

ACCOUNTABILITY AND LESSONS LEARNED
FROM THE TRUMP ADMINISTRATION'S CHILD
SEPARATION POLICY

HEARING
BEFORE THE
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 - * “Biden Administration Prepares to Open an Overflow Facility for Migrant Children,” news, CNN; submitted by Rep. Biggs.
 - * “Eleven Iranians Arrested in Arizona After Jumping U.S.-Mexico Border,” article, *The Washington Times*; submitted by Rep. Biggs.
 - * Letter from Rep. Biggs to the Honorable Alejandro Mayorkas, the U.S. Department of Homeland Security, dated February 4, 2021; submitted by Rep. Biggs.
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ACCOUNTABILITY AND LESSONS LEARNED FROM THE TRUMP ADMINISTRATION'S CHILD SEPARATION POLICY

Thursday, February 4, 2021

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND REFORM,
Washington, D.C.

The committee met, pursuant to notice, at 10:15 a.m., via Webex, Hon. Carolyn Maloney [chairwoman of the committee] presiding.

Present: Representatives Maloney, Norton, Lynch, Connolly, Krishnamoorthi, Khanna, Ocasio-Cortez, Tlaib, Porter, Bush, Davis, Wasserman Schultz, Welch, Johnson, Sarbanes, Speier, Kelly, Lawrence, DeSaulnier, Gomez, Pressley, Comer, Jordan, Hice, Grothman, Cloud, Foxx, Gibbs, Higgins, Norman, Sessions, Keller, Biggs, Franklin, Herrell, and Donalds.

CHAIRWOMAN MALONEY. Welcome, everyone, to today's remote hearing.

Pursuant to House rules, members will appear remotely via Webex. I know you are all familiar with Webex by now, but let me remind everyone of a few points.

First, you have been using active view for our hybrid hearings. This will still work, but grid view will give you a better perspective in a remote hearing. If you have any questions about this, please contact committee staff.

Second, we have a timer that should be visible on your screen. Members who wish to pin the timers to their screens should contact committee staff for assistance.

Third, the House rules require that we see you. So, please have your cameras turned on at all times.

Fourth, members appearing remotely who are not recognized should remain muted to minimize background noise and feedback.

Fifth, I will recognize members verbally, but members retain the right to seek recognition verbally. In regular order members will be recognized in seniority order for questions.

Last, if you want to be recognized outside of regular order, you may identify that in several ways. You may use the chat function to send a request, you may send an email to the majority staff, or you may unmute your mic to seek recognition.

Obviously, we do not want people talking over each other, so my preference is that members use the chat function, like email, to facilitate formal verbal recognition.

Committee staff will ensure that I am made aware of the request and I will recognize you.

We will begin the hearing in just a moment when they tell me they are ready to begin the live stream.

[Pause.]

CHAIRWOMAN MALONEY. The committee will come to order. Without objection, the chair is authorized to declare a recess of the committee at any time. I now recognize myself for an opening statement.

Today's hearing will examine the Trump administration's role in one of the darkest chapters in our country's history, as the entire world watched in horror while the U.S. Government literally ripped children from the arms of their parents.

The Trump administration's child separation policy was intentional, demoralizing, and infuriating all at once. It was, in a word, evil. We are still living with the consequences of this disastrous policy today.

As we convene this morning, hundreds of children still have not been reunited with their families and thousands more will forever carry the trauma of being pulled away from their parents with no idea if they would ever see them again.

Inspector General Horowitz's report on this policy is an important contribution to a much-needed reckoning. I would like to thank Mr. Horowitz for appearing before the committee today and for the work he and his office have done on this investigation.

As you know, Democrats on this committee have been demanding accountability for these child separations for years. In May 2018, shortly after the Trump administration started separating these children, I led a letter with our late colleague, Elijah Cummings, to then Chairman Gowdy seeking an investigation. He declined.

In June 2018, then Ranking Member Cummings pleaded with our Republican colleagues to stand up to President Trump and stop these separations. He was begging for help. Elijah's appeal that day to our Nation's better angels was powerful and I would like to play some of his words today from that hearing.

Inspector General Horowitz, you appeared before the committee that day so I am sure you will remember this.

Can the clerk please play Elijah's video?

[Video shown.]

CHAIRWOMAN MALONEY. In the years since Elijah's plea, the inhumanity of this policy has only deepened, as the inspector general's report makes strikingly clear. The trauma inflicted on these children and their families was not an accident. It was the point. The Trump administration chose to use these children as weapons against their own families.

Attorney General Sessions and his top political appointees pursued their brutal zero tolerance policy, knowing full well that it would forcibly separate children from their parents.

Separating children from their parents was meant to deter immigration, no matter how valid their claims of asylum.

When U.S. Attorneys at the border expressed concern about what was being asked of them, Sessions ignored their pleas for help. He responded, and I quote, "We need to take away children," end quote.

Let me repeat that. Quote, "We need to take away children," end quote. That is what he said. The inspector general's findings com-

plement our committee's own investigation, which revealed that the Trump administration misled the public about their rationale for the policy while actively downplaying the harm caused by child separations.

The IG's report makes clear that Trump administration compounded the harm of this policy through incompetence. They recklessly disregarded the objections of experts and failed to coordinate among agencies to track these children. They ignored obvious warnings from an earlier pilot program that experienced many of the same problems. It was a disaster from start to finish.

Now we need answers and we need to finally reunite these children with their families. On Tuesday, President Biden announced a task force to do just that.

It is astonishing to me that we had to wait for a new president to finally take this step. It is long, long overdue and we commend President Biden for rejecting the inhumanity of continuing to allow these children to live without their families.

You may hear that child separation started not under the Trump administration but under the Obama Administration and that immigrants were kept in so-called cages long before President Trump came into office.

It is true that during a particularly massive influx of refugees from Central America in 2014 temporary facilities were used to house migrants for 72 hours as they were processed and placed with family members or others.

But what the Trump administration did was significantly worse. It was an intentional policy of separating kids and jail everyone for weeks and months before they were deported without their children, and it was meant to inflict trauma so that others wouldn't come here.

The message was clear. Don't come here, and if you do, don't bring your children because we will take them away from you and you may never see them again. Although we can never undo what the Trump administration did, we must do everything in our power to ensure that it never happens again.

We must also heal the wounds, both physical and emotional, that the Trump administration inflicted on these children. It is the very least we can do, and I intend to pursue that goal vigorously.

Before I close, I want to let everyone know that out of an abundance of caution I am currently quarantined after being exposed to someone with COVID. So, after the ranking member gives his statement, I will be turning the hearing over to Ms. Tlaib, who has generously agreed to manage the hearing on my behalf.

I will still participate in the question and answer portion of the hearing but Ms. Tlaib will be managing the remainder of the hearing.

So, with that, I now recognize the distinguished ranking member, Mr. Comer, for his opening statement.

Mr. COMER. Thank you, Chairwoman Maloney, and before I begin my opening statement I would be remiss if I didn't, again, say publicly that Republicans on the House Oversight Committee want to have these committee hearings in person. We show up for work.

We realize that these hearings are more effective, more efficient, and a lot more professional when they are held in person and, at the very least, we request that you would allow these hearings to be conducted like at least a third of the committee hearings in Washington and those are being held by hybrid where the members have the option of being in person if they want, and if they are concerned about COVID then they can do it remotely.

So, again, I want to publicly request that our next hearing will be, at the very least, a hybrid hearing.

Inspector General Horowitz, it is always a pleasure to have you before the House Oversight Committee. It is clear from the inspector general's review of the Department of Justice's implementation of the 2018 zero tolerance policy that there were communication breakdowns, failures to fully coordinate with the Departments of Homeland Security and Health and Human Services and an overall failure to account for and ensure communication between parents being prosecuted for illegal entry and their minor children.

And I believe these implementation failures are part of the reason that President Trump ended this zero—this policy more than two years ago in June 2018 through an executive order reiterating that it was the administration's policy to keep families together whenever possible.

The zero tolerance policy suffered from serious implementation flaws that should never be repeated. Unfortunately, the humanitarian and national security crisis on the southern border has raged on for nearly a decade, starting under former President Obama and then Vice President Biden's watch.

Democrats in Congress have refused to close serious loopholes in our law that are fueling this crisis. One loophole all but guarantees that most parents who bring a minor child with them when illegally crossing the border will be released into the United States.

This loophole encourages illegal immigrants to bring a child with them to the southern border so they are quickly released into the United States. The border crisis reached its peak in May 2019 when over 132,000 individuals were apprehended by Border Patrol agents just that month.

The majority of those, 84,000, were part of family units including children in tow, and that was only one month. In Fiscal Year 2019, the Border Patrol apprehended over 850,000 individuals illegally crossing the southern border with more than half being family units.

Absent the congressional action needed to end the crisis, the Trump administration employed many tools to deter illegal entry into the United States and prevent human smugglers from exploiting victims for financial gain.

President Trump implemented the migrant protection protocols where inadmissible aliens from Central America were returned to Mexico to await immigration court proceedings instead of being released into the interior of the United States for years.

President Trump also implemented reforms to the asylum system to prevent illegal immigrants from gaming the system and filing frivolous applications. All of these reforms produced results and contributed to a large decrease in illegal migration during the latter month of 2019 into Fiscal Year 2020.

In Fiscal Year 2020, those reforms contributed to having the illegal immigration on the southern border to 400,000 apprehensions while family unit apprehensions decreased substantially to 52,000, numbers which are still far too high, in my opinion.

But illegal immigration is on the rise again, even as the Biden administration cancels these much-needed reforms by executive order and guts interior immigration enforcement by agency memorandum.

On his very first day in office, President Biden's administration suspended enrollments in the migrant protection protocols program, publicly announcing the change.

The Biden administration also sent a memorandum to immigration officials across the department of Homeland Security, completely gutting interior enforcement priorities. Even many convicted criminal aliens are no longer considered priorities for enforcement so long as they were released from criminal custody prior to January 20 of 2021.

That memorandum also ordered a 100-day moratorium on almost all deportations of aliens with final orders of removal. Fortunately, a Federal judge has already temporarily enjoined the administration from carrying out that misguided policy.

President Biden's first legislative proposal sent to Congress would give amnesty to over 11 million illegal aliens already living in the United States, some of whom only arrived weeks before.

These illegal immigrants would receive immediate work authorization, competing with Americans for jobs at a time when we already have 11 million Americans unemployed and searching for work.

Through these actions President Biden has sent the messages loud and clear to the world that our immigration laws can be violated without consequence. It is no wonder that we now see more caravans comprised of thousands of foreign nationals organizing to leave their homelands to come illegally to the United States.

These radical far left immigration policies will continue to enable the humanitarian crisis at the border, place more children in peril as they are brought dangerously to the southern border, encourage more illegal immigration, and undermine the rule of law.

I urge the Biden administration to reverse these reckless policies and do its job mandated by the Constitution to take care that the immigration laws of this country are enforced.

I yield back.

Ms. TLAIB.

[Presiding.] Our witness today is Michael Horowitz, who is the inspector general for the Department of Justice. The witness will be unmuted so we can swear him in.

Please raise your right hand, Mr. Horowitz.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[Witness is sworn.]

Ms. TLAIB. Let the record show that the witness answered in the affirmative. Without objection, your written statement will be made part of the record.

With that, Mr. Horowitz, you are now recognized for your testimony.

**STATEMENT OF MICHAEL E. HOROWITZ, INSPECTOR
GENERAL, U.S. DEPARTMENT OF JUSTICE**

Mr. HOROWITZ. Thank you, Congresswoman.

Chairwoman Maloney, Ranking Member Comer, members of the committee, thank you for inviting me to testify at today's hearing. The findings in our zero tolerance report results from our view of approximately 10,000 pages of emails, records, and handwritten notes, 45 interviews, and, prior to the pandemic, Southwest border site visits.

As noted in the report, we were unable to interview former Attorney General Sessions because he had left the department shortly after the initiation of our review and the OIG doesn't have the ability to compel the testimony of former department employees.

This inability to compel testimony has been a problem in many other unrelated OIG reviews and investigations, as this committee well knows, and is an issue that this committee has previously sought to address on a bipartisan basis.

I hope the committee will reinstate those efforts in order to promote accountability and transparency in all of our work.

On April 6, 2018, Attorney General Sessions announced the zero tolerance policy for immigration offenses involving illegal entry into the United States. The policy required Southwest border prosecutors to accept all Department of Homeland Security criminal referrals for alleged illegal reentry violations, including misdemeanors.

As we detailed in our report, this announcement was the culmination of a year-long effort by DOJ to increase criminal immigration enforcement on the Southwest border.

The following month on May 4 at the urging of Attorney General Sessions, the Department of Homeland Security changed its policy of not referring family unit adults to DOJ for criminal prosecution.

As described in our report, historically, when DHS apprehended adults with children, DHS, with the consent and the concurrence of Southwest border U.S. Attorneys, would not refer those adults to DOJ for criminal prosecution, largely to avoid separating parents from children.

Instead, DHS would place the family unit in administrative deportation proceedings. However, as a result of the zero tolerance policy and the change in DHS policy, in May 2018 DHS began referring family unit adults to DOJ for criminal prosecution, resulting in thousands of child separations.

Our review found that DOJ leadership failed to effectively prepare for or manage the implementation of the zero tolerance policy. We concluded that the department's single-minded focus on increasing immigration prosecutions through the zero tolerance policy came at the expense of careful and appropriate consideration of the impact of child separations.

As we describe in our report, Attorney General Sessions understood that prosecution of family unit adults would result in children being separated from families, at least temporarily, and we determined that DOJ leadership was a driving force in DHS's decision to begin referring family unit adults for prosecution.

We, additionally, concluded that DOJ leadership's expectations for how the family separation process would work significantly underestimated its complexities and demonstrated a deficient understanding of the legal requirements related to the care and custody of separated children.

For example, Attorney General Sessions told the Southwest border U.S. Attorneys that prosecution of family unit adults would be swift and would be followed by immediate unification of the separated families.

However, Federal law requires DHS to place separated children in the custody of the Department of Health and Human Services within 72 hours. Completing a prosecution within such a timeline was, in most cases, a practical and legal impossibility as the Southwest border U.S. Attorneys had, effectively, reported to DOJ headquarters.

Yet, we determined that DOJ leadership did not take steps after receiving this information and learning about DHS's and HHS's difficulties in identifying the location of separated children to reconsider their prior assumptions about the ability to immediately reunify separated families.

Additionally, we found that DOJ leadership did not effectively plan for or coordinate with the U.S. Attorneys, the U.S. Marshals, Health and Human Services, or the Federal courts prior to announcing the new policy.

Indeed, we determined that those key stakeholders were provided with little to no advance notice of either the zero tolerance policy or the decision to prosecute adult family unit members.

Our report makes three recommendations to the Department of the U.S. Marshals Service and they concurred at all three of those recommendations.

Thank you again for the opportunity to testify today and I would be pleased to answer any questions that the committee may have.

Ms. TLAIB. Thank you. The chair now recognizes Chairwoman Maloney for five minutes for questions.

[Technical issue.]

CHAIRWOMAN MALONEY.—Testimony today.

Inspector General Horowitz, I would like to start with a very simple question. Did AG Jeff Sessions and other top DOJ officials know that the zero tolerance policy would separate children from their families?

Mr. HOROWITZ. Our report found that they did know in advance at announcing the child—in advance of announcing the zero tolerance policy in April.

CHAIRWOMAN MALONEY. Wow. Your report found that AG Sessions and his advisors at DOJ were a, quote, “driving force” in pushing DHS to start separating children at the border by referring family members for prosecution.

What did you mean by the term “driving force?”

Mr. HOROWITZ. So, what we found was, as you indicated, that in advance of announcing the zero tolerance policy in April, in early April, Attorney General Sessions' expectation was that it would lead to the referral of adult members traveling with children.

After the announcement, that didn't immediately occur and there were continued meetings, as we detail, in that April to May 4 time

period when DHS finally announced that he intended to make such referrals and that during that time period it was Attorney General Sessions' and the department's leadership that was pushing the Department of Homeland Security to make that change.

CHAIRWOMAN MALONEY. Also based on your report it appears that Attorney General Sessions and other DOJ officials knew exactly what would happen because they had already done it before. A 2017 zero tolerance pilot program called El Paso Initiative led to the separation of hundreds of children in that area.

Your report says DOJ officials knew in 2018 that the government had been unable to reunify children who were separated during pilot program. Is that right?

Mr. HOROWITZ. Congresswoman, yes. The department had a pilot program where two U.S. Attorneys' office with the Border Patrol had a pilot program called the El Paso Initiative out of Western District of Texas and the district in New Mexico that had identified many of the issues that later came to light in 2018 following the advent of the zero tolerance policy.

What we found is there was a briefing for the department in December 2017. But the takeaway from the department was only the positives and no one was asking about the challenges that resulted in the U.S. Attorneys' office and DHS stopping that policy in 2017.

CHAIRWOMAN MALONEY. And yet, Attorney General Sessions touted this program as a success in pushing for broader separations at a White House meeting in May 2018, correct?

Mr. HOROWITZ. That was part of the talking points, that is correct, explaining that it was a positive effort without being aware of or understanding all of the issues that led to its secession.

CHAIRWOMAN MALONEY. And that was the whole point of the zero tolerance policy, to use children as weapons against their families. Your report revealed the disturbing May 28 phone call between Attorney General Sessions and five U.S. Attorneys.

The U.S. Attorneys on the call took notes of his comments and they wrote, and I quote, "We need to take away children. If you care about kids, don't bring them in. Don't give them amnesty. Don't give amnesty to kids, to people with kids," end quote. Let me repeat, "We need to take away children."

Mr. Horowitz, these notes indicate that Attorney General Sessions told these U.S. Attorneys that taking away children was necessary to deter their parents from coming to the U.S. Do you agree?

Mr. HOROWITZ. We found several instances, Chairwoman, where references were made to this being an important deterrent effort, that being one of them, during the call that Attorney General Sessions had with the U.S. Attorneys.

CHAIRWOMAN MALONEY. So, your report affirms that these child separations were an expected, even desired, outcome of the zero tolerance policy. Your testimony today is absolutely critical and it is appalling.

I am truly sorry to the thousands of children and their families who continue to suffer because of these purposeful acts directed by officials at the highest levels of government.

So, essentially, children who had done nothing wrong themselves were punished, separated from their families, jailed and trauma-

tized, as a way to warn other innocent people who had not done anything wrong themselves.

Punishing the innocent to scare the innocent is so un-American. The cruelty of this program was not an unintended mistake. It was the whole purpose.

IG Horowitz, I want to thank you for your very important testimony and for the critical work that you and your office did on this important report.

I may have gone over so please give Mr. Comer additional time. Thank you. I yield back.

Ms. TLAI. The gentleman from Arizona, Mr. Gosar, is recognized for five minutes.

Mr. GOSAR. Thank you, Chairwoman. I certainly appreciate it.

I am glad the majority chose the topic of illegal immigration for our first substantial hearing. The American people deserve to know what is going on at our border. The focus is child separation policy during the Trump administration and how we need to learn our lesson.

Great. Let us find out where this policy comes from because we haven't gone far enough back in history, and I always like a good history lesson.

The policy of separating children can be traced back to the Clinton Administration's settlement of *Reno v. Flores*. This court case dealt with INS's detention and release of unaccompanied minors. The court ruled in favor of INS separation policies, yet the Clinton Administration decided to settle the litigation.

According to Homeland Security, this settlement allowed the agency to detain unaccompanied minors for only 20 days before releasing them to the Department of Health and Human Services, which places the minors in foster or shelter situations until they locate a sponsor.

The problem was worsened in 2016 under Loretta Lynch as AG when the liberal Ninth Circuit interpreted the settlement to include minors unaccompanied and accompanied by their parents.

Here we have the separation. Folks, now the floodgates are open to separate these children from their parents and Trump hadn't even taken office.

Not to mention the loophole that is already in place of catch and release where we give these folks a court date and there is nothing forcing them to show up, a loophole that was codified in the Refugee Act in 1980, put together by a government entirely controlled by Democrats.

Because of this, Trump instituted a zero tolerance policy to ensure we didn't just catch and release these people just to be lost in the interior of our country.

Attorney General Sessions said that the zero tolerance policy would be used as a deterrent for potential smugglers and illegal immigrants. Wouldn't you agree?

I have actually visited with parents in Guatemala and El Salvador where cartel members have actually confiscated their children and the parents were forced to follow.

Following this policy change, family separation became a targeted attack. So, if you want to ask me what I have learned from Trump's policy of separation—of separating children, I have

learned that it didn't start with him and that major immigration reform is needed to fix these underlying problems.

When you don't fix something like catch and release, you hurt everyday Americans. I don't know—I don't need to go over the same platitudes of why illegal immigration hurts American workers because we all know them.

Not only are American workers affected, but the people brought over are experiencing incredible hardships. There are countless examples, reports and testimonies of people that have been trafficked over the border for illicit drug or sexual purposes, making the policy horrifying and, frankly, dehumanizing.

In addition, we are seeing folks being recycled through the process, thanks to our mainstream media. If you have a kid by your side of the border, you can't be separated with your adult companion and you must be free to seek refuge with that same individual.

DNA testing at the border has raised the scrutiny for being inaccurate or, at best, inconclusive. But why is it wrong for us to know if these people are even related? Don't we owe it to the children to make sure that that is the process?

If the tests are supposedly inaccurate, we, obviously, agree on the premise of finding familial ties. So, let us make it a priority to improve that testing.

The Biden administration has announced that children will no longer be separated from their parents at the border. At the end of the day, this is window dressing that will be lapped up by the adoring media.

What are these plans to deal with families crossing the border now? Will they be detained together? If released, what will compel them to show up to their court hearings?

Will we increase testing for DNA at the border? What about COVID? Will these individuals even be tested at the border?

No offense, Mr. Horowitz. I love seeing you. But you are not the individual who needs to be answering these questions if we truly have this emergency. That is why I urge the—why I bring it to the chairwoman.

Madam Chairwoman, I challenge you to bring folks from the Biden administration before this committee to answer questions we would all like to know, because simply halting the separation of children at the border is the equivalent of putting a Band-Aid on a bullet wound.

And with that, I yield back.

Ms. TLAIB. I now recognize myself for five minutes for questions.

Inspector General Horowitz, thank you again for being with our committee. I would like to focus, as the chairwoman did, on the 2017 El Paso Initiative that you discuss in your report.

From March to November 2017, the U.S. Attorney in the Western District of Texas and the Border Patrol office in that region conducted an initiative that, contrary to DHS policy at the time, directed the prosecution of parents who arrived with children.

So, Inspector General, how was this initiative similar to the zero tolerance policy later implemented by DOJ and DHS?

Mr. HOROWITZ. So, it was begun, as you indicated, in 2017 because of discussions that occurred between DHS, Border Patrol,

and the U.S. Attorneys' offices in western Texas and New Mexico about concerns and questions as to whether individuals coming with children should be given a complete pass for potential criminal prosecutions, the concern being that perhaps some individuals were using children to come here without—as a means by which to avoid criminal prosecution.

So, the idea was to set up a discretionary program where Border Patrol would consider certain factors, certain aggravating factors, and then refer those cases to the U.S. Attorneys for consideration.

Ultimately, that was the program by which the U.S. Attorneys didn't accept all of the cases but exercised discretion over which ones to take, and subsequent reports indicated that somewhere between 15 percent and about a third of those cases were accepted for prosecution.

Ms. TLAIB. And you already testified that the DOJ leadership was aware of the existence of the initiative.

Mr. HOROWITZ. That is correct.

Ms. TLAIB. Yes. Throughout your review, did you uncover any evidence that AG Sessions or other DOJ leadership were actually concerned about child separation?

I know you called it, like, agitation or whatever they called dehumanizing immoral un-American policies that they implemented in this. Did you see any concern in your report by the Attorney General's Office and the leadership there about the separation?

Mr. HOROWITZ. What we found was that they were aware that that would be a result of this and our concern, as we detail in the report, is that they didn't take the time or undertake the opportunity to consult with stakeholders like the U.S. Attorneys who handled the El Paso Initiative, like HHS, like the courts, or the U.S. Attorneys or the Marshals Service themselves, which are department components so that they could familiarize themselves with what the issues were likely to be despite those being presented in April and May.

Ms. TLAIB. Inspector General, actually, I know in your report that you, in an interview with your office, a senior advisor to the attorney general Gene Hamilton actually was quoted saying, "It is going well," that the El Paso Initiative was going well.

Now, I don't know about you all here today. Personally, I can't imagine describing the taxpayer-funded campaign designed to terrorize migrant families as going well.

As your report notes, the DOJ tore apart about 280 families by pursuing this initiative. These cases involved 146 children five or younger. Is that correct?

Mr. HOROWITZ. That is correct.

Ms. TLAIB. Including 11 babies who were taken away from the only family they have ever known. In Detroit, we call that inexcusable cruelty.

As one official wrote to the acting U.S. Attorney in the region at the time, they said, quote, "We have now heard of taking breastfeeding defendant moms away from their infants. I did not believe this until I looked at the duty log and saw that the fact that we had accepted persecution on moms with one-and-two-year-olds."

I just want my colleagues to just let that sink in for a second. The acting U.S. Attorney himself commented that history would

not judge prosecuting family units kindly. And yet, here he went ahead and did it anyway, tearing hundreds of families apart in the process.

Inspector, based on this evidence examined during your investigation could you briefly describe Attorney General Sessions' and DOJ leadership presented and characterized the El Paso Initiative to the other administrative officials?

Mr. HOROWITZ. Well, in terms of how they characterized it, as you indicated in the talking points we saw, it was referenced as being a positive outcome, the positive outcome being that there were increased prosecutions, resulting in metrics that showed decreased border crossings and that that was the positive.

What was—what they failed to be aware of discussed was, as you indicated, the problems that were readily apparent once that program got underway the DHS and HHS were having trouble reuniting parents with their children and that that was resulting in court issues, court challenges, and problems that ultimately led to actually DHS unilaterally stopping the program.

That information wasn't discussed or, as far as we could tell, even briefed at any significant level to department leadership.

Ms. TLAIB. Thank you, Mr. Horowitz.

I now recognize the gentleman from Georgia, Mr. Hice, is recognized for five minutes.

Mr. HICE. Thank you, Madam Chair. I appreciate that. And Mr. Horowitz, always great to see you. Thanks for joining us again.

You know, apart from the comments that have been made by the chairwoman earlier to be absolutely outrageous, the reality is that if my Democratic colleagues genuinely wanted to improve the conditions of these children then they would partner with us, quite frankly, to try to fix a broken immigration system, to speak out against some of the recent moves by President Biden that will only add further chaos at the border and further incentivize more illegal immigration from taking place. There is a tremendous amount of misinformation and, quite frankly, hypocrisy that is surrounding this entire issue.

For example, the first controversial so-called kids in cages policy started under the Obama Administration, not under President Trump, and yet, some of my Democratic colleagues pulled out pictures of 2014 under the Obama/Biden administration of kids in cages and tried to attach that to President Trump.

That is an outrage. It is an absolute hypocrisy underway. It was President Obama's DACA program that sparked the surge of illegal immigration at our southern border. The pictures of children in these cages, literally, they were being warehoused and that was taking place under the Obama Administration.

And in the surges the chairwoman acknowledges was taking place a number of family units—of course, we are talking about adult aliens who were traveling with children, they were apprehended at the border.

In fact, those numbers skyrocketed under the Obama Administration. People saw these family units were being released into the interior of our country with catch and release.

How do you stop illegal immigration when you release them into our borders? That was taking place under the Obama Administra-

tion and that led to child recycling rings which, personally, I have seen on some of my visits to the southern border where these children are used multiple times to escort adults illegally into our country and then, of course, they were released.

In fact, in 2019, DHS identified some 4,800 fraudulent families. Under President Trump in June 2018, through executive order Trump tried to keep these families together while the immigration litigation process was unfolding.

But, unfortunately, now, under the Biden administration, we are only watching the problem exacerbated as broken illegal immigration system that we have is being exposed.

We are now watching under Biden his policies are going to weaken our border security. It will weaken our interior enforcement while at the same time incentivizing more people to come here illegally.

And, as already been mentioned, he is proposing 11 million people who are here illegally to receive amnesty without closing any loopholes, by the way. This is just an outrage.

Just this week—just this week, the Biden administration is opening an HHS overflow facility for unaccompanied children on the U.S.-Mexico border.

In 2019, this very same facility that is reopening, in 2019 one of my colleagues on this committee referred to that same facility as a concentration camp.

I mean, that is just an absolute outrage. So, are we, now that Biden is going to use this same facility for the same type of children, is this now the proper terminology, first, to refer to this as the Biden concentration camps?

I have not heard a word of Democrats referring to it as concentration camps anymore. In fact, we have another caravan, as we all know, headed to our border right now from Honduras with thousands of people, and this whole thing is just an outrage to me.

Mr. Horowitz, I don't have much time left. Let me just ask you, with those who are coming to the country legally, went through the legal process, were any children separated from their parents in that legal process?

Mr. HOROWITZ. Not that I know of, although I would have to check to see how much we looked into that.

Mr. HICE. There was just argument about children being separated was a deterrent not to legal immigration but to illegal immigration, and separating the children was part of people—of stopping them from coming here illegally. Is that correct?

Mr. HOROWITZ. That is correct. It was intended to be a deterrent on illegal immigration.

Mr. HICE. Thank you. I see my time has expired. I yield back.

Ms. TLAIB. The gentlewoman from District of Columbia, Ms. Norton, is recognized for five minutes.

Ms. NORTON. I thank you.

Inspector General Horowitz, first, let me understand what this shorthand means, this zero tolerance policy from the administration—from the Trump administration. That was to prosecute all cases of illegal entry including those seeking asylum and including separation of parents from children. Is that what we mean by zero tolerance policy?

Mr. HOROWITZ. As envisioned and implemented by Attorney General Sessions and his policy, that was the intention.

Ms. NORTON. So, let us understand what we were talking about, and let me be the first to admit that every administration has had problems with people coming illegally into this country and we still have that problem, and it is incumbent upon us to make sure that people don't just flow into the country.

So, this has been and continues to be a problem for Democratic and Republican administrations. The question becomes how do you handle it.

So, the fallout from this zero tolerance policy, certainly, didn't come as any surprise. As I understand it, officials from DHS and DOJ, Department of Justice, had been discussing this policy at least in 2017. That is about a year before it was announced.

Now, Inspector General Horowitz, your report found that the Department of Justice leadership failed to coordinate, and I am trying to understand what that means, with other agencies before they launched the policy.

So, could you explain your finding of the issues caused by the lack of coordination, coordination with what agencies? What should have been done?

Mr. HOROWITZ. Certainly, Congresswoman.

So, we found issues with—internally within the department with two primary components, the Southwest border U.S. Attorneys and the Marshals Service, both of which bore the brunt of handling the additional prosecutions that came with the zero tolerance policy as well as the child separation.

The U.S. Attorneys had to figure out how to handle the substantial increase in caseload while handling all of their other cases. The Marshals Service had to figure out how to house these new defendants and how to manage them safely.

Externally, the Justice Department should have and needed to coordinate better with, for example, HHS. It was dealing with Homeland—with Department of Homeland Security, as we detail, but it was going to fall on the Department of HHS, Health and Human Services, to deal with the separated children.

And what we found is that even as the DOJ was interacting with HHS on a variety of issues, it didn't interact with them or discuss with them the plans for the child separation.

DHS learned about this when I was announced.

Ms. NORTON. Yes, that is important. I just want to, finally, talk about the—what you say about the children because both sides are concerned about that.

According to your report, the officials at the Department of Justice demonstrated what you call a deficient understanding of the legal requirements related to the care and custody of separated children.

So, I would like to know what were the legal requirements that you are referring to and what could a better understanding of those requirements have done to change what happened to these children?

Mr. HOROWITZ. So, the legal issue here is the requirement, first, under the Flores settlement and then under statutory provisions that implemented some of those settlement provisions that require

DHS to transfer unaccompanied children to HHS, to Health and Human Services, within 72 hours.

As we detail in the report, Attorney General Sessions indicated in his comments that he believed prosecutions could happen almost instantaneously, certainly, within the 72 hours, and we have comments from other senior officials indicating a similar belief.

That belief, as we detail here, was not only legal—a legal impossibility in most cases but also a practical one. Indeed, when the U.S. Attorneys found out that child separations would occur, they informed the department that they could not undertake most of these cases within the 72 hours. So, the assumption, belief, that this could be done in a day or within 72 hours was mistaken and reflected an absence of understanding of the law.

Had that been known or had they asked in advance, Attorney General Sessions or others, they would have learned about those problems prior to implementation.

Ms. NORTON. Thank you, Inspector Horowitz. Thank you very much for your report. It is very helpful.

And I know my time has expired.

Ms. TLAIB. The gentleman from Wisconsin, Mr. Grothman, is recognized for five minutes.

Mr. GROTHMAN. Can you hear me?

Ms. TLAIB. Yes.

Mr. GROTHMAN. OK. Good.

Thank you for being here. I will emphasize, again, what my ranking members says. I wish we could all see you in person and, hopefully, we can do that soon.

The border concerns me a great deal. I know it is a very hazardous border right now. I was down there last week, and I think they told us in the Tucson sector alone there were a hundred people who dehydrated to death. So, a very dangerous situation last year.

Do we know how many children have crossed the border, say, in the last year compared to three or four years ago?

Mr. HOROWITZ. Congressman, I don't have the data on, you know, recent crossings. We could enquire at DHS, which would be the keeper of that data.

Mr. GROTHMAN. Yes, I thought that—I thought you might just have it. As I understand it, the total number of people crossing the border has dropped from, like, 100,000 to 10,000 per month in that time.

Do you know what percentage or how many, say, in an average month how many children wind up being processed at the border?

Mr. HOROWITZ. Unfortunately, Congressman, I don't have any of those current numbers or even the month to month fluctuations. I know we saw in this review how the numbers fluctuated and how the department was tracking them. But I would have to ask DHS for those—for that data.

Mr. GROTHMAN. OK. I will give you another question. Do you know how common it is—maybe this is another thing for those guys—how common it is for girls to be molested on the trip crossing the border?

Mr. HOROWITZ. Yes. Again, Congressman, that would be something that we could inquire and, certainly, be able to verify that.

Mr. GROTHMAN. Yes. Well, OK, once we have them here, do we know how often the children are here with both parents and/or one parent?

Mr. HOROWITZ. I don't know the answer to that question on the numbers for one versus two.

Mr. GROTHMAN. OK. I will tell you why I think it is so relevant. As I understand the problem we have at the border is that sometimes a child may come with one parent and the other parent may, say, still be back in Central America, and at least we are allowed to believe that some Central American countries don't like that.

Has there been any effort ever made if a child shows up with one parent and not another parent what the judicial system in the Central American countries think of that?

Mr. HOROWITZ. I am not aware of our—of people being aware—understanding of what the foreign government might think of that. Again, we could certainly followup to see if DHS or the department has that kind of information.

Mr. GROTHMAN. At least I have been told and, of course, I just get this talking to the Border Patrol folks, that, well, we would not like it if, say, one parent took a child and went from the United States to Nicaragua, right, because frequently—I mean, right?

Mr. HOROWITZ. In fact, there are laws on that but—

Mr. GROTHMAN. There are laws on that, and at least I have been told that going the other way the Central American countries don't like us getting in—I mean, they don't like it if one parent in Central America comes across here.

Do you know how many unaccompanied—well, how many minors does the—does our judicial system deal with every year? Do we have that?

Mr. HOROWITZ. You know, that we could, certainly, find from the department's immigration office, the judicial office here. I don't know. It does fluctuate. Obviously, here there were thousands in the various—in the short time period at issue. So—

Mr. GROTHMAN. The judicial system, I guess—do you get involved at least a little bit in every minor who comes here, or no?

Mr. HOROWITZ. We did not get involved in every single case but primarily because, as you know, DHS has first tier responsibility here and it would only come to the department if there is a referral and it ends up in the criminal courts or executive office for immigration.

Mr. GROTHMAN. Total, how many minors did you deal with, say, in the last year, that you wind up getting involved with because a referral is made?

Mr. HOROWITZ. Well, we found here in that just six-week period or so there were at least 3,000 children separated through referrals. So, we were looking at, you know, just that six-week period or so, and that number we got from the DHS reports.

Mr. GROTHMAN. OK.

Mr. HOROWITZ. So, I can't vouch for those myself. I can only tell you we relied derivatively on that.

Mr. GROTHMAN. Yes. Can you tell me one more time when those six weeks were?

Mr. HOROWITZ. So, it would have been, roughly, from the May 4 announcement—

Ms. TLAIB. The gentleman's time has expired.

Mr. HOROWITZ. So, it would have been, roughly, from the May 4 time period to June 20 when President Trump issued the executive order that, largely, ceased the referrals.

Mr. GROTHMAN. OK. Thank you.

Ms. TLAIB. The gentleman from Massachusetts, Mr. Lynch, is recognized for five minutes.

Mr. LYNCH. Good morning, Madam Chair. I appreciate your courtesy.

Mr. CONNOLLY. Could I—could I interrupt? Could I interrupt the—is the chair not—oh, excuse me. I am sorry. Go ahead, Steve. Forgive me for interrupting.

Mr. LYNCH. That is OK. That is OK.

Thank you, Madam Chair. So, I am in three hearings right now so I am going to have to jump off after I get my answer. But so members of this committee had an opportunity to participate in CODEL Escobar. We were actually—we went to the El Paso/Juarez border crossing.

We had an opportunity to meet with a lot of families. This was just when the MPP program, which is the return to Mexico policy, was implemented.

Mr. Horowitz, I want to thank you for your wonderful work. You are a frequent flyer to our committee and I consider you a partner in oversight, and I had an opportunity to read your report.

According to your report, one of the factors, and Ms. Holmes Norton actually hit on this a little bit, one of the factors that you described that exacerbated this separation problem and continues to be a problem because of the failure of reunification efforts was the disconnect between the U.S. Marshals Service, you know, and prosecution on that side versus, you know, under Flores, as you noted, HHS has the responsibility for the care and custody of these kids after 72 hours.

So, they are on—first of all, they weren't communicating but they are also on different timelines. Is that—isn't that correct?

Mr. HOROWITZ. That is correct, and, in fact, as we noted, you couldn't expect HHS—I am sorry, the Marshals Service, to prepare in advance with HHS when you didn't tell the Marshals Service any of this was going to happen.

Mr. LYNCH. Yes, this sort of landed in their lap, you know, unexpectedly and unannounced, and so they were scrambling to try to deal with this.

You know, I am just curious. It is disappointing that you don't have access to Attorney General—former Attorney General Sessions, and maybe we got to look at that whole process as well so that you can do these, you know, deeper investigations and have cooperation from all of the witnesses.

But that assumption that they were going to be able to do a parallel track, OK, so they could—they could, you know, prosecute, apparently, the parents under criminal statute within 72 hours so that their kids, who were going to be put in HHS custody within 72 hours so that that separation would not occur.

You know, as absurd as that sounds to me, it would be helpful if you gave your opinion. Was that willful ignorance? I mean, knowing the mechanics of both processes, it seems to me that there is

no way someone could realistically assume that that was going to happen. I mean, that is just fantasy, in my opinion.

But you had a chance to look at it more closely and I would like to hear your thoughts on that.

Mr. HOROWITZ. Congressman, we found it was a practical and legal impossibility in almost all circumstances, and had there been, frankly, minimal due diligence by talking to the U.S. Attorneys themselves, the Marshals Service, DHS, HHS, the judges, the courts who were not consulted in advance, that would have been readily understood.

But I would like to say also as a former AUSA prosecutor myself, I am a little out of date. I was a prosecutor in the 1990's. But the notion that you could expect to put someone in the Marshals Service custody, get them in front of—identify who they really are, right.

You have got a person coming across the border. The whole purpose of this is to make sure that before you prosecute someone for a misdemeanor violation that they aren't, for example, a drug dealer or a—some other serious violator of the law that would result in a felony and a much more serious felony, right.

So, the Marshals Service needs time, some time, to figure out who this person is, if they really are who they say they are. Then you have got to get them to a prosecutor. The prosecutor has to write a complaint, get them to the court.

You got to get a judge. The judge has to take not only a guilty plea but then has to sentence the defendant, and that assumes the defendant is willing to plead guilty. That assumption would be faulty. Not everybody shows up and says, I am pleading guilty right away. They get a defense lawyer.

As we noted, the courts are where it had a problem. They needed to find defense lawyers for all these new defendants, right. So, you need to get a defense lawyer lined up.

There is all sorts of things that had to happen, and the notion that all of that could happen in the majority of these cases, let alone many, in 72 hours, as we found we thought was a practical and legal impossibility.

Mr. LYNCH. Thank you, Madam Chair, for your indulgence. Thank you so much.

Thank you, Mr. Horowitz. Keep up the good work.

Mr. HOROWITZ. Thank you, Congressman.

Ms. TLAIB. The gentleman from Texas, Mr. Cloud, is recognized for five minutes.

Mr. CLOUD. Thank you, Chairwoman. I appreciate the topic on what is an extremely important topic: our national security at the border, the humanitarian crisis that has been ongoing for many years.

We, in Texas, experience this maybe in a way that much of the Nation doesn't. While it does affect the entire nation, we feel the impact in our communities very—early on and in a way that is sometimes dramatic.

I get texts and messages all the time from people throughout the district. Our sheriffs meet on a weekly basis to discuss how the communities even hours away from the border, are affected each

week in their communities by the cartel activity that goes on along the border.

And I do think it is important to put this whole discussion in a context because there is a notion that what we see at the border, in a sense, is an organic movement which includes families coming to the border to seek a better life and, certainly, no doubt, when you are talking about thousands there is an element of it.

But the real broader picture and more correct picture is that this is a cartel-driven mechanism, that the caravans we are seeing coming to the border are, indeed, recruited by the cartels.

The cartels charge for anyone who comes through the border. They profit from it, and our assets at the border, both in dealing and helping with children but also in protecting and securing our border, find themselves outmatched when it comes to assets, oftentimes when it comes to manpower, when it comes to financing, to deal with the cartel activities who have more assets, more funding, oftentimes to deal with this.

And what is heartbreaking is that, of course, the cartels have no regard for human life at all, and so they not only charge the migrants who are coming from a financial perspective, but I have seen the videos where migrants have been, after going through the process, after paying, coming here are put in stash houses. I have seen where they have been stripped and beaten, and those videos sent to their families demanding more money be sent to them.

And it is heartbreaking what happens. There is a report from Doctors Without Borders, and according to the report it said more than two-thirds of those making the journey north become victims of violence along the way and nearly one-third of the women are sexually assaulted along the journey.

Ronald Vitiello, the former chief of the U.S. Border Patrol and former acting director of the Immigration and Customs Enforcement, told this committee in July 2019—he said there is a significant percentage of families who are pretending to be related when they are, in fact, not.

So, this is a big problem. The word is out. People know that if they send or bring a child that their end result is to be released into the United States.

Indeed, there was an investigation by the Homeland Security along with the Border Patrol that began a family fraud initiative in El Paso and they put out a report that outlined fraudulent families, false documents being presented, and the bottom line was that the investigations indicate that transnational cartels and individuals have entered into schemes with biological parents to dangerously transfer their children ranging in age from four months to 16 years to unrelated adults so they can pose as family units to further their human smuggling criminal enterprises and to fraudulently obtain U.S. immigration benefits.

And so what happens is someone shows up at the border with a child claiming to be theirs and we have no idea if they really are. It is semi-humorous except for the context of what we are talking about. One family, when I was on a border visit, had showed up and they had presented themselves as someone who crossed the border for the first time and the child being their child.

And the child needed to go to the restroom and so the agent said, well, would you like me to show you where the restroom is. First time in the facility, supposedly. The child is, like, oh, I know where the restroom is already. The child had been there multiple times and had been part of their rent-a-kid program that the cartels had incorporated to send that child through with an unaffiliated unfamilied adult.

I have been to a facility just outside my district that has 200 young ladies who have been through the border and have been a part of this scheme, and it was heartbreaking to talk to the agents who said that a substantial part, if not the majority of them, had been abused along the journey.

And so the question remains for us what kind of policies——

Ms. TLAIB. The gentleman's time has expired.

Mr. CLOUD. My apologies.

Ms. TLAIB. The gentleman from Virginia, Mr. Connolly, is recognized for five minutes.

Mr. CONNOLLY. Thank you, Madam Chairwoman, and thank you, General Horowitz, for always speaking truth to power and doing it without equivocation or manipulation. You are a model of what an independent IG is supposed to be and do. Thank you.

Mr. HOROWITZ. Thank you, Congressman.

Mr. CONNOLLY. And let me also say we have heard the word outrage and hypocrisy from colleagues on the other side of the aisle. I guess I want to demur.

I want to reserve my outrage for the fact that the United States of America found itself putting children in cages and deliberately using children as pawns to separate them from their families for an ideological commitment to a rigid immigration policy that was inhumane. That is where my outrage is, and I think that is where yours ought to be, too.

Mr. Horowitz, I want to focus on a December 2017 memo discussed in your report titled "Policy Options to Respond to Border Surge of Illegal Immigrants" or "Immigration," excuse me.

It was prepared by DHS and provided to Gene Hamilton, a top aide to then Jeff Sessions, attorney general of the United States. It discussed multiple immigration policy options using unclear language including, quote, "increase prosecution of family unit parents and separate family units."

Were these both, essentially, child separation policies, Mr. Horowitz?

Mr. HOROWITZ. In practice, they would have been, yes.

Mr. CONNOLLY. And is that—was that just no different than previous administration policies with respect to children?

Mr. HOROWITZ. What we found was that, historically, DHS, with the concurrence of the department's U.S. Attorneys on the Southwest border did not transfer adults for criminal prosecution—instead, using administrative deportation proceedings.

There were some exceptions. There is a GAO report that identified a .3 percent figure in I think it was 2016. But, generally speaking, that was—the policy was to not send adult——

Mr. CONNOLLY. So, in other words, this was quite a change from previous standing policy and practice?

Mr. HOROWITZ. At least since 1992 we saw that that was the case.

Mr. CONNOLLY. I think that is really important because some would have us believe that this is no different than previous policy, and your own report finds quite the opposite. It was a drastic change in previous policy and deliberate.

According to your findings, did DHS thoroughly vet the policy?

Mr. HOROWITZ. DHS, apparently, did not. We—both through our work at DOJ and looking at the DHS OIG report, they identified serious problems with how DHS coordinated with the Health and Human Services agency.

Mr. CONNOLLY. And, nonetheless, they went forward with the policy?

Mr. HOROWITZ. That is correct.

Mr. CONNOLLY. Hmm. According to your report, the memo was sent by the then DHS chief of staff to Gene Hamilton. We have already mentioned the key aide to Attorney General Jeff Sessions at that time. But you didn't name the individual in your report. Is that correct?

Mr. HOROWITZ. That is correct.

Mr. CONNOLLY. All right. But I was curious and I looked into who was that DHS chief of staff at the time. Well, and lo and behold, it was none other than Chad Wolf, the same Chad Wolf who held himself out as the acting secretary of DHS, even though GAO and multiple courts found that he was actually acting illegally because he had not been confirmed for that position.

He also has quite a checkered history in terms of ending the DACA program protecting Dreamers, suspending New Yorkers' ability to enroll in Trusted Travelers programs, and diverting dollars, millions of dollars, of taxpayer dollars on President Trump's famous border wall.

And, of course, he was a key architect in the policy we are describing, putting children at risk and using them as pawns in trying to enforce his views about immigration and who should or should not come across the border.

It is a shameful episode in American history. It, certainly, is not something that made Americans proud and it is certainly not something that won us admiration overseas with friend and foe alike.

I yield back.

Ms. TLAIB. The gentlewoman from North Carolina, Ms. Foxx, is recognized for five minutes.

Ms. FOXX. Thank you, Madam Chairman.

Thank you, Mr. Horowitz, for being with us. In your testimony, you mentioned that the Department of Justice failed to effectively prepare for or manage the implementation of the zero tolerance policy. Is that correct?

Mr. HOROWITZ. That is correct.

Ms. FOXX. You also noted that the department's single-minded focus on increasing immigration prosecutions during the zero tolerance policy came at the expense of careful and appropriate consideration of the impact of child separations. How could the department have been better prepared for the implementation of this policy?

Mr. HOROWITZ. Well, I think, first and foremost, they should have consulted with their own components at, namely, their U.S. Attorneys on the Southwest border, their marshals on the Southwest border, as well as their counterparts at Health and Human Services and DHS to make sure there was an ability to reunite children after they were separated and the impact on the Marshals Service, the prosecutors, and the courts on the substantial influx of cases that would be coming as a result of these prosecutions?

Ms. FOXX. OK. I was going to followup with what would prevent the same challenges. I am assuming you are saying coordination is the way to go with the local people?

Mr. HOROWITZ. That is correct. It seems obvious, I think, to everybody. But it just didn't happen here. In fact, as we know here, HHS said they learned about the policy from media reports.

Ms. FOXX. OK. So, your report made three recommendations to the Department of Justice. Can you please outline those recommendations?

Mr. HOROWITZ. Yes. So, we—the initial recommendation to the department was before undertaking a significant policy change such as this that it should consult with its components and make sure it has—and other executive branches of agencies and make sure it has those policies in place.

Again, that seems obvious. But as you know from some of the prior hearings here on other matters sometimes we make those obvious recommendations because, in fact, we find that problems arose. So, that is one recommendation.

The second is to the Marshals Service to create internal policies that would better prepare the Marshals Service for interacting with HHS with regard to children and adults that are separated because we found here, when the Marshals Service learned of this new policy it actually didn't have any of its own policies in place for how to deal with HHS.

And then the third recommendation is for the marshals to interact with HHS to come up with an MOU or other understanding so that, again, if there are separations that occur that adult defendants in Marshals Service custody can communicate with children that are in HHS custody.

Ms. FOXX. Well, would you—I think, again, you have described some of the ways in which you expect the Department of Justice to work in the future to coordinate with the affected stakeholders.

I don't know what reaction you have gotten from the department, but do you expect that those things to happen that you have recommended?

Mr. HOROWITZ. We did, and we got full cooperation from the administration—the outgoing administration Acting Attorney General Rosen, who was deputy attorney general at the time. They concurred in all three recommendations and agreed with our findings.

Ms. FOXX. Thank you. Are there any particular policies affecting multiple components or executive agencies that you are aware of in which this recommendation will be a key to a policy success or failure?

Mr. HOROWITZ. Well, I think, most importantly, it is the interactions with the U.S. Attorneys and the executive office of the U.S. Attorneys, as we found here.

There were multiple occasions where they actually did highlight concerns in advance of implementation, briefly in advance of implementation, within days, and those weren't considered.

And I think a more robust process—in fact, as we say in here, that is what we were told after the fact, the recognition by former Deputy AG Rosenstein and others that that in fact should have occurred, seeing now on paper what had happened.

Ms. FOXX. Right. Thank you very much, Mr. Horowitz.

And Madam Chair, I yield back.

Mr. HOROWITZ. Thank you, Congresswoman.

Ms. TLAIB. The gentleman from California, Mr. Khanna, is recognized for five minutes.

[No response.]

Ms. TLAIB. The gentleman from Georgia, Mr. Johnson, is recognized for five minutes.

Mr. JOHNSON. I am sorry. Did the gentlelady say Congressman Johnson?

Ms. TLAIB. Yes, Mr. Johnson. You are now recognized for five minutes.

Mr. JOHNSON. All right. Let me pull up my screen. Bear with me. All right.

All right. Thank you. I want to thank the chairwoman for holding this hearing today and I want to thank Inspector Horowitz for testifying.

Mr. HOROWITZ. Thank you.

Mr. JOHNSON. And I would like to begin by saying that I visited detained immigrants at more than one of the private for-profit detention centers set up by the Trump administration to profit from the prolonged misery inflicted by Jeff Sessions, Rod Rosenstein, John Kelly, and others who sought to discourage asylum seekers and others from seeking entry into our country at the southern border by implementing a cruel and barbaric policy requiring that children, even infants, be ripped from the arms of their parents and placed in private for-profit detention facilities, sometimes literally in cages.

The first step toward creating a system that prioritizes human dignity is figuring out what went wrong, and I am looking forward to doing that that today.

Inspector Horowitz, your review found that Attorney General Sessions, Deputy Attorney General Rosenstein, and others intended that their zero tolerance policy would cause children, including babies, to be separated from their families. Isn't that correct?

Mr. HOROWITZ. That was, certainly, the understanding when they announced—when Attorney General Sessions announced the zero tolerance policy that was his understanding.

Mr. JOHNSON. And your report documented that the purpose of this abusive child separation policy was to deter asylum seekers and others from seeking entry into the United States at the southern border. Isn't that correct?

Mr. HOROWITZ. We found, in talking points and other records, that that was part of the reason for doing it was as a deterrent effect.

Mr. JOHNSON. And your report found that the Trump administration moved forward on its child separation policy without the sort

of planning and coordination required to humanely and properly care for the thousands of children, including infants, who were snatched away from their parents. Isn't that correct?

Mr. HOROWITZ. That is correct.

Mr. JOHNSON. And, Inspector Horowitz, your report also concluded that the Trump administration moved forward on its child separation policy without the sort of planning and coordination required that would have enabled the Trump administration to reunite the thousands of infants and children who had been taken away from their parents with their parents. Isn't that correct?

Mr. HOROWITZ. They, certainly, didn't take the steps that could have helped them try and do that. What they could have, ultimately, done remained to be seen. But you are correct, Congressman.

Mr. JOHNSON. Thank you. And, Inspector Horowitz, isn't it a fact that as of today literally hundreds of children taken away from their parents under the Trump administration child separation policy remains separated from their parents today? Is that true?

Mr. HOROWITZ. That is my understanding from court filings and ongoing litigation, Congressman.

Mr. JOHNSON. Unfortunately, the stain of this inhumane Trump administration child separation policy will remain etched on the forehead of America for posterity, and I am gratified that the Biden administration is taking steps to put an end to this sordid chapter in the Nation's history and Congress should work to do the same.

Madam Chair, I also ask unanimous consent to enter into the record a statement from the organization First Focus on Children containing recommendations on how to ensure we never repeat what happened with the zero tolerance policy, including adopting a best interest of the child standard for all immigration decisions.

Ms. TLAI. Without objection.

Mr. JOHNSON. Thank you, and with my remaining time, I would like to turn, briefly, to the section of your report that details how the zero tolerance policy burdened an already strained Federal court system, resulting in less judicial oversight and more chaos at the border.

One striking detail from your report is that Federal judges in the Southern District of Texas, quote, "begged," end quote, the U.S. Attorney and the then deputy assistant attorney general to bring their concerns about family separations to Deputy Attorney General Rosenstein.

That is how bad it got, Federal judges begging the DOJ for help. Your report also noted that Deputy Attorney General Rosenstein participated in a few meetings organized by the Administrative Office of the Courts to address the impact of the child separation policy on the administration of justice.

To your knowledge, did those meetings lead to any changes in how DOJ handled family separations?

Mr. HOROWITZ. It did not result, as far as we found, in any changes. The change occurred on June 20 when the executive order was issued that, essentially, largely, ended the separations and a week later a court ruling that, effectively, did the same.

Mr. JOHNSON. Thank you. And aside from what you mentioned in the report—

Ms. TLAIB. The gentleman's time has expired.

Mr. JOHNSON. Thank you. I yield back.

Ms. TLAIB. The gentleman from Ohio, Mr. Gibbs, is recognized for five minutes.

Mr. GIBBS. Thank you, Madame Chair.

First of all, I would like to say as a parent and a grandparent, anytime children are separated from their parents it is just heart wrenching, and this has, you know, been an issue past—previous administrations on the kids in cages and all that, and I want to associate myself with the remarks from Representative Cloud and Hice, both their remarks.

But I was just down at the border last week and, you know, I think we have seen the border crossings drop. The illegal entries have dropped. We have got a better relationship with Mexico now.

They have got, I guess, about 25,000 of their own troops on our southern border on their side that help, and one of the Customs agents there down on the border told us that in the last year or so that has really turned around, the relationship—the working relationship with Mexico.

So, that is all good things that came out of the Trump administration and—seeing it drop.

Now, my fear is what we ought to be doing, Madam Chair, is we ought to be calling in Biden administration officials to find out what they are going to do here on the border because when I was down there they stopped construction of the 30-foot wall and when you talk to border agents, you talk to ranchers, you talk to everybody, a stakeholder down there, they all say they need the fence.

I like to call it a fence because it is really a fence because it has holes in it. It is not a wall. The 30-foot fence and with the technologies to go along with that, and that is what we ought to really be addressing because if we don't, we know there is a caravan coming up from Honduras right now and that we will see more issues with children being exploited by the cartels and all the other illegal criminal activity that goes on there, a humanitarian crisis that is going on at the border.

We witnessed that. People, sex trade, the human trafficking trade, the drug trade, and that is the issue we ought to be addressing with the Biden administration to find out what their thoughts are and when are they going to start reconstruction, reimplementing the construction of the fence.

And I also want to note that the new 30-foot fence, it saves taxpayers money because on border agent can patrol two linear miles of fence, and compared where there is no fence it takes three to five border agents to control one mile of border with no—with 50 percent less apprehension of drugs and illegal activity.

So, this is common sense. I encourage all our members, especially on the other side of the aisle, go down there. Talk to the border agents. Find out what they are saying and what is happening down there. Talk to landowners and see what is going on.

Because if we don't complete what we started here a few years ago—and we have seen results, the fence is working—we are going to see more and more incentives for the migrants to come up here looking for a better life and more and more of these issues that we are discussing today, and that is what we really need to address.

And so I encourage, Madam Chair, to encourage members to go down to the border, talk to the border agents, talk to the stakeholders, and also we should bring in Biden administration officials and find out why they paused the construction of the fence that we know that works.

And also when I was down there I saw a fence right next to—a new fence, and it was the same structure but it was 18 feet, 12 feet shorter, and they—the border agents told me that was the Obama fence.

And so, apparently, President Obama and then Vice President Biden at the time were for a fence before. Now they are against the fence. So — but the fence works. The technology works.

Let us help our border agents patrol it and let us stop the human trafficking crisis at the border, the drug trafficking, and so, you know, that would, obviously, stop at least with the topic of the day with child separation at the border and let us help these countries down there to improve their economies and disincentivize these people that want to come to the United States.

On that fact, I will yield back, Madam Chair. But let us—were ought to have hearings on what we are going to do at the border to stop the problem overall.

Thank you.

Ms. TLAIB. The gentleman from California, Mr. Khanna, is recognized for five minutes.

Mr. KHANNA. Thank you, Madam Chair.

Thank you, Inspector General, for your work. I would like to ask you about the DOJ's failure to form a zero tolerance policy with any of the U.S. Marshals Service.

If you could just explain, very briefly, what the zero tolerance policy was and how broad—what it was.

Mr. HOROWITZ. So, the zero tolerance policies announced in April 2018 required U.S. Attorneys along the Southwest border to prosecute all illegal entry cases or attempted illegal entry cases referred to them by the Department of Homeland Security, even if they were misdemeanor violations.

So, the intent was to prosecute every single case, misdemeanor or felony.

Mr. KHANNA. Give us an example of things, misdemeanors that were prosecuted? I mean, things that we had never done this before, right, in our country's history but what are examples of misdemeanors that started to get prosecuted?

Mr. HOROWITZ. So, the difference between the misdemeanor and the felony, it is a misdemeanor to seek to cross the border illegally or to actually cross the border illegally in the absence of any abrogating factors such as if you don't have a prior felony or prior conviction, if you are not carrying drugs or guns or other paraphernalia.

If you are simply crossing the border illegally, without any of those other overlays, that is a misdemeanor. Traditionally, those cases were handled through the administrative deportation process, not the criminal process. There were exceptions.

There were occasions through certain efforts to seek to do those over the years. But those were the exceptions rather than the norm.

Mr. KHANNA. So, basically, then what you are saying is under the Reagan Administration and the Bush Administration, this other Bush Administration, these cases—it wasn't a blanket prosecution of everyone who came across the borders and what the Trump administration basically did was blanket prosecution. If you come across the border you are going to be prosecuted. Is that a fair—

Mr. HOROWITZ. That is my general understanding. There could have been exceptions for particular U.S. Attorneys and particular unique circumstances. But our general understanding is that that was generally the case.

Mr. KHANNA. And when you are going to take such a move as overturning precedent that Reagan and Clinton and Bushes had set up that called for blanket prosecution, did they consult the U.S. Marshals Service when they took this position?

Mr. HOROWITZ. They did not in advance of announcing the policy in April 2018.

Mr. KHANNA. And that is odd, right, because the U.S. Marshals Service is going to be, as part of the Department of Justice and they would be responsible for implementing this? Wouldn't you want to know what kind of burden this is going to put on your Marshals Service?

Mr. HOROWITZ. It is critical. The marshals take custody of the defendant and they have to find a place for that defendant to have a jail cell. They are taken into the custody of the Justice Department through the Marshals Service.

The Justice Department has a limited number of jail cells and if you are going to add hundreds of new defendants at each district, they have got to find places for those individuals.

And as we detail here, it resulted in requiring them to triple bunk inmates in some instances and it ended up resulting in a \$200 million plus shortfall for the Marshals Service.

Mr. KHANNA. What I found most shocking about your report is, though, they didn't have—they had no conversations, no discussions, correct, with—

Mr. HOROWITZ. That is correct, in advance of that April announcement.

Mr. KHANNA. And the Marshals Service found in an assessment that we would—they would continue to provide the best level effort to comply but there would inevitably be, quote, "a degradation of service and security."

Inspector General Horowitz, what is meant by a degradation of service and security?

Mr. HOROWITZ. So, the impact on the Marshals Service, in addition to having to find bed space for the additional defendants, they also need marshals to help manage those defendants, right, and take them into custody and do all the processing.

That meant pulling people off of other job responsibilities, which has a cascading effect on, as we noted here through various documents we saw, the Marshals Service ability to continue to go out and execute arrest warrants, which is a core Marshals Service function.

Mr. KHANNA. Hasn't it made us less secure as a country because of it diverting marshals' resources away from things that were critical?

Mr. HOROWITZ. Well, as we note in here, that is certainly what the marshals expressed concern about, precisely that issue.

Mr. KHANNA. And that is because of the zero tolerance policy, correct?

Mr. HOROWITZ. That that was one of the impacts on them of the zero tolerance policy regarding your concern.

Mr. KHANNA. The U.S. Marshals Service is about protecting just more than politicians. You are saying the zero tolerance policy wasn't just inhumane with the bed issue but actually made our country less secure, from their perspective, according to—

Mr. HOROWITZ. Again, that is, you know, what we found in the records of the Marshals Service and what we were told by the Marshals Service.

Mr. KHANNA. And last question, they have a \$210 million deficit today. Is that also because of this zero tolerance policy?

Mr. HOROWITZ. So, they had a \$227 million or so hole in their budget back in the 2018–2019 time period. Congress had to do an emergency appropriation for them and the department had to reprogram other moneys to make up for that hole in their budget so that they could pay their costs.

Mr. KHANNA. Thank you.

Ms. TLAIB. The gentleman from Louisiana, Mr. Higgins, is recognized for five minutes.

Mr. HIGGINS. Thank you, Chairwoman and Ranking Member Comer. Thank you for holding today's hearing regarding the DOJ IG report on the Trump administration's immigrant child separation policy.

Our Founding Fathers delivered us a representative republic that welcomes any person to become a part of this great country and to participate in the American dream while balancing the rule of law.

For decades our country has struggled with this balance. How do we as a country enforce our laws and principles and protect our citizens while at the same time maintaining decency and compassion for those that are truly seeking refuge in our country?

This should be a bipartisan effort to determine that balance. In addition to being a member of this committee, I serve as a member on the Homeland Security Committee and as the ranking member of the Border Security Facilitation and Operations Subcommittee.

I have seen in person the challenges we face at our Nation's southern border, and I have to say we have serious challenges that are only further complicated by the Biden administration's recent actions.

In a video I am about to show you, you will see how, more than ever, we need a strong secure border. Letting thousands of immigrants come here illegally that serves no good purpose, especially our citizens and those that have come here legally. We are a nation of opportunity and that should be embraced and continued. But we are, first, a nation of law.

I ask that committee staff please start the video.

[Video shown.]

Mr. JOHNSON. Madam Speaker, I have a point of order.

Ms. TLAIB. The gentleman is not recognized.

Mr. JOHNSON. Parliamentary inquiry, Madam Chair.

Mr. HIGGINS. Madam Chair, reclaiming my——

Ms. TLAIB. Will the gentleman please state the parliamentary inquiry?

Mr. HIGGINS. Madam Chair, please note the time.

Ms. TLAIB. Yes, we will.

Mr. JOHNSON. Thank you, Madam Chair.

Is it permissible for a member to show a video that has not been shared with the—with the other party prior to airing it in the—in a full committee meeting? Is that permissible under our——

Ms. TLAIB. Yes. Member Johnson, I believe that the video was reviewed, according to our rules, with our committee staff.

Mr. JOHNSON. Thank you. I yield back.

Ms. TLAIB. Mr. Higgins, you are now recognized.

Mr. HIGGINS. Thank you, Madam Chair. I appreciate my colleague's concern. I would also appreciate in the future that the inquiry be restrained until a video that—obviously, we try and follow the rules around here—has been completed.

Mr. JOHNSON. Well, it just seemed to be a hatchet job put together by the—put together by a partisan——

Mr. HIGGINS. Reclaiming my time. Madam Chair, please note the—the chair lady get order in the committee, please?

Ms. TLAIB. Mr. Higgins—time. Mr. Higgins, you are recognized.

Mr. HIGGINS. Thank you, Madam Chair.

Inspector General Horowitz, you are familiar with DOJ numbers, are you not? Do you know how many American citizens that are parents of minor children are incarcerated in American incarceration system today?

Mr. HOROWITZ. Congressman——

Mr. HIGGINS. In the interest of time, I will give you the answer. It is about 750,000 American parents of minor children are incarcerated in our jails today, in our country. About 10 million arrests take place each year. These are DOJ numbers. About 600,000 of those are juveniles.

When we make an arrest, do we ask that arrested person, where is your kid? I have to take you to jail. Let us stop and pick up your kid. Do we bring those children to a jail? The answer is no.

When we arrest a juvenile, we contact that juvenile's parents. But if that juvenile is placed in a juvenile detention center, do we put that parent in that juvenile detention center? No.

So, it is very clear that if you don't want to be separated from your family, I suggest you don't commit a crime that is going to cause you to get arrested, and I encourage the scores, hundreds of thousands, that intend to cross our southern border over the course of this next year——

Ms. TLAIB. The gentleman's time has expired.

Mr. HIGGINS [continuing]. That if you bring a kid with you, expect to get separated from your child because we don't put children in jail——

Ms. TLAIB. The gentleman's time has expired.

Mr. HIGGINS [continuing]. In America unless they have committed a crime.

Thank you, Madam Chair.

Ms. TLAIB. The gentlewoman from Missouri, Ms. Bush, is now recognized for five minutes.

Ms. BUSH [continuing]. And I thank you, Madam Chair, for convening this important hearing.

As I sit here today, I am reminded of a time as a young mother when I lost sight of my daughter in a clothing store. It was only a matter of seconds, but I felt a feeling of doom, of absolute dread, thinking, where is my child. Is she hurt? Is she calling out for me? I felt like the world was crashing down on me.

Now, imagine feeling that feeling for 1,034 days. That is how long it has been since this policy was first announced, since mothers, fathers, and families first feared never seeing their child again.

I am also thinking about St. Louis and the many years I spent in the streets as an organizer in our hospitals, as a nurse, and in our safe houses of pastors, counseling families who have experienced trauma and violence.

Family separation is rooted in our Nation's history, let us be clear, harking back to black children being torn from their mothers' arms at slave auction blocks, including the very courthouse that now forms part of the iconic St. Louis skyline.

But these historic crimes against humanity didn't only happen in St. Louis. Our country has forcibly removed Native children from their families. We separated Japanese children from their parents in internment camps. The scars of white supremacy are a trauma in our Nation's DNA. It is a lasting trauma that will stay with these children and their families forever.

Mr. Horowitz, your investigation revealed that former Attorney General Jeff Sessions was a driving force of the zero tolerance policy, and though Stephen Miller is not named in your report, let us not forget that he played a central role in designing and carrying out this policy.

White supremacy is a disease that turns cruel and hateful ideas into cruel and hateful policies that affect people.

Inspector General Horowitz, according to your report, at least two parents were told by officers that their children were being taken for a bath. That was the last time they saw their children.

In your experience, is it ever appropriate for law enforcement to deceive parents about their minor children in this way?

Mr. HOROWITZ. I can't think of a circumstance, Congresswoman, where that would be appropriate.

Ms. BUSH. Thank you.

Did you find any evidence that AG Sessions or Deputy AG Rosenstein took any action to determine the trauma, the anxiety, and the isolation imposed on small children and all children as a result of this practice?

Mr. HOROWITZ. Our concern was that there wasn't a sufficient effort to try and understand how this would happen and how it would impact the ability to reunify later and the mistaken understanding that could have been learned. But that simply couldn't happen promptly in order to ensure reunification in a timely manner.

Ms. BUSH. OK. Well, it has become strikingly clear that though the zero tolerance policy is over, the impact endures. This is espe-

cially the case given the lasting impacts of the criminal charges lodged against these parents.

In your report, Mr. Horowitz, you described the DOJ's focus on increasing prosecutions as, quote, "single-minded," end quote.

Can you restate for this record, please, the Department of Justice—the Department of Justice knowingly enacted the zero tolerance policy with the understanding that it would impose stronger criminal charges on family unit adults and force children away from their parents. Is that correct?

Mr. HOROWITZ. That is correct. That was, certainly, the understanding of Attorney General Sessions in our—as we found in our report when he announced the zero tolerance policy in April 2018 and his effort to encourage DHS to change its policy, which it did on May 4, to authorize or to start sending adult family members for criminal prosecution.

Ms. BUSH. So, in your estimation, would you say that this policy led to an increase in the number of felony and/or misdemeanor charges filed?

Mr. HOROWITZ. Well, it certainly resulted in a substantial increase in the number of misdemeanors. I believe it also resulted in a significant increase in the number of felonies but I would have to followup on that.

Ms. BUSH. Mr. Horowitz, who would have the answers to these questions?

Mr. HOROWITZ. Well, we can, certainly, get you the figures, Congresswoman, from here at the department on the increase in prosecutions. I just don't have them right in front of me.

Ms. BUSH. Thank you.

I can never know the heartache of spending months and years without knowing if my child was in danger, hurt, or sick. But I do know any parent would do anything that they can to see their child again. It is essential that we reunite these families together.

I strongly believe that we must remove the threat of criminalization and provide families with full amnesty and clear their records. This is the absolute least we can do.

Thank you, and I yield back.

Ms. TLAIB. The gentleman from Texas, Mr. Sessions, is recognized for five minutes.

Mr. SESSIONS. Thank you very much. I assume I can be seen and heard at this time. Madam Chairman, I assume I can be.

Ms. TLAIB. Yes, we see you.

Mr. SESSIONS. Yes. Thank you very much.

What a delight it is for me to be with you today. Mr. Horowitz, thank you very much.

Mr. Horowitz, is this a practice that takes place at our airports all across the United States of America where there is a less than adult person that might be a minor child that is with an adult? Are they questioned about the status of what they are doing with that child?

Mr. HOROWITZ. You are talking about with domestic flights in the U.S.?

Mr. SESSIONS. Absolutely, at every single airport in the United States and port of entry in the United States of America.

Mr. HOROWITZ. Mm-hmm. Yes, they are asked if the two of them are together and the relationship.

Mr. SESSIONS. What would happen if I were to enter an airport with someone that was not my child? What process would take place here in the United States with American United States citizens?

Mr. HOROWITZ. Well, I think if you are traveling domestically—I am not sure whether there would be much differently done. If you are with an adult and a child you don't necessarily have to be—

Mr. SESSIONS. But you would be asked. You would be asked and expected to provide information, and when someone said, that is not my child, what would happen?

Mr. HOROWITZ. Well, I am not sure what would happen on a domestic flight. Internationally, there are issues that result because of Federal laws about international parental kidnapping and other issues where you want to make sure before someone is allowed to leave the country with a child that they, in fact, have authority to go with that child inside the country.

Mr. SESSIONS. Do you believe that that process or what should be that process for people who are entering the United States of America—there is some suggestion that we should not even ask who these people are and determine who they are.

But if a person was not that direct parent, what should happen to that child and what should be the question that is asked and action by the United States Border Patrol?

Mr. HOROWITZ. Well, let me say, this is—you know, obviously, this is a Department of Homeland Security Border Patrol, as you said, issue and policy. I am presuming that with—in any instance, they are looking to figure out who the two people are in actuality and, indeed, as we noted here and as I mentioned earlier, that is part of the issue with the assumption that all of this could have happened so quickly, right.

That is precisely the issue with expecting a prosecution to happen in the same day, right. You want people to have that ability to know who people really are.

Mr. SESSIONS. Right. But before you go to prosecution, I am talking about process.

Mr. HOROWITZ. No, right.

Mr. SESSIONS. I was down on the border in 1914, 1915, and 1916. I saw these cages that are referred to as cages. It was a detention facility. It was placing people in areas until they could be properly vetted and looked at that they placed them in them, all along the border, especially in the Southern District of Texas, in the Western District of Texas, and these people were given food and clothing. But they were makeshift operations because of the overwhelming number of people who were there.

Second, I saw firsthand how these agents would attempt to determine who was traveling with who, and many times it became a whisper about, say that is your child.

But when people were then—under the Obama years, then agents took to really try and make sure that there was not a mismatch of child—moving children across illegally or an exploitation perspective.

They would separate those people, especially with younger boys and younger girls, and they would have a very, very difficult time. These were some of the things we struggled with during President Obama's presidency and it was an overwhelming number.

I want you to know that I applaud the work that you are doing. I applaud the work of being as a watchdog. But when tens of thousands of people come across and they are at the detention—

Ms. TLAIB. The gentleman's time has expired.

Mr. SESSIONS. Thank you very much, Chairwoman.

Ms. TLAIB. The gentleman from Vermont, Mr. Welch, is recognized for five minutes.

Mr. WELCH. Thank you very much. Thanks very much for your work, Inspector.

The zero tolerance policy, obviously, was about intimidating families, and the zero tolerance policy, where it implemented as a tactic taking a child from the parent, was the most effective way of intimidating.

Do you have any information about how it is that despite the fact they were going to implement this policy there was no systematic way to maintain knowledge as to where a child was sent, and we still have many children who are separated from their families?

Mr. HOROWITZ. So, based on—according to court filings, there are—there is still an ongoing problem with reuniting children who were separated back during this 2018 time period with their adult family unit members, and it is precisely the problem with failing to consider these issues before you implement the policy, then waiting until afterwards to see what they are and, as we noted earlier, the 2017 El Paso Initiative highlighted some of the problems that DHS and HHS were having with keeping track of the children and their parents.

Mr. WELCH. So, do you—in your report, just describe what steps were not taken or even what steps were taken to have a coordinated approach so that leaving aside the immorality of taking children from parents, the absolute obligation that we had—this government had in using its authority to maintain information so that when there was going to be a reunification we would know who to call and where the child was. Was there anything in there that they did to be prepared for that?

Mr. HOROWITZ. There was, frankly, little to nothing that we found that showed preparation for interagency coordination, U.S. Attorney coordination with other executive branch agencies, particularly HHS, or the courts on how to do this. There weren't the most rudimentary steps taken before the April announcement.

Mr. WELCH. All right. So, aside from the obvious cruelty of taking a child from parents, there was the incompetence in the administration of this cruel policy. Is that a fair statement?

Mr. HOROWITZ. There was incompetence in failing to consider what the issues were and, frankly, the mistaken belief that you could do all this in a day, the prosecution, right.

This was—it was, potentially, founded on the belief that you could get an adult from DHS custody to the Marshals Service custody, get them in front of the judge, have them plead—get them a lawyer, have them plead guilty, have them sentenced, and get them back to DHS within 72 hours so that the child wasn't sepa-

rated and sent to HHS, and that, as we lay out here, was a practical impossibility in almost all cases.

Mr. WELCH. Well, I really appreciate the detail in your report because what it reveals, aside from the obvious cruelty of the policy, is that we had a government that was not paying attention to the function that an executive has to make things work as opposed to simply make pronouncements that had a political orientation.

So, I thank you for your work, and I yield back.

Mr. HOROWITZ. Thank you.

Ms. TLAIB. The gentleman from Pennsylvania, Mr. Keller, is recognized for five minutes.

Mr. KELLER. Thank you, Madam Chair. I appreciate being part of the hearing today.

However, I can't help but point out that while there were some problems with the zero tolerance policy, the Trump administration abandoned this initiative over two years ago and made thousands of pages of documents available to this committee for investigation.

I would also note that a flawed policy rollout does not make border security any less important or make the consequences of open border policy any less dangerous and irresponsible.

DHS concluded that border barriers are a critical component getting operational control of the border and allow Border Patrol agents to decide where border crossings take place and apprehend individuals on our own terms.

Yet, the Biden administration has taken executive action to stop barrier construction, working firmly against congressional intent of appropriating funds specifically to construct a barrier along the southern border in the interest of national security.

Mr. Horowitz, your report indicates that the rollout of the zero tolerance policy failed to consult various agencies about its details. In an effort to improve DOJ policy rollouts in the future, what specifically should be done to ensure better agency cooperation?

Mr. HOROWITZ. Well, we made a recommendation as to that, that the department put in place a policy that makes it explicitly clear that—to the stakeholder to—the components of the department that when you undertake a significant policy change that cuts across DOJ components and executive branch agencies that you make sure to consult with them in advance.

You know, as I noted earlier, that may seem obvious. But, as we note here, it didn't happen and—

Mr. KELLER. So, when did they make the change? When did that change in policy made?

Mr. HOROWITZ. So, we are waiting for a report back from the department on what they have done to implement it. The outgoing acting attorney general, Mr. Rosen, indicated they would be taking that—undertaking that effort and we are expecting a report within the next month or two.

Mr. KELLER. So, the Trump administration had already made the decision to make that correction and have the coordination?

Mr. HOROWITZ. They supported and agreed with the recommendation.

Mr. KELLER. OK. Several DHS personnel testified before this committee in 2019 recommending policy changes such as modifying the Flores settlement to allow us to keep immigrant families to-

gether past the 20-day threshold, improving the Trafficking Victims Protection Reauthorization Act by allowing the repatriation of children to noncontiguous countries, and challenging the credible fear standard to allow families to more easily prove an asylum issue.

Can you speak to these recommendations and what overlap there might be with your report?

Mr. HOROWITZ. Certainly, and, of course, the policy decision is Congress' and the executive branch. But what we found was that the provisions in the Flores settlement and that had been statutorily enacted, as you indicated, put time limits on how long children could be kept in custody with DHS detention facilities and a misunderstanding at the Justice Department at what that meant with the ability to undertake a criminal prosecution and reunify the parent with the child before the child was sent by DHS to Homeland—to Health and Human Services as required by the law.

Mr. KELLER. OK. Thank you.

I yield back.

Ms. TLAIB. The gentlewoman from Florida, Ms. Wasserman Schultz, is recognized for five minutes.

Ms. WASSERMAN SCHULTZ. Thank you. Sorry, my arrow was not going to my mute button.

[Laughter.]

Ms. WASSERMAN SCHULTZ. Thank you so much, Madam Chair, and congratulations. You are doing a bang-up job.

Inspector General Horowitz, I appreciate you appearing before the committee today. I would like you to help us understand who knew what and when as the zero tolerance policy was developed by the Department of Justice.

I think the timeline could inform the motivation behind this policy. Attorney General Sessions announced the zero tolerance policy on April 6, 2018. According to your report, only two days earlier on April 4 Attorney General Sessions directed the creation of a memorandum that would accomplish this goal of a zero tolerance prosecution policy at the border.

On that same day, a top DOJ official reached out to the five Southwest border U.S. Attorneys to ask if there was anything, quote, "operationally objectionable."

So, my first question is when the staff policy directive was provided to those U.S. Attorneys on April 4, were they aware a zero tolerance policy would result in children being separated from their families?

Mr. HOROWITZ. We were told by them and by the record we saw that they were not. They assumed that the policy at DHS, the long-standing policy would continue of not referring adult members, and no one said to them that there was any thought being given to changing that policy.

Ms. WASSERMAN SCHULTZ. OK. And were they made aware that such a policy would result in child separations before the formal announcement of the policy two days later?

Mr. HOROWITZ. They were not made aware until at the earliest, roughly, May 1.

Ms. WASSERMAN SCHULTZ. Wow. OK. So, at the time the Department of Justice announced the zero tolerance policy, which is a

change that would lead to the forced separation of thousands of children from their families, the very attorneys who were expected to carry it out were not informed of these dire and calamitous implications. Is that a fair assessment?

Mr. HOROWITZ. That is correct, and I will add, Congresswoman, the policy they were shown on April 4 and that was announced on April 6, had a key phrase in there, which was “to the extent practicable.”

So, it provided that they would—all cases would be prosecuted to the extent practicable, which the U.S. Attorneys told us they believed and others told us they believed gave them some discretion in deciding which cases to prosecute, recognizing they didn’t still appreciate that that would also be including family referrals of adult family unit members.

Ms. WASSERMAN SCHULTZ. OK. And but—now this is extremely appalling. Your review found that Attorney General Sessions himself was aware that the implementation of zero tolerance would lead to the separation of families. He knew just what it would do. Isn’t that right?

Mr. HOROWITZ. That was, certainly, his intention when he announced the policy on April 6.

Ms. WASSERMAN SCHULTZ. And so because Sessions knew the chaos and suffering this policy would cause, he needed to hide and rush it out the door without any vetting. The cruelty of this policy was the point, and Jeff Sessions would not be deterred.

The deception that former Attorney General Sessions used to cover up the vicious goals at the heart of this policy is deeply disturbing and for anyone who took part in or defends such a cold-blooded policy to this day, good luck settling up that merciless behavior with your maker.

Thank you, Madam Chair. I yield back.

Ms. TLAIB. The gentleman from Arizona, Mr. Biggs, is recognized for five minutes.

Mr. BIGGS. Thank you, Madam Chair, and Inspector General Horowitz, good to see you again—

Mr. HOROWITZ. Good to see you.

Mr. BIGGS [continuing]. Across the table again, but this will have to do, I guess.

Just a basic fundamental question. Should DHS and DOJ enforce the law?

Mr. HOROWITZ. Certainly.

Mr. BIGGS. Yes. So, in 8 U.S.C. Section 1325, it makes it a crime to enter this country illegally, right?

Mr. HOROWITZ. That is correct.

Mr. BIGGS. And you said earlier—you were talking about the misdemeanor. If you look under 8 U.S.C. 1325 you are going to find that any alien who crosses the first time that is a misdemeanor; every other time is a felony. Is that right?

Mr. HOROWITZ. That is correct, and there are other aggregating factors that could make it into a felony.

Mr. BIGGS. Exactly. Right. So, your report states that prior practice was not to prosecute family units or even the adult members of family units, and that is what people like would say that is the catch and release program, right?

Some of us would say that was an incentive or magnet for people to come to this country illegally. Does 8 U.S.C. Section 1325 have an exception for adults if they are part of a family unit, an exemption from prosecution, if you will?

Mr. HOROWITZ. No, it does not contain such an exception.

Mr. BIGGS. So, we are focusing on old policies and the rollout was not good. There is anybody that would say it was. It didn't—and it was a very short-lived policy that affected a good number of children and families, and also those who were exploiting as well.

And I would suggest that the policy that we are talking about today also puts children in danger and exploitation and being trafficked, and then some of the things that are being proposed by this administration—I am going to review them real quickly—also become magnets or incentives: stopping construction of the wall, ending new enrollments in the MPP, an executive order that suggests that the asylum cooperative agreements with Guatemala, El Salvador, and Honduras are going to end, potentially ending the CDC's Title 42 order, preventing ICE from using terms such as “alien” and stopping deportations for 100 days, which has, luckily, been blocked, and last but not least, the biggest magnet of them all is talk of amnesty.

And so if the past is any indicator, open border policies and these types of policies actually incentivize people to come to this country and bring children with them, even those that aren't their own, and that allows cartels and human smugglers to exploit children in a way that I have seen firsthand.

I have watched the cracking of cases nationwide originating in Yuma, tracking down all the way to Charleston, South Carolina, where two young boys were repeatedly used as, basically, rent-a-children, unfortunately, for those poor exploited children, to bring adults, unscrupulous adults, trying to use the family policy—family release policy.

In Fiscal Year 2013, there were 14,855 apprehensions of family units on the Southwest border. But by 2018, there were 107,000 and in 2019 there were 473,000 family units apprehended on the Southwest border.

I also want to highlight that the Biden administration anticipates this surge. They have opened up, as my friend from Georgia mentioned earlier, Mr. Hice, a new facility—not a new facility but they are reopening the Carizzo Springs facility, which received such disapprobation from my colleagues across the aisle not too long ago.

So, I would suggest that we need to focus on the implications of the current administration's policies.

Now, I want to turn for a second to the Ms. L case. Mr. Horowitz, are you familiar with the Ms. L case?

Mr. HOROWITZ. Generally, I am. But not in the weeds, or specifically, Congressman.

Mr. BIGGS. OK. So, you would not—you would not know that of the original 3,000 children reportedly subject to the Ms. L case—and they have found many placements, reunified many—but right now the number looks to be somewhere between 400 and 500 children that are not unified under the Ms. L case. Are you familiar with that?

Mr. HOROWITZ. I am. The number I had seen was just over 500 but it could be more recently reduced. I haven't been following it as closely.

Mr. BIGGS. All right. Do you—any idea why we haven't been able to reunify some of those?

Mr. HOROWITZ. I can't say I know the—you know, the 500-plus cases and how those came about and what those particular circumstances are.

Mr. BIGGS. Thanks for being here today, Inspector General.

And Madam Chair, I have some documents I would like to enter into the record. Three of them are newspaper articles. One is a letter that I led with a number of my colleagues. "Biden Surge: 3,500 Migrants Caught at Border Daily, 'I'm Scared at What's Coming'" from *The Washington Examiner*. "Biden Administration Prepares to Open an Overflow Facility for Migrant Children" on CNN. "Eleven Iranians Arrested in Arizona After Jumping U.S.-Mexico Border," *The Washington Times*. And then my letter dated February 4 today to the Honorable Alejandro Mayorkas, the U.S. Department of Homeland Security.

Ms. TLAIB. Without objection.

Mr. BIGGS. Thank you.

Ms. TLAIB. The gentlewoman from New York, Ms. Ocasio-Cortez, is recognized for five minutes.

Ms. OCASIO-CORTEZ. Thank you so much, Chairwoman.

Inspector General Horowitz, thank you so much, along with the rest of our witnesses, for being here today. While reading through your report, I couldn't help but notice how time and again concerns about the child separation policy were raised by government officials during the time, only to be dismissed by Attorney General Sessions and his top DOJ advisors.

Officials reported up to Sessions and his top advisors that they could not track children and, again, this was during that time. They reported that resources were being stretched to the breaking point and U.S. Attorneys reported that they could not even answer basic questions in court about the children that were being separated.

So, I wanted to know, Inspector General Horowitz, was it your finding that Attorney General Sessions and his top advisors pushed to continue all prosecutions under the zero tolerance policy and, effectively, kind of disregarded these concerns?

Mr. HOROWITZ. Yes. So, what we found was that this understanding that somehow this could happen in a day, prosecutions, or within 72 hours became readily apparent, as you indicated, Congresswoman. Once it was implemented on May 4, going forward, reports kept coming in through U.S. Attorneys, meetings that were occurring, that this was a problem, that prosecutions weren't happening in that time period. And so that misunderstanding became clear, and that HHS and DHS were having trouble reuniting the adults, once they were prosecuted and sent back, with the child.

That information became apparent, and it was even highlighted, frankly, beforehand, again, as we talked about earlier, with the El Paso Initiative, which the department got a briefing on in late December and had they asked these same problems, you know, were readily apparent from that initiative.

Ms. OCASIO-CORTEZ. I was also struck that when your office interviewed these former DOJ officials, they all tried to deflect blame and when asked about the rampant difficulties that other agencies had in tracking and reunifying families, the former Deputy Attorney General Rosenstein said, quote, "That is an issue that they should have flagged. I just don't see that as a DOJ equity."

Now, when top DOJ officials learned that children were being held by Border Patrol for longer than 72 hours, which was violating Federal law, did DOJ stop the zero tolerance policy?

Mr. HOROWITZ. So, as all of this was occurring in May and these reports were coming out, there was no change in the zero tolerance policy. It only ended on June 20 with the executive order being issued that ceased it to be allowed to go forward.

Ms. OCASIO-CORTEZ. So, they—so they didn't. They knew that children were being held longer than 72 hours. They knew that Federal law was being violated in the detention of these children and they—and they continued the policy anyway.

In fact, it seems Sessions dismissed this issue by pushing for even faster prosecution, saying, quote, "We are in post-9/11 mode."

You know, Deputy Attorney General Rosenstein claimed that it—that he would have supported the U.S. Attorneys if they said they would no longer prosecute all these parents. But Mr. Rosenstein also noted that AG Sessions was, quote, adamant that this program needs to continue, right?

Mr. HOROWITZ. That is correct. That is what we were told and that even if information started coming in from the U.S. Attorneys that there was this problem with unifying children who had gone to HHS.

That was the response they heard from the department leadership, that this was a problem that was not going to be addressed through changing the policy and, after all, you know, if the department had not taken the cases, obviously, the separations wouldn't have occurred. It was the department that had to accept the cases for prosecution.

Ms. OCASIO-CORTEZ. So, I think that really gets to the heart of this matter, which is that this was a deliberate choice. You know, whether or not, like, were these DOJ officials really powerless to stop these separations. It seems that they weren't.

Inspector General Horowitz, what would have happened if the—if AG Sessions and the Justice Department simply said that they were going to return to prior longstanding policy and no longer prosecute all arriving parents?

Mr. HOROWITZ. If the department stopped agreeing to accept these adults for prosecution, it wouldn't, obviously, have been transferred to the Marshals Service.

They would have remained in DHS custody with the child that they were traveling. The child then wouldn't have been separated by being sent to HHS because they wouldn't have been unaccompanied. And so the separations would have stopped.

Ms. OCASIO-CORTEZ. Thank you. Thank you very much.

Ms. TLAIB. The gentlewoman from New Mexico, Ms. Herrell, is recognized for five minutes.

Ms. HERRELL. Thank you, Madam Chair, and thank you, Mr. Horowitz. I believe your report is very important.

I do want to kind of piggyback on what Congressman Higgins said—played earlier, that President Trump eliminated loopholes in the asylum laws, increased funding for the border security, and brought calm to the chaos that we witnessed in 2018 and 2019 along the border. Abruptly ending the successful initiatives will only bring back those days of chaos.

In regard to child separation, it is clear the court reinterpretation of the Flores agreement is driving illegal immigration. Those with children used this agreement to skirt the consequences of our immigration system, and without consequences, illegal immigration will only skyrocket.

Families should be kept together during their immigration procedures. The reinterpretation of the Flores settlement agreement forbids that. It is important to ensure that there is humane care for those in custody.

Perversely, reverting to catch and release encourages the dangerous journey and puts more lives at risk to smugglers and cartels that prey on migrants. Many are beaten, raped, and killed on the journey to the United States.

The answer is that cases need to be processed faster. However, immigration law cannot simply be ignored. I will work with any of my colleagues who want to streamline the immigration process by adding more judges, immigration lawyers, and courtrooms.

No one wants prolonged detention. Adding resourcing to Immigration and Customs Enforcement and the Department of Justice, not just defunding them as some of my colleagues have proposed, will help rapidly adjudicate immigration cases and minimize time in custody.

We must also face the reality that most of these cases likely are not valid asylum cases. Historically, only about 21 percent of applicants receive asylum. Without detention, many illegal immigrants will show up to court and will not obey court orders of removal.

According to ICE, only 7 percent of family units with orders of removal are deported when not held in custody. Such statistics only exacerbate the immigration crisis and lead to more migrants taking this dangerous journey.

Inspector Horowitz, would you agree that the Flores settlement agreement as interpreted by the Ninth Circuit Court of Appeals has made it impossible to hold families together during the course of their immigration proceedings?

Mr. HOROWITZ. Congresswoman, I am not really in a position to comment on the impact of the Flores settlement. That wasn't—I can as to what it had here and the impact it had in this situation. But, more broadly speaking, we didn't look at that and that would, largely, be a Department of Homeland Security impact as well.

Ms. HERRELL. Right.

And, Madam Chair and Inspector, thank you. This is something maybe we need to look at further as we move through this process.

I want to thank the chairwoman and members for holding this meeting and I yield back my time.

Ms. TLAIB. The gentleman from Maryland, Mr. Sarbanes, is recognized for five minutes.

Mr. SARBANES. Thank you, Madam Chair. Can you hear me OK?

Ms. TLAIB. Yes, sir, we can.

Mr. SARBANES. Thank you. Inspector General Horowitz, thank you for your presentation today, your work not just on this matter but on so many, which has been a critical resource for this committee and for Congress over a period of many, many years. I want to thank you for that.

I wondered—I know that this is, largely, a look back hearing. That is the focus of it. But I wondered if you might speak to what you think the opportunities for reunification of these children with their parents and their families might be through the lens of the breakdowns you saw from the review that you did.

So, in other words, presumably, there is evidence that you discovered that when separations occurred the records that should have been kept were not kept.

The sort of custodial sequence of events wasn't properly captured, et cetera, and that must give you some insight and perspective as to how difficult it is going to be to try to reunify these children with their parents.

So, if you could maybe speak broadly to that but also maybe identify two or three or four breakdowns in the process that you were able to review that you think are going to be contributing factors to the challenge that we will now have in trying to reunify these families.

Mr. HOROWITZ. Right. Well, let me say, Congressman, that, you know, in the first instance, you would expect if anyone was going to be undertaking such a policy in the future, going forward, that you would, at a minimum, want to get together with the key stakeholders at the Justice Department, Department of Homeland Security, Health and Human Services, and figure out how to create a effective recordkeeping system that would enable you to know who entered the country with which traveling companion, including a child, so that if one of those individuals gets separated from the others, you know who is with whom.

That sounds obvious, but it didn't happen here. And so you ended up in a situation where adults went to the Justice Department, children went to HHS, and DHS could connect the two and, as we noted, the Marshals Service didn't have a relationship with HHS where they could connect the two.

So, that is, obviously, with electronic records, computer records today. You would think that would be something that would be easily done. But it wasn't done here.

Mr. SARBANES. What is the implication of that for the efforts to reunify? Where do you expect that there is going to be the most difficulty in tracking or making these connections from one agency to the next? I mean, you have spoken broadly but can you be a little more specific?

Mr. HOROWITZ. So, I think one of the bigger challenges and, of course, this is part of the litigation that is ongoing now, and so the civil division lawyers at the Justice Department who are handling it, along with those at DHS and HHS, have probably the best insight into that.

But my sense is, from looking at this and, you know, this is my informed information based on what we have looked at, is that some, if not many, of these adults or most of these adults had been

deported already and so they are in another country while the children are still here.

And if you haven't taken the steps or didn't take the steps back in 2018 to make sure you knew which adults were connected to which children, you now have to go through that process to make sure that the parent or adult coming forward is in fact the individual connected to that child. You don't want to create further problems.

So, my sense is——

Mr. SARBANES. Let me ask you one more question.

Ms. TLAIB. The gentleman's time has expired.

Mr. SARBANES. Oh, OK. I yield back. Thank you.

Ms. TLAIB. The gentleman from South Carolina, Mr. Norman, is recognized for five minutes.

Mr. NORMAN. Thank you, Chairman Tlaib.

Inspector Horowitz, it looks like under the Biden administration we are going to be admitting millions of people coming across the border, 3,000 migrants from Honduras, vans everywhere.

How is that going to affect—how is that going to affect the crisis we have with COVID? Will all of them be tested at the border? Will they go to the hospitals? How will that work?

Mr. HOROWITZ. Well, Congressman, I am not really in a position to answer that. You would really have to, and I can certainly help facilitate that, ask those at the Department of Homeland Security Border Patrol what their plans are with regard to how to handle that at this point in time. We didn't look at that, and, again, it is a Department of Homeland Security Border Patrol question.

Mr. NORMAN. Yes, but it affects Homeland Security. I mean, it falls under—if it doesn't fall with you, who does it fall under?

Mr. HOROWITZ. So, within Department of Homeland Security and their inspector general's office and their oversight of Border Patrol, but also the Border Patrol directly.

Mr. NORMAN. And so they—from your understanding, they will hire the doctors or will they go to the hospitals, or do you just now know?

Mr. HOROWITZ. To be honest, I do not know how they plan to handle that.

Mr. NORMAN. OK. You admit we have got a pandemic, don't you?

Mr. HOROWITZ. Oh, I, certainly, don't deny we have a pandemic.

Mr. NORMAN. And this probably won't help it, I would think. But this goes to my next question.

How can we improve the coordination between the DOJ, DHS, and HHS without adding more Federal debt and, I guess, being fair to the—to the immigrants that are going to be admitted into this country *carte blanche*?

Mr. HOROWITZ. Congressman, having been in the Justice Department on the prosecuting side and now as the inspector general, I don't think it requires spending any money.

I think it just requires getting the appropriate working group at a high level at those entities that sit down with the line level people who know what is really going on day to day, and say OK, how do we make this work through our three agencies coordinating.

It is, frankly, not, I don't think, that complicated. It doesn't require a lot of expense and, frankly, in today's video age, you don't

even have to travel to get in a room together. You can do it by video.

Mr. NORMAN. So, is it your testimony that if we admit millions into this country it is not going to cost this country anything, particularly with the testing of—I guess, assume testing for the COVID and to make sure the pandemic doesn't extend to 355 million Americans?

Mr. HOROWITZ. No, Congressman. What I was talking about was making sure there is a coordination between the three. I wasn't talking about what they end up—how they end up implementing it.

But the coordination, which was a basic flaw here, doesn't require much other than meeting and understanding what the issues were as happened after the policy was implemented. But that should have been done beforehand.

Mr. NORMAN. OK. But the coordination is going to result in actions. The actions are going to follow. So, when you admit that many people or if you took out that many people from the country that will have a financial impact, correct?

Mr. HOROWITZ. Well, yes, I would expect that putting in place certain steps would require some funding.

Mr. NORMAN. Yes, a good many—a good deal of funding, I would guess.

How long after the implementation of the zero tolerance policy was that executive order issued? Do you—are you—do you know?

Mr. HOROWITZ. It was about six weeks. Well, I am sorry, it was about two and a half months after the zero tolerance policy was announced on April 8—I am sorry, April 6—as the president issued the executive order on June 20.

Mr. NORMAN. OK. OK, Ms. Chairman. I yield back.

Mr. HOROWITZ. Thank you, Congressman.

Ms. TLAI. The gentlewoman from California, Ms. Speier, is recognized for five minutes.

Ms. SPEIER. Thank you, Madam Chair.

Inspector General, once again, you show we lucky we are that you are in the position that you are. Thank you for the service that you have given to us and the Department of Justice since 2012.

I have had two trips to the border, one to McAllen, one to Brownsville, and I have seared in my memory two images in particular: a young girl, maybe four years old, in a cell at Border Patrol sobbing because she had been separated from her mother and then hundreds of kids in cells throughout that region, and then a separate one where I was meeting with others who had been separated from their children. Some of them were still breastfeeding their children and they didn't know where they were.

So, you have underscored for us how this was implemented without any forethought and I have a few questions in particular. The record shows that child separations were harmful, traumatic, and chaotic, much more so than previously known. In fact, there were infants and toddlers that were separated from their families.

Can you speak to whether or not DOJ officials knew that they were separating extremely young children from their parents?

Mr. HOROWITZ. They, certainly, knew after implementation in May and June when complaints and questions started coming from

the Southwest border U.S. Attorneys, both their own concerns and the concerns they were hearing from judges about those separations and the fact that children, infants, toddlers, and young children were being separated.

Ms. SPEIER. And no special procedures were put in place to mitigate the trauma for these young children?

Mr. HOROWITZ. That is correct.

Ms. SPEIER. So, it was a truly callous act within the Department of Justice in not stepping in and providing some kind of mitigation.

Mr. HOROWITZ. There was no effort to step in and change that. There were meetings and discussions, but until the executive order was issued on June 20 there was no changes to the approach.

Ms. SPEIER. So, in your review, did you discover any physical and psychological harm that was done to these children?

Mr. HOROWITZ. We didn't, Congresswoman, undertake that effort to look at the impact on the children, particularly since, you know, as has been talked about, there was an ongoing court case about that very—those very issues.

Ms. SPEIER. You mentioned that there was over \$200 million in budget deficit in the Marshals Service due to child separation. Have you been able to ascertain how much money has been spent as a result of this child separation disaster?

Mr. HOROWITZ. We didn't get to an overall number. It would not only be, as you indicated, for the Justice Department, the Marshals Service. Obviously, also the additional costs for the U.S. Attorneys to the extent they added people to handle this. The courts would have had, potentially, some additional costs, DHS, HHS. We didn't go in and look at what those other costs would be as well.

Ms. SPEIER. Is that something you could undertake in short order without making it a massive effort to find out just within the Department of Justice what the costs of child separation were?

Mr. HOROWITZ. Yes, we can, certainly, make the inquiries of the appropriate components here at the Department to see if they gathered that data and what it would be, and we can also make contact with our counterparts in the OIGs at DHS and HHS and see if they have that data, based on the reviews they did.

Ms. SPEIER. Madam Chair, I certainly would appreciate that if that would be appropriate.

I would also like to ask you about the numbers. When it first became apparent that children were being separated, the numbers were indicated to be, like, 400, 500.

And yet, within that short timeframe of May to June, you estimate that there were 3,000 children that were separated and probably much more over the course of the period in which this was in effect.

Do you have any numbers that you could share with us or any evidence that there was an effort to tamp down the numbers?

Mr. HOROWITZ. So, I have seen reports and numbers, largely, again, from the Department of Homeland Security Office of Inspector General and their work on this because DHS would be the keeper of what those numbers look like.

The numbers that we have seen were in excess of 3,000 that they have reported. I have seen numbers reported as high as in the 5,000 range. But, again, we will followup, Congresswoman, and let

you know what we have on that and what we can get from our counterparts at the OIGs.

Ms. SPEIER. Thank you. My time has expired. I really appreciate your work.

Mr. HOROWITZ. Thank you, Congresswoman.

Ms. TLAIB. The gentleman from Florida, Mr. Donalds, is recognized for five minutes.

Mr. DONALDS. Thank you, Madam Chair.

To the IG, thanks so much for, you know, coming here and joining us, bringing your report.

You know, I think it was said by, you know, one of my colleagues a little bit ago that this is, you know, really more of a look back meeting, and I think it is always interesting to learn things from the past.

Obviously, you know, some of the issues for the zero tolerance policies have already been discussed so no need to really belabor that point.

I do think it is important that, you know, that this committee also take a look at what is currently happening and also what has happened, you know, as a result since the end of zero tolerance policy back in 2018.

You know, Mr. Horowitz, I wonder if you can comment for the committee on what actually has occurred with respect to enforcement after zero tolerance policy was ended by the previous administration in 2018.

Mr. HOROWITZ. Congressman, I can't really speak to in any detail what occurred after that other than understanding that the DHS went back to its prior historical practice of not referring adults for prosecution except in limited—very limited circumstances.

Mr. DONALDS. OK. So, basically, in your words, what we have done since then is, you know, unfortunately, the spigot has just reopened and we are back to square one on the problem we do have, which is when people come to our border illegally they, essentially, are released into the United States, which does create other consequences and other unintended consequences for the citizens of the United States and, actually, with respect to legal immigrants who do come through proper channels.

The only other question I really have for you, Inspector, is, you know, right now the Biden administration is going through the halting of several immigration policies from the previous administration.

Can you speak to the halting of the MPP program—for everybody else who may not know, the Migrant Protection Protocols—and what the impact of that might actually be on the United States?

Mr. HOROWITZ. Congressman, I am, obviously, aware of the policy. We haven't done any work on that so I am not really in a position to speak to what was going on beforehand and what may be occurring going forward in light of any changes that are—that have been happening.

Mr. DONALDS. Well, what I think what I will do is I will just expound briefly. So, the MPP program, what it actually allowed for was the halting of people who are not legally admissible to the United States to actually have them held in Mexico as opposed to them coming to us on the border.

With President Biden halting that program, what we are seeing the results are caravans of people, whether they might be minors or adults, coming to our southern border illegally, which does create issues not only for border enforcement, not only for—not only for the people who actually live on the southern border, our ranchers and the like, but also creating some undue burdens on citizens here in the United States.

So, I think it is important that if we are going to continue to do these look back oversight meetings, we actually also hold oversight meetings on what the current administration is doing and the results it will have not only on immigration policy but on the citizens at large.

With that, I yield back the rest of my time.

Ms. TLAI. The gentlewoman from Illinois, Ms. Kelly, is recognized for five minutes.

Ms. KELLY. Thank you, Madam Chair. Thanks for calling this meeting and thanks to the witness.

This new report from the DOJ IG is the latest in several non-partisan reports from the last few years detailing the horrors of the Trump administration's child separation policy.

I wanted to use my time to highlight two previous reports from the DHS inspector general on this topic.

First, in September 2018, the DHS inspector general released an initial report on the zero tolerance policy. This report found that the Trump administration officials had falsely claimed in June 2018 that there was a, quote, "central data base tracking separated families." The DHS inspector general found, quote, "no evidence that such a data base exists."

Inspector General, can you draw a comparison to your report's finding that DOJ prosecutors were unable to determine location of separated children when asked by courts?

Mr. HOROWITZ. Congresswoman, it is precisely that problem that no one had set up an appropriate tracking mechanism which the DHS OIG report, as you indicated, highlighted was one of the problems.

Ms. KELLY. OK. The inspector general also concluded that the child separation policy took away critical resources from other DHS missions including, quote/unquote, "patrolling and securing the border."

Your report found that these policies took away critical resources from DOJ missions as well. Can you elaborate on the impact of child separations on other missions that DOJ components are supposed to carry out?

Mr. HOROWITZ. Certainly, Congresswoman.

So, for the Marshals Service, for example, what we heard was its impact on its budget, creating a \$200 million plus impact on its budget which, obviously, impacts all work, but also the need for the Marshals Service to bring in additional resources—other deputy marshals, other personnel, to help manage the influx of defendants that were coming in to the Southwest border, which meant pulling people off of, for example, task forces that involve and execute arrest warrants for wanted fugitives, other priority items for the Marshals Service.

In addition, we heard from the U.S. Attorneys that it impacted their ability to prosecute certain other cases and, obviously, there are only so many prosecutors out there. There are only so many courtrooms. There are only so many judges to handle those cases. And so if you shift priorities, you create an issue.

Ms. KELLY. Thank you.

A second report from the DHS inspector general issued in November 2019 found that the DHS lacked the technology needed in order to successfully track separated families.

Your report cites to this one several times. From your review, did the Trump administration resolve these technological issues as separations increased, and what other coordination issues did you observe in your review?

Mr. HOROWITZ. So, one of our concerns was as it became apparent in May that there was a challenge and a problem with reunifying children with the adults, in fact, nothing changed.

And so there were no efforts to respond to it as we found at the department. There were discussions, but there weren't steps taken. The policy remained in place. The separations continued to occur.

The department continued to accept adults for prosecution even as it became apparent that DHS and HHS were having this problem with reunifying because of the lack of tracking.

Ms. KELLY. Well, I just want to thank you again for your patience. I want to encourage my colleagues and officials in the Biden administration to really digest the findings from all of the reports.

Thank you so much, and I yield back.

Ms. TLAIB. The gentleman from Kentucky, Mr. Comer, is recognized for five minutes, our ranking member.

Mr. COMER. Thank you, Madam Chair.

Inspector General Horowitz, isn't it the case that before the zero tolerance policy was initiated and then after it was ended the general practice was not to refer adult members of family units for criminal prosecution for misdemeanor illegal entry?

Mr. HOROWITZ. That is correct, Congressman.

Mr. COMER. I believe it was more often the case that border officials would simply process those family units together for administrative violations of immigration law.

Mr. HOROWITZ. That is our finding.

Mr. COMER. Issued them paperwork, including a notice to appear in immigration court and then released them to the interior of the United States. Is that correct?

Mr. HOROWITZ. That is my general understanding.

Mr. COMER. Well, this is an important point. One of the reasons why we saw so many family units arriving in recent years, in my opinion, that adults who bring children into the U.S. illegally could all but guarantee their release into the interior of the U.S. while they wait for immigration proceedings to play out, which can take years, given the current immigration backlog.

Inspector General Horowitz, isn't it true that this 1997 settlement in *Flores v. Reno*, known as the Flores settlement agreement, sets the standard for the Federal Government's treatment of detained children and that because of this settlement agreement, children cannot be held in administrative immigration detention facilities together with their parents for longer than 20 days?

Mr. HOROWITZ. I believe it is both the Flores settlement and then there is also the Trafficking Victims Protection Reauthorization Act, which codified some of that—those settlement provisions.

Mr. COMER. So, that means that a person who illegally crosses the border with a child is, in most cases, simply released from Customs and Border Protection custody to await further immigration court proceedings. Is that right?

Mr. HOROWITZ. That is, certainly, you know, one of the options that has to be undertaken in light of the law.

Mr. COMER. OK. Well, those high numbers we saw family units crossing illegally, they reached a peak in the spring of 2019. But the numbers were starting to come down due to reforms the Trump administration put in place, which is what a majority of Americans want and expect.

The Trump administration also put in reforms to the asylum system to ensure that people fleeing due to persecution would seek protection in the first safe country they arrived in, and that is a point that has not been made by the majority.

Yet, President Biden, as one of his first acts in office, suspended enrollments in Migrant Protection Protocols. He has also vowed to rescind the safe third country agreements and roll back asylum for law reforms put in place by the Trump administration to ensure asylum integrity.

But the open border lobby isn't satisfied with that. They want an end to the order issued by the CDC that allows immigration officials to immediately expel illegal border crossovers to prevent COVID-19 from spreading in border facilities.

That would fit in with the Biden plan which, apparently, wants to vaccinate illegal aliens before they vaccinate Americans. The open border lobby also want to put an end to civil immigration detention capabilities altogether. They want to implement the failed policy of catch and release all over again.

Combined with the reckless policies of gutting interior enforcement priorities, halting all construction of physical border barriers, and announcing an amnesty plan for 11 million people living in the United States illegally.

I am concerned that, once again, our border will be overrun and we will start seeing another security and humanitarian crisis.

In closing, I urge the Biden administration to turn back now. Listen to the experts, not the open border lobby. Build on the reforms put into place over the last years and don't tear them down.

And with that, Madam Chair, I yield back the balance of my time.

Ms. TLAI. The gentlewoman from Michigan, Mrs. Lawrence, is recognized for five minutes.

Mrs. LAWRENCE. Thank you, Madam Chair.

I firmly believe a politician without compassion is a criminal, and what we saw happen to these children being separated from their parents is criminal.

At our hearing in July 2019, Elora Mukherjee, a professor and volunteer attorney working with children detained along the border, testified about her visit to the Customs and Border Patrol facility in Clint.

She quoted, "Children are hungry. Children are traumatized. They constantly cry and some wept in their interviews with me. One six-year-old girl detained all alone could only say, 'I am scared. I am scared. I am scared,' over and over again. She couldn't even say her name."

Inspector Horowitz, to your knowledge, did Attorney General Sessions or department leadership ever inquire about the condition of the children in the detention center that housed them once they had been removed from their parents?

Mr. HOROWITZ. Congresswoman, I don't know, as I sit here, if they ever did that. What I can say is there was no effort to change the policy while it was underway as reports came in about the problems that were occurring with reunification.

Mrs. LAWRENCE. I want to play a video of an interview of a teenage girl recently reunited with her mother.

Will the committee please play the video?

[Video shown.]

Mrs. LAWRENCE. Committee, I am really troubled about the protection of previous policies without having the compassion to recognize what these children, based on directions of an administration and this House, have gone through.

I want to ask you again, Inspector, to your knowledge did Attorney General Sessions or department leadership make any effort to mitigate the trauma to children caused by family separation under the zero tolerance policy?

Mr. HOROWITZ. We didn't see evidence of any effort to mitigate the impact of it when—between the May 4 start date through the June 20 executive order other than the only thing we saw were additional meetings and discussions, for example, with the courts. But the policy remained the same.

Mrs. LAWRENCE. These stories are hard to hear, but we cannot forget that the suffering caused by the Trump administration's inhumane immigration policies continue to this day. We cannot ignore the pain our country has caused these children.

We must right this wrong and we must ensure that these atrocities never happen again. We have a responsibility for the harm that we have caused, based on a direction of an administration and their leadership.

Thank you, and I yield back.

Ms. TLAIB. The gentleman from Illinois, Mr. Davis, is recognized for five minutes.

Mr. DAVIS. Thank you, Madam Chairman, and I want to thank you, Inspector, for not only your work but being here with us today.

Let me begin by just simply stating that I think the zero tolerance policy is really one of the most horrific ideas that anyone could come up with in relationship to trying to get a handle of or control the flow of immigrants coming into our country, which professes to say, give me your tired, your huddled masses.

And so I just want to make it known that I think the policy was corrupt from the beginning. Not to be redundant, but under questioning from representatives before you indicated that you saw no effort on the part of our government authorities to change the policy.

But did you see any corrective action as you looked and as you searched and as you did your work? Did you see any corrective action in relationship to those individuals who had already been separated?

Mr. HOROWITZ. Congressman, I mean, we—you know, what we saw was this mistaken belief before the policy was announced, the failure to coordinate before the policy was announced, and when the policy was implemented in May, on May 4, with the separations occurring and the problems arising and the notice coming up, that was additionally concerning to us because there weren't efforts undertaken to mitigate it that way. The policy continued until it was—the executive order was issued by the president on June 20.

Mr. DAVIS. Do we understand or do we know what, to the best of your knowledge, how many children and families are still out there, disconnected?

Mr. HOROWITZ. So, based on our review and what we have seen in the ongoing civil litigation, the lawsuit that is going on, the last number I saw was just north of 500 and, again, I am not, obviously, following it day to day but that is approximately what the number was that I saw of the estimates.

Mr. DAVIS. As you researched and looked and unraveled and dissected, did you glean any indication of how long it might take to correct this action or to reconnect?

Mr. HOROWITZ. Well, from the court filing it looks like it is a very significant challenge and it is unclear, frankly, how long it might take because some of the parents, obviously, are no longer in the country and reuniting in that circumstance and even identifying connectivity—you know, connections between a parent and a child or an adult and a child at that point is a challenge.

Mr. DAVIS. Well, as others have done, let me commend you for your work, for your service to our country, and thank you very much, Madam Chair.

And I yield back.

Ms. TLAIB. The gentleman from California, Vice Chair Gomez, is recognized for five minutes.

Mr. GOMEZ. Thank you, Madam Chair.

What can I say about this hearing? I look at this hearing as, like, accountability and lessons learned from the Trump administration's child separation policy. I only learned one lesson—you know, one main lesson, which is this never should have happened. Never should have happened, and it infuriates me because they—this administration didn't care about the repercussions and the trauma that would be caused to these children. They didn't care. It was—it was so tunnel-visioned when it came to trying to enforce immigration laws to prevent people from coming, and they did it in a way in order to dissuade and try to create a situation where parents wouldn't want to come. They wanted to make it so bad that parents would decide not to come to the United States.

Coming from parents that did immigrate from Mexico, you know, a lot of these folks are desperate. They are oftentimes facing hard economic situations, hard—you know, they are facing violence.

My parents faced just tough, tough times. Lived in a one-room adobe house in Mexico. And people are asked, are you going to take that risk?

Yes, they are going to take that risk because it is, like, they can risk coming here and making it or they can stay back home and having their kids die of either violence or starvation and, for them, it is a risk worth taking.

But this administration didn't care about the consequences and the impact it would have on kids. So, the main lesson I learned is that this never should have happened at all, and now we can pick it apart and find out what they didn't do right and hold them accountable, which we are going to do. But it just shouldn't have happened from the beginning.

One of the things is that we know that it has tremendous impact on the kids that were separated, psychologically. The trauma associated with it is so severe. I want to read a quote from the former president of the American Psychological Association, Dr. Jessica Henderson Daniel.

It says, "The longer that children and parents are separated, the greater the reported symptoms and anxiety and depression for the children. Negative outcomes for children include psychological distress, academic difficulties and disruptions in their development."

In fact, because there is so much risk of harm, the American Psychological Association has made reunification of children with their families one of its top priorities. Other medical professionals agree.

Dr. Colleen Kraft, a former president of the American Academy of Pediatrics, said studies overwhelmingly demonstrate the irreparable harm caused by breaking up families.

So, Inspector Horowitz, are you familiar with these opinions of long-lasting impact on trauma of the children?

Mr. HOROWITZ. Congressman, I, certainly, read the articles about them and seen various experts speak to that.

Mr. GOMEZ. And, you know, you know and I know we don't really need the experts to tell us that that was going to happen. But it just reinforces just how devastating this policy was for these families.

Your review found also that Attorney General Sessions and the Justice Department leadership knew that children would be separated from their parents as a result of the zero tolerance policy. Is that correct?

Mr. HOROWITZ. That is correct.

Mr. GOMEZ. So, they knew—I can assume that they knew that the trauma that would be caused by separating the kids—let us say they knew that—but they did it anyways, and that is the shame of this zero tolerance policy, that this administration engaged in it but didn't care about the consequences and the impact—the negative impact it would have on the kids.

Maybe it is because they didn't believe that kids of undocumented immigrants deserved any more care and understanding and didn't care if they were harmed because they weren't, quote/unquote, "U.S. citizens."

So, it is something that is still troubling me. I went down to the border—I actually slept on the border—to watch some of the asylum seekers get in and everything from this administration, when it came to immigration, was just terrible because they didn't care about the repercussions it would have on anybody.

So, it is something that we have to fix. I am still really troubled by the fact that these kids have been—there are still some kids that have been separated. How many have—are still separated and how many are we trying to still reunite, and is it even possible?

Ms. TLAIB. The gentleman's time has expired.

Mr. HOROWITZ. So just, you know, in terms of the numbers, the last numbers I have seen from the court litigation is around 500 still being separated—still separated from the adult that they traveled here with, and, obviously, the challenges in reunifying in that circumstance when the child is here and the adult is overseas are pretty substantial.

Mr. GOMEZ. Thank you. I yield back.

Ms. TLAIB. The gentlewoman from Massachusetts, Ms. Pressley, is recognized for five minutes.

Ms. PRESSLEY. Thank you, Madam Chair.

Many of our colleagues on either side would have us believe we must simply move on from the horrid policy violence enacted on so many marginalized communities over the last four years of the Trump administration.

Well, I, certainly, refuse to just move on. To be clear, we will not move on until there is accountability, until there is restitution, until there is justice for these families, and until every single one of these 628 children are reunited with their parents. The trauma inflicted on these children by the U.S. Government will always be a dark stain on our Nation's history.

I will never forget what I witnessed during our trip to the southern border, mothers who I held in my arms as they cried out for their babies and begged for help. It is something I will never forget, something our Nation must never forget, and something we as policymakers must ensure never happens again.

And while today's hearing is on the Trump administration's cruel and callous family separation policy, it is important to recognize that for decades our immigration system has been built on separating families. From those seeking asylum at the border to the families preyed upon by ICE in the Massachusetts 7th congressional District, and communities across the country every single day.

So, we must look at this issue holistically and work to build an immigration system that finally centers the dignity and humanity of all our immigrant neighbors.

So, Inspector General Horowitz, thank you for your work on this report. It is clear that the Trump administration officials knew full well the pain and harm they were inflicting with this policy.

On Tuesday, President Biden signed an executive order to create a task force to reunify the hundreds of families that were separated as a result of this policy. It is an important step toward healing.

But healing also requires that we hold these individuals accountable who were the cruel masterminds behind these policies. Your report notes that former Attorney General Jeff Sessions declined to be interviewed by your office as a part of the review.

This was despite him being a driving force in leading DHS to separate families by referring parents for prosecution. Is that correct?

Mr. HOROWITZ. That is correct.

Ms. PRESSLEY. Do you believe Mr. Sessions should have been interviewed?

Mr. HOROWITZ. Absolutely.

Ms. PRESSLEY. He was, largely, responsible for implementing the zero tolerance policy and continuing to prosecute parents even after his own officials told him they could not provide basic information to courts about the separated families. Is that correct?

Mr. HOROWITZ. That is correct.

Ms. PRESSLEY. Your report also found that Deputy AG Rod Rosenstein was also heavily involved in the decision to separate families. In fact, Mr. Rosenstein was recorded on a call instructing U.S. Attorneys not to decline any cases due to the age of children in family units.

Like former AG Sessions, Mr. Rosenstein was also made aware of rampant problems from the U.S. Attorneys as separations increased.

Does your investigation suggest that Mr. Rosenstein took any action to try to stop the policy, even as department resources were overwhelmed and thousands of families were being separated?

Mr. HOROWITZ. So, what we found is the policy was implemented in May and in June. No steps were taken by the department, including by the deputy attorney general or others in the department to change the policy while it was underway, and that only ceased on June 20 when the executive order was issued. Mr. Rosenstein did go to meetings with the courts, did have meetings with the prosecutors, but the policy itself was unchanged.

Ms. PRESSLEY. Child abuse, plain and simple. I don't know how they sleep at night knowing they employed someone responsible for this type of injustice. It is really beyond me.

Inspector General Horowitz, your report brings us closer to the truth. I look forward to working with my colleagues to ensure that it will bring us even closer to justice.

Thank you, and I yield.

Mr. HOROWITZ. Thank you, Congresswoman.

Ms. TLAIB. Before we close, I want to recognize Ranking Member Comer for any closing remarks.

Mr. COMER. Thank you, Madam Chair, and again, I want to thank Mr. Horowitz for testifying today and thank him for his work on this issue and many others.

Clearly, the zero tolerance policy suffered serious implementation defects. I hope that with the inspector general's report these will never be repeated.

But I remain concerned, as are most Americans, with our current border security situation and the policies of the Biden administration with respect to border security.

I urge my colleagues to conduct oversight in this area. You know, we have spent the last two years with countless investigations of the Trump administration, and I know that this—the Democrats on this committee were addicted to investigating Donald Trump.

But I have some news for you. Donald Trump is no longer president. Joe Biden is president. So, we have got a situation with respect to border security and with respect to our 11 million Americans who are unemployed, with the hundreds of millions of Americans who currently haven't had access to COVID vaccine.

But, yet, we spend more time today investigating the Trump administration. I am glad the Trump administration took the zero tolerance policy that was started by the Biden administration and corrected that.

Now it is time to move on. It is time to focus on our border security, and I, again, urge President Biden and his administration to take the crisis at the border seriously and let us not repeat history.

With that, Madam Chair, I yield back.

Ms. TLAI. Thank you.

Inspector General Horowitz, I want to thank you and your staff for your critically important work we have been discussing today.

Nearly two years ago, I went to the Southwest border and visited just a few of the thousands of children separated from their families as a result of the Trump administration's cruel and inhumane immigration policy.

It was very difficult for me as a mother. I mean, what do you say to a child who is suddenly taken from their parents and doesn't know when they will see them again?

What do you say to a child who sits all day in a fenced-in space they call, quote, "icebox?" What do you say to our children, our grandchildren, when they ask us how did this happen and what did we do about it?

As you have heard today, Attorney General Sessions and other top officials in the administration knew this would happen. They intended it to happen. And even though Trump administration's cruel zero tolerance policy has been rescinded, the harm still exists and there is much work to do.

We must demand accountability for the officials who instituted this policy with no regard for the trauma and lifelong consequences for the children it impacted.

We must try to right the wrongs committed against these children, reunite those who remain separated to this day, and support the families as they deal with the deep trauma they have experienced. And we must ensure that our country, that we never, never needlessly separate children and weaponize them with trying to address the immigration crisis.

Finally, before I adjourn today's hearing, I want to take a moment to express my deep condolences, all of our condolences, to our colleague, Jim Cooper, whose wife, Martha, passed away this morning. Our thoughts are with you and your family during this very difficult time.

And because I want to also take care of two procedural matters, first, I want to recognize the ranking member to announce the subcommittee ranking members.

Ranking Member Comer?

Mr. COMER. Thank you again, Madam Chair, and we are very, very excited to have three returning ranking members to the House Oversight Committee.

We have returning ranking member of the National Security Subcommittee, Mr. Glenn Grothman from Wisconsin, returning ranking subcommittee member of the Government Operations Subcommittee, Mr. Jody Hice from Georgia.

We have returning as the ranking subcommittee member of Economic and Consumer Policy, Michael Cloud from Texas, and I am

very pleased to announce two new ranking members for the Environment Subcommittee. Pleased to announce Ralph Norman of South Carolina will be our ranking member. And, finally, the new ranking member of the Civil Rights and Civil Liberties Subcommittee will be Mr. Pete Sessions from the great state of Texas.

Yield back.

Ms. TLAIB. Thank you.

Next, the clerk has distributed two lists in advance naming both majority and minority members to subcommittees. I move that the list naming members to subcommittees be approved.

Without objection, so ordered.

Ms. TLAIB. Now, in closing, I want to thank our panelist for his remarks and I want to commend my colleagues for participating in this important conversation.

With that, without objection, all members have five legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for his response. I ask the witness to please respond as promptly as you are able.

This hearing is adjourned.

[Whereupon, at 1:18 p.m., the committee was adjourned.]

