

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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February 5, 2019

The Honorable Christine Ciccone
Assistant Secretary
Office of Legislative Affairs
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Stephen E. Boyd
Assistant Attorney General
Office of Legislative Affairs
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Matthew Bassett
Assistant Secretary for Legislation
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, D.C. 20201

Dear Assistant Secretary Ciccone, Assistant Attorney General Boyd, and Assistant Secretary Bassett:

On July 5, 2018, exactly seven months ago today, I sent a letter to each of your agencies requesting key information about the Trump Administration's actions in separating children from their families at the border. That request was bipartisan. It was signed by Representative Mark Meadows, who then served as Chairman of the Subcommittee on Government Operations. As we wrote in our letter, "Like many Americans, we want to ensure that we can reunite children who have been separated from their families as expeditiously as possible."¹

Your agencies produced none of the specific information we requested.

¹ Letter from Chairman Mark Meadows, Subcommittee on Government Operations, House Committee on Oversight and Government Reform, and Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General Jeff Sessions, Department of Justice (July 5, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Meadows-Cummings%20Letter%20Requesting%20Info%20on%20Separated%20Children.pdf>).

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After the election, on December 19, 2018, I sent a follow-up letter as the incoming Chairman of the Committee requesting that each of your agencies “fully comply” with the Committee’s bipartisan request from July 5, 2018. As I clearly explained in my letter, “I intend to continue this investigation in the next Congress.”²

Again, your agencies produced none of the specific information we requested.

Since then, new reports have indicated that the number of children separated from their families by the Trump Administration may be far higher than previously reported. Last month, the Inspector General of the Department of Health and Human Services issued a report warning that “thousands” of additional children may have been separated. The Inspector General stated: “The total number of children separated from a parent or guardian by immigration authorities is unknown.” The Inspector General also found that the Trump Administration still lacks an “existing, integrated data system to track separated families across HHS and DHS.”³

In addition, new reports have contradicted repeated assertions by top Trump Administration officials that “this administration did not create a policy of separating families at the border.”⁴ For example, a recently disclosed draft memorandum shows extensive planning as early as March 2017 on ways to target immigrant families, including proposals to “Increase Prosecution of Family Unit Parents” and “Separate Family Units.”⁵

The Trump Administration’s policy of separating thousands of children from their families is disgraceful, and the Committee’s bipartisan request was intended to help reunite these children with their families. It is unacceptable that your agencies have failed to provide any of the specific information we requested seven months ago.

² Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Acting Attorney General Matthew G. Whitaker, Department of Justice (Dec. 19, 2018) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2018-12-19.EEC%20to%20Nielsen-DHS%20Whitaker-DOJ%20and%20Azar-HHS%20re%20Immigrant%20Child%20Separation.Updated.pdf>).

³ Department of Health and Human Services, Office of the Inspector General, *Separated Children Placed in Office of Refugee Resettlement Care* (Jan. 17, 2019) (online at www.oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf).

⁴ *Press Briefing by Press Secretary Sarah Sanders and Department of Homeland Security Secretary Kirstjen Nielsen*, The White House (June 18, 2018) (online at www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-department-homeland-security-secretary-kirstjen-nielsen-061818/).

⁵ *Trump Admin Weighed Targeting Migrant Families Speeding Up Deportation of Children*, NBC News (Jan. 18, 2019) (online at www.nbcnews.com/politics/immigration/trump-admin-weighed-targeting-migrant-families-speeding-deportation-children-n958811).

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For these reasons, I am inviting each of you, as the top legislative liaisons at your respective agencies, to testify at a hearing before the Committee on Tuesday, February 12, 2019. You will be asked to explain why your agencies have produced none of the specific information we requested on a bipartisan basis seven months ago. The Committee will then determine whether subpoenas are necessary to compel production of documents that answer our questions.

However, if each of you provide, by Friday, February 8, 2019, a schedule by which your agencies will respond in full to the Committee's July 5, 2018, request, the Committee will consider whether your testimony on February 12, 2019, will remain necessary.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

An attachment to this letter provides additional instructions for responding to the Committee's request. If you have any questions regarding this request, please contact my staff at (202) 225-5051.

Thank you for your prompt attention to this matter.

Sincerely,



Elijah E. Cummings
Chairman

Enclosure

cc: The Honorable Jim Jordan, Ranking Member