Congress of the United States
Washington, DC 20515

September 16, 2016

Commissioner R. Gil Kerlikowkse
Director, United States Customs and Border Protection
United States Department of Homeland Security
1300 Pennsylvania Avenue, NW
Washington, DC 20229

Dear Commissioner Kerlikowkse,

We are writing to request an immediate update on your Office's response to the death of United States Border Patrol Agent Javier Vega Jr. On August 3, 2014, Agent Vega was murdered during a fishing trip with his family in Raymondville, Texas. He was shot at point-blank range while defending his family during an attempted armed robbery. The two men arrested for this murder, Ismael Hernandez and Gustavo Tijerina, had been deported multiple times after committing a long list of crimes and terrorizing the community.

Despite Agent Vega's courageous actions, your Office has failed to honor Agent Vega's death as a line of duty fatality. On October, 30, 2015, Senator Cornyn and Congressman Filemon Vela sent you a letter requesting that Agent Vega's death be classified as a line of duty fatality. Your Office's failure to honor Agent Vega also came up when Senator Cornyn and Chairman McCaul visited South Texas in August this year. As stated in the 2015 letter, the brave men and women of American law enforcement are never off-duty—they stand ready to protect us from threats to our safety and security at all times. Javier Vega was a hero who upheld his oath to protect and serve even while off-duty and should be honored as a hero and patriot. The criteria for classifying his death as line of duty fatality is consistent with your Office's Valor Memorial Directive, as well as those used for the National Law Enforcement Officers' Memorial, which states that fallen officers include those who, while in an off-duty capacity, act in response to a violation of law. Thus, there is no reason why Agent Vega should not be honored among those officers who have made the ultimate sacrifice.

In addition, and despite the requests made in the letter and repeated inquiry by Senator Cornyn's Office, we understand very little progress has been made on behalf of Agent Vega's family. The Department of Justice's Public Safety Officer's Benefits Program (PSOB), which oversees the payment of death benefits to public safety officers who die in the line of duty, still has not provided any benefits to Agent Vega's family. The Justice Department contends that this delay has been the result of failures by your Office to provide additional information on the case. Thus, we have no choice but to conclude that your Office is not treating Agent Vega's sacrifice with the respect it deserves.

PRINTED ON RECYCLED PAPER

Agent Vega gave his life to protect his family and this country over two years ago. Your failure to recognize his sacrifice among other fallen officers and delay in responding to the needs of his family dishonors his sacrifice and his service. We ask that you swiftly honor Agent Vega and his family by officially and publicly recognizing his death as a line of duty fatality. And we ask that you quickly resolve any and all outstanding issues with the Justice Department.

Thank you for your attention to this important matter. In light of the delays, we request that you respond no later than September 30, 2016. If you have any questions, please contact Carter Burwell of Senator Cornyn's Judiciary Committee Staff at (202) 224-7719.

Sincerely,

JOHN CORNYN
United States Senator

FILEMON VELA
Member of Congress

MICHAEL T. MCCAUL
Member of Congress

JOHN CARTER
Member of Congress