

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of**

Subcommittee on Oversight and Investigations Ranking Member Brett Guthrie

***Protecting Unaccompanied Children: The Ongoing Impact of the Trump Administration's
Cruel Policies***

September 19, 2019

Thank you, Chair DeGette, for holding this hearing.

This Committee's oversight over the care and treatment of unaccompanied alien children by the Department of Health and Human Services, as well as the sponsorship process for unaccompanied children, extends back to 2014 with the first major influx of children and family units coming across our southern border. This influx overwhelmed the previous administration and resulted in children being placed with traffickers within the United States. Because of the work done by this Committee and others, reforms were made to the Office of Refugee Resettlement program, including improving the medical care available to children while in HHS care and custody.

Our work continued last Congress after the announcement and then end of the Zero Tolerance Initiative. As I said at our hearing earlier this year, I support strong enforcement of our nation's borders, but I do not support separating children from their parents. It was clear then – just as it is now – that these separations caused great harm to the children involved.

This spring, the U.S. Department of Homeland Security and HHS experienced another surge of children and family units coming across our southern border. The influx of migrants this year has been higher than in previous years, including large groups of people illegally entering the United States. For example, on May 29th, CBP agents apprehended over 1,000 migrants illegally crossing from our southern border as one group. Days earlier, CBP apprehended a group of over 400 individuals in the same area.

By the end of July, DHS had referred over 63,500 unaccompanied children to HHS for this fiscal year alone. That number, which has certainly increased over the past two months, exceeded the total number of referrals in fiscal year 2016 by more than 4,000. As highlighted in several Inspector General reports from both DHS and HHS, capacity and resources at CBP and ORR facilities were strained well beyond their limits. The increased number of immigrants, including unaccompanied children, resulted in overcrowding at CBP facilities as well as ORR facilities being at or near capacity. Among other problems, these capacity issues caused prolonged detention at CBP facilities that exceeded the 72-hour limit under the Flores settlement.

Immigration trends are hard – if not impossible – to accurately predict. But influx numbers like the ones we saw in 2014, and again this year, are examples of why it is critical to

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ensure that ORR has a capacity model that enables the agency, and its grantees, to acclimate and be in a position to accept and care for the unpredictable number of children that ebb and flow by the day, let alone month or year. Whether it's bed capacity, challenges with hiring and retaining personnel, or ensuring that grantee staff are appropriately screened and trained before being hired or being allowed to interact with minors—all of these components are critical to ensuring that these children are cared for in the best and safest way possible.

It's not just HHS and ORR though. This process—from apprehension, all the way to the placement of a child with a safe and appropriate sponsor—crosses multiple departments and agencies within the federal government, and includes non-government entities, such as ORR grantees. As a result, it is crucial to understand how CBP and HHS work together regarding their respective capacities, processing, referrals, health care needs, background checks of potential sponsors, and more. Ensuring that the process in its entirety is working smoothly and efficiently will hopefully prevent some of the issues that arose earlier this year.

Finally, this is the second hearing that this Subcommittee has had on this topic this year and I hope that we can start to discuss some solutions to the issues that were discussed at the hearing in February and I'm sure will be discussed again today. In addition to sharing any challenges they faced over the last year, I invite the witnesses to share any ideas that they may have, particularly if there are ways in which Congress can help.

It is an important function of this Committee not only to conduct oversight, but to use the information that is gained from its oversight to change the law when needed.

I thank our witnesses for being here today and being part of this important discussion. I yield back.