

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

COMMITTEE ON ENERGY AND COMMERCE

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June 20, 2018

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Michael C. Burgess
Chairman
Subcommittee on Health
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Walden:

We write to emphatically urge you to hold a hearing as soon as possible to address the growing number of children forcibly separated from their parents and families and placed into the custody of the Department of Health and Human Services' (HHS) Office of Refugee Resettlement (ORR). These children are at serious risk of suffering harm and severe trauma, and it is of utmost importance that we hear from all parties involved in their care to ensure that HHS is taking every step necessary to protect their safety and wellbeing.

As you know, ORR is responsible for the care and safety of all children without legal immigration status who are apprehended in the United States without a parent or legal guardian to care for them.¹ In recent weeks, the number of children in ORR custody has skyrocketed due to the Trump Administration's newly-implemented "zero tolerance" policy which forcibly separates all minors, including very young children, from their parents and family members.² As of last week, nearly 11,500 children were in ORR's custody, up from 9,000 in early May.³

¹ U.S. Department of Health and Human Services, *Children Entering the United States Unaccompanied: Section 2.7 Recommendations and Decisions on Release* (June 12, 2017) (www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-section-2).

² *Trump's 'Zero Tolerance' At The Border Is Causing Child Shelters To Fill Up Fast*, Washington Post (May 29, 2018); *How Trump Came to Enforce a Practice of Separating Migrant Families*, New York Times (June 16, 2018).

³ *'America is better than this': What a doctor saw in a Texas shelter for migrant children*, Washington Post (June 16, 2018).

The President's policy is inhumane and should be reversed as soon as possible. In the meantime, we must ensure that ORR is properly caring for these children until they can be reunited with their parents.

Aside from unnecessarily traumatizing children, this policy is also placing extraordinary strains on the resources of numerous federal agencies, including those of HHS. On Monday, a senior administration official reportedly stated that ORR has been taking in about 250 children per day, and that it expects that number to remain consistent every day for the next two months. If this estimate is correct, 18,500 additional children—or nearly 30,000 children total—will be in ORR's custody by August.⁴

Reports have indicated that ORR shelters are now operating at 95 percent capacity, and it is not clear whether ORR has adequate staff and resources to provide appropriate housing, food, clothing, counseling and other necessities to all children in its care.⁵ To the contrary, it appears that ORR shelters are so overwhelmed that the agency has now begun housing children in what it has described as a “soft-sided structure,” which would appear to be a tent, in the desert outside of El Paso.⁶

In addition to broad concerns about resources, we are also concerned about ORR's capacity to care for very young children who have been separated from their parents. ORR child shelters have historically been designed to meet the needs of teenagers, who are able to live in dormitory-style settings.⁷ According to reports, however, ORR has recently taken custody of a substantial number of children under the age of four, including some infants.⁸ We are concerned that ORR shelters are unequipped to care for the needs of these very young children. It is not clear, for example, whether ORR has cribs available in which infants and babies can sleep, or adequate staff who have experience in caring for infants and babies.

⁴ *Trump administration could be holding 30,000 border kids by August, officials say*, Washington Examiner (June 18, 2018).

⁵ See note 2.

⁶ *Trump administration to place unaccompanied migrant children in tents at remote Texas site*, The Independent (June 16, 2018); *Trump administration opens tent city near El Paso to house separated immigrant children*, Texas Tribune (June 15, 2018).

⁷ *How the Trump Administration Got Comfortable Separating Immigrant Children From Their Parents*, The New Yorker (May 30, 2018); *ICE Separates 18-Month-Old From Mother for Months American Civil Liberties Union*, American Civil Liberties Union (April 23, 2018) (www.aclu.org/blog/immigrants-rights/ice-and-border-patrol-abuses/ice-separates-18-month-old-mother-months).

⁸ *Outgoing ICE director says separating parents and children is 'sad' but part of the job*, PBS News Hour (May 31, 2018); *Detained immigrant children stay in shelters that are already full and aren't equipped for babies*, the Independent (June 11, 2018).

Regardless, experts have stated that no matter what type of care children in ORR custody receive, it is impossible to compensate for the serious trauma caused by the Administration's decision to forcibly separate them from their parents. The President of the American Academy of Pediatrics has stated that this separation risks causing "irreparable harm to lifelong development by disrupting a child's brain architecture."⁹ The National Association of Pediatric Nurse Practitioners and the American Public Health Association have expressed similar concerns.¹⁰ Further, reports indicate that ORR's own policies regarding how its shelter staff should care for children risks exacerbating the trauma they are already experiencing.¹¹

On June 6, HHS Secretary Azar told the Committee on Education and the Workforce that ORR had only taken custody of children whose parents had crossed the border illegally.¹² That does not appear to be accurate, however, as even families who have sought legal asylum have been separated under the Administration's new policy, and their children placed into ORR's care as "unaccompanied minors."¹³

This Committee has investigated issues related to ORR as recently as 2016.¹⁴ To gain clarity on what children are being placed in ORR's custody, how they are being cared for, and the long-term implications these policies may have on their health, we request that you hold a hearing as soon as possible. As part of this hearing, we urge you to invite key officials and other pediatric health care experts to testify regarding the chaos caused by this cruel policy.

⁹ *Doctors group warns of health concerns for migrant children separated from parents*, The Hill (June 16, 2018).

¹⁰ National Association of Pediatric Nurse Practitioners, *NAPNAP Statement Opposing the Border Separation of Children and Parents* (June 11, 2018); American Public Health Association, *Separating Parents and Children at US Border Is Inhumane and Sets the Stage for a Public Health Crisis* (June 15, 2018).

¹¹ *'America is better than this': What a doctor saw in a Texas shelter for migrant children*, Washington Post (June 16, 2018); *Doctors Concerned About 'Irreparable Harm' to Separated Migrant Children*, NPR (June 15, 2018).

¹² *Health secretary lies to Congress, says all asylum-seekers aren't being separated from their kids*, Think Progress (June 6, 2018).

¹³ *Id.*

¹⁴ See Letter from Rep. Fred Upton, Chairman, House Committee on Energy and Commerce, Rep. Tim Murphy, Chairman, House Committee on Energy and Commerce Subcommittee on Oversight and Investigations, et al., to Secretary Burwell (Feb. 11, 2016).

Sincerely,



Frank Pallone, Jr.
Ranking Member



Bobby L. Rush
Ranking Member
Subcommittee on Energy



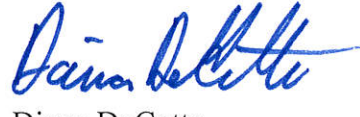
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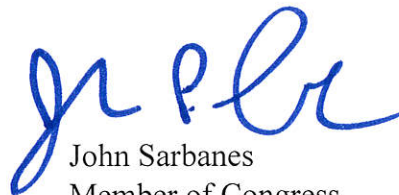
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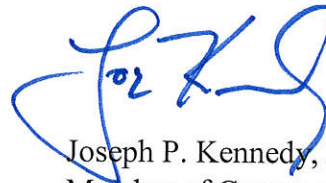
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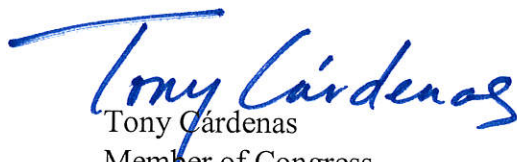
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