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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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May 15, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave, S.W.
Washington, D.C. 20201

Secretary Becerra:

On Friday, it was publicly reported that two unaccompanied migrant children tragically died while in the custody of the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). Fox News first reported that an unaccompanied child died two days earlier, on May 10, 2023, while in ORR's care after being found unconscious.¹ The report identified the child as a seventeen-year-old male from Honduras who was staying at a shelter in Safety Harbor, Florida.² However, other than referring to an ongoing medical examiner investigation, HHS provided no details regarding the circumstances of his death.³

A few hours later, CNN shed additional light on this teen's death, but also shockingly reported that a second unaccompanied child died in mid-March while in ORR's care.⁴ The report identified the child as a four-year-old girl from Honduras who had been admitted to the hospital, after suffering a cardiac arrest.⁵ She was later declared dead after showing no signs of brain activity.⁶ According to CNN, it learned of both deaths from "a congressional notice."⁷ The report also indicates that "Congress was notified shortly after [the four-year-old child's] death."⁸

¹ Timothy H.J. Nerozzi, *Migrant Teen Died in US Custody, HHS Confirms*, FOX NEWS (May 12, 2023, 2:57 PM), <https://www.foxnews.com/politics/migrant-child-dies-us-custody-hhs-confirms>.

² *Id.*

³ *Id.*

⁴ Priscilla Alvarez, *Unaccompanied Honduran Migrant Teen Dies While Under Office of Refugee Resettlement Care*, CNN (May 12, 2023, 5:01 PM), <https://www.cnn.com/2023/05/12/politics/migrant-teen-dies-office-of-refugee-resettlement-care/index.html>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

These reports come as the number of unaccompanied minor children entering the United States has reached record highs.⁹ According to HHS, the average number of migrant children in its care was 7,553 as of January 1, 2023.¹⁰ However, CNN reports that this figure has grown to 8,681 as of Wednesday.¹¹ As these tragedies indicate, the humanitarian crisis at the border has reached a critical inflection point that can no longer be ignored, especially as migrants flood across the border following the end of Title 42.¹²

The loss of life of vulnerable children in the care of the United States government is a tragedy and moral failing of the highest order. Just last month, in a hearing before the House Oversight and Accountability Subcommittee on National Security, the Border, and Foreign Affairs, the Director of ORR, Robin Dunn Marcos, said, “I think the children are safe and well cared for while they are with ORR.”¹³ It is incomprehensible that she would make this contention only a month after the death of a child in ORR’s custody. ORR must explain to the American people how these deaths occurred, and must take every possible step to ensure that no future tragedies come to pass again. As President Biden correctly observed in 2019, “[s]ilence is complicity,” and these deaths are “unacceptable” and “not who we are.”¹⁴

The U.S. Senate Committee on Health, Education, Labor and Pensions has jurisdiction over HHS and has historically conducted oversight into HHS ORR’s unaccompanied children program. Accordingly, I request you answer the following questions, on a question-by-question basis, by **close of business on May 19, 2023.**

1. ORR’s policy guide regarding unaccompanied children sets forth a protocol for the notification and reporting of the death of an unaccompanied child.
 - a. Please explain, in detail, the protocol ORR follows upon the death of a child in its care. In your response, please identify which congressional offices ORR notifies when a death occurs. Please also identify the legal authority ORR relies upon in determining which congressional offices ORR must notify.
 - b. In the case of the two deaths discussed above, please identify which congressional offices ORR notified, when those offices were notified, and the method by which those notices were transmitted. Please also produce a copy of all congressional notices that were sent concerning these two deaths.

⁹ Camilo Montoya-Galvez, *Nearly 130,000 Unaccompanied Migrant Children Entered the U.S. Shelter System in 2022, A Record*, CBS NEWS (Oct. 14, 2022, 7:00 AM), <https://www.cbsnews.com/news/immigration-unaccompanied-migrant-children-record-numbers-us-shelter-system/>.

¹⁰ *Latest UC Data - FY2023*, U.S. DEP’T OF HEALTH & HUMAN SERVS., <https://www.hhs.gov/programs/social-services/unaccompanied-children/latest-uc-data-fy2023/index.html#overall-data> (last reviewed Mar. 28, 2023).

¹¹ Alvarez, *supra* note 4.

¹² Valerie Gonzalez, *Migrants rush across US border in final hours before Title 42 expires*, AP NEWS (May 12, 2023), <https://apnews.com/article/immigration-border-title-42-mexico-asylum-8c239766c2cb6e257c0220413b8e9cf9>.

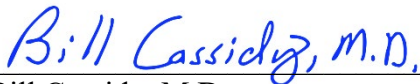
¹³ *Oversight of the Office of Refugee Resettlement’s Unaccompanied Alien Children Program: Hearing Before the Subcomm. on Nat’l Sec., the Border, & Foreign Affs. of the H. Comm. on Oversight and Accountability*, 118th Cong. (2023).

¹⁴ @JoeBiden, TWITTER (May 23, 2019, 9:00 AM), <https://twitter.com/JoeBiden/status/1131545449201061889>.

2. Regarding the circumstances surrounding the two deaths discussed above:
- a. Prior to, or immediately following, admission into the United States, did ORR conduct a medical screening for both children? If so, did ORR identify any personal health conditions that, if left unidentified, would have adversely impacted the children's ability to resettle? If not, why did ORR not conduct medical screenings for both children?
 - b. Please explain in detail the living conditions of both children prior to their death. Were they staying in an ORR facility or a contractor facility? How long had they been staying in the facility?
 - c. Was ORR aware of any warning signs that these two children were in poor health? If so, what steps did ORR take to provide necessary health care? Please explain in detail.
 - d. In light of these tragic deaths, what specific steps will ORR take to ensure the safety and wellbeing of all children in its care? Please explain in detail.

Thank you for your prompt attention to this urgent matter.

Sincerely,



Bill Cassidy, M.D.
Ranking Member
U.S. Senate Committee on Health,
Education, Labor and Pensions