearing on "Worldwide Threats to the Homeland" scheduled for September 17, 2020. It is unacceptable that three months after the Committee began engaging with the Department to schedule this hearing, and just a week before the hearing is to occur, you are renegeing on your appearance. Your refusal to testify is especially troubling given the serious matters facing the Department and the Nation. I write to reiterate the Committee's invitation and to inform you that if you do not commit to appear as scheduled, the Committee intends to use compulsory process to obtain your testimony.

The Committee began engaging with the Department on June 10, 2020, in an effort to secure your participation in the Committee's critically important annual hearing alongside your counterparts from other Federal agencies. Unfortunately, the Department, Federal Bureau of Investigation (FBI), and National Counterterrorism Center (NCTC) were unable to identify a mutually agreeable date for the hearing in June or July. Department staff conveyed to the Committee on July 23, 2020, that you were available to testify on September 17, 2020, and the Committee agreed. That date was confirmed with the FBI Director on July 31, 2020, and the NCTC Director on August 24, 2020, shortly after he was confirmed by the Senate. Formal invitations confirming the agreed upon hearing were sent on August 25, 2020.

The Department's September 8 letter indicates that you are unable to testify because you expect the President to formally nominate you this week to be the Secretary of Homeland Security. The letter notes that it is "standard practice" for nominees not to testify before congressional committees. I would note that your nomination has not yet been formally submitted. Should you be nominated, there is no legal prohibition barring you from testifying before the Committee. The "standard practice" the Department cites is the Administration's own self-imposed limitation.

Moreover, while the relied upon practice may be reasonable in circumstances where the nominee has only served in an “acting” capacity for a short period of time, that is not your situation. The Department has been without a Senate-confirmed Secretary for 17 months, and you have been “Acting Secretary” for nearly 10 months. During that time, you have been the Department official responsible for numerous decisions directly relevant to the subjects the Committee intends to explore. Congress has both an obligation and the authority to execute its Constitutional oversight responsibilities regarding your decisions and the Department’s actions during this time. As Chairman, I intend to ensure the Committee fulfills its Constitutional responsibilities.

Please confirm your attendance at the upcoming hearing by September 11 at 5:00 pm, or the Committee will implement compulsory process to ensure your participation.

Sincerely,



Bennie G. Thompson  
Chairman

cc: The Honorable Mike Rogers, Ranking Member