

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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MEMORANDUM

April 5, 2019

To: Members of the Committee on Oversight and Reform

Fr: Majority Staff

Re: Hearing on “Failure of Administration to Comply with Subpoenas on Child Separation Policy”

On **Tuesday, April 9, 2019, at 2:00 pm, in room 2154 of the Rayburn House Office Building**, the Subcommittee on Civil Rights and Civil Liberties will hold a hearing on the failure of the Department of Justice (DOJ), Department of Homeland Security (DHS), and Department of Health and Human Services (HHS) to comply with bipartisan Committee subpoenas regarding immigrant children separated from their families.

I. HEARING SCOPE AND PURPOSE

On February 26, 2019, the Committee authorized Chairman Elijah Cummings to issue subpoenas requiring DOJ, DHS, and HHS to produce documents related to the Administration’s actions in separating children from their families at the southern border. The subpoenas covered eleven categories of documents on each separated child. The same information was requested nine months ago in a bipartisan letter from then-Ranking Member Cummings and Rep. Mark Meadows, then the Chairman of the Subcommittee on Government Operations.¹

The Committee’s subpoenas were approved on a bipartisan basis, and the documents were due on March 12, 2019. In response, the agencies produced a spreadsheet that responded to only two of the eleven categories of the subpoena. The response included:

- An anonymized identification number, date of birth, date of book-in to U.S. government custody, age at book-in, country of citizenship or birth, and gender of 2,667 children; and

¹ Letter from Chairman Mark Meadows, Subcommittee on Government Operations, Committee on Oversight and Government Reform, and Ranking Member Elijah E. Cummings, 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 oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/Meadows-Cummings%20Letter%20Requesting%20Info%20on%20Separated%20Children.pdf).

- The date of birth, age, country of citizenship, and gender of the parent accompanying each child.

On March 27, 2019, Chairman Cummings and Subcommittee Chairman Jamie Raskin sent a letter to the three agencies expressing concern with their failure to comply with the subpoenas and inviting each agency's top legislative affairs official to testify at this hearing.²

Since the initial subpoena deadline, Committee staff and agency staff have engaged in extensive discussions to understand the status of each agency's compliance efforts. The agencies provided some additional information in letters on April 2, 2019.³

The purpose of the hearing is to determine why DOJ, DHS, and HHS have not complied with the Committee's subpoenas and when the agencies will be in full compliance.

II. WITNESSES

The Honorable Christine Ciccone

Assistant Secretary for the Office of Legislative Affairs
U.S. Department of Homeland Security

The Honorable Stephen E. Boyd

Assistant Attorney General for the Office of Legislative Affairs
U.S. Department of Justice

The Honorable Matthew Bassett

Assistant Secretary for Legislation
U.S. Department of Health and Human Services

Staff contacts: Russ Anello, Aaron Blacksberg, Candyce Phoenix, or Valerie Shen at (202) 225-5051.

² Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties, to Secretary Kirstjen M. Nielsen, Department of Homeland Security, Secretary Alex M. Azar II, Department of Health and Human Services, and Attorney General William P. Barr, Department of Justice (Mar. 27, 2019) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-27.EEC%20Raskin%20to%20DHS%20DOJ%20HHS.pdf).

³ Letter from Assistant Attorney General Stephen E. Boyd, Department of Justice, to Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Jamie Raskin, Subcommittee on Civil Rights and Civil Liberties (Apr. 2, 2019) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-04-02%20DOJ%20Response%20to%20EEC%20re%20Child%20Separations.pdf); Letter from Assistant Secretary Christine Ciccone, Department of Homeland Security, and Assistant Secretary Matthew Bassett, Department of Health and Human Services, to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Apr. 2, 2019) (online at oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-04-02%20HHS%20and%20DHS%20Response%20to%20EEC%20re%20Child%20Separations.pdf).