

Statement by  
**Melanie Anne Egorin**  
**Assistant Secretary for Legislation**  
**U.S. Department of Health and Human Services**  
on  
**Hearing on Compliance with Committee Oversight**  
before  
**Subcommittee on Responsiveness and Accountability to Oversight**  
**Committee on the Judiciary**  
**United States House of Representatives**  
**May 7, 2024**

Chairman Cline, Ranking Member Swalwell, and Members of the Committee, I appreciate this opportunity to testify again on the efforts of the Department of Health and Human Services (HHS or Department) to respond to oversight requests from the Committee on the Judiciary (Committee) during the 118<sup>th</sup> Congress. I am Melanie Anne Egorin, the Assistant Secretary for Legislation at HHS. Prior to coming to HHS, I spent more than 15 years working in Congress and at the Government Accountability Office, including serving on the professional staff of the House Committee on Ways and Means for nearly 10 years. I have a deep appreciation for the important work of Congress and the role that oversight plays in the furtherance of its legislative function. As I noted in testimony for my confirmation to serve as the Assistant Secretary for Legislation, as well as my prior testimony before this Subcommittee, I believe it is vital that we ask questions about current policies and programs so we can improve programmatic integrity, our health care system, and the overall health of the nation.

HHS's mission is to enhance the health and well-being of all Americans. We accomplish this mission every day by providing for effective health and human services and by fostering sound, sustained scientific advances that underly medicine, public health, and social services. Our 12 operating divisions include nine agencies in the U.S. Public Health Service and three human services agencies. Collectively, these divisions administer a wide variety of health and human services programs. From providing access to health care coverage to more than 100 million people through Medicare, Medicaid, the Children's Health Insurance Program, and the Health Insurance Marketplace, and services provided through the Indian Health Service, Community Health Centers, and the U.S. Public Health Service, to working to protect Americans from health, safety, and security threats both foreign and domestic, and overseeing the safety, effectiveness, and quality of foods, drugs, vaccines, and medical devices, HHS programs touch the lives of all Americans.

## **Addressing Congress's Oversight Requests**

As part of its critical mission to enhance and protect the health and well-being of all Americans, HHS regularly interacts with Congress and responds to congressional oversight requests. HHS recognizes and appreciates the importance of congressional oversight and is committed to continuing to work with Congress in good faith to address its informational needs while balancing the institutional interests of the Department and the Executive Branch. Given the breadth of the programs administered by the Department, we receive inquiries from virtually every Member's office and regularly receive a variety of oversight requests from numerous committees in both the House and Senate. During the 118<sup>th</sup> Congress alone, the Department has sent hundreds of responses to congressional inquiries from a multitude of committees, produced more than 50,000 pages of documents in response to oversight requests, and responded to numerous other congressional letters and requests for information and assistance. Department officials also have testified at multiple oversight hearings, participated in multiple transcribed interviews, and provided frequent briefings for committee staff in connection with various inquiries.

In responding to the substantial volume of congressional oversight requests this Congress, we engage in the constitutionally mandated accommodation process, seeking to respond to Congress's legitimate efforts to seek information in aid of its legislative function in a manner consistent with Executive Branch interests, while being cognizant of resource constraints. We receive many broad and complex oversight requests that may involve multiple components of the Department. Such requests require appropriate time and attention to allow us to provide accurate information. At times, committees also have requested particularly sensitive information, including information implicating market sensitivities, ongoing law enforcement investigations, personal health information (PHI), and personally identifiable information (PII). In situations like these, we have pursued accommodations that balance the committee's interests with our obligation to safeguard certain information. In all cases, we work hard to respond to Congress's oversight requests about the Department's policies and programs.

## **The Committee's Oversight Requests**

With respect to the subject of today's hearing, during the 118<sup>th</sup> Congress, the Department has been actively engaging with the Committee regarding its multiple oversight requests regarding multiple operating divisions within the Department. To date this Congress, these efforts include participating in two transcribed interviews, providing the Committee more than 14,000 pages of documents, arranging for 3,600 pages of sensitive records to be reviewed *in camera*, and providing detailed information regarding the Department's programs through various briefings and formal correspondence. This demonstrated record of compliance and consistent good faith engagement notwithstanding, the Committee has repeatedly and unnecessarily resorted to

compulsory process in connection with requests the Department was already working to accommodate.

In particular, throughout the last year, the Department has committed substantial resources to accommodating the Committee's requests regarding the Unaccompanied Children (UC) Program administered by the Office of Refugee Resettlement (ORR) of the Administration for Children and Families. At all stages, the Department has worked in good faith to provide the Committee with responsive documents and information and has provided detailed responses to each of the Committee's letters on this matter in advance of the requested deadlines. Most recently, on February 16, 2024, the Department sent the Committee a detailed letter and document production, addressing the Committee's significant number of questions regarding the UC Program. Prior to submitting that response, and before the Committee sought to compel a response through a subpoena, the Department and the Committee had been in consistent communication and Department staff had relayed that a response was imminent.

The Department has likewise sought to accommodate the Committee's request for the full ORR case files of certain unaccompanied children placed in ORR care. By their nature, such files reveal highly personal information regarding individual children, including a significant volume of PII, medical records, and other PHI gathered in the course of their care. As we have communicated, consistent with directives from both Congress and the courts, the Department has implemented policies to ensure the privacy and safety of unaccompanied children by maintaining the confidentiality of such information.

Nonetheless, as an extraordinary accommodation, the Department has made more than 3,600 pages of responsive documents available to the Committee throughout the Congress. Specifically, after the Department voluntarily made the requested case file materials available to the Committee, the Department remained in consistent communication with the Committee regarding potential additional accommodations. As a further extraordinary accommodation, the Department thereafter produced more than 2,400 pages of sensitive case files to the Committee. In so doing, the Department substantially complied with a subpoena issued by the Committee for documents already made available to the Committee, in advance of the deadline set out by the Committee. Finally, following further discussions with your staff regarding redactions applied in these materials to protect the privacy of children placed in ORR care, the Department made more than 50 pages of these materials available to the Committee with more limited redactions.

The Department has continued to engage on this matter even after the Committee has refused to acknowledge the Department's obligations with respect to the confidentiality of ORR case file materials or otherwise abide by the parameters of the Department's good faith accommodations to the Committee. Most notably, after Committee staff attempted to photograph non-public case files made available to the Committee, the Committee publicized sensitive information regarding

a minor placed in ORR care in a staff report with no prior notice to the Department, in flagrant disregard of the Department's express expectations in making these materials available to the Committee. Despite these deeply unfortunate circumstances, the Department is committed to continuing to work in good faith to provide the Committee with information regarding the UC Program in a manner consistent with Executive Branch interests while safeguarding the privacy interests of children in ORR's care and custody.

Additionally, as you are aware, last year, the Committee sent a letter to the Centers for Disease Control and Prevention (CDC), as well as several other HHS divisions, that included a series of broad requests for documents largely regarding certain interactions with companies or other third-party groups. Shortly thereafter, even as the Department began responding voluntarily to the Committee's requests, the Committee issued a subpoena to the CDC. Since that time, the Department has continued to make regular, rolling productions to the Committee—to date, producing over 10,000 pages of responsive documents on this matter alone.

Finally, the Committee – including its members – have requested information from CDC and the Food and Drug Administration pertaining to a variety of COVID-19 related matters. The Department has provided the Committee with responsive information and documents in these matters and has made an employee available for a transcribed interview. The Department continues to work in good faith with the Committee on these matters.

As we have consistently informed Committee staff, we intend to continue cooperating with the Committee's requests, consistent with the accommodation process.

## **Conclusion**

As I believe my testimony today reflects, HHS has a demonstrated record of working diligently to address a broad range of oversight requests from this Committee and other oversight bodies. We look forward to continuing to work with this Committee and others to respond to oversight requests in a timely manner consistent with the accommodation process, while upholding the institutional interests of the Department.