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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

June 5, 2018

The Honorable Kirstjen Nielsen
Secretary of Homeland Security
Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20528

Dear Secretary Nielsen,

As the Ranking Member of the Senate Foreign Relations Committee (SFRC), I am writing to express alarm that the Department of Homeland Security (DHS) denied a request from my office to review the procedures and operations of U.S. Customs and Border Protection (CBP) at the southern border. This deeply disturbing decision appears to be an outright attempt to undermine congressional oversight of the executive branch. This is unacceptable.

On Thursday May 24, a senior member of SFRC staff contacted the DHS Office of Legislative Affairs to request a site visit to CBP facilities in the context of their visit to the San Diego-Tijuana border region on Saturday June 2. SFRC staff specifically asked to review CBP immigrant processing operations at the San Ysidro or Otay Mesa ports of entry.

However, on June 1, SFRC staff was informed that 9 days of advance notice was insufficient and that they would not be able to visit CBP facilities in San Diego. Such a decision runs completely counter to past precedent, as SFRC staff conducted similar visits under this and prior Administrations to examine CBP operations – including in McAllen, Texas in May 2016 and El Paso, Texas in February 2017.

Particularly at a time when DHS and CBP are implementing policies to forcibly separate immigrant children from their parents who are seeking asylum at the border, Congress has a responsibility and right to exercise diligent oversight. This Administration's family separation policy has the real potential of causing long-term harm and trauma to these children and families. For these reasons, please expeditiously respond to the following questions:

- Why was my office's request to review CBP operations in San Diego denied?
- Will you commit to working with my office to ensure that my staff can visit CBP facilities at the U.S.-Mexico border in the next month?
- What Members of Congress or congressional staff have been permitted or denied access to CBP operations since Attorney General Jeff Sessions announced a "zero tolerance" policy on May 7, 2018?

I urge you to reverse DHS's troubling decision to refuse congressional oversight and work with my office to ensure that staff will be granted access to CBP facilities in the next month. The Administration's new policies are cruel and un-American, and U.S. citizens deserve answers from their government. Thank you in advance for your attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez." The signature is written in a cursive, flowing style with a prominent initial "R" and a long, sweeping tail on the "z".

Robert Menendez
Ranking Member