



# Homeland Security

February 7, 2020

The Honorable Jerrold Nadler  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Nadler:

I write to update you about our response to your January 11, 2019 letter regarding the zero-tolerance policy in effect during parts of 2018 and asking us to produce certain documents. To date, the U.S. Department of Homeland Security (“the Department” or “DHS”) has provided more than 3,800 pages of documents responsive to this request. We appreciate your public acknowledgement that these productions have been substantive, made in good faith, and compliant with your request.

Despite these statements, we understand—through communications with your staff—that the Committee believes some items remain outstanding, namely responses to Requests 1, 4, and 7.

With respect to Request 1, substantial confidentiality interests of the Executive Branch are implicated by this document as far as agency-head decision-making is concerned. Consequently, we will not be providing you with a copy of this memorandum. With respect to Request 4, our records indicate that we responded fully as of March 25, 2019. The Department does not have any documents responsive to Request 7.

In addition, also based on staff-level communication, the Department understands you believe that our responses to Requests 3, 8, 9, 10, 11, 12, and 13 are incomplete. Respectfully, the Department’s positions on these Requests are as follows:

- 8: DHS responded fully as of July 9, 2019.
- 9: DHS responded fully as of May 14, 2019.
- 10: DHS responded fully as of May 14, 2019.
- 11: DHS responded fully as of May 14, 2019.

In response to Requests 12 and 13, the Department provided the official memorandum, dated April 27, 2018, in our production of July 9, 2019. However, understanding that the Committee is interested in obtaining additional documents related to this topic, we are in the process of conducting follow-up searches, the results of which remain pending. DHS will update the Committee about the status of these efforts, as appropriate.

Finally, with respect to Request 3, our records indicate that DHS made a production to the Committee on July 9, 2019. The Department understands that additionally you would also like to review the documents made available to the Office of the Inspector General ("OIG") as a part of its investigation into zero tolerance. Since the completion of the OIG investigation, the Department has taken measures to identify such documents. However, due to the unique nature of the OIG and the fact that the Department empowers its employees to directly respond to OIG requests, there exists no expedited way to reproduce these documents. We continue to search for these documents and will update the Committee accordingly.

We welcome the opportunity to work with the Committee in furtherance of your oversight responsibilities. My staff will continue to remain in touch with the Committee as we work toward providing any responsive documents to Requests 3, 12 and 13 and concluding this production.

Respectfully,



CHRISTINE M. CICCONE  
Assistant Secretary for Legislative Affairs

Cc: The Honorable Doug Collins, Ranking Member