

**Recent Communications between Committee and Agency Staff Regarding Bipartisan  
Request on Family Separations**

• **DOJ:**

- December 21, 2018: Committee staff emailed DOJ to confirm receipt of Rep. Cummings' December 19 letter.
- January 3, 2019: Committee staff emailed DOJ staff for a status update, and DOJ staff responded, "we will have an update on this request after funding is restored."
- January 29, 2019: Committee staff emailed again requesting an update. DOJ staff responded: "We will get back with you as soon as possible."
- February 6-8, 2019: Committee staff spoke by phone with DOJ staff. DOJ staff said that they did not believe DOJ had any responsive information. DOJ staff explained that if they have responsive documents gathered for litigation, they could be barred from sharing these by the protective order. Committee staff stated that did not believe the protective order prohibits producing documents to the Committee.
- February 12, 2019: On a phone call with Committee staff, DOJ staff agreed that the protective order did not prohibit the Department from providing documents to the Committee. Nevertheless, DOJ staff proposed an *in camera* review of certain documents in DOJ's offices or the production of documents with personal information redacted. DOJ provided no legal rationale for such restrictions. Committee staff explained that an *in camera* review would be insufficient and that the Committee requires unredacted data. DOJ staff said they would need permission from HHS and DHS to share any documents with the Committee.
- February 14, 2019: Committee staff spoke by phone to DOJ. DOJ staff said they still could not provide the Committee with requested information without DHS and HHS permission and could not provide any indication of the timing of production or when they would receive an answer from the other agencies.
- February 19, 2019: DOJ produced 33 documents to the Committee, but none of the specific information from the July 2018 bipartisan request. The cover letter stated that these were all public documents and that DOJ "will supplement this response when additional materials become available." The produced documents consisted of public court filings in the *Ms. L v. ICE* litigation.

• **DHS:**

- December 21, 2018: Committee staff confirmed DHS's receipt of Rep. Cummings' December 19, 2018, letter.
- December 27, 2018: Committee staff called DHS and left a voicemail message.

- January 3, 2019: Committee staff called DHS again and left another message. DHS responded that “nothing can or will be done until the furlough is over.”
- January 30, 2019: Committee staff called and emailed DHS again. DHS staff did not respond.
- February 5, 2019: Committee staff spoke by phone to DHS to confirm receipt of Chairman Cummings’ letter and to discuss the need for full compliance.
- February 7, 2019: Committee staff spoke again by phone to DHS to discuss the need for full compliance.
- February 13, 2019: Committee staff met with DHS to discuss the request and emphasize the need for full compliance. DHS expressed concern about providing personal information.
- February 15, 2019: DHS staff emailed Committee staff regarding responsive information in DHS’s possession. DHS staff stated that DHS components were still “exploring various potential issues regarding the disclosure of certain information,” including “exporting data between components across agencies” and providing personally identifiable information.
- February 21, 2019: Committee staff followed up by email asking for an update. DHS staff has not provided one.

- **HHS**

- December 21, 2018: Committee staff emailed HHS to confirm receipt of Rep. Cummings’ December 19, 2018, letter. HHS did not respond.
- December 28, 2018: Committee staff emailed HHS again. HHS responded that the letter and other requests from Chairman Cummings had been received and “should be turned around shortly.”
- January 4, 2019: Committee staff had a call with HHS to reiterate the need for full compliance with the request and followed up by email confirming the discussion.
- January 8, 2019: Committee staff emailed HHS, identifying the child separation request a priority for Chairman Cummings. HHS acknowledged receipt of the email.
- January 10, 2019: Committee staff followed up by email again, but received no response.

- January 23, 2019: Committee staff followed up by email again, but received no response.
- February 7, 2019: Committee staff spoke by phone to HHS and reiterated the need for full compliance with the request. HHS expressed concerns about providing personal information to the Committee and proposed *in camera* review through ORR's "portal."
- February 13, 2019: Committee staff spoke to HHS and again stressed the need for full compliance. HHS again expressed concerns about providing personal information, but offered no legal rationale for withholding the information.
- February 15, 2019: Committee staff spoke to HHS. HHS reiterated its concerns about providing personal information and proposed review of ORR's data portal as a next step.
- February 18, 2019: Committee staff agreed view ORR's "portal," but explained:

Please note that Chairman Cummings' request to HHS has not changed, and we don't view an *in camera* review of the data portal as a substitute for full production of the requested information. As we have discussed, we continue to believe it is important that the Committee receives a full production as soon as possible.

After multiple attempts by Committee staff to schedule a time to review the portal, HHS staff stated that review would not be possible until February 27 or later.

- February 22, 2019: HHS produced a set of non-responsive documents, including: (1) public court filings from the *Ms. L v. ICE* litigation; and (2) public documents and court filings related to conditions in government facilities in Texas. HHS provided none of the information the Committee requested about each separated child.