

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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January 12, 2018

The Honorable Trey Gowdy
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

President Trump's statements yesterday denigrating immigrants and refugees from African nations, Haiti, and other "shithole" countries were abhorrent. They reflect either a fundamental ignorance about the history and ideals of our nation or an effort to implement as official policy the worst types of nationalist and racist elements of our society. In either case, they continue President Trump's pattern of what even House Speaker Paul Ryan has referred to as the "textbook definition" of racist remarks.

Today, we are writing to request that the Committee issue subpoenas to compel the White House and the Department of Health and Human Services (HHS) to finally produce documents and communications they have been withholding from Congress for more than three months regarding the Trump Administration's efforts to doctor a recent report on refugees in order to manipulate its contents, extract all references to the tens of billions of dollars in economic benefits that refugees provide to our country, and generate an illegitimate rationale for slashing the refugee admissions cap to its lowest level in decades.

If you decline to issue this subpoena yourself, then we request that you allow Committee Members to debate and vote on a motion to subpoena the White House for the documents at our next regularly-scheduled business meeting.

Trump Administration's Effort to Doctor Report

On September 26, 2017, we sent letters to White House Chief of Staff John Kelly and then-Secretary of HHS Tom Price requesting documents in response to public reports that White House officials pressured agency staff to remove from a draft report all references to the economic benefits of refugees.¹

¹ Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, Ranking Member Stephen F. Lynch, Subcommittee on National Security, Ranking Member John Conyers, Jr., House Committee on the Judiciary, and Ranking Member Zoe Lofgren, Subcommittee on Immigration and

Our letter specifically cited a report from the *New York Times* on September 18, 2017, which stated:

Trump administration officials, under pressure from the White House to provide a rationale for reducing the number of refugees allowed into the United States next year, rejected a study by the Department of Health and Human Services that found that refugees brought in \$63 billion more in government revenues over the past decade than they cost.²

The *Times* posted a copy of the draft report, dated July 29, 2017, which had highlighted the conclusion of agency experts that refugees contributed positively over the past ten years:

Overall, this report estimated that the net fiscal impact of refugees was positive over the 10-year period, at \$63 billion, meaning they contributed more in revenue than they cost in expenditures.³

According to the *Times*:

The draft report, which was obtained by The New York Times, contradicts a central argument made by advocates of deep cuts in refugee totals as President Trump faces an Oct. 1 deadline to decide on an allowable number.⁴

Although the final report still has not been released publicly, the *Times* reported that the Trump Administration achieved its skewed results by including only expenditures by refugees, while excluding all of their financial contributions:

Border Security, to General John F. Kelly, Chief of Staff, the White House (Sept. 26, 2017) (online at democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-09-26.EEC%20Conyers%20Lofgren%20and%20Lynch%20to%20WH%20COS%20re.Refugee%20Study.pdf); Letter from Ranking Member Elijah E. Cummings, House Committee on Oversight and Government Reform, Ranking Member Stephen F. Lynch, Subcommittee on National Security, Ranking Member John Conyers, Jr., House Committee on the Judiciary, and Ranking Member Zoe Lofgren, Subcommittee on Immigration and Border Security, to Secretary Thomas E. Price, M.D., Department of Health and Human Services (Sept. 26, 2017) (online at democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2017-09-26.EEC%20Conyers%20Lofgren%20and%20Lynch%20to%20HHS%20re.Refugee%20Study.pdf).

² *Trump Administration Rejects Study Showing Positive Impact of Refugees*, New York Times (Sept. 18, 2017) (online at www.nytimes.com/2017/09/18/us/politics/refugees-revenue-cost-report-trump.html?_r=0).

³ Department of Health and Human Services, *The Fiscal Costs of the U.S. Refugee Admissions Program at the Federal, State, and Local Levels, from 2005-2014* (July 29, 2017) (online at assets.documentcloud.org/documents/4056060/Refugee-Report-Draft.pdf).

⁴ *Trump Administration Rejects Study Showing Positive Impact of Refugees*, New York Times (Sept. 18, 2017) (online at www.nytimes.com/2017/09/18/us/politics/refugees-revenue-cost-report-trump.html?_r=0).

The three-page report the agency ultimately submitted, dated Sept. 5, does just that, using government data to compare the costs of refugees to Americans and making no mention of revenues contributed by refugees.⁵

With respect to which White House officials were involved in this effort, the *New York Times* specifically mentioned Stephen Miller, President Trump's chief policy advisor:

The issue has sparked intense debate within his administration as opponents of the program, led by Mr. Trump's chief policy adviser, Stephen Miller, assert that continuing to welcome refugees is too costly and raises concerns about terrorism.⁶

The *New York Times* also cited internal emails referencing Mr. Miller's role in this effort:

An internal email, dated Sept. 5 and sent among officials from government agencies involved in refugee issues, said that "senior leadership is questioning the assumptions used to produce the report." A separate email said that Mr. Miller had requested a meeting to discuss the report. The *Times* was shown the emails on condition that the sender not be identified. Mr. Miller personally intervened in the discussions on the refugee cap to ensure that only the costs—not any fiscal benefit—of the program were considered, according to two people familiar with the talks.

He has also played a crucial role in the internal discussions over refugee admissions, which are capped by an annual presidential determination that is usually coordinated by the National Security Council and led in large part by the State Department.

This year, officials at the State Department as well as the Department of Defense have argued vociferously that the United States should admit no fewer than the 50,000-refugee cap that Mr. Trump imposed in January as part of the travel ban, but Mr. Miller has advocated for a much lower number—half or less, according to people familiar with the internal talks who described them on condition of anonymity because they were not authorized to detail them. The Department of Homeland Security last week proposed a cap of 40,000. The limits being debated would be the lowest in more than three decades.⁷

One day after we sent our letter, on September 27, 2017, the Trump Administration announced that it was decreasing the refugee admissions cap to 45,000 for the coming year, amounting to "the lowest that any White House has sought since the president began setting the ceiling on refugee admissions in 1980."⁸

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Trump Administration to Drop Refugee Cap to 45,000, Lowest in Years*, NPR (Sept. 27, 2017) (online at www.npr.org/2017/09/27/554046980/trump-administration-to-drop-refugee-cap-to-45-000-lowest-in-years).

Request for Subpoenas

The White House has refused to respond in any way to our letter on September 26, 2017, and it has not provided any of the documents we requested, such as drafts of the reports or communications about White House efforts to doctor the results. On November 27, 2017, HHS sent a letter also declining to provide any of the requested documents.⁹ For these reasons, we request that you issue subpoenas to compel the White House and HHS to produce, by January 26, 2018, all of the documents they have been withholding from Congress for the past three months, including:

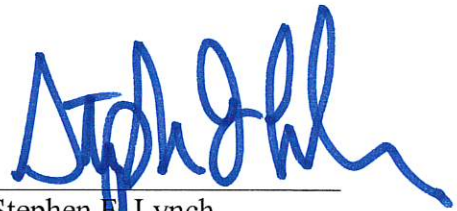
- (a) all drafts of the report, including the final version completed in September 2017; and
- (b) all communications referring or relating to any draft of this report, its contents, or its findings, including but not limited to communications between or among any federal officials, including officials at HHS, the White House, or any other federal agency, as well as communications between or among non-governmental entities or individuals.

If you choose not to do so, then we ask that you place this matter on the agenda for our next regularly scheduled business meeting so all Committee Members will have the opportunity to vote on a motion to issue this subpoena. Thank you for your consideration of this request.

Sincerely,



Elijah E. Cummings
Ranking Member
Committee on Oversight and
Government Reform



Stephen F. Lynch
Ranking Member
Subcommittee on National Security

cc: The Honorable Ron DeSantis, Chairman
Subcommittee on National Security

⁹ Letter from Barbara Pisaro Clark, Acting Assistant Secretary for Legislation, Department of Health and Human Services, to Ranking Members Elijah E. Cummings, House Committee on Oversight and Government Reform, et al. (Nov. 27, 2017) (online at democrats-oversight.house.gov/sites/democrats.oversight.house.gov/files/HHS.112717.Response%20to%20EEC%20Conyers%20Lofgren%20Lynch%20re%20Refugee%20Study.pdf)