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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

WARREN GUNNELS, MAJORITY STAFF DIRECTOR
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May 16, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
330 C Street SW
Washington, D.C. 20201

Secretary Becerra:

Over the past fifteen months, I have repeatedly sounded the alarm about the Biden administration's failures to secure the southern border and the consequences this failure has had on the safety of unaccompanied children who come to the United States. As the Ranking Member of the Senate Committee on Health, Education, Labor, and Pensions (HELP), I have sent numerous letters to the Department of Health and Human Services (HHS), the Department of Labor (DOL), and private companies to determine what we can do to stop the unspeakable harm being done to unaccompanied children, including those forced into exploitative child labor.¹ In addition, I have made multiple attempts to gather information through briefings and other communications with

¹ See, e.g., Press Release, U.S. Senate Committee on Health, Education, Labor, and Pensions, Ranking Member Cassidy Demands Answers on DOL's Failure to Prevent Exploitation of Migrant Children (Apr. 24, 2023), <https://www.help.senate.gov/ranking/newsroom/press/ranking-member-cassidy-demands-answers-on-dols-failure-to-prevent-exploitation-of-migrant-children>; Press Release, U.S. Senate Committee on Health, Education, Labor, and Pensions, Ranking Member Cassidy Demands Answers Following Deaths of Migrant Children in HHS Custody (May 15, 2023), <https://www.help.senate.gov/ranking/newsroom/press/ranking-member-cassidy-demands-answers-following-deaths-of-migrant-children-in-hhs-custody-2>; Press Release, U.S. Senate Committee on Health, Education, Labor, and Pensions, Ranking Member Cassidy Demands Answers Following Multiple Deaths of Migrant Children in ORR Custody This Year (Sept. 11, 2023), <https://www.help.senate.gov/ranking/newsroom/press/ranking-member-cassidy-demands-answers-following-multiple-deaths-of-migrant-children-in-orr-custody-this-year>; Press Release, U.S. Senate Committee on Health, Education, Labor, and Pensions, Ranking Member Cassidy Criticizes DOL's Failure to Provide Answers on Efforts to Combat Exploitation of Migrant Children (Oct. 19, 2023), <https://www.help.senate.gov/ranking/newsroom/press/ranking-member-cassidy-criticizes-dols-failure-to-provide-answers-on-efforts-to-combat-exploitation-of-migrant-children>; Press Release, U.S. Senate Committee on Health, Education, Labor, and Pensions, Ranking Member Cassidy Seeks Information from Meat Producers, Chemical Companies as Part of Investigation into Child Labor Violations (Jan. 22, 2024), <https://www.help.senate.gov/ranking/newsroom/press/ranking-member-cassidy-seeks-information-from-meat-producers-chemical-companies-as-part-of-investigation-into-child-labor-violations>; Press Release, U.S. Senate Committee on Health, Education, Labor, and Pensions, Ranking Member Cassidy Slams Biden Administration's Failure to Address Rising Child Labor Exploitation, Demands Answers (Mar. 5, 2024), <https://www.help.senate.gov/ranking/newsroom/press/ranking-member-cassidy-slams-biden-administrations-failure-to-address-rising-child-labor-exploitation-demands-answers>.

HHS, DOL, and private companies. Unfortunately, HHS does not appear to have the same interest in finding solutions to this problem, as evidenced by its repeated failure to respond to my requests for information in a timely manner or to provide useful or responsive information to my oversight requests. This continued stonewalling over such a consequential issue is completely unacceptable.

Undeterred, I have searched for ways to get the answers I need, despite HHS' unwillingness to provide them. For example, after learning that HHS' Office of Refugee Resettlement (ORR) uses contractors to screen potential sponsors for the unaccompanied children in ORR's custody, my office reached out to that contractor, The Providencia Group (TPG), to schedule a briefing regarding their background and experience screening potential sponsors for unaccompanied children, the extent to which their screening process for potential sponsors is directed and overseen by ORR, and the extent to which their process has changed in light of the recent HHS Office Inspector General report finding numerous faults in ORR's own sponsor screening process.² I was surprised to learn that—despite months of dragging its feet to respond to my office's requests—ORR directed TPG, within days, not to speak to my office and to direct my questions to HHS's Office of Legislative Affairs:

Thanks for checking back. We appreciated the opportunity to speak with you and your staff earlier this week on behalf of our client, The Providencia Group (TPG). ***We wanted give you a head's up that the HHS Office of Refugee Resettlement asked TPG to refer you to the HHS Office of Legislative Affairs.*** TPG wants to make sure to understand from HHS-ORR what their view of TPG's obligations are under the contract and whether there are any limitations on information that it can provide. TPG is working to get guidance from HHS-ORR on these items and expects to have more information next week.³

In other words, ORR does not want TPG to talk to the Senate office with direct and primary oversight jurisdiction over its work, but instead wants all questions directed to the HHS office that has repeatedly failed to provide meaningful responses to legitimate oversight inquiries for the better part of a year.

It is difficult to see ORR's actions as anything other than an attempt to side-step legitimate congressional oversight that would potentially embarrass the Biden administration during an election year. Ensuring the safety of these vulnerable children, however, is not a political matter. We must work together to find solutions to ensure that, when unaccompanied children enter the United States without their parents or guardians, they remain safe from exploitation and harm. To accept anything less than full transparency from those charged with unaccompanied children's safety is an abdication of the trust and responsibility placed in us by the American people.

With this in mind, I ask that you direct your staff to ensure my office has access to all of the relevant information to conduct necessary oversight over ORR, its contractors, and the processes

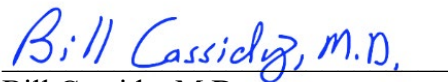
² U.S. DEPT. OF HEALTH AND HUMAN SERVS., OFF. OF INSPECTOR GEN., No. A-06-20-07002, THE OFFICE OF REFUGEE RESETTLEMENT NEEDS TO IMPROVE ITS OVERSIGHT RELATED TO THE PLACEMENT AND TRANSFER OF UNACCOMPANIED CHILDREN (2023).

³ E-mail from Hogan Lovells US LLP, to Caitlin Soto, Chief Counsel, Senate Committee on Health, Education, Labor, and Pensions (Apr. 12, 2024) (on file with Committee).

by which they provide care for unaccompanied children. Pursuant to 48 C.F.R. § 5.403, I also request that HHS immediately provide my office a copy of the contracts between HHS and TPG related to screening potential sponsors for unaccompanied children.⁴

I look forward to working together on this and other important matters.

Sincerely,



Bill Cassidy, M.D.

Ranking Member

U.S. Senate Committee on Health,
Education, Labor, and Pensions

⁴ See 48 C.F.R. § 5.403 (“Contracting officers shall give Members of Congress, upon their request, detailed information regarding any particular contract.”).