

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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Opening Statement Chairman Elijah E. Cummings

Resolution to Authorize Subpoenas to DOJ, DHS, and HHS for Documents on Trump Administration's Child Separation Policy

February 26, 2019

Good morning. Today, we are considering a resolution to authorize subpoenas to compel the Department of Justice (DOJ), the Department of Homeland Security (DHS), and the Department of Health and Human Services (HHS) to produce documents relating to the Trump Administration's policy of separating immigrant children from their families.

These subpoenas will be the first issued by the Committee in the 116th Congress. I did not make this decision lightly. As many of you know, I have been passionate about this issue since it first became public last year, and I believe it is a true national emergency.

When our own government rips vulnerable children, toddlers, and even infants from the arms of their mothers and fathers with no plan to reunite them, that is government-sponsored child abuse. It is our job to step in and protect those children. Further delay is not an option.

Seven months ago, on July 5, my good friend from North Carolina, Mr. Meadows, agreed to join me in sending a bipartisan letter requesting information about these kids, their families, and their separation. As we wrote in our letter, we need this information to "ensure that we can reunite children who have been separated from their families as expeditiously as possible."

Although we received a briefing, we did not receive any of the information we requested. I wrote additional letters on August 2, September 17, and September 25. When the agencies refused to produce the documents, I asked Chairman Gowdy to issue a subpoena. He declined.

So, after the election, I sent a letter to the agencies on December 19 explaining that, now that I was going to be Chairman, I planned to continue this investigation. I directed them to produce these documents by January 11. We received no substantive response.

As a final attempt, on February 5, I invited the top legislative affairs officials at each agency to testify about why they produced none of the requested information. I explained that if they provided a schedule to produce the requested documents, I would postpone the hearing. On February 8, I postponed the hearing to accommodate their request for additional time.

But unfortunately, even now, after more than seven months, none of the agencies has committed to producing the information we requested.

Now, I have the authority under our rules to issue these subpoenas myself. But I told Ranking Member Jordan that I would consult with him, and I have honored my commitment. Although none of the three previous Republican chairmen over the last eight years allowed Democrats to vote on subpoenas, I am allowing our entire Committee to do so today.

Although this was a bipartisan request from seven months ago, Ranking Member Jordan wrote to me to express his objection to issuing these subpoenas. I read his letter carefully. But with all due respect, I urge the Ranking Member and my Republican colleagues to reconsider their objections and support this resolution.

Ranking Member Jordan's letter says the agencies have not had enough time to respond since the Committee's most recent request was sent only three weeks ago, on February 5.

But I urge my colleagues to remember the entire seven-month history of our efforts to obtain these documents, starting with a bipartisan request from Subcommittee Chairman Meadows and myself. I also remind my colleagues of the multiple letters I sent throughout the fall, as well as the letter I sent in December as the incoming Chairman.

Mr. Jordan's letter also says the agencies are engaging in "substantial good-faith efforts to accommodate" our request. In fact, we just received some additional documents last night.

The problem is that the documents they sent do not answer any of the Committee's questions. Instead, they produced a mix of publicly available court filings, redacted or aggregated data, and other non-responsive documents. These materials include no information that would allow us to track these separated children.

The agencies have also offered other options, including *in camera* review of certain information at agency offices. But these are not accommodations that the Committee can accept, and the agencies have offered no legal rationale for these restrictions. Withholding this information frustrates and obstructs our efforts to help reunite these children with their families.

Finally, the agencies have cited vague "Privacy Act" concerns as a reason they have withheld information relating to separated children. Let's be clear: the Privacy Act does not apply to Congress. The Committee has authority to receive this information, and the Committee has regularly received sensitive financial information, health data, personnel records, and a wide range of classified information under chairmen of both parties.

Ladies and gentlemen, this is a national emergency, and time is of the essence. I ask that you put partisanship aside and join us in obtaining these documents that were first requested in a bipartisan manner more than seven months ago.

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