

United States Senate

WASHINGTON, DC 20510

March 25, 2019

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

Dear Secretary Azar:

We write with grave concern about recent reporting on actions taken by the Office of Refugee Resettlement (ORR) to track pregnancies of unaccompanied minors in ORR's custody. Specifically, an internal ORR spreadsheet has been released that contains private reproductive health information for pregnant minors, some as young as 12- and 13-years-old. The spreadsheet contains entries dating from July 2017 through June 2018 and includes age, last menstrual cycle, gestational age, whether the pregnancy was the result of consensual sex, and whether an abortion has been requested.

This spreadsheet was reportedly created at the direction of former ORR Director Scott Lloyd and used to brief Mr. Lloyd on a weekly basis. A class action lawsuit concerning ORR's treatment of pregnant minors in its custody has revealed that Mr. Lloyd went to great lengths to prevent minors in ORR custody from accessing reproductive care. In some cases Mr. Lloyd *personally contacted* pregnant minors to discourage them from seeking abortions, and in others he directed ORR staff to reveal pregnancies to the minors' families – despite the fact that this disclosure might put these minors at risk. Mr. Lloyd also required pregnant minors to see anti-abortion pregnancy counselors. Overall, Mr. Lloyd took extraordinary steps to prevent minors in ORR custody from obtaining abortions, including in cases where pregnancies were the result of sexual assault.

The class action lawsuit resulted in a federal judge issuing an injunction on March 30, 2018, barring ORR from interfering with or obstructing pregnant unaccompanied minors in its custody from accessing abortions and other reproductive health care. The recently released spreadsheet shows that ORR continued to track the private reproductive health information of these minors through June 2018. We ask for confirmation that ORR is complying with the court order in light of the fact that the entries in the spreadsheet extend beyond the injunction date.

It is absolutely critical that ORR prioritize the health and wellbeing of minors in its custody first and foremost, including their right to safe, legal abortion. However, there is no indication that the information collected in the released spreadsheet is being used to ensure access to reproductive health care and counseling that may be necessary, particularly for those who report sexual abuse.

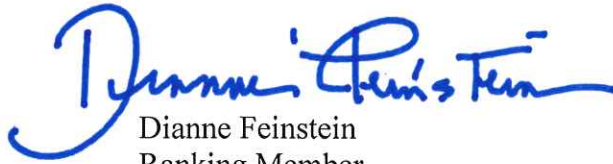
In light of these concerns, we ask that you provide a briefing no later than April 8, 2019, to assist us in understanding the policies and practices ORR is utilizing to ensure it is in compliance with the injunction and not inappropriately denying abortion care to minors in its custody.

If you have any questions or would like to discuss compliance with this request, please contact Elizabeth Letter with Senator Murray's HELP Committee staff at (202) 224-0767 or Rachel Appleton with Senator Feinstein's Judiciary Committee staff at (202) 224-7703.

Sincerely,



Patty Murray
Ranking Member
Committee on Health, Education,
Labor, and Pensions



Dianne Feinstein
Ranking Member
Committee on the Judiciary