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6 STOPPING THE EXPLOITATION OF MIGRANT CHILDREN:

7 OVERSIGHT OF HHS' OFFICE OF REFUGEE RESETTLEMENT

8 WEDNESDAY, JULY 26, 2023

9 House of Representatives,

10 Subcommittee on Oversight and Investigations,

11 Committee on Energy and Commerce,

12 Washington, D.C.

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16 The subcommittee met, pursuant to call, at 10:00 a.m. in

17 Room 2123, Rayburn House Office Building, Hon. Morgan

18 Griffith [chairman of the subcommittee] presiding.

19

20 Present: Representatives Griffith, Burgess, Guthrie,

21 Duncan, Palmer, Lesko, Crenshaw, Armstrong, Cammack, Rodgers

22 (ex officio); Castor, DeGette, Schakowsky, Tonko, Ruiz,

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23 Peters, and Pallone (ex officio).

24

25

26 Staff Present: Kate Arey, Digital Director; Sean
27 Brebbia, Chief Counsel; Lauren Eriksen, Clerk; Peter Kielty,
28 General Counsel; Chris Krepich, Press Secretary; Karli
29 Plucker, Director of Operations (shared staff); Gavin
30 Proffitt, Professional Staff Member; John Strom, Counsel;
31 Michael Taggart, Policy Director; Joanne Thomas, Counsel;
32 Austin Flack, Minority Junior Professional Staff Member;
33 Waverly Gordon, Minority Deputy Staff Director and General
34 Counsel; Tiffany Guarascio, Minority Staff Director;
35 Mackenzie Kuhl, Minority Digital Manager; Will McAuliffe,
36 Minority Chief Counsel, Oversight and Investigations;
37 Constance O'Connor, Minority Senior Counsel; Christina
38 Parisi, Minority Professional Staff Member; Emma Roehrig,
39 Minority Staff Assistant; Harry Samuels, Minority Oversight
40 Counsel; and Caroline Wood, Minority Research Analyst.

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42 *Mr. Griffith. The Subcommittee on Oversight and
43 Investigations will now come to order.

44 And I recognize myself for five minutes for an opening
45 statement.

46 Welcome, Secretary Becerra. I appreciate you keeping
47 your word and appearing before this subcommittee related to
48 the Office of Refugee Resettlement, or ORR.

49 ORR is an agency of the Department of Health and Human
50 Services, and is responsible for the care and placement of
51 unaccompanied children referred to it by the Border Patrol.
52 Under the Biden administration ORR has faced unprecedented
53 surge -- an unprecedented surge in the number of
54 unaccompanied minors referred to its custody.

55 The numbers of unaccompanied minors crossing our border
56 is astronomically high. From fiscal years 2018 through 2020
57 ORR averaged around 44,500 referrals per year. As of March
58 31, 2023, which is the last time ORR made their numbers
59 public, the agency had received almost 60,000 referrals in
60 fiscal year 2023, putting the agency on pace for over 120,000
61 referrals for the third year in a row.

62 Now, you and I don't agree on the policies that brought
63 these children to our border. But I believe, no matter the

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64 policies, once they are in our care and we have taken on the
65 responsibility for them, we must care for them properly.
66 Today's hearing is to take stock of how HHS and ORR have
67 responded to the surge of these children.

68 When thousands of vulnerable children were in ORR
69 custody by an agency under your leadership, what was the
70 message you sent to the front-line workers managing the
71 border crisis? Hopefully, it was to make sure that these
72 children are placed in safe environments with people they are
73 actually related to. Hopefully, also it was to make sure
74 that state and local child welfare agencies were aware that
75 vulnerable children were being placed in their jurisdictions,
76 and would likely need services.

77 But no matter the message you intended to send, it does
78 appear that children's welfare was not a primary concern.
79 Thanks to the whistleblower and the New York Times reporting,
80 we know that there was constant neglect when handling the
81 intake and release of these children. According to a
82 recording obtained by the New York Times regarding ORR's
83 unaccompanied minors, which I will submit for the record, you
84 stated, "If Henry Ford had seen this in his plants, he would
85 have never become famous and rich. This is not the way you

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86 do an assembly line.'` Is that statement consistent with how
87 you have intended to run ORR's unaccompanied children's
88 program? Well, I hope not.

89 The overriding priority seems to have been moving
90 children out of ORR facilities as quickly as possible, and
91 not protecting them. That would explain why you would have
92 approved policies like ORR field guidance 10, which expedites
93 release of minors to people claiming to be family members,
94 while simultaneously waiving background checks to ensure the
95 potential sponsor is in fact a family member.

96 It would also explain your approval of ORR field
97 guidance 11, which waives background check requirements for
98 unrelated adults who live in the same residence a minor is
99 being sent to. This is of great concern, and I have been
100 vocal about the failure of ORR to provide bona fide
101 background checks.

102 In 2021 I visited the emergency intake operation at Fort
103 Bliss, Texas. I was shocked with what I learned there.
104 There was no collaboration with law enforcement for real
105 background checks when vetting sponsors and the "public
106 records check"` that they were using was merely a widely
107 available Internet search engine.

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108 My suspicions were solidified by a September 2022 OIG
109 report on Fort Bliss. Under your leadership, ORR has issued
110 requests for proposals and contracts worth billions of
111 dollars for what seem to be large, permanent influx care
112 facilities designed to quickly process hundreds of minors.
113 My fear is that, no matter what your intentions may be, you
114 may be putting ORR on a permanent assembly line footing where
115 child welfare simply is not a priority.

116 As I close, I would like to enter into the record a
117 report by a statewide grand jury in Florida charged with
118 investigating ORR.

119 [The information follows:]

120

121 *****COMMITTEE INSERT*****

122

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123 *Mr. Griffith. This report, Mr. Secretary, is damning.
124 It details chapter and verse how ORR's policies and practices
125 have resulted in child exploitation and trafficking.

126 I will end by quoting the grand jury's assessment: "If
127 any resident of Florida exposed U.S.-born children to this
128 process, they would be justifiably arrested for child neglect
129 or worse. We do not think children should be less protected
130 simply because they were born outside our borders and brought
131 here by a government agency.'" I have been saying that for
132 years.

133 As a former domestic relations lawyer in Virginia, the
134 same related to the legal standard would be true in Virginia,
135 as well. ORR actions are equal to neglect. The child's
136 legal status in this country is irrelevant, and ORR must do
137 better.

138 [The prepared statement of Mr. Griffith follows:]

139

140 *****COMMITTEE INSERT*****

141

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142 *Mr. Griffith. I yield back. I now recognize the
143 gentlewoman from Florida Ms. Castor, the ranking member of
144 this subcommittee, for her five-minute opening statement.

145 *Ms. Castor. Well, thank you very much, Mr. Chairman.
146 Welcome, Mr. Secretary.

147 Unaccompanied children seeking refuge in the U.S. are
148 some of the most vulnerable among us. They often cross the
149 border alone, escaping persecution, violence, and abuse. The
150 experience would be frightening and confusing for anyone, let
151 alone a child who may not speak English. So we have a moral
152 and legal obligation to ensure that unaccompanied children
153 are safe and cared for.

154 The Office of Refugee Resettlement is tasked under the
155 law with the responsibility to keep unaccompanied children
156 well and safe from the time they are transferred from the
157 Department of Homeland Security to the time they are placed
158 with vetted sponsors who are, more often than not, family
159 members.

160 Earlier this year news reports detailed cases of
161 unaccompanied minors working in harsh conditions in plants
162 and factories. The reports were shocking and deeply
163 disturbing. Businesses are exploiting children as a source

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164 of cheap labor, and preying on their financial desperation.

165 This type of child exploitation must not be tolerated.

166 Even though ORR has limited authorities under the law
167 and limited resources, there is more that can be done to
168 protect these children. For example, ORR is now expanding
169 oversight and services to children after they are placed with
170 families and sponsors. Per the funding that Congress
171 provided in last year's omnibus appropriations bill, ORR is
172 also working more closely with the Department of Labor to
173 address labor issues. And the HHS inspector general
174 recommended -- and as the HHS inspector general recommended,
175 HHS is working to expand network capacity and modernize the
176 portal that allows ORR to monitor the best interests of the
177 children.

178 I look forward to hearing from you, Mr. Secretary, about
179 ORR's work to eliminate the risk of labor trafficking, to
180 enhance services after the placement with sponsors, and to
181 improve the reporting of abuse. That is the kind of
182 oversight that this subcommittee must be doing, and I commend
183 the chair for this hearing and to the Secretary for
184 attending.

185 But this meaningful oversight effort is an exception,

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186 because the majority has been focused on various partisan
187 tangents most of this Congress aimed at sowing distrust in
188 public servants in our health institutions. One far-out
189 tangent that I hope we can put to rest is the GOP's baseless
190 allegations regarding the validity of certain NIH institute
191 and center directors.

192 For months, Energy and Commerce Republicans have made
193 unfounded claims that 14 directors of NIH institutes and
194 centers served illegally for over 2 years because they were
195 not directly reappointed by Secretary Becerra. The GOP
196 members point to a section of the 21st Century Cures Act,
197 holding up a graphic that states that such directors shall be
198 appointed by the Secretary. But they intentionally obscured
199 the most important part of that statute, which states that
200 when making director appointments the Secretary acts through
201 the director of the National Institutes of Health.
202 Republicans inexplicably blurred out the clear language of
203 the statute. Why? It appears to be an attempt to spin up
204 yet another conspiracy.

205 This is especially bizarre because it was Republicans
206 who insisted on transferring the authority to appoint NIH IC
207 directors from the Secretary to the director of NIH over the

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208 objections of the Obama Administration in 2016. It is wrong
209 to deliberately mislead the public, and it is strange to do
210 so involving language that GOP members wrote themselves.

211 This Congress my Republican colleagues have taken every
212 opportunity to intimidate scientists and maligned public
213 health officials. In sowing distrust in our vital health
214 research agencies and public health experts Republicans are
215 playing a dangerous game. Americans depend on the work of
216 these dedicated public servants to keep us safe and healthy.
217 And it is time for the harassment to end.

218 This committee has real work to do on so many issues:
219 preparing for the next pandemic, tackling devastating drug
220 shortages, protecting online privacy, and developing
221 solutions to reduce climate pollution that is wreaking havoc
222 and costing us more every day. The care of unaccompanied
223 children is among the issues that demands Congress's
224 attention. Let's focus on that issue today, instead of the
225 fabricated ones.

226 Mr. Secretary, we are committed to making sure ORR does
227 its job and does it right. Thank you for being here today,
228 and I look forward to the discussion of these real issues.

229 [The prepared statement of Ms. Castor follows.]

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231 *****COMMITTEE INSERT*****

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233 *Ms. Castor. I yield back my time.

234 *Mr. Griffith. I appreciate gentlelady yielding back,
235 and now recognize the gentlelady from Washington, the
236 chairwoman of the full committee, Mrs. McMorris Rodgers, for
237 her five minutes of opening statement.

238 *The Chair. Secretary Becerra, today we, as the elected
239 representatives of the people, seek answers and transparency
240 from you as the Secretary of Health and Human Services.
241 Today we are working to assure the safety and well-being of
242 unaccompanied children crossing the border, some of the most
243 vulnerable among us.

244 Under President Biden we have faced the worst border
245 crisis in our history. ORR received referrals for more than
246 350,000 unaccompanied children over the course of the first 3
247 years of this presidency. That is more than 120,000
248 unaccompanied minors passing through ORR's custody annually.
249 This is unprecedented. Prior to President Biden, the largest
250 single year of total referrals was about 69,000.

251 As the New York Times has uncovered, this border crisis
252 has left children alone and exploited, and these are just a
253 few of the gut-wrenching examples: 13 and 14-year-olds are
254 working 12-hour shifts on farms and factories; children

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255 dropping out of school or never signing up because they owe a
256 debt to the smuggler that trafficked them; children running
257 away from their sponsors, the ones that ORR placed them with,
258 because they were being sold for sex.

259 We are going to talk a lot about the 85,000 children
260 that ORR could not contact after placement. ORR claims that
261 its 81 percent successful post-release contact rate is a
262 significant accomplishment. It is not a success when the
263 agency has lost contact with a third of the migrant children
264 during the first two years of the Biden Administration. And
265 the post-release follow-up is already a low bar. ORR
266 considers it a success if they merely speak with a child or a
267 sponsor over the phone.

268 Secretary Becerra, I am especially concerned about
269 specific policies and practices that you have put in place
270 that prevent ORR from vetting sponsors. Why would you waive
271 criminal background checks, including checks of the sex
272 offender and the child abuse registries, for sponsors and
273 other adults living in households where children are placed?

274 Why would you allow under your watch digital
275 fingerprinting to confirm the identity of the sponsors to
276 drop by 55 percent?

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277 Why would you allow at least 30,000 minors to be handed
278 over to someone ORR knows that they are not related to?

279 As an internal memo revealed, the Department has become
280 "one that rewards individuals for making quick releases, and
281 not one that rewards individuals for preventing unsafe
282 releases.'`

283 The consequences of these decisions are entirely
284 foreseeable. And again, thanks to The New York Times, we
285 know that reports reached your desk that children were at
286 risk. The American people must know how you could possibly
287 have ignored these warning signs and continue to put more
288 children in danger of exploitation.

289 As I mentioned, this isn't the only example of
290 mismanagement and abuses of power at HHS. As Secretary you
291 failed to follow the law and the Constitution to reappoint
292 the 14 NIH officials, including Dr. Fauci. As a result, they
293 exercised power and authority they didn't legally have in
294 approving billions of dollars in taxpayer-funded grants.

295 There is a crisis of confidence at our public health
296 agencies, including CDC, FDA, and NIH. CMS is denying
297 seniors approved Alzheimer's medications and dragging its
298 feet on meaningful price transparency rules to lower drug

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299 costs. The FDA's baby formula shortage caused panic and harm
300 to mothers, fathers, and children across the nation. And you
301 failed to provide us the transparency for President Biden's
302 radical spending agenda that fueled record-breaking
303 inflation. And the HHS OIG just reported a massive amount of
304 fraud and waste in the COVID-19 uninsured program, which grew
305 dramatically under your watch.

306 For the sake of time, I won't go on. But I will close
307 by saying this. HHS has lost sight of its mission. As Chair
308 Griffith said, there seems to be more concern with politics
309 and power than the American people's safety and well-being.
310 And I am very concerned about a culture of arrogance and
311 lawlessness.

312 As I started, we are the elected representatives of the
313 people, and we are demanding transparency and responsiveness.
314 This culture must change, and it must change at the very top,
315 starting with your leadership and taking responsibility for
316 your actions. You are testifying before the committee under
317 oath. We expect and need honest and complete answers for
318 what has happened.

319 [The prepared statement of The Chair follows:]

320

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321 *****COMMITTEE INSERT*****

322

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323 *The Chair. Thank you, and I yield back.

324 *Mr. Griffith. The gentlelady yields back. I now
325 recognize the ranking member of the full committee, Mr.
326 Pallone, for his five-minute opening statement.

327 *Mr. Pallone. Thank you, Mr. Chairman.

328 Earlier this year I was alarmed by reports of children
329 who came to this country alone only to be exploited by their
330 sponsors and companies that illegally employed them. And I
331 am pleased that Secretary Becerra is here to explain what the
332 Office of Refugee Settlement is doing to better address this
333 cruel abuse.

334 ORR has been in a difficult position. Its budget and
335 authorities are limited, particularly in the period after a
336 child is released into the custody of his sponsor. This is a
337 critical time for the detection and remediation of any
338 exploitation. In 2021 the Biden Administration inherited a
339 crisis in the aftermath of the Trump Administration's
340 inhumane family separation policy, and ORR acted quickly to
341 reunify families, place children in the care of sponsors,
342 build emergency facilities, and hire staff. And those
343 efforts were necessary.

344 But responding to this crisis also revealed areas for

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345 improvement. ORR must stay vigilant in its work to identify
346 and respond to exploitation, both in the sponsor vetting
347 process and when they are released into the care of their
348 sponsor, and I look forward to hearing how ORR is
349 accelerating this important work, including through its joint
350 efforts with the Department of Labor to combat illegal child
351 labor.

352 This hearing is entitled, "Stopping the Exploitation of
353 Migrant Children," and everyone fully supports that goal.
354 Unfortunately, I believe the actions that my Republican
355 colleagues are taking would make this situation worse, not
356 better. This Congress Republicans have routinely tried to
357 chip away at the right to legal asylum. Even as they decry
358 child exploitation, Republicans nearly unanimously supported
359 legislation that would reverse critical safeguards for kids
360 who were trafficked, and this Republican action would leave
361 these kids in Department of Homeland Security facilities for
362 up to 10 times as long as the legal limit.

363 And Republicans continue to cave to their extreme right
364 wing of their party by pushing for dramatic budget cuts that
365 would set back any progress that ORR has made in protecting
366 unaccompanied minors. For example, most recently House

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367 Republicans on the Appropriations Committee are pushing an
368 annual funding bill that would cut the unaccompanied
369 children's program funding by \$3.3 billion in the upcoming
370 fiscal year. This drastic funding cut would severely hinder
371 the office's ability to provide services like mental health
372 care and legal services that would help detect and prevent
373 the very kind of abuse that this hearing is supposedly about.

374 And frankly, tearing down important agencies rather than
375 supporting their essential work has been a theme this year
376 under the Republican majority. While our committee has
377 traditionally been able to stay above the fray, I am
378 concerned that is no longer the case.

379 The Republican majority continues to push a legally
380 flawed theory that 14 National Institutes of Health centers
381 and institute directors were improperly appointed. These
382 allegations ignore language in the 21st Century Cures Act
383 that they put in -- former Republican Chair Fred Upton and
384 former Congressman Joe Barton, deliberately -- saying that
385 the Secretary should act through the NIH director. So this
386 so-called investigation simply is not based in law. It is
387 also a huge waste of the committee and its members' time. We
388 have so many more important issues to deal with than this.

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389 Committee Republicans have also continued other baseless
390 investigations, including harassing a senior NIH scientist to
391 sit for a transcribed interview about a research project that
392 never occurred. They continue to press the theory that
393 COVID-19 leaked from the Wuhan Institute of Virology without
394 any real evidence. They are fixated on manufacturing
395 partisan scandals to discredit the work of our public
396 servants, intimidate researchers, and promote frivolous
397 litigation.

398 Again, we have so many more important issues to deal
399 with. The Republican majority's attacks only distract from
400 the important oversight work that children deserve and that
401 Americans depend on. And I look forward to hearing from
402 Secretary Becerra about how ORR plans to identify and respond
403 to violations of children's rights.

404 But again, thank you, Mr. Chairman, and I look forward
405 to hearing from the Secretary.

406 [The prepared statement of Mr. Pallone follows:]

407

408 *****COMMITTEE INSERT*****

409

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410 *Mr. Griffith. That concludes -- thank you, Mr. Ranking
411 Member, for yielding back. That concludes the members'
412 opening statements.

413 The chair would like to remind members that, pursuant to
414 committee rules, all members' written opening statements will
415 be made a part of the record. Please provide those to the
416 clerk promptly.

417 We want to thank you, Mr. Secretary, for being here with
418 us today and taking your time to testify before this
419 subcommittee. You will have an opportunity to give an
420 opening statement, followed by a round of questions from
421 members.

422 I think it is pretty obvious that our witness today is
423 Secretary Becerra of the Department of Health and Human
424 Services.

425 We look forward to hearing from you, and I will now
426 recognize you for your opening statement.

427 You want me to swear him in first? All right.

428 I was going to let you give your opening statement
429 before we swore you in.

430 You are aware this committee is holding an oversight
431 hearing. And when doing so we have the practice of taking

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432 our testimony under oath. Do you have any objection to
433 testifying under oath?

434 You are also entitled to -- seeing no objection, we will
435 proceed.

436 The chair advises you you are also entitled to be
437 advised by counsel, pursuant to House rules. Do you desire
438 to be advised by counsel during your testimony today?

439 And the witness has indicated that is not necessary. So
440 if you would, please rise and raise your right hand.

441 [Witness sworn.]

442 *Mr. Griffith. The gentleman has affirmatively so
443 stated.

444 And you are now sworn in and under oath, and subject to
445 the penalties set forth in title 18, Section 1001 of the
446 United States Code. With that, we will now recognize you for
447 your five-minute opening statement.

448

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449 TESTIMONY OF THE HON. XAVIER BECERRA, SECRETARY, U.S.

450 DEPARTMENT OF HEALTH AND HUMAN SERVICES

451

452 *Secretary Becerra. Mr. Chairman and members, thank you
453 for the opportunity to appear before you today. I'm here at
454 the Chairman's request to discuss the Department of Health
455 and Human Services' Unaccompanied Children Program within the
456 Office of Refugee Resettlement and the work that we are
457 continually doing to ensure the safety and well-being of
458 children in our care.

459 The UC program's mandate is directed at providing
460 temporary care and shelter for unaccompanied children, and
461 securing appropriately vetted sponsors who can assume custody
462 and provide a home for the children during the pendency of
463 their immigration proceedings.

464 I want to address reports that have flagged an increase
465 in children being employed illegally and exploited by
466 companies. This is real. It's repulsive, and it's
467 unacceptable. I say this as the son of a road construction
468 worker who, as the oldest child, had to leave school after
469 the sixth grade. He never got to go back.

470 Unlawful child labor is not limited to migrant children,

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471 but unaccompanied children released from ORR custody may be
472 particularly vulnerable to unscrupulous employers. HHS is
473 coordinating with the Department of Labor and other partners
474 to assist their efforts to further crack down on illegal
475 child labor.

476 At HHS we follow the law. Employers and companies
477 should do the same. HHS is proud to do our part in the
478 critical work to care for unaccompanied children. We have a
479 dedicated team of professionals at ORR who oversee their care
480 and placement with vetted sponsors. I hold our team and the
481 entire Department to the highest standard to ensure we are
482 delivering on our mission to provide care that is in the
483 child's best interest.

484 Let me be clear about how we approach this work. ORR
485 funds nearly 300 programs in 27 states such as shelter
486 programs, transitional care, long-term care, group homes,
487 staff secure facilities, and residential treatment centers.
488 At these facilities ORR provides child-appropriate services,
489 including education, health care, and counseling services,
490 case management services, recreation, access to legal
491 services, access to religious services, and access to child
492 advocates where applicable. These services are delivered

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493 according to child welfare best practices in a manner that is
494 appropriate to the age, culture, preferred language, and
495 needs of each child.

496 ORR also works to maintain a preparedness posture by
497 ensuring it can quickly scale up capacity if needed.

498 We know and child welfare experts will tell you that the
499 best place for a child is in a home with a family, in a
500 community, not in a congregate care setting. That is why we
501 work so hard to find appropriate custodial sponsors for these
502 children. This fiscal year ORR has placed over 83,000
503 children with vetted sponsors. More than 85 percent of those
504 children released to vetted sponsors were placed with a
505 parent, legal guardian, or close family member. The average
506 length of time a child spends in HHS care before being placed
507 with a vetted sponsor is currently less than one month.

508 Of course, it is not always possible to place a child
509 with a parent, legal guardian, or close family member. In
510 these cases, which is fewer than 15 percent of children, ORR
511 take steps, additional steps and precautions in the sponsor
512 vetting process prior to the placement of the child.

513 HHS's custodial responsibility for unaccompanied
514 children legally ends once we place them in the custody of a

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515 vetted sponsor. Nevertheless, ORR has enacted policies to
516 help identify challenges and opportunities to support and
517 protect children following their release from HHS custody.
518 This is where there seems to be the most misunderstanding,
519 Mr. Chairman.

520 In fact, I heard that just a second -- just a while ago.
521 So, Mr. Chairman, let me repeat what I just said. HHS's
522 custodial responsibility for unaccompanied children legally
523 ends once we place them in the custody of a vetted sponsor.
524 That's not me saying it. That's Congress's law as it was
525 passed into statute.

526 But HHS, we at HHS, we voluntarily do more to support
527 and protect these children. Furthermore, we are committed to
528 expanding access to post-release services with adequate
529 funding appropriated by you, by Congress.

530 Mr. Chairman, children are children. But the children
531 who have come into ORR care face unique challenges that
532 require a whole-of-government approach, including our
533 partners in Congress, fellow Federal agencies, state and
534 local agencies, and national and community partners. I hope
535 that we can continue to work together to care for and support
536 children in the best interest of our nation.

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537 I thank you, and I yield back.

538 [The prepared statement of Secretary Becerra follows:]

539

540 *****COMMITTEE INSERT*****

541

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542 *Mr. Griffith. The gentleman yields back.

543 I thank you for your testimony. We will now move into
544 the question-and-answer portion of the hearing, and I will
545 begin questioning by recognizing myself for five minutes.

546 All right, let's talk about these kids. Your duty ends
547 once they are properly placed. Question number one, it is my
548 understanding that you all do not notify the local Department
549 of Social Services or other local child welfare agency in the
550 community in which the child is being placed. Is that
551 correct, yes or no?

552 *Secretary Becerra. Mr. Chairman, we have to protect
553 the privacy of children, as you would expect for any child.
554 And so we try not to provide information about the child --

555 *Mr. Griffith. So you don't provide that information to
556 the local child welfare agencies that child has been placed
557 there, or the school system, isn't that correct?

558 *Secretary Becerra. We work with the local agencies
559 once a child has been placed if there's a need to support
560 them with regard to, for example, school or other social
561 services. So we will work with local agencies where
562 necessary.

563 *Mr. Griffith. All right. When a familial relationship

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564 is claimed, do you all do any kind of a DNA test to establish
565 a genetic link between the sponsor and the child?

566 And I ask that question -- and it became more poignant
567 last night as I was watching Sound of Freedom, because the
568 bad guy was bringing a child who had been kidnaped across the
569 border. The good guys were there to intercept, but he
570 presented fake documents claiming to be the uncle of the
571 child. So do you all do a DNA test? Because I just got to
572 tell you, Mr. Secretary, my information indicates that you
573 all only do a DNA test in about 23 percent of the cases, and
574 that is usually looking for child predators of some sort, and
575 not familial relationship. Is that true?

576 *Secretary Becerra. Mr. Chairman, we go through a
577 thorough vetting process for each and every sponsor. We make
578 every effort to try to find the closest relative for that
579 child. And one of the tools that we use is DNA testing,
580 voluntary DNA testing.

581 *Mr. Griffith. But you don't do that in every case
582 where a familial relationship is claimed. Isn't that true?

583 *Secretary Becerra. Well, we make sure we can verify
584 this --

585 *Mr. Griffith. All right.

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586 *Secretary Becerra. -- the identity of the person. So,
587 for example, we will use birth certificates, we will use
588 other documentation that proves who the individual is.

589 *Mr. Griffith. But a birth certificate coming from
590 another country, just like the passports presented in the
591 film last night, may be forged. You would agree that
592 documents can be forged, and that is not necessarily
593 reliable.

594 I mean, I just got to tell you, I am a member of
595 ancestry.com, and I have their DNA test. They can tell me
596 about fourth cousins that I never knew existed on my father's
597 side. There is a way to do this. And if we are truly going
598 to properly vet before we place these children, we need to be
599 doing more DNA testing.

600 Let me move on.

601 *Secretary Becerra. And that is why we use DNA testing
602 where it can help.

603 *Mr. Griffith. Well, occasionally. I would like to go
604 over the sponsor vetting process in more detail.

605 I checked this morning, and field guidances 10 and 11
606 are still in effect. ORR continues to waive background
607 checks for people claiming to be distant family members and

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608 for other adults who live in the house where the child is
609 being placed. With that as a background, I would have to ask
610 that if ORR only completed fingerprint checks in 23 percent
611 of cases, what percentage of sponsors now have completed
612 fingerprint checks before you place a child with them?

613 *Secretary Becerra. Mr. Chairman, we place the care and
614 well-being of every unaccompanied child as our highest
615 priority. And that's why I need to clarify what you and
616 others have said, because you've misunderstood field guidance
617 10 and 11. You applied it to every child, and it does not
618 apply to every child, those two guidances. Field guidance 10
619 applies to -- only to children who are either eligible to be
620 assigned to a parent, a legal guardian, or a --

621 *Mr. Griffith. Or somebody who purports to be a close
622 family relative. We have already been there.

623 *Secretary Becerra. Right.

624 *Mr. Griffith. Okay, let me ask you this.

625 *Secretary Becerra. And then we have to document and
626 prove before we release that child.

627 *Mr. Griffith. You have documents, but they might be
628 forged. All right.

629 *Secretary Becerra. We do everything to make sure that

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630 no one gets through the process --

631 *Mr. Griffith. Yes, sir.

632 *Secretary Becerra. -- by providing -- in fact, I just
633 had a conversation with case managers about a very case where
634 someone tried to present fraudulent information.

635 *Mr. Griffith. And I appreciate that. And look, let me
636 make this clear to everybody. I know you got a tough job,
637 and I want to work with you to try to solve some of these
638 problems.

639 *Secretary Becerra. I appreciate you saying that.

640 *Mr. Griffith. But I am concerned when I see statements
641 like what appeared in the New York Times article, which I
642 have asked to be incorporated into the record, where,
643 according to the recording, it says you said if Henry Ford
644 had seen this in his plants, he would have never become
645 famous and rich, this is not the way you do an assembly line.

646 *Secretary Becerra. Mr. Chairman --

647 *Mr. Griffith. Do you want to explain? I am going to
648 give you a chance to explain that, because that is a damning
649 statement, and on top of the Florida report which says that
650 -- you know, which I agree with -- that if we were treating
651 U.S. children this way, it would be considered neglect, and

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652 somebody would be going to jail.

653 Please explain.

654 *Secretary Becerra. And thank you, Mr. Chairman, for
655 giving me a chance to explain, because there is a very simple
656 explanation for that.

657 As you said yourself, and as I think every member has
658 said, we were facing deep challenges, trying to make sure
659 that children were not stuck in the Department of Homeland
660 Security's adult detention facilities. That is not a place
661 for children. So we needed to make sure we had a safe place
662 for them to be, a good bed, and the care they needed. So we
663 needed to be very efficient with the work we were doing to
664 always have a bed available.

665 So what I said is we need to make sure we're working
666 efficiently. It's about process, not people. Henry Ford
667 would not have become famous simply because he produced a lot
668 of vehicles. He became famous because he produced good,
669 quality vehicles at a time when it was tough to do so. We
670 want to do quality work. You can't do that if one day you do
671 well and the next day you don't. My comment dealt with the
672 process, not the people.

673 *Mr. Griffith. Well, and I will close by just saying

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674 that I still think there is a lot to be done.

675 *Secretary Becerra. Absolutely.

676 *Mr. Griffith. I am glad to hear you say those things,
677 but there is a lot to be done because I think we are letting
678 too many children -- and even one is not acceptable, but we
679 are having hundreds or thousands of children who are slipping
680 through the cracks, and a better job needs to be done. And I
681 think using more DNA testing and more real background checks
682 instead of just a background check that is some Internet
683 search engine would be helpful.

684 *Secretary Becerra. I look forward to working --

685 *Mr. Griffith. I yield back and now recognize the
686 ranking member of the subcommittee, Ms. Castor, for her five
687 minutes.

688 *Ms. Castor. Well, thank you, Mr. Chairman. These
689 stories of corporations and businesses exploiting children
690 for cheap labor to maximize their profits are just appalling.

691 So I have learned, digging into this, that after HHS and
692 the Office of Refugee Resettlement places an unaccompanied
693 child with a sponsor, often a family member, that the legal
694 authority for HHS ends. But, as Congress provided in the
695 last appropriations bill, we have given extra money to ORR to

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696 do better, to begin to allow HHS to provide post-release
697 services to all unaccompanied children, and HHS has set a
698 goal to do that for all children by 2024. I am pleased that
699 ORR has doubled the rate of children receiving such services
700 from fiscal year 2021 to 2022, and Congress now needs to
701 monitor the progress here.

702 When you say that ORR will provide post-release services
703 to 100 percent of unaccompanied children, what does that mean
704 in practice, and what kind of services and support can
705 children expect to receive?

706 *Secretary Becerra. Congressman, first I want to thank
707 you for making it clear. It is tough to do work when you
708 don't have the legal authority to do more. We would love to
709 do everything we do while we have the child in our custody.
710 But once we release that child into the hands of a vetted
711 sponsor, we lose that custodial responsibility. And so if
712 Congress wishes to give us more responsibility to watch over
713 these kids even after they have been assigned to a sponsor,
714 please go right ahead, because everyone cares about the care
715 of these kids.

716 What do we do? What does it mean to have post-release
717 services? And again, these are mostly all voluntary, because

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718 we don't have authority to actually require kids or the
719 sponsors to respond back to us.

720 But we do well child checks. We want to make sure that
721 they're okay once they transition out, so we make an effort
722 to call them. The kids and the sponsors are under no
723 obligation to answer the call or return the call.

724 We also provide services to those who may be in need of
725 particular social services, mental health services,
726 educational services. So we'll try to do post-release
727 services there. All of that is principally contingent on
728 Congress giving us the funding to do that because that's not
729 the core activity that you've given us money to do.

730 If you institute the cuts that I see the House is moving
731 towards, it would devastate our program, not just to provide
732 post-release services, but just to do the basic work of
733 caring for these kids in our centers, in our licensed
734 facilities.

735 *Ms. Castor. So these post-release services, they are
736 wellness check-ins, where you call and --

737 *Secretary Becerra. Correct.

738 *Ms. Castor. -- it is really up to the sponsors and the
739 children to weigh in.

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740 Can we do better on that? Do you prioritize in any way?
741 Some of the unaccompanied children don't go with a parent or
742 a family member. Does that kind of raise the bar for those
743 check-ins?

744 *Secretary Becerra. Yeah, we're always looking for ways
745 to provide better care. Remember, these are kids who are
746 coming to us, many suffering from a great deal of trauma.
747 And so we do everything we can while they're in our care.
748 And we're trying to do everything we can, even after we lose
749 custody of them, when they are with their vetted sponsor. So
750 we're constantly looking for ways to do that.

751 One of the ways we're doing that, especially on labor
752 exploitation, is working with the Department of Labor through
753 a formal memorandum of agreement where we will try to each
754 share information so we can track if someone, an employer, is
755 being abusive and if there's a child who may be the subject
756 of abuse in labor.

757 *Ms. Castor. Does this include legal services? Because
758 these children now are often -- they are going into the
759 immigration service. Or if there is a case of child
760 exploitation, those attorneys or advocates are kind of their
761 best hope for justice. Does this include legal services?

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762 *Secretary Becerra. It does, and it -- we are, under
763 statute, required to provide it to certain individuals. So
764 if a child has come to us and we have information that the
765 child was being exploited -- sexually exploited, for example
766 -- before coming into our care, we are required by law to
767 make sure we provide follow-up services. But we try to
768 provide those same kind of follow-up services even to
769 children that, by statute, we are not obligated to do so
770 because it makes sense.

771 And so one of those areas is legal services. How far
772 depends on how much resources you provide us so we can extend
773 that service to them.

774 *Ms. Castor. Well, thank you, Mr. Secretary. And I
775 think it should go said to all of the folks across the
776 country who are taking care of children, whether they are in
777 group homes, they are counselors -- I visited churches in my
778 district who are the trusted care providers for these
779 unaccompanied children before they are released to their
780 sponsors. And I just want to say thank you to all of the
781 folks who are working to keep kids healthy and well.

782 *Secretary Becerra. I will take that back.

783 *Ms. Castor. Thank you.

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784 *Secretary Becerra. Thank you.

785 *Mr. Griffith. The gentlelady yields back. I now
786 recognized the chairwoman of the full committee, Mrs.
787 McMorris Rodgers, for her -- I now recognize Dr. Burgess.
788 Sorry, I am just going off road. I recognize Dr. Burgess for
789 his five minutes of questions. The gentleman from Texas is
790 recognized.

791 *Mr. Burgess. Thank you, Mr. Chairman, and I do want to
792 start out by saying it is this committee, indeed this
793 subcommittee, which established a lot of the parameters for
794 the care of the unaccompanied immigrant child going back to
795 2014, when we had the vast influx of Central American
796 children down at Lackland Air Force Base in San Antonio. And
797 it was only the oversight of this committee that provided
798 those children a modicum of medical screenings and medical
799 care.

800 Now, continuing on the chairman's line of questioning
801 about the use of verifiable DNA evidence, it was actually
802 found in the previous administration in that when you did
803 that -- and that is a little upstream from your
804 responsibilities, but when there was an attempt made to
805 verify parentage or familial relationship, those cases

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806 dropped dramatically because the people who were using a
807 child as basically get-out-of-jail-free card to come into
808 this country recognized that if they were a non-match with
809 genetic material, they were going to be charged with
810 kidnaping. And so it was a pretty serious business, and
811 those numbers did diminish.

812 Now, you can agree or disagree with the rightness or
813 wrongness of doing that certification of parentage, but I
814 agree with the chairman that simply querying Google as to
815 whether or not someone is someone's uncle or aunt is probably
816 not satisfactory when you have within your capability the
817 ability to scientifically check.

818 And then unfortunately, that leads to situations. From
819 a Florida statewide grand jury investigation, a single family
820 home in Austin, Texas had more than 100 children sent to it
821 by Office of Refugee Resettlement. Not by the cartels, by
822 you all. Another Texas resident address had 44 children and
823 a third had 25 -- again sent to them by ORR, not by the
824 cartels, but by you. That is the reason this needs to be as
825 tight as tight can be.

826 *Secretary Becerra. Dr. Burgess, let me first begin by
827 saying in your early comments you are absolutely right that

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828 it -- especially with technology, it's becoming so much
829 easier to forge documents. And it is really important that
830 you try to prove that you are who you are, especially if
831 you're going to get custody of a child. So we hear you, and
832 we're willing to work with you because we're constantly
833 striving to make sure that the person who is going to become
834 that sponsor is who he or she says. So I fully agree with
835 that point.

836 I will say this on the point about sending a number of
837 children into the same general geographic area.

838 *Mr. Burgess. No, the same house address, not the
839 general geographic area.

840 *Secretary Becerra. Well, I would say to you there is
841 no home that I'm aware of that has gotten 40-some-odd kids.
842 But what I will tell you is that there are places where
843 immigrant communities flock. And so it should not surprise
844 anyone that you have a lot of children that end up in the
845 same communities because -- as my parents -- as my father
846 ended up in Sacramento, California, because that's where a
847 lot of his relatives and friends, my -- his parents'
848 relatives, and friends --

849 *Mr. Burgess. If I may, this is not an isolated

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850 incident. The Houston chief of police, who is certainly not
851 a Republican, also complained about the same phenomenon
852 occurring in Houston, Texas. But we will provide to you, to
853 your office, that information, and would appreciate your
854 response to that.

855 *Secretary Becerra. Absolutely.

856 *Mr. Burgess. Let me move on to another thing, and this
857 has really troubled me for well over a decade.

858 And when we were beginning our investigation, this
859 committee, on the screening -- medical screenings available
860 to unaccompanied immigrant children, it is a concern about
861 tuberculosis. Tuberculosis in the State of Texas is a
862 reportable illness. But if you never look, you are never
863 going to find it. And I remember the statements made to me
864 were that, well, look, if you get a positive TB test, then
865 this obligates you to a long period of therapy. The
866 treatment is 10 months or longer, and if you don't follow
867 through with the treatment, you are going to lead to drug-
868 resistant tuberculosis. So it is important to do the follow-
869 through.

870 So certainly, testing wasn't done at CBP. Testing was
871 not done at ORR because the children were not going to be in

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872 custody long enough. But it leads to a downstream problem,
873 and you and I both know an episode of multiple drug-resistant
874 TB in one of our neighborhood schools is going to be big
875 trouble. Would you agree with that?

876 *Secretary Becerra. We -- you point out something very
877 real because, as you stated, we only have the child in our
878 care for a short amount of time. And so we do work with not
879 just CBP at the Department of Homeland Security when they
880 come, the children come to us. We provide the medical care
881 that they need while they are with us. We make sure that no
882 child is infectious when we release them. But they have to
883 follow up on something like tuberculosis with local health
884 care authorities.

885 *Mr. Burgess. Yes, but the problem is the follow-
886 through on that leaves a lot to be desired.

887 Yet at the same time, if -- the Administration's
888 priority seems to be facilitating abortions for a child who
889 would want one. If we are willing to put that much energy
890 into providing an abortion, shouldn't we put that much energy
891 into providing to make certain the child is not infectious,
892 carrying TB into our communities?

893 *Secretary Becerra. Dr. Burgess, you raise a great

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894 point on the tuberculosis issue. We would -- if you gave us
895 authority to actually follow a child to make sure that the
896 child is following through on medical or health care services
897 that they need, especially to keep not just themselves but
898 others safe, we would take that authority. But we don't have
899 that authority. That's the difficulty --

900 *Mr. Burgess. That authority exists in current state
901 law.

902 *Secretary Becerra. I'm sorry.

903 *Mr. Burgess. It is a reportable illness in the State
904 of Texas.

905 *Secretary Becerra. Yeah, but we don't have an ability
906 to require that action be taken if the sponsor or the child
907 is not getting the care, if some medical community is not
908 offering the care. We don't have any ability to say, "You
909 really should do this for the safety of the community." We
910 don't have that ability.

911 *Mr. Burgess. It is a reportable illness.

912 *Mr. Griffith. The gentleman's time is up. Sorry. The
913 gentleman yields back. I now recognize the gentleman from
914 New York, Mr. Tonko, for his five minutes of questions.

915 *Mr. Tonko. Thank you, Mr. Chair.

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916 Thank you, Secretary, for appearing before the
917 subcommittee, and thank you for the leadership that you
918 provide and that of your team.

919 Reports earlier this year cited criticism of ORR's
920 sponsor vetting. I want to begin by asking how -- about how
921 the current process works, and where there may be a need for
922 improvement. ORR is legally obligated to release children to
923 sponsors -- and I quote -- "without unnecessary delay."

924 So ORR has to strike a careful balance between
925 rigorously vetting sponsors and the reality that it cannot
926 legally or ethically hold children in shelters indefinitely.
927 Children held in any congregate care facility for prolonged
928 periods of time can suffer damaging physical and
929 psychological health effects. It is in the best interest of
930 the child to release that individual to caring sponsors as
931 soon as the sponsor is vetted as safe.

932 So, Secretary Becerra, your testimony goes into detail
933 about the sponsor vetting process and the types of vetting
934 that happens depending on the sponsor's relationship with the
935 child. I want to make certain we are -- we all understand
936 what happens during that vetting process and clear up any
937 misconceptions. Can you briefly describe what goes into

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938 ORR's sponsor vetting process?

939 *Secretary Becerra. Congressman, thank you, because
940 there is so much misunderstanding and misinformation about
941 the vetting process.

942 We begin by searching for a sponsor who is as close to
943 the child as possible -- obviously, the parents would be the
944 closest -- a guardian, adult sibling, grandparents. Those
945 are what we -- those folks are what we call category one
946 sponsors because they are the closest to them. We have to go
947 through the process of verifying that they are who they say
948 they are.

949 So each sponsor must submit a detailed application
950 giving us information about their identity, their address,
951 their relationship to the child. They must provide
952 additional supporting documents. They must provide us with
953 records, whether it's a birth certificate or whether it's a
954 driver's license. They must go through background checks.
955 They have to go through a home study, where we actually send
956 people to talk specifically with the potential sponsor and
957 household members if we need to confirm more information.
958 And often times we will also do voluntary DNA testing.

959 But we do everything we can to certify, to verify that

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960 the people are who they say they are.

961 *Mr. Tonko. Thank you. And how does ORR's standard of
962 review differ from considering a sponsor application from a
963 close family member versus when it considers a sponsor
964 application from a non-family member?

965 And why is it important for ORR to differentiate between
966 these categories of sponsors?

967 *Secretary Becerra. Thank you for that question
968 because, again, people are confusing this. There are
969 sponsors who are unrelated to the child, may be close friends
970 but unrelated by blood to the child. We do far more work to
971 try to make sure that that person is who he or she says he is
972 or she is because they're not related.

973 And that category one, where it's the parent or the
974 guardian or very close relative, if they are providing us
975 with valid documentation, then we -- because it's in the best
976 interest of the child, we try to move that child to that
977 parent without delay.

978 There was a time early in 2021 when there was delay
979 because of the number of kids we had, and simply trying to
980 get to all of the children was tough. Now that's why we are
981 under one month of stay in our care, because we're able to

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982 now process especially those category one sponsors far
983 quicker because, so long as we get the valid information,
984 there's no reason to keep a child from being with a parent or
985 legal guardian.

986 If you're a relative, but not a real close relative,
987 well, we have to do more vetting to make sure that you are
988 who you say you are. We contact the parents in the home
989 country. We ask them to verify. We ask the children, "Do
990 you know this individual?" We go through a number of steps.
991 That's why virtually all of the children that we release to a
992 vetted sponsor are related to that sponsor, because we make
993 every effort to make sure it's with family -- hopefully, very
994 near family, parent, adult, adult sibling, grandparent -- or
995 not, maybe a cousin.

996 But we go through more checks. And if not a cousin, not
997 a relative, then you're going to go through a lot of checks.
998 That's why we have what we call our category four kids. It's
999 tough to find any type of relative sponsor. It's tough to
1000 find anyone who's a close friend that we have found
1001 verifiable. And so we have a category of children who've
1002 been in our care for quite some time. It's because we're not
1003 willing to let them go until we can verify that they will be

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1004 with a trusted sponsor.

1005 *Mr. Tonko. Thank you, sir. And, Mr. Secretary, how is
1006 ORR evaluating its sponsorship guidelines in light of
1007 revelations of labor abuses happening post-release?

1008 *Secretary Becerra. Congressman, as I said, my father
1009 was one of those kids. There was never any problem with him
1010 finding work, even though he was not even a teenager. And
1011 there were occasions when he would not get paid for his
1012 labor. This is -- we've known about child labor for a long
1013 time. It's not just migrant kids, but certainly with migrant
1014 kids we have an obligation to do everything we can and with
1015 every authority we have. And even beyond that, we're going
1016 to do everything we can to provide health and safety for
1017 those children, even after we've lost custody and care of
1018 that child.

1019 *Mr. Tonko. Mr. Secretary, I again appreciate you
1020 appearing before the subcommittee, and thank you for your
1021 responses.

1022 *Secretary Becerra. Thank you.

1023 *Mr. Tonko. I yield back, Mr. Chair.

1024 *Mr. Griffith. The gentleman yields back. I now
1025 recognizes the gentleman from Kentucky --

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1026 *Mr. Guthrie. Thanks, Mr. Secretary. Thank you for
1027 being here. And I just want to say I am sorry of the tone
1028 that our ranking member took on this because we all want to
1029 solve this problem. Nobody here wants children to be
1030 mistreated and move forward. Now, we -- some think we should
1031 control the border first and not have them here. But once
1032 they are here, we have to absolutely take care of them. I
1033 know we share that. We absolutely share that.

1034 So just kind of following on what Mr. Tonko was asking,
1035 you talked about non-related children. So there was a May
1036 2023 audit that the Office of Refugee Resettlement's
1037 inspector general found that 340 migrant children were
1038 released to non-relative sponsors who were already caring for
1039 other migrant children. And so you talked about you have to
1040 do the extra checks if they are not related.

1041 In my understanding, ORR must conduct in-depth home
1042 studies on sponsors who are sponsoring multiple unrelated
1043 children. How frequently is that -- does that take place?

1044 *Secretary Becerra. With a category one, where we know
1045 that there's a parent, and we just have to verify the parent,
1046 we really don't usually do the home studies.

1047 *Mr. Guthrie. But these are the unrelated that have

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1048 multiple --

1049 *Secretary Becerra. Yes, and Congressman, I want to
1050 point out if we get some kind of click-back after a
1051 background check, where there's something suspicious about
1052 the background, even of the parent, we won't let the child
1053 go, even if it's a parent, until we can confirm that it's
1054 okay. We may do the home study even in that situation.

1055 But with someone who's not related, we definitely do the
1056 home study. We go in, we do the interviews. We try to make
1057 sure we test the veracity of the person who is seeking to
1058 sponsor. And with someone who's not related, we also do
1059 checks of the other adults in that household.

1060 *Mr. Guthrie. I know sometimes that system gets
1061 overwhelmed, so -- but that's done every time?

1062 *Secretary Becerra. With anyone who is not a related --
1063 potentially related sponsor, yes.

1064 *Mr. Guthrie. It is a rare exception if it doesn't, but
1065 it does most times. I understand sometimes you get -- so
1066 again, back to the labor situation. It is really concerning
1067 to all of us. I think we are all -- I know we are all
1068 concerned about it.

1069 In February of this year the Department of Labor found

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1070 102 children working on overnight jobs, and there was this
1071 situation with caustic chemicals to clean razor-sharp saws.
1072 You know, we know that. So when that happens, how quickly do
1073 you respond, does your office respond to that?

1074 *Secretary Becerra. And Congressman, this is the point
1075 about all the misunderstanding going on.

1076 You all in Congress, when I was in Congress with you, we
1077 did -- and as Congressman Burgess pointed out, this is -- for
1078 years we've had to live with the existing authorities that we
1079 have. We can't go to an employer and say, "Hey, you can't
1080 employ this kid, you're violating the law.'" We don't have
1081 the reach, the authorities to go do that.

1082 What we can do is try to reach the child and the sponsor
1083 and say, "How are things going?'" But as I said earlier, we
1084 don't have any ability or requirement to say to that child or
1085 sponsor or the employer, "Get back to us and check in with
1086 us,'" and that's the difficulty here is our authorities are
1087 very limited.

1088 If you wish to give us further authorities, we will
1089 absolutely work with you towards that.

1090 *Mr. Guthrie. Okay. So we need to debate that,
1091 obviously. And so -- and if that's appropriate, we ought to

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1092 absolutely do that.

1093 So getting back to that, so the Department of Labor does
1094 have that. I understand there is a division in the cabinet
1095 with you. So your colleague, Robin Dunn Marcos, the director
1096 of Oversight Refugee Resettlement, stated in the House
1097 Oversight and Accountability Committee last month that you
1098 are working to strengthen the relationship with the
1099 Department of Labor and reducing -- could you just update us,
1100 then?

1101 I know that you don't have the authority, Department of
1102 Labor does, but there is also some synergies that you guys
1103 can create with -- because of the children. And so what is
1104 kind of -- what is the status of that?

1105 *Secretary Becerra. We have expanded the data sharing,
1106 and that's sometimes difficult because all that information,
1107 especially for children, is very private. So how we can
1108 share data, making sure that we don't violate anyone's rights
1109 to the information helps, because if they have sight of a
1110 sponsor that we, for example, have found was trying to
1111 fraudulently get a child, they may say, "Hey, that name
1112 happens to come up when we do our search," and that helps
1113 them do their work.

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1114 Vice versa, if they give us names of employers who are
1115 unscrupulous, if we see that all of a sudden one of those
1116 employers happens to be someone who's applying to be a
1117 sponsor, it helps us be more cautious. So we're sharing
1118 data. We have a memorandum of agreement to work more
1119 formalized. We've been doing this for a while, but this
1120 means we're trying to do it even more strongly.

1121 We're also going through training. We're training some
1122 of their folks at DoL to understand how ORR does its work.
1123 And DoL is training some of our folks in ORR and at HHS so
1124 that we understand better how they do their work. So this
1125 way we have insight about what we should try to --

1126 *Mr. Guthrie. Are you already seeing fruits of that?
1127 Have you come across -- I know we don't hear about every case
1128 that this happens. Have you seen where that synergy has
1129 worked?

1130 *Secretary Becerra. Absolutely.

1131 *Mr. Guthrie. Some examples?

1132 *Secretary Becerra. Absolutely. The data sharing. So
1133 we're able to better track. We were talking a little while
1134 about what we call hotspots, where there seem to be a lot of
1135 children who are being exploited for labor, and where we may

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1136 see a lot of migrant families. And what we then do is say,
1137 okay, we got a report from DoL that there's a lot of illegal
1138 hiring of kids in this community. Then we try to zero in to
1139 find out, okay, are we getting people who are trying to
1140 sponsor some of our children from that community?

1141 *Mr. Guthrie. Yes, for the purpose of that, yeah,
1142 exactly. Well, thank you.

1143 And my time has expired, and I will yield back.

1144 *Mr. Griffith. The gentleman yields back. I now
1145 recognize Mr. Peters of California for his five minutes of
1146 questioning.

1147 Oh, didn't see you slip in. I recognize Dr. Ruiz for
1148 his five minutes of questioning. He slipped in, and he has
1149 seniority.

1150 *Mr. Ruiz. Stealth, what you call good second baseman,
1151 just getting it done quickly.

1152 So thank you for being here. Thank you, Mr. Chairman.

1153 Congress established the Office of Refugee Resettlement
1154 in part because putting children in indefinite adult
1155 immigration detention is unconscionable. I think back to
1156 just a few years ago, when so many children were kept in
1157 protracted immigration detention, often in literal cages, and

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1158 separated from their families. These conditions were so
1159 abhorrent that I introduced a bill, the Humanitarian
1160 Standards for Individuals in Customs and Border Protection
1161 Custody Act, that would establish minimum standards of care
1162 in these facilities and ensure these children had access to
1163 basic human necessities while they awaited further
1164 processing.

1165 Unlike in immigration detention, in ORR care children
1166 are provided with housing, shelter, clothing, educational
1167 services, and medical care. Republicans this Congress have
1168 proposed transferring some of the ORR's responsibilities to
1169 the Department of Homeland Security, but that would threaten
1170 the well-being of unaccompanied children.

1171 Instead, we need to focus on how ORR can best meet its
1172 obligation to provide high-quality care for children,
1173 including case management services by trained professionals
1174 that can provide culturally competent, trauma-informed care
1175 to this vulnerable population.

1176 Last year the Office of the Inspector General released a
1177 report that documented concerning deficiencies in case
1178 manager training and skills, and ORR has commendably made
1179 significant strides to address them. So, Secretary Becerra,

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1180 what changes is ORR making to improve case management
1181 standards, particularly to ensure case managers are well
1182 trained and have relevant skills to serve unaccompanied
1183 children?

1184 *Secretary Becerra. Congressman, thank you for the
1185 question, because that's the core of our work.

1186 And now that we have gotten into a rhythm and figured
1187 out how to best try to make the process work, we're able to
1188 train to that. So that way we have a consistency so no child
1189 is treated differently when it comes to having the same
1190 opportunity to be placed with a reliable, vetted sponsor.

1191 And so the training has improved. We're moving more
1192 towards -- with technology, towards a faster way of trying to
1193 secure identity information about sponsors. We are providing
1194 far better care than several years ago for these kids, as you
1195 pointed out. We actually provide educational services,
1196 mental health services, things that were not provided before
1197 we started this process. And what we're doing is, while they
1198 are in our care -- and it's only for a short amount of time
1199 -- they are at least being provided with the safety and
1200 well-being that they need before they go off to --

1201 *Mr. Ruiz. And mind you, those are the services that

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1202 the Department of Homeland Securities do not provide.

1203 *Secretary Becerra. That's correct.

1204 *Mr. Ruiz. Last year ORR faced an unprecedented number
1205 of arrivals of unaccompanied children. Even as the arrivals
1206 have slowed, ORR has to be prepared to adjust its capacity to
1207 establish emergency housing, take on staff, and provide
1208 services to children when regular spikes in migration occur.

1209 So what has ORR learned over the past two years about
1210 how to respond to influxes in unaccompanied minors, and how
1211 to ensure that the office continues to provide high-quality
1212 care for children when there are high numbers of children
1213 crossing the border?

1214 *Secretary Becerra. Well, Congressman, one of the first
1215 things we learned is you can't wait 'til you see the kids
1216 coming in to try to find a safe bed, place that they can go.
1217 You have to be ready for them. And so we are constantly
1218 making sure that we have the services available for any child
1219 who comes in.

1220 We also now work closely with the Department of Homeland
1221 Security to make sure no child is coming to us, for example,
1222 COVID-positive, and then interspersed with kids who are not
1223 infected. So we segregate children so we can protect those

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1224 who are not ill. And so we have spaces and beds that are
1225 specific for kids who are positive for COVID, or who may have
1226 other infectious diseases, or who need particular medical
1227 assistance.

1228 So we've learned through the process, and we have become
1229 far more efficient. And that is the really important aspect
1230 of this, because process -- efficiency process means the kids
1231 ultimately will be in a home where child welfare experts say
1232 they should be, not in a congregate care setting.

1233 *Mr. Ruiz. And in response to the Office of Inspector
1234 General's concerns, ORR also made several improvements to the
1235 UC online portal. OIG claimed that these deficiencies in ORR
1236 software could have increased children's risk of release to
1237 unsafe sponsors. So what changes has ORR made to the UC
1238 portal, and how do these changes enhance case management and
1239 reduce risk in the placement process?

1240 *Secretary Becerra. Yeah, the portal is our way to try
1241 to collect that information that helps us verify. We have
1242 kids in our care. We have to try to place them with a
1243 sponsor. How can we be assured that we're going to place
1244 them with a safe and prepared sponsor? That portal helps us
1245 collect a lot of that information to make sure that we,

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1246 ultimately, when we make that release, that discharge, is
1247 going to be a good one for the child.

1248 *Mr. Ruiz. Secretary, thank you for your leadership.
1249 Thank you for your concern, and thank you for making these
1250 improvements.

1251 *Secretary Becerra. Thank you.

1252 *Mr. Griffith. The gentleman yields back. I now
1253 recognize chairwoman of the full committee, Mrs. McMorris
1254 Rodgers, for five minutes of questioning.

1255 *The Chair. Mr. Secretary, you are here today because
1256 the Office of Inspector General and other independent
1257 investigations have flagged on numerous occasions that your
1258 ORR, the Office of Refugee Resettlement, has failed to
1259 properly house and care for unaccompanied children.

1260 ORR employees and contractors have reported a "pervasive
1261 sense of despair" among children at the facility who
1262 reported experiencing distress and anxiety and panic attacks.
1263 In other instances children have been physically harmed,
1264 harming themselves due to negligence.

1265 The IG's report found that "ORR eliminated critical
1266 safeguards from the sponsor screening process, thereby
1267 potentially increasing children's risk of release to unsafe

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1268 sponsors.'`

1269 I wanted to ask, can you guarantee that no child that
1270 you are responsible for keeping safe is sent to a sponsor
1271 looking to exploit their labor? Can you guarantee that? Can
1272 you say, yes or no, that you can guarantee ORR doesn't place
1273 children in households with convicted sex offenders or child
1274 abusers?

1275 *Secretary Becerra. Madam Chair, I know you're a mom
1276 and I'm a dad. There's very few times when you can say yes
1277 or no about anything about your kids. And we've got
1278 thousands of kids in our care.

1279 And what I will tell you is that the challenge that we
1280 face to make sure that those children are properly placed is
1281 one we take very seriously, and so we do everything we can to
1282 vet those sponsors before we let those children go --

1283 *The Chair. So just reclaiming my time, you conducted -
1284 - you only conducted child abuse and neglect background
1285 checks in 9 percent of the cases in 2021. Are you doing
1286 these checks in 100 percent of the cases today, yes or no?

1287 *Secretary Becerra. Madam Chair, we are doing the very
1288 thorough vetting process for any sponsor to make sure we
1289 understand who is asking for the opportunity to care for

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1290 these children.

1291 *The Chair. Okay. So my question is, are you doing 100
1292 percent background checks to ensure that the children are not
1293 going into the households of convicted sex offenders or child
1294 abusers?

1295 *Secretary Becerra. We do background checks on every
1296 potential sponsor. We check for criminal records of every
1297 potential sponsor.

1298 *The Chair. FBI checks?

1299 *Secretary Becerra. We do background checks, and the
1300 FBI usually does a lot of those for us.

1301 *The Chair. Well, I will look forward to seeing that
1302 confirmed.

1303 You know, there is a lot of questions I have about
1304 unaccompanied minors. We all -- but I have unlimited time.
1305 And I do want to turn to the questions around reappointing
1306 the NIH officials, including Dr. Fauci, after their terms
1307 expired in December of 2021.

1308 So on May 5, 2023, Assistant Secretary Melanie Egorin
1309 sent a letter to this committee stating that the Secretary
1310 appoints the directors of NIH institutes and centers, with
1311 the NIH director being the recommending official. To be

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1312 clear, the letter states, "NIH IC directors are recommended
1313 for appointment by the NIH director and approved for
1314 appointment by the Secretary of Health and Human Services.'`

1315 We then received a letter last Friday, also from
1316 Secretary Egorin, that contradicts her May 5 letter, and
1317 asserts that HHS now believes the NIH director may appoint
1318 NIH IC directors. So I am hoping to ask a simple question,
1319 one that we first asked in March of last year.

1320 Who reappointed the IC directors when their terms
1321 expired in December of 2021? Yes or no, are you claiming
1322 then that NIH Director Francis Collins signed the appointment
1323 paperwork?

1324 *Secretary Becerra. Madam Chair, as we have said to
1325 you, whether in letter or orally, the appointments we have
1326 made are valid. We stand by those appointments. If you read
1327 the statute, it's very --

1328 *The Chair. Okay, okay.

1329 *Secretary Becerra. -- clear the director shall be
1330 appointed --

1331 *The Chair. Reclaiming --

1332 *Secretary Becerra. -- by the Secretary, acting through
1333 the director of the National Institute of Health.

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1334 *The Chair. Okay, reclaiming my time, is there a form
1335 in NIH or at HHS with Director Collins's signature
1336 reappointing Anthony Fauci and the rest of the IC directors?

1337 And if so, why will you not provide it to us?

1338 *Secretary Becerra. Madam Chair, there is ample
1339 evidence of the process that we use. It is valid under law.
1340 The appointments we have made, we stand by them.

1341 *The Chair. So, Mr. Secretary, is there a form? Is
1342 there a letter? Can you provide us any documentation that
1343 Dr. Collins appointed -- reappointed these IC directors?

1344 *Secretary Becerra. Although we have already provided
1345 you with a lot of information, I'm more than willing to have
1346 my team --

1347 *The Chair. Okay.

1348 *Secretary Becerra. -- follow up with you on that
1349 particular question.

1350 *The Chair. Okay, I haven't seen it yet.

1351 On June 8, 2023, June 15, 2023, you signed affidavits
1352 ratifying the selection and prospectively reappointing
1353 certain NIH directors. Was that the first time you signed a
1354 document related to the reappointments? Can you just say yes
1355 or no?

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1356 *Secretary Becerra. Again, Madam Chair, the evidence is
1357 before you.

1358 *The Chair. Okay.

1359 *Secretary Becerra. And it is --

1360 *The Chair. Okay.

1361 *Secretary Becerra. -- that we have --

1362 *The Chair. What evidence?

1363 *Secretary Becerra. The process that we've appointed --
1364 we've answered these questions in writing. I'm saying to you
1365 again --

1366 *The Chair. I have yet to see the documents.

1367 *Secretary Becerra. -- we stand by these appointments.

1368 *The Chair. I have another question. Do you agree that
1369 NIH institute and center directors qualify as inferior
1370 officers of the U.S.? Yes or no?

1371 *Secretary Becerra. I'm sorry, can you repeat that
1372 question?

1373 *The Chair. Are they inferior officers of the U.S.?

1374 *Secretary Becerra. Again, Madam Chair, we can go into
1375 the questions of how to interpret a particular word here or
1376 there, but what I'm saying to you is that the appointments
1377 and reappointments of our personnel at NIH, our directors,

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1378 was done validly.

1379 *The Chair. So Mr. Secretary, you are an attorney, you
1380 have hundreds of lawyers. Does the HHS officials believe
1381 under the Constitution that the NIH directors are inferior
1382 officers or not? That is the question I would like to have
1383 answered.

1384 *Secretary Becerra. Yeah, and we believe that the
1385 process we used to appoint those NIH directors was valid.

1386 *The Chair. So are they inferior officers?

1387 *Secretary Becerra. Madam Chair, I could get back to
1388 you and have that conversation in more detail at some point
1389 if you want to work through my staff.

1390 *The Chair. Okay.

1391 *Secretary Becerra. But what I will tell you is that
1392 those --

1393 *The Chair. Okay.

1394 *Secretary Becerra. -- IC directors are working --

1395 *The Chair. Okay.

1396 *Secretary Becerra. -- properly because they were
1397 validly appointed and reappointed.

1398 *The Chair. Send the documentation, Mr. Secretary.

1399 I would like to ask unanimous consent to enter into the

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1400 record the New York Times article entitled, "In One Flaw,
1401 Questions on Validity of 46 Judges," and I would like to
1402 suggest that you read it. It is about 46 patent judges who
1403 were appointed by the Patent and Trademark Office, and not
1404 the Secretary of Commerce, and how the Department of Justice
1405 has all but admitted the appointments were improper. The
1406 situation is similar to this one, and the article makes clear
1407 -- it is well-established -- inferior officers must be
1408 appointed by the President or the Secretary of the agency.

1409 I ask unanimous consent to enter this into the record.

1410 *Mr. Griffith. That would be taken up at the end of the
1411 hearing, when we take up the other unanimous consent
1412 requests. Thank you.

1413 *The Chair. Okay. I yield back.

1414 *Mr. Griffith. The gentlelady yields back. I now
1415 recognize -- Mr. Peters has left. I recognize Ms. DeGette of
1416 Colorado for her five minutes of questioning.

1417 Oh, sorry, I did it again. Sorry. Mr. Pallone has come
1418 back, and he is in order to get his questions asked.

1419 Mr. Pallone, you get five minutes of questioning.

1420 *Mr. Pallone. Thank you, Mr. Chairman.

1421 Earlier this year, the New York Times made the claim

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1422 that HHS could not reach 85,000 children after they were
1423 released from ORR care. And we have seen the media and
1424 elected officials suggest that these children have gone
1425 missing. I think that is a mischaracterization of the facts.

1426 But, Mr. Secretary, I would just like you to clarify
1427 this statistic and explain why the claim that ORR allowed
1428 these kids to go missing is inaccurate and doesn't reflect
1429 how ORR checks up on children's post-release.

1430 *Secretary Becerra. Congressman, first, thank you for
1431 asking the question because, again, this is where I believe
1432 we've seen the greatest amount of misunderstanding -- or,
1433 perhaps better put, misinformation -- about the work that we
1434 do.

1435 As I've repeated over and over, we lose custodial
1436 custody -- I'm sorry, custodial care -- and responsibility
1437 for these children when we release them to the vetted
1438 sponsor. That means that our authorities to monitor, follow
1439 up are only what the child and the sponsor want to engage
1440 with us in, and so it becomes more difficult.

1441 The references in the New York Times article are to
1442 voluntary calls that we make. Three times we try to reach
1443 each child. Three times separately we try to reach each

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1444 sponsor to check in, to find out how the child is doing in
1445 the transition. There is no requirement for the sponsor or
1446 the child to answer the call.

1447 And there could be any number of reasons why the
1448 children or sponsors may not answer the call, but that
1449 doesn't mean that the children are lost. And suggesting that
1450 any kind of numbers that relate to those calls show that we
1451 lost kids is categorically false.

1452 *Mr. Pallone. I appreciate that. And I think you also
1453 said that ORR was able to reach the child or the sponsor --
1454 more than 81 percent of the households. That was my
1455 recollection.

1456 *Secretary Becerra. And that's -- again, they don't --
1457 they're not required to.

1458 *Mr. Pallone. Right.

1459 *Secretary Becerra. And we're out there trying to get
1460 to them, but they're not required to get back to us, nor the
1461 sponsors.

1462 *Mr. Pallone. All right, I appreciate that.

1463 I was also pleased to see ORR entered into an agreement
1464 with the Department of Labor so that information about active
1465 Department of Labor investigations can be used to improve

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1466 ORR's vetting and sponsorship process. But could you explain
1467 how has ORR integrated information from the Department of
1468 Labor into its sponsor screening process, and how does this
1469 information better equip ORR to detect and prevent
1470 trafficking?

1471 *Secretary Becerra. Congressman, probably the easiest
1472 example to understand is the hotspots. If we're -- if DoL is
1473 finding that there are certain hotspots in the country where
1474 child labor exploitation is occurring, if they flag that for
1475 us that in this region, in this town, in this city of America
1476 there are lots of employers who are unscrupulously hiring
1477 children and forcing them to do work, we can then take that
1478 information and take more care when someone applies to be a
1479 sponsor who's coming from that region.

1480 We have -- we're able now, with this more formalized
1481 memorandum of agreement with the Department of Labor, to
1482 actually seek actual data, not just sort of the hotspot
1483 information, but particular data which helps us dig deeper,
1484 go more granular in trying to find out if this potential
1485 sponsor is someone we should avoid.

1486 *Mr. Pallone. Thank you. Now, finally, I was appalled
1487 to see that, even as the House Republicans expressed their

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1488 outrage at the exploitation of unaccompanied minors
1489 post-release, Republicans on the Appropriations Subcommittee
1490 overseeing HHS funding recently voted in favor of a measure
1491 that would slash ORR funding by 60 percent. And, you know,
1492 this kind of cut would have devastating impacts on ORR's
1493 ability to identify and remediate labor abuses.

1494 I think you may have already commented on this, but if
1495 you want to say anything more about the impact of a 60
1496 percent cut to ORR's funding on -- in terms of the office's
1497 ability to address child exploitation and provide care to
1498 unaccompanied minors.

1499 *Secretary Becerra. Congressman, as I said, kids are
1500 kids. If it's your child or my child or anyone else's child,
1501 kids deserve our support and care.

1502 It would be impossible to do that if the cuts that are
1503 being proposed in the House Appropriations Committee were to
1504 go through. It would decimate our budget. It would make it
1505 tough for us just to provide the care while they're in our
1506 custody. I can't tell you what it would do to our efforts to
1507 try to reach out to children where we actually rely on
1508 Congress giving us some extra money so we could first do our
1509 core activity of caring for the child while they're with us.

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1510 But then, when we try to go out there and do more once we
1511 release them to a sponsor, I don't see how we'd get to do any
1512 of those things.

1513 *Mr. Pallone. Well, I appreciate your working to tackle
1514 these violations of children's rights, and why it's so
1515 important that Congress provide ORR with the tools it needs,
1516 including the funding, to support this vulnerable population.
1517 Thank you.

1518 *Secretary Becerra. Thank you.

1519 *Mr. Pallone. I yield back, Mr. Chairman.

1520 *Mr. Griffith. I thank the gentleman for yielding back.
1521 I now recognize the gentleman from South Carolina, Mr.
1522 Duncan, for his five minutes of questioning.

1523 *Mr. Duncan. Thank you, Mr. Chairman.

1524 Mr. Secretary, good to see you again. You clearly care
1525 about children. Have you seen the Sound of Freedom?

1526 *Secretary Becerra. That's that new movie that's been
1527 put out? No, I have not.

1528 *Mr. Duncan. Yes, sir. I recommend that you see it.

1529 You know, globally too many children disappear every
1530 year, never to be seen from again, sold into sex trafficking
1531 and slavery.

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1532 *Secretary Becerra. Congressman, if I could just
1533 mention, I was former attorney general in my state of
1534 California. I investigated, I apprehended, I arrested, and I
1535 prosecuted --

1536 *Mr. Duncan. And I appreciate that work. I knew of
1537 that, and I know your heart. So the movie is phenomenal. I
1538 met with a HHS -- or the DHS guy in Columbia in 2014 with Ed
1539 Royce.

1540 The atrocities against unaccompanied children should
1541 come as no surprise, considering who this Administration and
1542 U.S. Department of Health and Human Services is hiring to
1543 care for them. Mr. Secretary, are you aware of HHS recently
1544 awarded a \$75 billion contract for for-profit companies that
1545 have zero child care experience?

1546 *Secretary Becerra. Congressman, if you can give me
1547 details I can try to respond to your question.

1548 *Mr. Duncan. I will tell you now --

1549 *Secretary Becerra. I'm not familiar with a \$75 billion
1550 contract.

1551 *Mr. Duncan. -- which specializes in aviation,
1552 environmental solutions, and engineering, and J&J Worldwide,
1553 a private-equity-owned company that got its start in

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1554 custodial services and facility management.

1555 What qualifications does a custodial company have to
1556 provide medical and mental health care to children who have
1557 been through extraordinary trauma?

1558 *Secretary Becerra. Congressman, what I can tell you is
1559 that anyone who seeks to contract with HHS to provide
1560 services to unaccompanied children has to go through a
1561 rigorous formal process that's been established for a long
1562 time.

1563 *Mr. Duncan. But do they?

1564 *Secretary Becerra. Any kind of contract --

1565 *Mr. Duncan. I mean, a custodial company, what
1566 expertise do they have in vetting and assessing safe
1567 placement for children entrusted to your care?

1568 *Secretary Becerra. Well, I can tell you, Congressman,
1569 that we do not contract with anyone who cannot provide the
1570 kinds of services --

1571 *Mr. Duncan. Seventy-five billion dollars is probably
1572 close to what we gave Ukraine.

1573 So would you hand your child over to one of these
1574 companies that has no experience in child care? I am not
1575 going to ask you to answer that.

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1576 HHS paid Rapid Development, Incorporated, another for-
1577 profit with little to no experience in child care, \$3.48
1578 billion to care for unaccompanied minors since President Joe
1579 Biden took office. According to the company's website, Rapid
1580 Deployment specializes in wastewater treatment, electrical
1581 utilities, security operations in Iraq and Afghanistan. Your
1582 agency hired this company to operate the Fort Bliss Emergency
1583 Influx site, which has been widely reported as having
1584 deplorable conditions. There have also been whistleblower
1585 allegations of child abuse, a damning OIG report.

1586 And then even hired SERVPRO, the flood repair and mold
1587 remediation company, to be youth care workers. Mr.
1588 Secretary, do you think mold remediation specialists and
1589 utility workers should be caring for tens of thousands of
1590 children?

1591 *Secretary Becerra. Congressman, all the entities,
1592 contractors that we work with have to show that they can
1593 actually do the work that's necessary to stand up facilities,
1594 to operate the facilities. And today I can tell you that we
1595 are offering more services to children than had ever been
1596 offered before because we're able to now work with people who
1597 understand what they need to do and --

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1598 *Mr. Duncan. A mold-free environment and great
1599 wastewater treatment sounds like what it is. I would ask the
1600 OIG to investigate these contracts because 75 billion is a
1601 huge contract.

1602 It is not obvious to you that for-profit companies are
1603 bidding on these programs because they can be paid hundreds
1604 of millions of dollars -- in some cases billions of dollars
1605 -- for the work they are not qualified for, face no
1606 repercussions for doing a terrible job. Are you not
1607 concerned with the precedent your Department is setting that
1608 you could harm children without consequence?

1609 *Secretary Becerra. Congressman, as I said, we go
1610 through an established process for anyone who wishes to work
1611 with the Federal Government, and especially if they're going
1612 to work in an area that has migrant and/or minor children.
1613 And so the work that we do is very challenging, and it's very
1614 important to do it right.

1615 And so the contractors that we employ, whether it's the
1616 stand-up of a facility or to actually operate it, go through
1617 a significant vetting process to be able to qualify.

1618 *Mr. Duncan. I am going to send a letter. I am going
1619 to talk to the chairman to try to get the OIG to investigate

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1620 these contracts. I would ask you, Mr. Secretary, to look
1621 into that. And I am asking you today, after you look into
1622 it, to get back with me and my office about the services
1623 these companies provide, if there are any irregularities, any
1624 cause for alarm, because we both have heart for the children,
1625 and I want to make sure they are taken care of.

1626 I am also concerned about children released in the
1627 country, as the chairman mentioned earlier, without tying in
1628 that familiar relationship, because I am worried about where
1629 these children end up. Even in this country, when we have
1630 sex trafficking, every major sporting event has prostitution,
1631 I am sure children in sex slave trade here in this country --
1632 I want to make sure that children that are sent here by their
1633 parents from these triangle countries or Latin American
1634 countries that make their way north, tens of thousands of
1635 dollars paid by those parents to send them north, and those
1636 children are entering the sex or the slave trade. And I look
1637 forward to your response on that.

1638 And I yield back.

1639 *Mr. Griffith. The gentleman yields back. And now I
1640 recognize Mr. Peters, the gentleman from California, for his
1641 five minutes of questioning.

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1642 *Mr. Peters. Thank you, Mr. Chairman. Thanks for the
1643 hearing.

1644 And thank you, Mr. Secretary, for coming. It is great
1645 that you are here. In your testimony you note that the
1646 various challenges ORR faces in providing high-quality care
1647 for unaccompanied children calls for a whole-of-government
1648 approach. And for example, we heard about ORR's partnership
1649 with the Department of Labor to address trafficking, and I
1650 know that ORR works with state governments, including my home
1651 state of California, our home state of California, to
1652 resettle refugees and provide them with services. And I want
1653 to make sure that we continue to support this effort so that
1654 it is -- the coordination remains helpful and productive.

1655 So, Mr. Secretary, again, tell us how ORR is working to
1656 improve cooperation with state and local governments. I
1657 think this came up a little bit before, but particularly with
1658 respect to connect children -- to connecting children with
1659 post-release services.

1660 *Secretary Becerra. Congressman, thank you for the
1661 question, and I want to salute the folks in our state of
1662 California for their cooperation at the local level to work
1663 with us. When we had to stand up under very difficult and

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1664 emergent circumstances back in 2021 facilities to be able to
1665 provide shelter and beds for children, we were able to work
1666 with the City of Long Beach, the County of Los Angeles, with
1667 the City of San Diego to stand up facilities. We had no
1668 choice but to use convention centers. We turned convention
1669 centers into a place for children to sleep, eat, get their
1670 care. All those things were done with the strong cooperation
1671 of the local leadership in those cities and counties.

1672 That's what we continue to do with -- once we have
1673 released a child to a vetted sponsor, where we can, as we've
1674 heard, we try to do post-release services. Sometimes we
1675 coordinate, we work closely with the local government
1676 services that are there. And we will do everything we can to
1677 make sure that we're working closely with our partners at the
1678 city, county, and state level.

1679 *Mr. Peters. Thank you. I know Mayor Gloria
1680 appreciated the work of the Federal Government in that
1681 instance, and it was great we could all come together and use
1682 that asset, which, you know, sadly, wasn't being used for
1683 conventions. It was a really smart thing to do at the time.

1684 But I guess not all states probably are working as
1685 productively with ORR, and some states refusing to license

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1686 ORR facilities in their states. When a state refuses to
1687 collaborate, you know, what is the other side of that? How
1688 are children hurt? What is ORR doing to support children in
1689 states that -- where you don't maybe have the same kind of
1690 partnership?

1691 *Secretary Becerra. Yeah, we've had a couple of
1692 circumstances where a couple of states have actually tried to
1693 de-license facilities that we used to provide care.

1694 We seek facilities that are going to care for these
1695 children while we have them in our custody that are licensed,
1696 that have gone through the process to receive a state license
1697 to actually offer care to children. We don't just care for
1698 these kids in a facility without people who are trained.
1699 Licensed care facilities we use where we can.

1700 And believe it or not, there are some states that are
1701 trying to prevent us from actually providing the care for
1702 these unaccompanied children through licensed facilities. It
1703 obviously harms the children if we can't try to protect them
1704 by having people who've gone through the licensing process.
1705 But what we've done is decided, if they're going to shirk
1706 their responsibility, we're going to do what you would
1707 expect, which is to make sure that we abide by those

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1708 standards that would be required of any facility that did get
1709 a license.

1710 *Mr. Peters. Children can arrive with complicated, pre-
1711 existing conditions, some of which may be fatal, as
1712 unfortunately, has been the case a few times this year. What
1713 do you do to ensure that all children in ORR's care have
1714 access to high-quality medical care?

1715 And again, this is something you talked about a little
1716 bit in terms of your ability to follow up under the current
1717 law.

1718 *Secretary Becerra. Yeah, and that's where these
1719 licensed care facilities are so important, because they don't
1720 get a license unless they can provide that level of service,
1721 and in some cases health care, medical services.

1722 We make sure that children receive the services that you
1723 would expect of any child. As I keep saying, kids are kids.
1724 We're going to treat them like your kid, my kid, anyone's
1725 kid. Children should not have to go through the trauma of
1726 being mistreated simply because people don't know who they
1727 are, have they not been around for a long time [sic].

1728 And so we will provide whatever health care is
1729 available, both through our facility -- and sometimes, as you

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1730 mentioned, we actually send them to medical facilities in the
1731 surrounding area. Often times we have had kids who come with
1732 pre-existing medical conditions, and we have had
1733 circumstances where we have had children who are terminally
1734 ill come to our care.

1735 *Mr. Peters. Mr. Chairman, you remember the -- I mean,
1736 Mr. Secretary, you remember the clock here. I am running out
1737 of time, but I just want to say that I think everyone here
1738 understands that ORR has a heavy responsibility to these
1739 children. I want to thank you for exercising the leverage of
1740 partnerships with states, localities, local organizations to
1741 make sure that we do take as good a care of these kids as we
1742 can. Thank you for your hard work, and if we can be helpful,
1743 let us know.

1744 I yield back.

1745 *Secretary Becerra. And thank you to you when we were
1746 in San Diego with those facilities.

1747 *Mr. Griffith. The gentleman yields back. I now
1748 recognize the gentleman from Alabama, Mr. Palmer, for his
1749 five minutes of questioning.

1750 *Mr. Palmer. Thank you, Mr. Chairman.

1751 Secretary Becerra, I hate to do this, but I have some

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1752 concerns about your testimony based on testimony you gave in
1753 another hearing held April 27, 2022 before the Energy and
1754 Commerce Health Subcommittee. And in that hearing I asked
1755 you about a final rule that included a provision that will
1756 provide financial incentive for doctors to create and
1757 implement an anti-racism plan.

1758 *Secretary Becerra. Congressman, I am having a very
1759 difficult time hearing you.

1760 *Mr. Palmer. I said that I asked you a question about a
1761 provision in a final rule that would provide an incentive for
1762 doctors to create and implement an anti-racism plan, and your
1763 response was that we don't have a policy as you described.
1764 The testimony is before you, underlined and highlighted.

1765 And you went on to say this -- and you have used these
1766 words multiple times thus far in this hearing -- said, "Much
1767 of this is driven by myths and disinformation." You said,
1768 "I would challenge you to show me where in our policies we
1769 call anything we are doing anti-racism policies."

1770 The very next day in the Ways and Means Committee
1771 hearing Ranking Member Jason Smith, now Chairman Jason Smith,
1772 asked you basically the same question, and you responded --
1773 and, in my opinion, rather dismissively -- that no such plan

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1774 existed. And you said, "I think it's unfortunate that too
1775 much misinformation and disinformation is put out there on
1776 what's being done. That's what confuses Americans.' "

1777 Chairman Smith and I submitted a letter to you pointing
1778 this out, and we pointed out that you said that HHS does not
1779 have a policy as he -- you, I think, were referring to me --
1780 described, and that much of this is driven by mis and
1781 disinformation. One day later at the Ways and Means
1782 Committee you gave the same response to Smith's questions.

1783 You responded to Chairman Smith's letter, you did not
1784 respond to me. And at the bottom of that page, the -- create
1785 and implement an racism plan improvement activity IA_AHE_8,
1786 which was adopted through notice and comment.

1787 I have also provided the cover page for the rule that
1788 was dated November 19, 2021, more than five months, or right
1789 about five months before that hearing before the Energy and
1790 Commerce Committee.

1791 And I have also provided you with the section, and if --
1792 under the proposed activity title. Would you read that?

1793 *Secretary Becerra. Would you -- you'd like me to read
1794 what?

1795 *Mr. Palmer. The year and future years. It is clipped

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1796 together there. It should be about the second group of
1797 documents there. I will read it for you. "The proposed
1798 activity titles create and implement an anti-racism plan.'`
1799 And in the proposed activity description, it says, "An
1800 understanding of race as a political and social construct,
1801 not as a physical or physiological one,'` and then the final
1802 action, "After consideration of the public comments received,
1803 we are finalizing this activity, as proposed.'`

1804 Now, that is very problematic for me, because I was very
1805 deferential to you in that hearing, and you commented on that
1806 in the transcript. And I expected an honest answer. And I
1807 am not saying you didn't give an honest answer, because if
1808 you answer truthfully that means you did not know what was
1809 going on in your own agency.

1810 So what I want to know today, Mr. Secretary, is did you
1811 answer honestly, or were you uninformed five months after
1812 this rule was submitted?

1813 *Secretary Becerra. Congressman Palmer, first let me
1814 thank you for the way you've posed the question, and thank
1815 you for the information you have before me.

1816 I can guarantee you that, when I answered your
1817 questions, I answered them honestly to the best of my

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1818 knowledge. If you're providing me with information that
1819 shows some inconsistency in what I may have said, I'll take a
1820 look at this and try to get back to you.

1821 But first and foremost, I owe you that because of the
1822 way you have respectfully ask the questions, and I will try
1823 to as respectfully respond back to your questions.

1824 *Mr. Palmer. Well, I just -- you have served in
1825 Congress, you have served as an attorney general.

1826 *Secretary Becerra. Yes, sir.

1827 *Mr. Palmer. And I take this very seriously.

1828 *Secretary Becerra. I appreciate that.

1829 *Mr. Palmer. And what prompted this is the constant
1830 reference to disinformation and misinformation.

1831 We are very concerned about the well-being of these
1832 children, and we have evidence that things aren't as well as
1833 maybe you think they are. And I want to get to the bottom of
1834 this, but I also want to make sure that when any member of
1835 any administration, Republican or Democrat, comes before
1836 Congress, takes an oath to give truthful testimony, that that
1837 is exactly what we get.

1838 Now, Mr. Secretary, I am going to enter this into the
1839 record, and we will follow up on this later. I respect you

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1840 and your willingness to respond back to us and clarify the
1841 record.

1842 With that, Mr. Chairman, I yield back, and I would like
1843 to enter these documents into the record.

1844 *Mr. Griffith. And we will take that up at the end of
1845 the hearing. I assume you have provided that to our staff so
1846 they can provide it to the Democrats, as well.

1847 *Secretary Becerra. Congressman Palmer, thank you very
1848 much.

1849 *Mr. Palmer. Thank you, Mr. Secretary.

1850 *Mr. Griffith. I thank the gentleman, he yields back.
1851 I now recognize the gentlelady from Colorado, Ms. DeGette,
1852 for her five minutes.

1853 *Ms. DeGette. Thank you so much, Mr. Chairman.

1854 Mr. Secretary, it is great seeing you, and thank you for
1855 coming over today.

1856 I have been working on these ORR issues for a long time,
1857 as you know. And frankly, your agency and the Biden
1858 Administration in general inherited a terrible immigration
1859 crisis, and particularly kids that came across the border
1860 under the Trump policies of separation of families really are
1861 -- I want to talk about that in a minute with you, but they

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1862 have been really devastating, and your agency has been forced
1863 to sort of try to put it all back together on a real-time
1864 basis.

1865 So I just want to ask a couple of questions. The first
1866 thing that happens, an unaccompanied minor comes across the
1867 border and immediately they are placed in ORR's care after
1868 they -- within 72 hours, I think. Right?

1869 *Secretary Becerra. They actually go into care at CBP.

1870 *Ms. DeGette. Right.

1871 *Secretary Becerra. And then they process them, and
1872 then they --

1873 *Ms. DeGette. And then they put them into your care.

1874 *Secretary Becerra. And they are required to try to do
1875 that within 72 hours.

1876 *Ms. DeGette. That is correct.

1877 So then, the next thing that happens is the agency
1878 attempts to find relatives or other people in which to put
1879 the kids custody [sic]. Is that right?

1880 *Secretary Becerra. That's correct.

1881 *Ms. DeGette. And that happens with most of these kids,
1882 is that correct?

1883 *Secretary Becerra. All of the kids. We -- we make an

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1884 effort --

1885 *Ms. DeGette. No, I mean they don't -- you don't find
1886 relatives of all of the kids.

1887 *Secretary Becerra. The vast majority we do, but not
1888 all.

1889 *Ms. DeGette. That is correct.

1890 And so then you have a process, if you -- and most of
1891 the kids are placed quickly, but not all of them, right?

1892 *Secretary Becerra. That's correct.

1893 *Ms. DeGette. And so the ones that are -- this is where
1894 -- so for the small percentage where you don't immediately
1895 find somebody, this is where you take them into custody, and
1896 you put them in these certified facilities, and then you try
1897 to find an appropriate place --

1898 *Secretary Becerra. That is --

1899 *Ms. DeGette. -- to put these kids, is that right?

1900 *Secretary Becerra. That's correct. And over and over,
1901 we're looking for sponsors.

1902 *Ms. DeGette. Right. So then these kids are placed,
1903 and then there are these voluntary follow-up calls --

1904 *Secretary Becerra. Yes.

1905 *Ms. DeGette. -- that are made to these families, is

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1906 that right?

1907 *Secretary Becerra. That's correct.

1908 *Ms. DeGette. But under law the families aren't
1909 required to respond to that, are they?

1910 *Secretary Becerra. Unfortunately, that's correct.

1911 *Ms. DeGette. Right. So when you are looking for these
1912 placements, this is where you were telling my colleagues you
1913 do the background checks, you check out the homes, you do the
1914 home inspections where necessary. Is that right?

1915 *Secretary Becerra. That's correct.

1916 *Ms. DeGette. Now, all of -- and by the way, you don't
1917 have the ability legally to take these kids back into custody
1918 if there is some kind of a problem. Is that right?

1919 *Secretary Becerra. That is correct.

1920 *Ms. DeGette. So all of this process is -- it is
1921 costly, and it takes a lot of money, doesn't it?

1922 *Secretary Becerra. Absolutely.

1923 *Ms. DeGette. So if we were to cut ORR -- so we are all
1924 concerned about these kids. And I do believe my colleagues
1925 on the other side of the aisle, they are all parents, too, we
1926 do care about these kids. But you can't do something with
1927 nothing. So if you cut the budget of ORR by 60 percent, I

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1928 would say it would be kind of hard to do all of those
1929 procedures that you just delineated for me. Would that --

1930 *Secretary Becerra. Not just --

1931 *Ms. DeGette. -- be right?

1932 *Secretary Becerra. Not just hard. Impossible.

1933 *Ms. DeGette. Right. You couldn't do the background
1934 checks. You couldn't run your certified centers. You
1935 couldn't do the home inspections. You couldn't do any of
1936 that for anybody, right?

1937 *Secretary Becerra. It'd be near impossible to do it
1938 well.

1939 *Ms. DeGette. So you don't have to answer this, but it
1940 seems to me, if everybody was so concerned about these
1941 children, they would increase your budget so you could do a
1942 more thorough investigation, so you could have better care
1943 for these kids, and so that you could really serve them
1944 right.

1945 *Secretary Becerra. Children are children. We owe them
1946 care.

1947 *Ms. DeGette. Right. Okay. I just want to get a quick
1948 report. I am running out of time.

1949 But we still -- according -- in May of this year we

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1950 still had 868 kids from the previous Trump Administration
1951 separation of families that we had not found their loved
1952 ones, they hadn't been reunified, and it is getting harder
1953 and harder as time goes by because many of those parents have
1954 gone back to their home countries. Do you have a status
1955 report for me on what is going on with that?

1956 *Secretary Becerra. Congressman, we can follow up with
1957 you. Most of that activity is handled by the Department of
1958 Homeland Security, but we work with them when they are
1959 children, minor children.

1960 *Ms. DeGette. Okay. If you can get back to me, that
1961 would be great. I kind of want to know how many of those 868
1962 kids we have found their families, and then what we are
1963 continuing to do about the rest of them. I am still -- we
1964 had a lot -- I was the chair of this subcommittee then, and
1965 we had a lot of hearings on it. It was just heartbreaking to
1966 see what the Trump Administration did to those families.

1967 Thank you, and I yield back.

1968 *Secretary Becerra. Thank you.

1969 *Mr. Griffith. The gentlelady yields back. I now
1970 recognize the vice chair of the subcommittee, Mrs. Lesko from
1971 Arizona.

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1972 *Mrs. Lesko. Thank you, Mr. Chair.

1973 *Mr. Griffith. Five minutes.

1974 *Mrs. Lesko. Thank you, Secretary. Secretary Becerra,
1975 I have the requirements here needed to become a foster parent
1976 for dogs and cats through City Dogs and City Kitties Rescue
1977 in D.C. All the people who want to take a dog or cat into
1978 their home need to fill out an application, are interviewed
1979 by the rescue shelter, and their home is inspected.

1980 Mr. Becerra does ORR inspect the homes of 100 percent of
1981 the prospective UC sponsors?

1982 *Secretary Becerra. Congresswoman, thank you for the
1983 question.

1984 *Mrs. Lesko. Yes or no, please. A hundred percent, do
1985 you inspect the homes of the UC sponsors?

1986 *Secretary Becerra. We do a thorough vetting process of
1987 any sponsor --

1988 *Mrs. Lesko. Do you? Yes or no, 100 percent of the UC
1989 sponsors, sir, do you inspect the homes of the unaccompanied
1990 children proposed sponsors?

1991 *Secretary Becerra. We will often do home studies of --

1992 *Mrs. Lesko. Well, I guess that is a no.

1993 *Secretary Becerra. -- prospective sponsors.

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1994 *Mrs. Lesko. If you don't, which I assume you don't,
1995 since you didn't answer yes or no, why is it that dogs and
1996 cats that are being foster parented in D.C. homes get a more
1997 thorough vetting and their homes are inspected, and not the
1998 sponsors of unaccompanied children being put into homes?

1999 *Secretary Becerra. Congresswoman, we do a thorough
2000 vetting process that includes --

2001 *Mrs. Lesko. Do you inspect all of the homes?

2002 *Secretary Becerra. We do a thorough vetting process of
2003 the individual --

2004 *Mrs. Lesko. You are not answering, okay.

2005 My next question is, in Arizona an individual seeking to
2006 become a foster adoptive parent and all adults living in that
2007 same household must pass an FBI and local criminal background
2008 check and have a level one fingerprint clearance card issued
2009 by the Department of Public Safety. What percentage of
2010 sponsors have completed FBI background checks?

2011 *Secretary Becerra. Every person who wishes to become a
2012 sponsor goes through background checks before they can
2013 participate in our --

2014 *Mrs. Lesko. What percentage have passed a FBI
2015 background check?

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2016 *Secretary Becerra. There are any number of background
2017 checks that they go through, and --

2018 *Mrs. Lesko. You are not answering again.

2019 *Secretary Becerra. -- including fingerprinting or DNA,
2020 voluntary DNA testing.

2021 *Mrs. Lesko. What percentage of sponsors have undergone
2022 sexual offender registry checks?

2023 *Secretary Becerra. We do sexual offender checks on
2024 anyone who wishes to be a sponsor.

2025 *Mrs. Lesko. A hundred percent?

2026 *Secretary Becerra. That is one of the checks that we
2027 do.

2028 *Mrs. Lesko. A hundred percent on all the sponsors?
2029 That is my question.

2030 *Secretary Becerra. Any person who wishes to be a
2031 sponsor has to go through these background checks.

2032 *Mrs. Lesko. So 100 percent. Is your testimony that
2033 100 percent of the prospective sponsors get a background
2034 check on -- the FBI background check, the sexual offender
2035 registry check?

2036 *Secretary Becerra. I've answered the question, but
2037 I'll say it once again. Every person --

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2038 *Mrs. Lesko. You have not answered the question, sir.

2039 *Secretary Becerra. Yeah. So, Congresswoman, I have
2040 answered your question, but I will say it again. Every
2041 person who wishes to become a sponsor must go through a
2042 background check. It could include fingerprinting. It could
2043 include voluntary DNA testing. It -- but it certainly
2044 includes things like a sexual offender check.

2045 *Mrs. Lesko. It includes it. But you have not answered
2046 if 100 percent of the sponsors are required to pass an FBI
2047 background check and a sexual abuse and child abuse neglect
2048 registry check.

2049 *Secretary Becerra. My written testimony lists all the
2050 things we do to go through the vetting process. If you would
2051 like to follow up with further detail, more granular
2052 detail --

2053 *Mrs. Lesko. No, I would like you to answer the
2054 question --

2055 *Secretary Becerra. -- you can follow up with --

2056 *Mrs. Lesko. -- if 100 percent of the sponsors have to
2057 pass an FBI background check.

2058 *Secretary Becerra. And as I've said, Congresswoman,
2059 every person --

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2060 *Mrs. Lesko. Just say yes or no. That would be
2061 simpler, wouldn't it?

2062 *Secretary Becerra. I'm answering the question. And
2063 the --

2064 *Mrs. Lesko. No, you haven't.

2065 *Secretary Becerra. -- answer is that we make sure that
2066 every person who wishes to apply to be a sponsor must go
2067 through a rigorous set of tests, including a background
2068 check.

2069 *Mrs. Lesko. Well, you haven't said if they have to do
2070 an FBI background check. You haven't said if 100 percent of
2071 them have to do a sexual abuse or child abuse and neglect
2072 registry check, as is required in Arizona for foster parents.

2073 I mean, so why is it that ORR has different standards
2074 for checking than Arizona does for vetting foster parents?
2075 Is it because they are unaccompanied children, because they
2076 are illegal immigrants? What is the reason?

2077 *Secretary Becerra. And Congresswoman, that is an
2078 excellent question, because you're equating the program we
2079 have with a foster care program. And that's the crux of the
2080 problem. We don't have the same authorities that a foster
2081 care program has in your state. We cannot track these kids

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2082 the way you might want to track --

2083 *Mrs. Lesko. I didn't say about tracking the kids. I
2084 am just talking about vetting the sponsors.

2085 *Secretary Becerra. It's the same process. In order to
2086 place someone in foster care --

2087 *Mrs. Lesko. You do have the authority.

2088 *Secretary Becerra. -- that individual, that adult has
2089 to go through a process.

2090 *Mrs. Lesko. Mr. --

2091 *Secretary Becerra. We don't have the same authority
2092 that states have.

2093 *Mrs. Lesko. Mr. Becerra, if you are vetting these
2094 sponsors so great, how come, according to the Florida
2095 statewide grand jury documents, one single family in Austin,
2096 Texas had more than 100 children sent to it by ORR? Another
2097 Texas address had 44 children. A third had 25. In
2098 Pennsylvania one caseworker told the Times he went to check
2099 on a child released to a man who had applied to sponsor 20
2100 other minors. I do not think that you are doing an adequate
2101 job.

2102 And with that I yield back.

2103 *Mr. Griffith. The gentlelady yields back. I now

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2104 recognize Ms. Schakowsky of Illinois for her five minutes of
2105 questioning.

2106 [Pause.]

2107 *Ms. Schakowsky. Oh, there it is. Thank you. Thank
2108 you, Mr. Chairman.

2109 Thank you so much, Secretary, for being here today. And
2110 I am just amazed at the attack that you are -- experience
2111 from the Republicans right now, who actually -- if -- you
2112 know, we are talking about protecting these immigrant
2113 children, and yet Republicans want to cut funding for the
2114 Office of Refugee Resettlement by -- it is \$3.3 billion,
2115 nearly a 60 percent cut. So at the same time they want to
2116 harangue you about what you are doing and what you are not
2117 doing, and yet seeing an incredible cut. I am just
2118 absolutely appalled, even in light of these horrendous
2119 allegations of corporations that are exploiting these
2120 unaccompanied children, and I don't see where the Republicans
2121 are doing any favors to these children when you talk about
2122 such an enormous cut.

2123 So I wanted to ask you, what are the implications of
2124 these cuts in funding for ORR, and what is this actually
2125 going to do to the children that they are saying in the --

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2126 the name of this hearing is "Stopping Exploitation of Migrant
2127 Children," and I just don't see how it happens when you have
2128 a big cut like that. But you tell me.

2129 *Secretary Becerra. Well, Congresswoman, there is no
2130 way we could sustain that level of cut. The care and
2131 well-being of children, you can't do it on the cheap. You
2132 have to provide them with appropriate services. We would
2133 certainly have to let go of services that are not required by
2134 law, such as our -- most of our follow-up care that we try to
2135 provide after we have released a child to a vetted sponsor.
2136 So those follow-up calls, the efforts to try to reach out to
2137 people, that would be near impossible to do with the level of
2138 cuts that the House is proposing.

2139 But I think that those cuts would also undermine our
2140 ability to provide care while the kids are in our custody.
2141 There's just no way we can sustain that level of cuts.

2142 *Ms. Schakowsky. Well, let me just say we have been
2143 dealing with this issue, you have been dealing with this
2144 issue for a long time. If we are going to be able to move
2145 forward in actually addressing this ongoing problem, which,
2146 in many ways has been created -- some of it we can't help,
2147 and some of it we have -- our very Congress itself has

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2148 exacerbated. But certainly, cuts I just don't understand.

2149 Unfortunately, I was at another hearing as a -- as the
2150 ranking member of that subcommittee. I couldn't be here.
2151 But I don't understand the rationale when we are talking
2152 about trying to protect these children and saying, well, the
2153 way that we are going to do it is to have a nearly 60 percent
2154 cut in the funding that we are going to do this. Not having
2155 been here, I am wondering if there is anything else that you
2156 wanted to add in the last minute or so that I have to set the
2157 record straight.

2158 *Secretary Becerra. Congresswoman, first, thank you
2159 very much for that opportunity.

2160 I think you said it well. We have, over the last two
2161 years, been able to stabilize a very challenging process of
2162 caring for kids who often times, as you know, are coming with
2163 trauma. The experience is harrowing often times. And many
2164 of these kids have come facing abuse. And trying to provide
2165 them with the care while they are waiting to go through their
2166 immigration proceedings is not easy and it is not cheap.

2167 There is no way that we could do the job that everyone
2168 here says that they expect if we are decimated in our funding
2169 for that program that is for kids. This is a program that is

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2170 for kids. And so I hope people understand.

2171 And if they wish us to do more work, even after we have
2172 placed them with a vetted sponsor, then I would urge them to
2173 issue legislation, introduce legislation that changes the
2174 authorities, because we don't have authorities that help us
2175 try to deal with some of the things that people are accusing
2176 ORR of not doing. We make an effort on our own, voluntarily,
2177 to reach out to children, even though they are not required
2178 to respond back. It would be helpful if we had the right
2179 resources and the right authorities so we can all feel more
2180 comfortable about how unaccompanied children are treated.

2181 And I hope, just the way we are doing a hearing about
2182 HHS and ORR's work with unaccompanied kids, that the chairman
2183 will issue an order to have a hearing with those employers
2184 who have exploited children to come and testify here to you
2185 and explain why they are breaking the law and making kids do
2186 dangerous work.

2187 *Ms. Schakowsky. Thank you. I appreciate that.

2188 And I yield back.

2189 *Mrs. Lesko. [Presiding] Thank you, and now I call on
2190 Representative Crenshaw for five minutes of questions.

2191 *Mr. Crenshaw. Thank you, Madam Chair.

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2192 I just want to recognize right off the bat you all have
2193 an impossible job. Maybe it would be helpful for my
2194 colleagues on the other side of the aisle that keep vilifying
2195 the last administration to recognize that this is an
2196 impossible job. So I am going to remain intellectually
2197 consistent, unlike my colleagues, and recognize that this is
2198 an impossible job.

2199 What makes it a lot more impossible is when there is a
2200 lot more unaccompanied minors coming over the border. If we
2201 are looking at fiscal years 2020 versus 2021, there was an
2202 eightfold increase in unaccompanied minors coming across the
2203 border. It went from 15,000 to 122,000. And that wasn't
2204 some random occurrence because of COVID. That number has
2205 remained -- actually, increased in fiscal year 2022 to
2206 128,000 in fiscal year 2023. It is on track to again be at
2207 another 120,000.

2208 Wouldn't you agree, wouldn't we rather live in a world
2209 where ORR is not required? It is basically this giant
2210 orphanage for people coming across -- for children coming
2211 across our border. It would be better if it didn't have to
2212 exist. Of course, it does have to exist, but it would be
2213 better if it didn't, right?

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2214 *Secretary Becerra. Congressman, we face the prospect
2215 of having to provide the care, and we're going to do what we
2216 can, and --

2217 *Mr. Crenshaw. Of course, of course. But wouldn't you
2218 rather live in a world where you didn't even have to do that?
2219 Is it better for children or worse for children to go
2220 across an international border unaccompanied?

2221 *Secretary Becerra. Of course, it's worse.

2222 *Mr. Crenshaw. Of course, it is worse. Of course it is
2223 worse. So when we have an eightfold increase, it not only
2224 makes your job ever more impossible than it already was, it
2225 is a humanitarian crisis.

2226 I can't imagine what changed between the years 2020 and
2227 2021. Does anybody have any -- oh, there was an election,
2228 right, and a lot of policy changes that created a magnet for
2229 unaccompanied minors to come across. And all of these
2230 problems we are talking about with sponsorship, and intake,
2231 and trying to vet sponsors, and child labor, and sex
2232 trafficking, they become exponentially worse because there is
2233 an eightfold increase in the number of kids actually coming
2234 across. So how about that?

2235 You guys are just trying to deal with it, I get that. I

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2236 am not going to vilify you the way my Democrat colleagues
2237 vilified your predecessors in the last Administration. But I
2238 do have some specific questions just to help the kids through
2239 this about your policies.

2240 I was looking for some policy guidance on what to do
2241 when they go missing. It was actually much easier to find
2242 your LGBT guidance. This concerned me a little bit, maybe a
2243 lot a bit. The guidance says this: When making housing
2244 assignments for a transgender intersex youth, the care
2245 provider must consider the youth's gender self-
2246 identification. Care providers must not base housing
2247 assignment decisions of transgender intersex youth solely on
2248 the identity documents or physical anatomy of the youth.

2249 So I want to just provide the following scenario. There
2250 is a 17-year-old boy -- and I know you guys separate them by
2251 gender normally, right? I hope so. There is a 17-year-old
2252 boy. He tells you all that he is a girl. Does he
2253 automatically just get placed into the girls' -- the womens'
2254 facilities? Is that how that process works?

2255 *Secretary Becerra. Congressman, thanks for the
2256 question. At HHS we have a legal obligation, a moral
2257 obligation, as well, to safely and humanely care for all

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2258 the --

2259 *Mr. Crenshaw. Is that how the process works? Come on.
2260 I am being really good faith -- I am acting in good faith
2261 with you. I hope that is not how the process works, right?
2262 Because 72 percent of the people that come across, UCs, are
2263 actually 15 and older. I mean, you can barely describe them
2264 as children.

2265 *Secretary Becerra. And so we make sure that we provide
2266 all the children in our care with the human rights
2267 protections and freedom from discrimination and abuse that
2268 they're entitled to.

2269 *Mr. Crenshaw. So it is how that works. It shouldn't
2270 work that way, all right? That is at least one Member of
2271 Congress telling you it should not work that way. It puts
2272 girls in danger. And I bet a lot of the girls are younger in
2273 age.

2274 All right, I want to move on to a couple of other
2275 things. There was something you said in your testimony, that
2276 the sponsors are not required to answer your calls when you
2277 do that follow-up. Whose rule is that? Is that HHS's rule?
2278 Are you -- is that a statute? Why can't we make them answer
2279 the phone? And if they don't, why can't you send Child

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2280 Protective Services after them?

2281 *Secretary Becerra. Congressman, thank you for that
2282 question. We do not have the authority to require them to
2283 respond to us.

2284 *Mr. Crenshaw. That doesn't -why not? Why -- okay. So
2285 that needs to be a statute change.

2286 *Secretary Becerra. That is a question you have to ask
2287 yourself.

2288 *Mr. Crenshaw. Okay, that is a statute change that
2289 needs to happen?

2290 *Secretary Becerra. That is --

2291 *Mr. Crenshaw. Okay. That is helpful. Gang affiliate
2292 -- I am out of time.

2293 Well, actually, could you respond to my colleague's
2294 previous question about how do these kind of cases happen --
2295 they were talking about in Austin, where one sponsor could
2296 request and get, like, 20 different kids time and time again.
2297 This one had 44 children. Please explain how that happens.

2298 And I yield back.

2299 *Secretary Becerra. I'm not familiar with that
2300 circumstance, but every sponsor has to go through a thorough
2301 vetting process. And anyone who has a flag of having tried

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2302 to sponsor 43 previous kids would certainly be flagged.

2303 *Mr. Crenshaw. I would hope so.

2304 I yield back. I am out of time.

2305 *Mr. Griffith. [Presiding] The gentleman yields back.

2306 I now recognize the gentleman from -- oh, he is a waive on,

2307 okay. All right, sorry. I recognize the -- Mr. Armstrong

2308 for his five minutes of questioning.

2309 *Mr. Armstrong. Thank you, Mr. Chairman.

2310 You know, we have heard testimony in numerous different

2311 committees. And one of the things I think that, as pretty

2312 much any Border Patrol agent that we have heard wherever we

2313 are at, is that the cartels are in operational control of the

2314 entire northern third of Mexico. And this Congress we have

2315 received testimony in the Oversight Committee from Border

2316 Patrol that every person who reaches the southern border

2317 essentially at this point has had to deal with the cartels at

2318 some point in time.

2319 *Mr. Griffith. If the gentleman could speak up.

2320 *Mr. Armstrong. Has had to deal with the cartels at

2321 some point in time. You don't have any reason to disagree

2322 with that statement, do you?

2323 *Secretary Becerra. Congressman, I wouldn't have the

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2324 details, but the Department of Homeland Security could
2325 probably give you a better answer to that.

2326 *Mr. Armstrong. And, you know -- and this isn't a
2327 gotcha question, but this is one of the problems that we run
2328 into. And earlier you said that we do everything we can to
2329 ensure that these unaccompanied minors are not subjected to
2330 child labor even after we lose care, custody, and control.
2331 The problem is whether it is statutory, and there has been a
2332 lot of talk about it. Everything you can is not much.

2333 *Secretary Becerra. That's correct.

2334 *Mr. Armstrong. But what you do have control over is
2335 the intake, and the intake when they get into your custody.
2336 And if you have 128,000, which Mr. Crenshaw was just talking
2337 about, up from 15,000, and we know that, at the very least,
2338 the vast majority of those unaccompanied minors that are
2339 getting to the border have to deal with the cartels on their
2340 way to get there, and 70-plus percent are over the age of 15,
2341 what is your intake process?

2342 I mean, this is a high-risk group of people. The
2343 cartels are not doing this out of the goodness of their
2344 heart. You have a 16 year-old-boy, a 16-year-old girl
2345 getting to the border, they have family wherever it is, El

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2346 Salvador, Mexico, somewhere else. There is some semblance of
2347 an arrangement in which the cartels get there. And that is
2348 before we talk about sex abuse, physical abuse, all of the
2349 other horrors that exist when they get there.

2350 So if we know you lose operational control after you
2351 place them through all the vetting, which there has been a
2352 lot of talk at, what is your intake process for these high-
2353 risk kids that do not want to tell you the truth, they are
2354 absolutely terrified of what will happen to them or their
2355 families if they actually do engage you in a real, meaningful
2356 conversation.

2357 *Secretary Becerra. Congressman, thank you for the
2358 question, because you pointed out some of the real challenges
2359 that we face.

2360 I am going to leave the questions about the background
2361 of the children to the Department of Homeland Security,
2362 because they do that initial assessment of the child when
2363 they encounter the child. And we --

2364 *Mr. Armstrong. Well, and that is okay, but -- it is
2365 actually not okay, but if that is the policy, that should
2366 change because you have them for a very specific period of
2367 time, and you have them in custody. And we know -- and we

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2368 can talk to anybody who has been on the southern border --
2369 that the vast majority of those children that are coming to
2370 the border, if -- and not all 17-year-olds are created
2371 equally. If you grew up in the streets of El Salvador at 17
2372 years old, you have had a pretty hard life already. But I
2373 don't want to talk about that part of it.

2374 I want to talk about the ones that are -- exist in this
2375 space where we have a finite amount of time to deal with
2376 whatever metrics that are going on in their life that got
2377 them to that border. And so whatever the background is
2378 before, what do you do for an intake? How do you do a sexual
2379 assault intake?

2380 *Secretary Becerra. Right, and we do a pretty thorough
2381 assessment on intake, as well. But what I wanted to do is
2382 distinguish between an intake that deals with security, any
2383 issues of criminal background, versus ours, which is more on
2384 the health side.

2385 *Mr. Armstrong. Yes, I am more worried about the -- I
2386 am worried about the health and welfare of the kid you get.

2387 *Secretary Becerra. Yes.

2388 *Mr. Armstrong. We will deal with the other stuff
2389 later, because --

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2390 *Secretary Becerra. Okay.

2391 *Mr. Armstrong. -- that exists in a real, meaningful
2392 way.

2393 *Secretary Becerra. Got you.

2394 *Mr. Armstrong. We know there are kids that are getting
2395 tattoos once they get to Mexico, and -- or once they get to
2396 the United States and before we get there. That is a whole
2397 different issue. But I am talking about this intake because,
2398 from all of your testimony today, you have very limited
2399 abilities to deal with any of this after they leave you,
2400 leave your facilities. So what are we doing when they are
2401 there?

2402 *Secretary Becerra. So the assessments that we are
2403 doing are on their status, their health status, on their
2404 situation in terms of who could care for them, because we
2405 only hold them temporarily. And so our assessments, unlike
2406 DHS's assessments, are for purposes of understanding the
2407 status, the well-being of the children.

2408 So we do intake, we do clinical assessments, we do case
2409 reviews, we do an assessment of any child. We use
2410 professionals in child welfare to understand who is coming
2411 into our door and who we are caring for. And then we

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2412 continue the process during the case management to figure out
2413 if that child can be placed.

2414 *Mr. Armstrong. Okay, then I am going to ask a very
2415 specific question, because I have 28 -- or 22 seconds left.

2416 You went up from 15,000 to 128,000. What is the
2417 difference in numbers of kids that you identify as being
2418 trafficked in some way, either for labor, or sexual assault,
2419 physical assault, anything that has gone up? Because the
2420 other thing that has gone up with that number is the number
2421 of those kids who have to deal with the cartels in order to
2422 get to your -- to get into your facility.

2423 *Secretary Becerra. Yeah. So again, Department of
2424 Homeland Security would be doing that initial check to find
2425 out if this is a child who's coming in with a trafficking
2426 background.

2427 We also -- if we make an assessment and find that the
2428 child may have experienced trafficking, we also then do an
2429 assessment, and we provide, actually, additional services by
2430 law. By the way, that's in the statute that we provide
2431 additional service for any child that we get into our care
2432 who we're -- we get information that they may have been
2433 trafficked in advance. And so --

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2434 *Mr. Armstrong. But a 16-year --

2435 *Secretary Becerra. -- we're able to provide a.

2436 *Mr. Armstrong. But a 16-year-old girl who has been
2437 threatened with her parents getting killed if they talk to
2438 you, and then you have them for a finite period of time and
2439 kick them out, and for whatever reason -- I mean, we know
2440 this is happening. What are the increased numbers in
2441 trafficked kids comparative to the numbers?

2442 *Secretary Becerra. I don't have the specific numbers.
2443 I can try to make sure my team gets back to you --

2444 *Mr. Armstrong. We would like to see those.

2445 *Secretary Becerra. -- with any information we have.

2446 *Mr. Armstrong. I yield back.

2447 *Mr. Griffith. The gentleman yields back. I now
2448 recognize the gentlelady from Florida, Mrs. Cammack, for five
2449 minutes of questioning.

2450 *Mrs. Cammack. Thank you, Secretary Becerra. I want to
2451 start with your attention here on this jar. Do you see this?
2452 Do you know what this is?

2453 *Secretary Becerra. Yes. Looks like candies or snacks.

2454 *Mrs. Cammack. Unfortunately, the reality is much more
2455 grim. These are wristbands that the cartels force people to

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2456 wear when they cross the border. And if you are not wearing
2457 one and you cross the border, the cartels will take a limb or
2458 an appendage. This is what these people are forced to wear,
2459 and it dictates what cartel they belong to, how much they
2460 have paid. And they are absolutely a part of the horrors of
2461 trafficking and smuggling that occurs at our southwest
2462 border.

2463 And I have to point this out because I want to tell the
2464 journey, because this has really been laid out in bits and
2465 pieces along the way by my colleagues. And we are here to
2466 talk about these kids. So if you could turn your attention
2467 to the screen real fast, I want to show a quick photo that I
2468 took.

2469 [Slide]

2470 *Mrs. Cammack. It was 11:46 at night. I myself took
2471 this photo. That little girl that you see was acting
2472 terrified, not of the agents, not of myself, but of the man
2473 holding her. The very next day at the Donna Processing
2474 Facility, we threatened -- and I was there to witness this --
2475 this man with a DNA test. He confessed that he actually was
2476 not her father, that he had rented her. This is a process
2477 called recycling.

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2478 Now, I know we are here to talk about what happens to
2479 these kids after this point, but this little girl was then
2480 turned over to HHS custody, your custody, and you have talked
2481 at length today about the vetting process, right? And so you
2482 now know that this little girl, not through her DNA test --
2483 she is not related to that man, she now is in your custody.
2484 You have your own case managers who are supposed to vet these
2485 processes. And -- we, of course, know this from the Florida
2486 grand jury -- these case managers have very little training
2487 or no training in interviewing these individuals,
2488 particularly children and young children who have been
2489 traumatized.

2490 You can imagine that this man, who you just saw on the
2491 screen -- which, by the way, was a convicted sex offender --
2492 with this child, you can imagine the trauma that that child
2493 had sustained. Your own case managers are not trained in
2494 examining, evaluating, or recognizing documents as authentic
2495 or fake. She came with no documents. They have no official
2496 training when it comes to trauma-informed interviewing
2497 skills. No official training when it comes to investigating
2498 the safety or legitimacy of addresses to which a UAC may be
2499 sent.

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2500 Now, I don't know what happened to that little girl, but
2501 what I do know is that the sponsors that you claim to
2502 thoroughly vet, which -- I would love to get your definition
2503 of thorough, because you haven't been able to articulate that
2504 here today -- it also would include the fact that these kids
2505 show up with numbers pinned to their clothes or Sharpied on
2506 their bodies to call. Agents have reported in official
2507 testimony that these kids have the numbers, the same phone
2508 number, Sharpied on their arms time and time again.

2509 Now, we have heard, of course, of situations where the
2510 same sponsor is being called, and magically, 20, 30, 40 kids
2511 end up with that sponsor. And again, I go back to your
2512 statement of "We thoroughly vet." You have really
2513 emphasized that. Do you vet every member of the household,
2514 and does it include an FBI check?

2515 Does it include an Interpol check? I would hope that it
2516 would, considering that we have had 151 different
2517 nationalities cross the southwest border under the Biden
2518 Administration. But I am guessing that it doesn't, because
2519 only 9 percent of the UACs are subjected to a DNA test with
2520 their sponsor, less than 23 percent to a background check.

2521 And again, I should point out for the record the fact

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2522 that you release these folks, these kids to sponsors that are
2523 in the country illegally. By definition, they have already
2524 broken the law. Is it a standard operating policy to release
2525 children into the hands of sponsors in households that
2526 haven't been properly vetted and that are here in the country
2527 illegally?

2528 *Secretary Becerra. I think I heard a question there,
2529 and so I will try to respond because you packed a lot in
2530 there, a lot which, I think, has a lot of misinformation and
2531 that I disagree with.

2532 I could first start by saying that we do go through a
2533 thorough process on assessment of the child when the child
2534 first comes to our attention. So that little girl --

2535 *Mrs. Cammack. What is your -- I am sorry, I am going
2536 to reclaim my time. Secretary, what is your definition of
2537 thorough?

2538 *Secretary Becerra. I mentioned it in a previous
2539 response.

2540 *Mrs. Cammack. Does it include a DNA test?

2541 *Secretary Becerra. An assessment of the child's --

2542 *Mrs. Cammack. No, that is not my question. My
2543 question is, does it include a DNA test? Yes or no.

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2544 *Secretary Becerra. DNA is one of the tools that we use
2545 on occasion --

2546 *Mrs. Cammack. In only nine percent of the cases. Does
2547 it --

2548 *Secretary Becerra. It is a tool that we use.

2549 *Mrs. Cammack. -- include a background check?

2550 *Secretary Becerra. We do a number of things to go
2551 through a series of tests and assessments of a child when we
2552 get them. We do the same type --

2553 *Mrs. Cammack. And a background check in only 23
2554 percent of the cases. And the DNA, by the way, that you rely
2555 on in your ORR case managers -- if you could, please pull up
2556 exhibit two.

2557 [Slide]

2558 *Mrs. Cammack. This shows that the DNA requirements
2559 that you rely on in the case files -- I realize this is a CBP
2560 document, but this memo is something that is really important
2561 for what we are talking about, because so much of the case
2562 files that your case managers rely on in vetting, these
2563 thorough checks, they have suspended the DNA requirement.

2564 I am out of time. I know you won't answer the question,
2565 anyway, and deviate from your carefully crafted talking

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2566 points. But I think this is disgusting that 85,000 children
2567 are missing and it is on your watch.

2568 With that, I yield back.

2569 *Mr. Griffith. The gentlelady yields back. I now
2570 recognize the gentleman from North Carolina, Mr. Hudson, for
2571 his five minutes of questioning.

2572 *Mr. Hudson. Thank you, Mr. Chairman, and thank you,
2573 Mr. Secretary, for being here today.

2574 On President Joe Biden's first day in office, dozens of
2575 President Donald Trump's common-sense policies maintaining
2576 our southern border were reversed, policies like Remain in
2577 Mexico, Safe Third Country, Title 42, and border construction
2578 was stopped even though the contracts were paid.

2579 President Biden and Secretary Mayorkas's open border
2580 policies have created a national security and a humanitarian
2581 crisis. As the father of a second grader and congressman of
2582 the largest military installation in the country, it is
2583 heartbreaking and frustrating to see this rapid decline in
2584 border security. This Administration's open border policies
2585 has not only affected our nation's border communities, but
2586 all communities, including those in North Carolina.

2587 Because of the reversals of these policies, your agency

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2588 has been overwhelmed. So the decision was made to weaken
2589 vetting procedures for sponsors at the expense of the safety
2590 of unaccompanied minors and the communities across our
2591 nation. As we saw in an investigative report, HHS has undone
2592 safeguards in place to make sure children are placed with
2593 safe sponsors. The result has been over 85,000 lost
2594 children, untold numbers of whom have fallen victim to sex
2595 and labor trafficking.

2596 Mr. Secretary, you previously sat before me at a Health
2597 Subcommittee hearing on May 12, 2021. I asked you point
2598 blank if you were planning on sending unaccompanied minors to
2599 North Carolina. You told me, "There is no plan that we have
2600 to shelter children in North Carolina," but your staff has
2601 since informed me that the Office of Refugee Resettlement
2602 conducted an initial site visit at the American Hebrew
2603 Academy in Greensboro, North Carolina on April 22, 3 weeks
2604 before your testimony, and that your people actually
2605 conducted a full formal site assessment on May 12. The day
2606 of your testimony your folks were on the ground in North
2607 Carolina.

2608 Mr. Secretary, it sure sounds like there was a plan to
2609 shelter unaccompanied minors in North Carolina. So when I

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2610 asked you on that day over two years ago, how would you
2611 characterize your answer to me? Were you intentionally lying
2612 to me and the people of North Carolina, or would you say you
2613 were carefully choosing your words to mislead me? Would you
2614 say you were being clever? What word would you use to
2615 describe your answer to me that day?

2616 *Secretary Becerra. Congressman, thank you for the
2617 question, and I hope you will understand my answer. I was
2618 completely honest with you because you asked me if we were
2619 planning to send kids to North Carolina. Two years ago we
2620 didn't have a facility there that we would be sending kids to
2621 North Carolina. We go through the constant process, as you
2622 probably heard --

2623 *Mr. Hudson. Well, I am sorry --

2624 *Secretary Becerra. We look for sites --

2625 *Mr. Hudson. Okay.

2626 *Secretary Becerra. -- all over the country. We are in
2627 27 states. We're constantly looking for sites. Today we are
2628 looking at a particular site in Greensboro, and that is the
2629 absolute truth. So what I said to you then was accurate.
2630 What I am saying to you now, I hope you will understand, will
2631 be accurate, as well.

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2632 *Mr. Hudson. Well, on the day you said there are no
2633 plans, your people were doing a formal second site visit in
2634 North Carolina.

2635 *Secretary Becerra. Congressman, you have to understand
2636 the process. We put out a word, "We're looking for potential
2637 sites.'` We have no idea what is going to come in. Everyone
2638 has an opportunity, because we have a open process. Everyone
2639 has a chance to show us if they have a good site. At that
2640 point in time we had no idea if there would be a particular
2641 site in Greensboro that we could use. There might have been
2642 interest, but we still -- two years later, and we still don't
2643 have an open site.

2644 *Mr. Hudson. So were you carefully using the word
2645 "plan,'` "We don't have a plan,'` to try to trick me?

2646 *Secretary Becerra. No, I was trying to be honest with
2647 you. If you asked me about where we are right now with any
2648 particular site in Greensboro, I'll give you the details that
2649 I can give you today with what I know. But I can't predict
2650 -- I couldn't have predicted two years ago where we would be
2651 today. And again, we still don't have a particular center
2652 open in Greensboro, North Carolina.

2653 *Mr. Hudson. Okay, we will agree to disagree on that.

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2654 But speaking of that, I want to know why we even need this
2655 facility in North Carolina. There are two influx care
2656 facilities in Texas that were placed in warm status, meaning
2657 there was no unaccompanied minors in care and minimal
2658 facility management services on site. Your staff tells me
2659 they plan to move the Greensboro influx care facility into
2660 warm status next month. To me this sounds like your
2661 Department may be wasting taxpayer dollars on two empty
2662 facilities in Texas, and plan to open yet another one in
2663 North Carolina.

2664 Mr. Secretary, if two facilities in Texas were moved
2665 down to warm status, what factors, though, are you using to
2666 move the Greensboro facility up to warm status?

2667 How are you using the same factors to justify two
2668 contradictory actions?

2669 *Secretary Becerra. Congressman, fair question. One of
2670 the sites, for example, Fort Bliss, is a military
2671 installation. We were able in 2021, when we needed to find
2672 places, we essentially stood up a site for kids. But Fort
2673 Bliss is not supposed to be a care -- a place where you care
2674 for kids. We're looking for a more permanent site that is
2675 more amenable, accommodating to children. And that's where

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2676 we put out the call from all over the country.

2677 One of those sites that may ultimately go online is in
2678 Greensboro, because it is going to be one that we have
2679 actually stood up to provide for services to kids, not a
2680 military installation.

2681 *Mr. Hudson. Okay. Well, I am out of time, but I
2682 believe when I asked you two years ago do you have any plans
2683 to put children in North Carolina, to be honest with me,
2684 rather than saying, well, we don't have a plan, you should
2685 have said what you said today, which is we are looking
2686 everywhere, we are looking at a site. In fact, my people on
2687 the ground today in North Carolina are looking. It's
2688 possible. I mean, that would have been a more complete,
2689 honest answer, I think.

2690 *Secretary Becerra. Congressman, you've approached this
2691 -- I -- in a very respectful way, and I hope I can say this
2692 respectfully to you. I hope that you'll find, as we develop
2693 the relationship -- and, I hope, a friendship -- that I will
2694 try to be as honest with you as I can.

2695 *Mr. Hudson. Well, I look forward to that.

2696 Thank you, and I yield back.

2697 *Mr. Griffith. The gentleman yields back. I now

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2698 recognize the gentleman from California, Mr. Cardenas, for
2699 his five minutes of questioning.

2700 *Mr. Cardenas. Thank you, Mr. Chairman. I appreciate
2701 this opportunity to have this discussion and this -- public
2702 discussion on this very, very important issue.

2703 Mr. Secretary, you have inherited a deeply challenging
2704 task. And on the heels of the Trump Administration's
2705 egregious and inhumane family separation policy, you are
2706 charged with protecting kids who are increasingly exploited
2707 and forced into child labor by U.S. corporations, being
2708 forced to work with unsafe machinery and hazardous materials,
2709 risking, literally, life and limb, all of this because of
2710 lackluster approach to protecting children by some of my
2711 Republican colleagues and the twice-impeached president who
2712 routinely vilified and mistreated immigrants.

2713 Let me be clear. Child labor is child abuse, and this
2714 needs a strong legislative response at every level.

2715 Unfortunately, current child labor protections do not go
2716 nearly far enough to deter child exploitations.

2717 Corporations, U.S. corporations, find ways to shield
2718 themselves from liability by employing third-party
2719 contractors, for example. This deserves all of our

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2720 attention. We need solutions designed to protect children.

2721 Meanwhile, child labor laws are being systematically
2722 weakened by many Republican legislators at the state level.
2723 For example, in at least 10 states legislation has been
2724 proposed to roll back modest child labor protections in an
2725 attempt to enable multi-billion-dollar corporations to
2726 exploit children right here in America.

2727 Immigrant children are getting tangled in barbed wire
2728 and drowning in the Rio Grande, Texas. I hope that we hear
2729 outrage of that from every single person in Congress.

2730 If Republicans are concerned about these kids, they will
2731 do everything in their power to make it safer for them to
2732 seek asylum. They would make it harder to exploit them and
2733 abuse them right here in our own country.

2734 Also, one of the solutions that seems to be on the minds
2735 of some of my Republican colleagues is claiming that the
2736 solution is -- to the exploitation of unaccompanied minors is
2737 to shut down immigration at the southern border. This
2738 approach is unconscionable, and is just un-American, and it
2739 is also untenable.

2740 Unaccompanied children are some of the most vulnerable
2741 among us, and the United States has a moral and legal

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2742 obligation to ensure that those children are safe. I refuse
2743 to have us turn our backs on our -- on children fleeing war,
2744 violence, persecution, and abuse. We can address
2745 exploitation by making sure sponsor vetting reflects best
2746 practices, and equip ORR to provide post-release services.
2747 And by having a 60 percent cut, which is what some of my
2748 colleagues want to do, is not a solution at all. But we
2749 should not tolerate the simplistic and inhumane proposal that
2750 the answer here is to shut down the southern border. It is
2751 time for us to get serious about how we can support these
2752 children and not inflict unnecessary cruelty on vulnerable
2753 children.

2754 I have a question for you, Secretary Becerra. How have
2755 state laws rolling back child labor protections impeded HHS's
2756 ability to serve and protect unaccompanied children after
2757 being released from ORR custody?

2758 *Secretary Becerra. Congressman, thank you for the
2759 question. And as you know, in order to be able to enforce
2760 laws that protect our children from exploitive labor, we need
2761 to have a partnership with our state partners because it
2762 won't be enough to just try to do it through the Department
2763 of Labor at the Federal level or with HHS. We need to work

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2764 with our state partners. And if a state is actually
2765 diminishing its protections against child labor, it sure
2766 makes it tough for us to go out there and enforce against
2767 this type of exploitive practice.

2768 *Mr. Cardenas. I think by diminishing those local laws
2769 it actually encourages bad actors across this country to just
2770 even do more.

2771 Have there been other efforts at the state level to
2772 restrict corporations with ORR? If so, what presented the
2773 greatest challenges?

2774 *Secretary Becerra. Well, our challenge is trying to
2775 make sure we can spot where the exploitive activity will
2776 occur, and so we can make sure that any sponsor who wishes to
2777 take a child would not engage in that activity in cahoots
2778 with those employers. And so the more sight we have on that,
2779 working with the Department of Labor, the more likely we'll
2780 be able to prevent the child exploitation that occurs.

2781 *Mr. Cardenas. So Department of Labor at the Federal
2782 level, but there are also departments of labor at local -- at
2783 the local level and states, right?

2784 *Secretary Becerra. In fact, they're more important
2785 because they are on the ground and have greater resources and

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2786 personnel to try to protect labor laws, especially for
2787 children.

2788 The department at the Federal level, the Department of
2789 Labor, is very stretched, and we continue to do these
2790 partnerships so we can get the best efficiency out of our
2791 working together to protect these kids.

2792 *Mr. Cardenas. Well, I hope Congress gives you more
2793 resources to do the job that is needed to be done.

2794 My time having expired, I yield back. Thank you.

2795 *Mr. Griffith. The gentleman yields back. I now
2796 recognize Mrs. Harshbarger from Tennessee for her five
2797 minutes.

2798 *Mrs. Harshbarger. Thank you, Mr. Chair.

2799 Thank you, Secretary Becerra, for being here. I have
2800 got several questions. They are mainly yes or noes.

2801 The HHS inspector general wrote in the fall of last
2802 year, "Some staff reported that they were hesitant to raise
2803 concerns about case management and children's safety due to
2804 the fear of retaliation by ORR and facility leadership. In
2805 some cases, the reported actions of ORR and facility
2806 leadership may have risen to the level of whistleblower
2807 chilling.'`

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2808 Mr. Secretary, under your leadership has HHS ever
2809 threatened to transfer, remove, suspend, revoke the
2810 privileges, or dismiss anyone for concerning -- raising
2811 concerns about ORR's sponsor vetting process, yes or no?

2812 *Secretary Becerra. Congresswoman --

2813 *Mrs. Harshbarger. Well, it is just a yes or no, sir.

2814 *Secretary Becerra. We do not -- I do not threaten. We
2815 do not threaten --

2816 *Mrs. Harshbarger. So that is a no.

2817 Would you tolerate under your watch suspending,
2818 transferring, removing, not promoting, revoking the
2819 privileges, or dismissing anyone for raising concerns about
2820 ORR policies, procedures, or actions taken?

2821 *Secretary Becerra. We have a zero tolerance for any
2822 retaliation against whistleblowers.

2823 *Mrs. Harshbarger. Okay. The New York Times reported
2824 in April this year that an immigration lawyer, Linda
2825 Brandmiller, who helped vet sponsors for HHS, had her
2826 building access revoked, was fired within hours after
2827 emailing HHS about two potential sponsors she was concerned
2828 could be labor trafficking child migrants.

2829 Mr. Chairman, I ask unanimous consent to submit into the

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2830 committee record the New York Times article dated April 17,
2831 2023.

2832 *Mr. Griffith. And we will take that up at the
2833 conclusion.

2834 *Mrs. Harshbarger. Okay.

2835 *Mr. Griffith. And I assume that we have copies of
2836 that.

2837 *Mrs. Harshbarger. Yes. Yes, you do.

2838 Mr. Secretary, is the New York Times article right or
2839 wrong?

2840 *Secretary Becerra. Is it right or wrong about what?

2841 *Mrs. Harshbarger. About the question and the statement
2842 I just made.

2843 *Secretary Becerra. I'm sorry.

2844 *Mrs. Harshbarger. About Linda Brandmiller, who helped
2845 vet sponsors for HHS, that she had her building access
2846 revoked, and was fired within hours after emailing HHS about
2847 a question about sponsors for labor-trafficked child
2848 migrants.

2849 *Secretary Becerra. As a former attorney general who
2850 worked with and protected whistleblowers, I can tell you that
2851 now, as Secretary, I do not tolerate on my watch --

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2852 *Mrs. Harshbarger. Well, do you --

2853 *Secretary Becerra. -- any type of retaliation against
2854 whistleblowers.

2855 *Mrs. Harshbarger. So I guess you don't know.

2856 *Secretary Becerra. Well, in any --

2857 *Mrs. Harshbarger. Under her leadership, was she
2858 threatened --

2859 *Secretary Becerra. Congresswoman, in any particular --
2860 on a specific case, as you know, I cannot comment on any case
2861 that may be before us.

2862 *Mrs. Harshbarger. Okay, okay. According to the same
2863 New York Times article, Jailyn Sualog, a senior HHS employee
2864 and lifelong Democrat, was moved out of her position after
2865 she was informed -- after she informed congressional staff,
2866 the HHS inspector general, and her bosses that some sponsors
2867 were falsifying identities to get unaccompanied migrants
2868 released to them.

2869 Did that happen, Mr. Secretary? Was she moved out of
2870 her position?

2871 *Secretary Becerra. Congresswoman, again, we have zero
2872 tolerance for any retaliation.

2873 *Mrs. Harshbarger. Well, that is just a yes or no. If

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2874 you don't know, just say you don't know.

2875 *Secretary Becerra. It is that you're asking cases
2876 about specific -- asking information and questions about a
2877 specific case. And as you know, I cannot comment on --

2878 *Mrs. Harshbarger. Okay --

2879 *Secretary Becerra. -- ongoing cases.

2880 *Mrs. Harshbarger. -- no comment.

2881 According to the New York Times, two people who were
2882 retaliated against for raising the concerns about sponsors.
2883 Do you dispute that New York Times article, that under your
2884 leadership HHS retaliated against at least two
2885 whistleblowers?

2886 *Secretary Becerra. Again, I -- you -- I'd have to see
2887 this article.

2888 *Mrs. Harshbarger. Okay.

2889 *Secretary Becerra. But we don't retaliate against
2890 whistleblowers.

2891 *Mrs. Harshbarger. Okay.

2892 *Secretary Becerra. Not under my watch.

2893 *Mrs. Harshbarger. So you don't know, okay.

2894 According to a February 2023 New York Times article,
2895 rather than listening to these concerns you were pressuring

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2896 HHS employees and contractors to rush more children through
2897 the system faster.

2898 *Secretary Becerra. That is inaccurate.

2899 *Mrs. Harshbarger. According to the Times, you were
2900 captured on video saying to staff last summer, "If Henry Ford
2901 had seen this in his plants, he would have never become
2902 famous and rich. This is not the way you do an assembly
2903 line.'" Is that how your administration is treating the
2904 release of unaccompanied minors, sir, like an assembly line
2905 that cannot stop to make sure that these minors are being
2906 released to a safe sponsor? And that is a yes or no.

2907 *Secretary Becerra. Congresswoman, you may not have
2908 been here earlier. I responded to that question.

2909 The information relates to the process we were talking
2910 about, not people when it comes to how we engage in an
2911 efficient process to get children where they need to --

2912 *Mrs. Harshbarger. Okay. Mr. Chairman, I ask unanimous
2913 consent to submit into the committee record this February 25,
2914 2023 --

2915 *Mr. Griffith. That one has already been requested.
2916 Thank you.

2917 *Mrs. Harshbarger. Okay, thank you.

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2918 Mr. Secretary, did you tell former ORR director
2919 secretary Cindy Huang that you would fire her if she didn't
2920 speed up the releases of UAC?

2921 *Secretary Becerra. Congresswoman, as I said, I do not
2922 allow -- we do not tolerate anyone --

2923 *Mrs. Harshbarger. So you don't know.

2924 *Secretary Becerra. It is not that --

2925 *Mrs. Harshbarger. Do you know why Director --

2926 *Secretary Becerra. No, that is not accurate.

2927 *Mrs. Harshbarger. -- Huang -- do you know why she
2928 resigned?

2929 *Secretary Becerra. I didn't say that I didn't know. I
2930 have many conversations with the personnel at ORR. That is
2931 not a conversation I had with any --

2932 *Mrs. Harshbarger. Okay. Due to the surge in
2933 unaccompanied alien children arriving under the Biden
2934 Administration, ORR set up temporary emergency intake sites
2935 to deal with demand. According to the HHS Office of
2936 Inspector General, one employee at an emergency intake site
2937 at Fort Bliss reported retaliation after raising issues about
2938 case management and child safety, which caused hesitation
2939 among other staff who wished to share concerns.

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2940 And several staff interviewed by HHS OIG reported
2941 knowledge of staff who were allegedly dismissed or reassigned
2942 after expressing concerns. This is in addition to media
2943 reports of other retaliation against ORR staff and
2944 contractors who raised concerns. Are you concerned at all
2945 that HHS OIG found instances of retaliation against employees
2946 who raised those concerns, sir?

2947 *Secretary Becerra. We work closely with the OIG any
2948 time they do a report, and we follow their recommendations
2949 usually as quickly as we can.

2950 And I can say to you once again, when it comes to
2951 whistleblowing, it is important that we protect those who are
2952 willing to come forward for good, open government. And at
2953 HHS we don't tolerate anyone who would try to retaliate
2954 against whistleblowers.

2955 *Mrs. Harshbarger. Okay.

2956 *Mr. Griffith. The gentlelady yields back. I now
2957 recognize the gentlelady from California, Ms. Eshoo, for five
2958 minutes of questioning.

2959 *Ms. Eshoo. Thank you, Mr. Chairman, good afternoon,
2960 Mr. Secretary, and thank you for allowing me to waive on to
2961 the subcommittee today.

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2962 Like so many Americans, Mr. Secretary, I was really
2963 appalled by the New York Times investigative reports about
2964 the surge in illegal child labor in our country. We have a
2965 moral responsibility, a moral responsibility to ensure that
2966 children are not exploited on our watch. Before reading that
2967 investigative report, I would have responded, if asked about
2968 child labor in our country, and said that it was part of
2969 another century, that it is gone.

2970 Now, but on the heels of that, I led 25 members in
2971 writing to you on May 25 about this horrible situation, and
2972 we got a response this morning. I have been poring over your
2973 letter since it has come in, but here are my questions.

2974 In the letter that I received this morning, Assistant
2975 Secretary Contreras writes that ORR's internal audit found
2976 that the agency "adhered to its program policies and
2977 priorities designed to meet or exceed statutory requirements
2978 when vetting potential sponsors of unaccompanied children."`
2979 Honestly, you know what that sounds like to me? Nothing is
2980 wrong, we did everything right. But there are some terrible
2981 things that are wrong in my view, and I think in others.

2982 If ORR is "meeting and exceeding its statutory
2983 requirements,"` A, why are we witnessing such an alarming

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2984 rise in the exploitation of children discharged from the
2985 agency's custody?

2986 And B, have the children in the sites that they were
2987 found to be in, where they were located -- factories,
2988 slaughterhouses, construction sites -- have they been removed
2989 from those places?

2990 *Secretary Becerra. Congresswoman, are you asking have
2991 the children been removed from those work sites?

2992 *Ms. Eshoo. Mm-hmm.

2993 *Secretary Becerra. That I could not answer because,
2994 again, as I said -- you probably weren't here, but we've
2995 discussed how our authorities, our reach, once we have placed
2996 a child in a sponsor's -- a vetted sponsor's hands --

2997 *Ms. Eshoo. You know --

2998 *Secretary Becerra. -- we lose --

2999 *Ms. Eshoo. Yes.

3000 *Secretary Becerra. We lose that responsibility --

3001 *Ms. Eshoo. Let me just say this. I don't ever desire
3002 to be or will I be a secretary in a president's cabinet. But
3003 honestly, if this came on my watch, and even though that is
3004 not under my department, I would pick up the phone with the
3005 Department of Labor, the Secretary, and say, "I have some

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3006 jurisdiction in this, and it is a mess.'`

3007 *Secretary Becerra. And we have done that.

3008 *Ms. Eshoo. But I just want to highlight --

3009 *Secretary Becerra. And we have done that.

3010 *Ms. Eshoo. -- that where these children are --

3011 *Secretary Becerra. Yes, Congresswoman, we have done
3012 that.

3013 *Ms. Eshoo. So that is why I was asking the question.

3014 *Secretary Becerra. Congresswoman, we've done that,
3015 we've done more. We actually entered into a formal agreement
3016 with --

3017 *Ms. Eshoo. But have they been removed from these
3018 sites? I mean, they are 13 and 14-year-olds working in
3019 slaughterhouses, factories, and --

3020 *Secretary Becerra. Well, enforcement, Congresswoman,
3021 with the Department of Labor, I can take back to them the
3022 questions that you're asking about whether there's been
3023 enforcement at those work sites.

3024 *Ms. Eshoo. The New York Times reports that -- and this
3025 was raised by another member -- that you told Cindy Huang the
3026 -- that "if she could not increase the number of discharges'`
3027 -- that is of unaccompanied children -- you would find

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3028 someone that could.

3029 I heard your answer. You don't deny that you have said
3030 it, but you won't say that you did because you can't talk
3031 about it. I think we need to do better. That is my real
3032 point. I don't need to ask the question again, but this is
3033 so unsettling. This is so unsettling. These are -- well, I
3034 guess at my age I would call them babies, but these are the
3035 innocents of the world. And this is really terrible.

3036 And I think that the reporting of your threatening to
3037 fire her under, you know, undue pressure to expedite
3038 releases, I hope you have gone back to review that. I don't
3039 know if you have. Let me ask you if you have gone back to
3040 review releases.

3041 *Secretary Becerra. Congresswoman --

3042 *Ms. Eshoo. I mean, is there too much speed and not
3043 precision relative to the children and their lives and their
3044 well-being?

3045 *Secretary Becerra. Congresswoman, as I've said before,
3046 I have not threatened anyone, and I do not threaten people.

3047 *Ms. Eshoo. So did you speak to this reporter and say
3048 it, or your shop say to this reporter --

3049 *Secretary Becerra. To this reporter?

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3050 *Ms. Eshoo. This is totally inaccurate?

3051 *Secretary Becerra. I never spoke to that reporter.

3052 *Ms. Eshoo. Did you read the investigative -- the full
3053 investigative report?

3054 *Secretary Becerra. Which investigative --

3055 *Ms. Eshoo. The New York Times.

3056 *Secretary Becerra. I read the article. I don't know
3057 if it was an investigative report. It was an article. It
3058 had a lot of information that I think misunderstands the way
3059 ORR operates. And there's information in there that's based
3060 on --

3061 *Ms. Eshoo. Well, my time is expired.

3062 *Secretary Becerra. -- third-party papers.

3063 *Ms. Eshoo. But I just want to say that reports of
3064 trafficking and abuse of immigrant children has more than
3065 doubled from 2021 to 2022. And really, at the end of the
3066 day, as HHS Secretary, the buck stops with you. So I can
3067 hope, I can pray, I can press -- other members have, members
3068 from both sides of the aisle. This is something that needs
3069 to be totally removed from taking place in our country.
3070 Really, I think that God is going to hold all of us
3071 responsible if this is not addressed, and addressed the way

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3072 it should be.

3073 *Mr. Griffith. The gentlelady yields back.

3074 *Ms. Eshoo. Thank you, and I yield back.

3075 *Mr. Griffith. I recognize the gentleman from Georgia,
3076 Mr. Carter, for his five minutes of questioning.

3077 *Mr. Carter. Thank you, Mr. Chairman, and thank you for
3078 allowing me to waive on to this subcommittee.

3079 Mr. Secretary, I have been waiting for your return to
3080 Congress. Last time we had some unfinished business. I want
3081 to shift gears a little bit, if that is okay. I appreciate
3082 my colleagues concern about unaccompanied children. I share
3083 their concerns. But I have another concern, and it is about
3084 the Inflation Reduction Act, specifically about the
3085 prescription portion of that.

3086 You and I have spoken about this before on this
3087 committee, as well as on the Budget Committee. And you have
3088 expressed and you have said it is your personal belief that
3089 the Inflation Reduction Act would lead to more cures, more
3090 cures being developed by the same pharmaceutical and biotech
3091 companies whose research and development you are fixing to
3092 slash.

3093 As you know, professionally I am a pharmacist, and I

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3094 have seen nothing short of miracles as a result of research
3095 and development. And that is why this is so important to me.
3096 I have watched families. I have watched families suffer. I
3097 have seen children lose parents, I have seen parents lose
3098 children. And it is very important to me that we continue
3099 with the research and development and the new drugs that I
3100 have witnessed in my career, drugs that have been nothing
3101 short of miracles.

3102 And yet again, you maintain that -- and said at our last
3103 -- the last time that I had the opportunity to ask you
3104 questions -- that you believe that the Inflation Reduction
3105 Act is going to result in more cures, whereas researchers at
3106 the University of Chicago said that the IRA will eliminate up
3107 to 342 cures over the next 20 years.

3108 The biotech firm, research firm, Vital Transformation,
3109 predicts that up to 139 drugs will not be developed over the
3110 next decade because of the IRA, and that up to 49 treatments
3111 currently on the market would not have existed had the IRA
3112 been in effect.

3113 Even the Congressional Budget Office, the CBO, our
3114 economists here in Congress, even they said that it is going
3115 to eliminate treatments and cures that would have otherwise

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3116 been developed.

3117 We have already had drugs that have been pulled by
3118 pharmaceutical manufacturers as a result of this. And yes, I
3119 know there is a pending lawsuit, as well, from some of the
3120 pharmaceutical manufacturers, and I am sure you are aware of
3121 that, I know you are.

3122 I just have to ask you, Mr. Secretary, what makes you
3123 right and these other agencies wrong? What? I don't get it.

3124 *Secretary Becerra. Congressman, thank you for the
3125 question, and I hope you will agree that no American should
3126 be paying two to three times the price for a drug, often
3127 times --

3128 *Mr. Carter. I understand that. I am the one that was
3129 at the counter having to tell the senior citizen what the
3130 price of a medication was, and watching them try to make a
3131 decision between buying groceries and buying their medicine.
3132 I am the one who watched the mother in tears as she tried to
3133 get the antibiotic for her child, trying to figure out how
3134 she was going to pay for it.

3135 I am doing everything I can humanly to bring down
3136 prescription drug prices, but I do not and I will not stand
3137 by while this Administration, while this agency stops

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3138 research and development that I have witnessed over the past
3139 40 years in practicing pharmacy that has resulted in
3140 miracles.

3141 *Secretary Becerra. Congressman, my response would be
3142 that increased competition helps stimulate more production,
3143 more innovation. And the more we can lower prices, the more
3144 we're going to have that competition. And so, if we are ever
3145 going to get those prices down, or those drugs that cost us
3146 two or three times more than they cost in other parts of the
3147 world, it will be because we are able to negotiate to get
3148 good prices and encourage not --

3149 *Mr. Carter. But this is --

3150 *Secretary Becerra. -- only competition, but
3151 innovation.

3152 *Mr. Carter. -- going to result -- and you know as well
3153 as I do that you are missing -- this is a swing and a miss.
3154 It is -- yes, the pharmaceutical manufacturers need to do
3155 better --

3156 *Secretary Becerra. Congressman --

3157 *Mr. Carter. -- but you know that it is the middle man,
3158 you know --

3159 *Secretary Becerra. -- folks who are paying \$35 for

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3160 insulin --

3161 *Mr. Carter. -- that it is the PBMs, the insurance
3162 companies --

3163 *Secretary Becerra. -- that is not a miss.

3164 *Mr. Carter. -- that are doing this.

3165 *Secretary Becerra. Congressman, when you have people
3166 who today are paying \$35 for their insulin instead of 100 and
3167 \$200, that's not a miss. That's a win.

3168 *Mr. Carter. That is a win for the co-payments, but it
3169 is not going to bring down the price of the insulin.

3170 *Secretary Becerra. Well, we just saw that three other
3171 companies have agreed to do the same thing for --

3172 *Mr. Carter. With a co-pay.

3173 *Secretary Becerra. Yeah, and that's great news.

3174 *Mr. Carter. Mr. Secretary, again, the CBO, all of --
3175 the University of Chicago, all of these have said that this
3176 is going to result in fewer cures. What makes them wrong?
3177 Why are they wrong and you are right?

3178 *Secretary Becerra. Congressman, we know that if you
3179 stimulate competition and innovation, you'll have better
3180 drugs that are better --

3181 *Mr. Carter. Do they know that? I am sure they know

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3182 that, as well. But they are saying -- and I am just baffled
3183 by --

3184 *Secretary Becerra. I hope you are --

3185 *Mr. Carter. -- by the fact that you are saying that
3186 you are right and everybody else is wrong.

3187 You know, I was always taught --

3188 *Secretary Becerra. I am not --

3189 *Mr. Carter. -- when someone --

3190 *Secretary Becerra. Congressman, I'm not saying I'm
3191 right.

3192 *Mr. Carter. -- when everybody -- when it seems like
3193 everybody else is wrong, and you are the only one who is
3194 right, you got to stop for a minute and think, you know what?
3195 It might not be everybody else.

3196 *Secretary Becerra. Congressman, I'm not saying I'm
3197 right. I'm implementing the law that Congress passed. I
3198 didn't say that --

3199 *Mr. Carter. No.

3200 *Secretary Becerra. -- said that.

3201 *Mr. Carter. No, but you continue to go this route in
3202 this Administration.

3203 Again, I have to tell you, I didn't come up here for

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3204 some egotistical trip. I came up here because I was the one
3205 on the other side of the counter. I was the one who had to
3206 tell the senior citizens. I was the one who had to tell the
3207 patient. I am going to do something about that, but I am not
3208 going to let this Administration, I am not going to let this
3209 agency stop research and development of any -- of miracle
3210 drugs that I have witnessed in my career.

3211 Thank you, Mr. Chairman, and I yield back.

3212 *Mr. Griffith. The gentleman yields back. I now
3213 recognize our last witness, Mr. Joyce of Pennsylvania.

3214 *Mr. Joyce. Thank you, Mr. --

3215 *Mr. Griffith. Thank you, Mr. Secretary. We are close,
3216 I know.

3217 *Mr. Joyce. Mr. Secretary, thank you for agreeing to
3218 appear before us today.

3219 And thank you, Chairman Griffith, for allowing me to
3220 waive on.

3221 Secretary Becerra, in March of 2022 the Foundation for
3222 Government Accountability submitted multiple FOIA requests to
3223 CMS, seeking information on the enforcement of hospital price
3224 transparency rules. After CMS's prolonged delay in
3225 complying, a court subsequently ordered CMS to produce all

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3226 the required documents by April of 2023. Although CMS has
3227 provided nearly 2,000 pages of documents, I would like to
3228 raise two concerns.

3229 First, based on FDA's initial review of the documents,
3230 it appears that CMS is not adequately enforcing the hospital
3231 price transparency rule.

3232 Secondly, CMS is withholding over 38,000 pages of
3233 responsive documents, claiming trade secret exemptions.

3234 First, Mr. Secretary, can you tell us today what
3235 percentage of hospitals are in compliance with the price
3236 transparency rule?

3237 *Secretary Becerra. Congressman, thank you for the
3238 question, and it is an important subject. I apologize that I
3239 came prepared to talk about the unaccompanied children
3240 program. We can try to get -- I will ask my --

3241 *Mr. Joyce. Thank you. I would appreciate the follow-
3242 up.

3243 Do you feel that CMS has taken the appropriate and
3244 necessary actions to enforce this rule to date?

3245 *Secretary Becerra. Congressman, CMS has been working
3246 very hard to implement any number of regulations and statutes
3247 that are now in place as a result of Congress's passage of

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3248 these new laws. I can try to get back to you on --

3249 *Mr. Joyce. Thank you. I think that information is
3250 important.

3251 Would you agree that, by withholding the documents that
3252 I mentioned above, that CMS is giving the impression that CMS
3253 is afraid of what the public might uncover through this FOIA
3254 effort?

3255 *Secretary Becerra. Congressman, CMS has been working
3256 very hard to implement the different laws that are now in
3257 place that Congress has passed. I can try to get back to
3258 you --

3259 *Mr. Joyce. Thank you.

3260 *Secretary Becerra. -- with any information --

3261 *Mr. Joyce. I think revealing that information would be
3262 definitely -- it is so important when we are dealing with an
3263 issue such as transparency.

3264 Further on that topic of transparency, recent research
3265 conducted by the American Academy of Otolaryngology, the Head
3266 and Neck Surgery Foundation, has brought attention to
3267 significant price disparities between the average sales price
3268 and the prices charged by hospitals for certain cancer
3269 therapies. The study reveals that some hospitals are

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3270 charging markups as high as 300 percent above the ASB for
3271 these therapies.

3272 We believe that it is imperative to address these issues
3273 to ensure fair pricing, transparency, and accessibility of
3274 medications for all patients. How do you plan to address
3275 this practice and ensure that patients are not burdened with
3276 exorbitant costs for lifesaving treatments?

3277 *Secretary Becerra. Congressman, we continue to move
3278 forward with the implementation of the very important price
3279 transparency law, as well as the No Surprises Act that you
3280 all passed that makes sure that consumers, patients are not
3281 burdened with unexpected bills, that they have a chance to
3282 understand what their bill might be if they go into a
3283 hospital.

3284 I can try to follow up with you with any of those
3285 questions. I apologize that I came more prepared --

3286 *Mr. Joyce. And I thank you.

3287 *Secretary Becerra. -- unaccompanied children.

3288 *Mr. Joyce. I think that your addressing transparency
3289 with us in drug pricing, as recently mentioned with
3290 questioning, is essential for patients. They need to have
3291 that transparency to make informed decisions specifically

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3292 regarding their medical care.

3293 What steps will you take to promote greater transparency
3294 in hospital pricing for cancer therapies to prevent excessive
3295 markups, and ensure affordability for patients?

3296 *Secretary Becerra. Congressman, we continue to try to
3297 make sure that we're implementing not just the letter of the
3298 law on price transparency, but the spirit, which means every
3299 American should be able to understand what the charge would
3300 be for the services they're about to get. No one wants to be
3301 blindsided.

3302 So we continue to implement -- obviously, as you know,
3303 as you stated, there are a lot of folks, a lot of
3304 stakeholders who don't like the law that you all passed
3305 because that means they have to be more open and transparent.
3306 So we're going to continue to do the work. We look forward
3307 to working with you on that.

3308 *Mr. Joyce. And I think to that end point -- and I
3309 appreciate you offering to bring forth that percentage of
3310 hospitals that are in compliance with the transparency rule
3311 -- I think, as this committee works towards transparency,
3312 works towards access of the greatest therapies in America for
3313 these patients who are undergoing significant hardships as

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3314 they face cancer therapy and cancer treatment.

3315 I thank you again, Secretary Becerra, for being here
3316 with us today.

3317 Mr. Chairman, once again, I thank you for allowing me to
3318 waive on, and I yield the remainder of my time.

3319 *Secretary Becerra. Thank you.

3320 *Mr. Griffith. I thank the gentleman for yielding back.

3321 Seeing there are no further members wishing to ask
3322 questions, I would like to thank our witness again for being
3323 here today.

3324 Secretary Becerra, thank you. I know that some of the
3325 questions were not directly on point on what we wanted to
3326 talk about, but most of them were. And you agreed to get
3327 back with some of those questions where you were not expected
3328 to be prepared today, and I appreciate that.

3329 Pursuant to committee rules, I remind members that they
3330 have 10 business days to submit additional questions for the
3331 record, and I ask the witness to respond within 10 business
3332 days upon receipt of those questions.

3333 And -- oh, and I also ask unanimous consent to insert in
3334 the record the documents included on the staff hearing
3335 documents list.

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3336 With that objection, that will be the order.

3337 [The information follows:]

3338

3339 *****COMMITTEE INSERT*****

3340

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3341 *Mr. Griffith. And this subcommittee is adjourned.

3342 [Whereupon, at 12:38 p.m., the subcommittee was

3343 adjourned.]