

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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June 26, 2018

The Honorable Alex M. Azar  
Secretary  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Azar,

I write to you today with continuing concern about the well-being of children currently in the custody of the U.S. Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR), especially children who were traumatically separated from their parents under the Trump Administration's "zero tolerance" immigration policy. While President Trump's June 20 Executive Order purportedly ended this policy, I have serious reservations about the ability of ORR and the U.S. Department of Homeland Security (DHS) to reunite children and parents in a timely manner.

Thank you for taking the time to speak with me this past Friday, June 22. Our conversation was informative, and I appreciate your stated commitment to reunifying these families. I also note your statement this morning before the Senate Finance Committee that "[t]here is no reason why any parent would not know where their child is located," and your assertion that you personally can locate "any child" in HHS' care "within seconds" through the ORR database.<sup>1</sup>

Nonetheless, I still have many misgivings and questions regarding ORR's process for tracking these children so that they can be reunited with their families. As I shared with you directly, I have personally met with parents who assert that they do not know where their children are. My experience appears consistent with countless press accounts that depict mass confusion across the system HHS and DHS are using to track these children and reunite them with their families.

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<sup>1</sup> *Health Secretary: 'No reason' why separated families can't find children*, Politico (June 26, 2018).

This confusion was also evident from a briefing with Democratic Committee staff that took place on June 21. In that briefing, ORR staff were unable to convey that a comprehensive database exists to thoroughly track both separated children and the family members from whom they were separated to ensure eventual reunification. Similarly, ORR staff were unable to fully explain how immigrant parents could locate their children if they wanted to speak to them or even know where they were taken. For example, ORR staff stated that when an immigrant parent did not have their child's Alien Registration Number, or "A-Number," a parent could simply provide the child's birth date or, could simply "describe" that child to ORR staff in situations where a child might be too young to know their birth date. I question whether this process actually works.

The staff briefing also raised concerns that ORR may not have been made aware of the "zero tolerance" policy prior to its implementation. As a result, it appears that ORR was unable to take proactive steps to provide extra services for children traumatically torn away from their families, such as providing pediatric psychologists or trauma specialists, or increasing staff devoted to the care of toddlers and infants.

As you are aware, I sent a letter to you on June 14 asking many questions regarding HHS's role in caring for the children that are in the care of ORR as a result of the Trump Administration's "zero tolerance" policy. I also sent a formal request to the U.S. Government Accountability Office to fully audit what systems are in place to help separated children be reunited with their families.

Unfortunately, my conversation with you and the briefing ORR provided to Democratic Committee staff have only raised more questions about the fate of the roughly 2,000 children now in HHS's care. Therefore, I am seeking additional answers to several questions that have arisen following these conversations.

Due to the ongoing confusion regarding this program and given the urgency of the fate of the children and families involved in this system, please provide detailed answers as soon as possible, by not later than July 6, 2018.

1. On June 21, ORR told Committee staff that it had 1,911 minors in its custody who had been forcibly separated from their parents. During a June 25 briefing, the HHS Office of the Assistant Secretary for Preparedness and Response (ASPR) stated that there are 2,053 minors in ORR's care under these circumstances. During your testimony today before the Senate Finance Committee, you stated that ORR had 2,047 minors in its care. This appears to show more imprecision and serious confusion regarding ORR's ability to account for all children under its care. Did all family separations stop following the June 20 Executive Order? Is there a master list of all children in ORR's care due to family separations?
2. What exact system does HHS and ORR use to track every single individual child, and does this system identify every child by their name, birth date, parents, and country of origin?

3. How does HHS ensure that identifying information is easily connected to an actual child? For example, do children wear wristbands that can be scanned to connect to their database records? If so, do parents wear matching wristbands that connect to the same database record? If not, why was an appropriate tracking system not put in place prior to the policy being implemented?
4. When HHS does not have information about an individual child's parents or family members, how does HHS work with the DHS and Customs and Border Patrol (CBP) to get that information?
5. Who is the primary administration official responsible for managing reunification of these families?
6. Does HHS anticipate that there will be instances in which it will be impossible to definitively connect a child with a parent, such as in the case of a pre-verbal child? If so, does HHS intend to conduct genetic testing to reunite families in these instances or take any additional measures to ensure reunification?
7. When a parent is deported without his or her child, how does HHS ensure that family is ultimately reunited?
8. While many children that come into ORR's care have suffered trauma, these new child refugees have suffered the additional severe shock of having been traumatically torn away from their parents. Has ORR taken any steps to offer special care or treatment to these children?
9. Finally, I have serious concerns regarding the assertion you made to me that parents must be in a position to receive their children before ORR can release their children to them and would appreciate additional clarity on that policy. If parents remain in adult Immigration and Customs Enforcement (ICE) detention facilities throughout the duration of their immigration case, it may be months or even years before these families are reunited. How does HHS or the Administration intend to address these specific situations?

Lastly, during ORR's June 21 briefing with Democratic Committee staff, ORR pledged to provide this Committee with daily updates on the total number of children in ORR's custody and the number of children in ORR's custody due to forcible family separation. This update was to include a breakdown by age which specifically includes the number of children under the age of five, and infants and toddlers under eighteen months. I ask that you direct ORR staff to begin providing these daily updates as soon as possible.

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Thank you for your attention to these urgent matters. If you have any questions, please contact Christina Calce or Jacquelyn Bolen of the Democratic Committee staff at 202-225-3641.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.  
Ranking Member