

Welcome, Secretary Becerra. I appreciate you keeping your word and appearing before this Subcommittee on the Office of Refugee Resettlement (ORR).

ORR, an agency of the Department of Health and Human Services (HHS), is responsible for the care and placement of unaccompanied children referred to it by the Border Patrol.

Under the Biden administration, ORR has faced an unprecedented surge in the number of unaccompanied minors referred to its custody.

The numbers of unaccompanied minors crossing our border is astronomically high.

From fiscal years 2018 through 2020, ORR averaged around 44,500 referrals per year.

As of March 31, 2023, which is the last time ORR has made their numbers public, the agency had received almost 60,000 referrals in fiscal year 2023.

Putting them on pace for over 120,000 referrals for the third year in a row.

You and I do not agree on the policies that brought these children to our border.

But, I believe, no matter the policies, once they are in our care and we have taken on the responsibility for them we must properly care for them.

Today's hearing is to take stock of how HHS and ORR have responded to the surge of these children.

When thousands of vulnerable children were in ORR custody, by an agency under your leadership, what was the message you sent to the frontline workers managing the border crisis?

Hopefully, it was to make sure that these children are placed in safe environments with people they are actually related to?

Hopefully also, it was to make sure that state and local child welfare agencies were aware that vulnerable children were being placed in their jurisdictions and would likely need services?

But no matter the message you intended, it does not appear that children's welfare was a primary concern.

Thanks to a whistleblower and New York Times reporting, we know there was constant neglect when handling the intake and release of these children.

According to a recording obtained by the New York Times, regarding ORR's unaccompanied minors, which I will submit for the record.

You stated: “If Henry Ford had seen this in his plants, he would have never become famous and rich. This is not the way you do an assembly line.”

Is that statement consistent with how you’ve intended to run ORR’s unaccompanied children program?

While I hope not, the overriding priority seems to have been moving children out of ORR facilities as quickly as possible, not protecting them.

That would explain why you would approve policies like ORR Field Guidance 10, which expedites release of minors to people claiming to be family members, while simultaneously waiving background checks to ensure the potential sponsor is in fact a family member.

It would also explain your approval of ORR Field Guidance 11, which waives background check requirements for unrelated adults who live in the same residence a minor is being sent to.

I have been vocal about the failure of ORR to provide bona fide background checks.

In 2021, I visited the Emergency Intake operation at Fort Bliss, Texas. I was shocked with what I learned there.

There was no collaboration with law enforcement for background checks when vetting sponsors and the “public records check” they were using were merely widely available internet search engines.

My suspicions were solidified by a September 2022 OIG report on Fort Bliss.

Under your leadership, ORR has issued requests for proposals and contracts worth billions of dollars for what seem to be large, permanent influx care facilities designed to quickly process hundreds of minors.

My fear is that you may be putting ORR on a permanent assembly line footing where child welfare simply isn't a priority.

As I close, I'd like to enter into the record a report by a statewide grand jury in Florida, charged with investigating ORR.

The report is damning. It details, chapter and verse how ORR's policies and practices have resulted in child exploitation and trafficking.

I'll end by quoting the grand jury's assessment:

“If any resident of Florida exposed U.S. born children to this process, they would be justifiably arrested for child neglect or worse. We do not think children should be less-protected simply because they were born outside our borders and brought here by a government agency.”

I have been saying that for years. As a former domestic relations lawyer in Virginia, the same would be true in Virginia.

ORR actions are equal to neglect.

The child's legal status is irrelevant,
ORR must do better.