

Congress of the United States
Washington, DC 20515

November 13, 2020

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535

Dear Director Wray:

I write to request an investigation to determine whether former Secretary of Homeland Security Kirstjen Nielsen perjured herself in sworn testimony before the House Judiciary Committee on December 20, 2018.

The Department of Homeland Security (DHS) Office of the Inspector General (OIG) released a new report entitled “CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry¹.” The report reveals that U.S. Customs and Border Protection (CBP) took “deliberate steps” in 2018 to limit the daily processing of asylum seekers processed at ports of entry along the Southern Border, including stopping the processing of “virtually all” undocumented immigrants and “[turning] away asylum seekers who had already stepped into the United States, telling them to return to Mexico.

The OIG report appears to contradict Secretary Nielsen’s sworn testimony before Congress. On December 20, 2018, House Judiciary Committee Chairman Jerry Nadler asked then-Secretary Nielsen a series of question about the role of CBP in limiting the processing times at Southwest Border land ports of entry.

The exchange was as follows:

CHAIRMAN NADLER: Are media reports correct that CBP has recently implemented so-called "port hardening" where CBP is actually reducing its processing capacity at the ports?

NIELSEN: Port hardening is actually something very different than queuing. The queuing is based on all the missions we have to do at the border.

¹ Department of Homeland Security Office of Inspector General (DHS OIG). (2020). *CBP Has Taken Steps to Limit Processing of Undocumented Aliens at Ports of Entry*. <https://www.oig.dhs.gov/sites/default/files/assets/2020-10/OIG-21-02-Oct20.pdf>

CHAIRMAN NADLER: Are you doing anything that would reduce your capacity to process X number of people at the ports?

NIELSEN: I'm not sure what the question means. No, sir, we're trying to execute all of our missions at the ports of entry.

CHAIRMAN NADLER: Are you doing anything that slows down, that reduces the number of people who can be processed at the ports on a daily or weekly basis?

NIELSEN: We are meeting all of our missions. In the amount of what we have to do between national security, between narcotics, between economic security, and those without paperwork, at certain ports, we do not have capacity to do all of that at the same time. So that is why the queuing occurs. We take them as they come to meet our requirements.

CHAIRMAN NADLER: I understand all that. My question is: Are you doing anything, that you didn't used to do, that is reducing your capacity to process people at the ports?

NIELSEN: No...no...we're doing what we need to do to execute our missions.

In light of the conflicting facts, the Federal Bureau of Investigation (FBI) should immediately investigate whether former Secretary Nielsen's statements violate 18 U.S. Code § 1621, 18 U.S.C § 1001, or any other relevant federal statutes that prohibit perjury and false statements to Congress.

Sincerely,



Jimmy Gomez
Member of Congress