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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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June 21, 2018

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

Dear Secretary Azar:

Over the past several weeks, I have repeatedly requested details from you and Department of Health and Human Services (HHS) officials regarding implementation of President Trump's cruel and heartless policy of separating families arriving at the U.S. border. I have yet to receive answers from your Department on how parents and children are being informed about each other's safety, where they are located, the age of the children and if the tender-aged children are being cared for appropriately, and if and when parents and children will be reunited—and appallingly, whether the Trump Administration has any plan to reunite these families at all. HHS has also failed to provide estimates of additional funding that will likely be needed to provide adequate care for the children in its custody.

Your continued failure to respond, and the horrific reports I have seen regarding the federal government's treatment of children in its custody, make it frighteningly clear the Department and the Trump Administration as a whole have absolutely no concern for the wellbeing of thousands of children and parents whom they have caused great pain and continued trauma. I request that you respond immediately with the information I have requested, work to reunite the families you have aided in separating, and commit to providing regular, substantive updates to Congress regarding your Department's reunification efforts and contingency planning.

As a result of President Trump's deliberate family separation policy, at least 2,300 children who arrived in the United States with their families have been taken from their parents and placed in the custody of the HHS Office of Refugee Resettlement (ORR), an agency that reports indicate is clearly unprepared to care for the surge of children in its custody and that may have awarded grants to several private shelters with repeated allegations of child abuse.¹ I have seen news reports and heard accounts from advocates and health care providers detailing the abuse and trauma inflicted on children, including allegations that children in ORR facilities have been drugged without consent and that children's medical and psychological information may be being shared in immigration courts.² In addition, both children and their parents continue to face total uncertainty about whether they will be reunited.

¹ <https://www.revealnews.org/article/migrant-children-sent-to-shelters-with-histories-of-abuse-allegations/>

² https://www.huffingtonpost.com/entry/migrant-children-drugged-without-parental-consent-at-government-institutions-court-documents-show_us_5b2a9e87e4b0321a01cd4dd3

Yesterday, after weeks of defending his inhumane policy, President Trump stated he “didn’t like the sight or the feeling of families being separated” and signed an executive order he claims will “keep families together.”³ This terribly misguided Executive Order, trades a policy of tearing families apart for a policy of locking them up. There are still many questions about how President Trump’s new policy will be implemented and whether the Department of Homeland Security (DHS) will in practice continue to separate children from their parents. The Order is also completely unclear with regard to children who have already been separated from their parents. In fact, a spokesperson from your Department stated declaratively yesterday that “there will not be special efforts made to reunite children who have already been separated from their families” under the so-called zero tolerance policy, before reversing course several hours later and stating “reunification is always the ultimate goal.”⁴

As so many people across the country are, I am deeply concerned about the thousands of families who the Trump Administration has left to suffer for months without information and about the safety of the children currently in HHS custody. I again request that HHS immediately schedule a briefing with me and my staff regarding the policies in place concerning ORR’s unaccompanied alien children (UAC) program for children separated from their parents at the border, respond to my questions in detail, and commit to providing regular updates to Congress going forward. While it is important that you answer the questions I posed to you several weeks ago, the evolving nature of this crisis has understandably led to additional questions and concerns since my initial request. Therefore, please ensure the briefing covers the following questions:

1. How many children are currently in ORR custody as a result of the family separation policy? How many total children are in ORR custody?
2. On average, how long are children remaining in ORR custody?
3. What detailed plans are in place if ORR’s bed capacity is exceeded?
4. Is HHS working to reunite children with their parents? If so, when will separated families be reunited, and how is HHS ensuring parents and children have this information? If not, why not?
5. How is HHS working with the U.S. Marshals and the Department of Homeland Security (DHS) to ensure parents have information about their children? How many parents of children who were separated have already been deported?
6. What communication from the White House, DHS, or the Department of Justice occurred prior to signing the Executive Order to allow for the Department to appropriately plan?
7. Following President Trump’s June 20 Executive Order, will HHS be taking custody of any children who arrive at the border with their parents? If so, please detail the circumstances under which this may occur.
8. What guidance is HHS giving to its shelters and their staffs about the unique medical and mental health needs of children who have been separated from their parents? Are the processes for placing children in shelters and caring for them there different from those in place for children who arrive in the country without their parents?

³ <https://www.nytimes.com/2018/06/20/us/politics/trump-immigration-children-executive-order.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=a-lede-package-region®ion=top-news&WT.nav=top-news>

⁴ <https://www.cbsnews.com/news/what-happens-now-to-2000-kids-already-separated-from-families-its-unclear/>

9. What resources is HHS providing to address the mental health and trauma of children who have been separated from their parents have experienced and are continuing to experience? How is HHS ensuring that children have timely access to treatment from qualified health professionals?
10. How is HHS ensuring appropriate privacy protections for the medical and mental health records being collected while children are in the Department's custody? Is this information being shared with other federal agencies? If so, with whom, why, under what circumstances, and under what policy?
11. What are the resource needs of the UAC Program? Please include the program's current status of balances, the current and projected spend rate, and any plans to exercise your reprogramming or transfer authority.

Thank you in advance for your attention to this matter. If you have any questions, or would like to further discuss compliance with this request, please contact Jake Cornett with my HELP Committee Staff at 202-224-0767.

Sincerely,



Patty Murray
United States Senator
Ranking Member, Senate Committee on
Health, Education, Labor, and Pensions

cc: The Honorable Lamar Alexander, United States Senator
Chairman, Senate Committee on Health, Education, Labor, and Pensions