

OVERSIGHT OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES' OFFICE OF
REFUGEE RESETTLEMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION INTEGRITY,
SECURITY, AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

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**OVERSIGHT OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES' OFFICE OF
REFUGEE RESETTLEMENT**

Wednesday, November 20, 2024

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON IMMIGRATION INTEGRITY, SECURITY,
AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Subcommittee met, pursuant to notice, at 2 p.m., in Room 2141, Rayburn House Office Building, the Hon. Tom McClintock [Chair of the Subcommittee] presiding.

Present: Representatives McClintock, Jordan, Biggs, Tiffany, Roy, Van Drew, Moore, Hunt, Rulli, Jayapal, Nadler, Correa, Ross, and Garcia.

Mr. MCCLINTOCK. The Subcommittee will come to order.

Without objection, the Chair is authorized to declare a recess at any time.

Today, the Subcommittee meets to conduct oversight into the activities of the Office of Refugee Resettlement, administered by the Department of Health and Human Services.

We welcome HHS Secretary Xavier Becerra to answer questions that we have arising from his administration of this office.

I think we'd all agree that if a child shows up lost and alone on your doorstep, you've got a moral obligation to find out where that child lives and return them safely home. The last thing any decent person would do is to take that child to a stranger's house and leave them there. Yet, it appears this is exactly what this administration has been doing for the last four years.

In just four years, this administration has deliberately allowed 7.6 million illegal aliens to enter the United States, releasing more than 5.7 million illegal aliens into the country, while more than 1.9 million known gotaways evaded apprehension, an illegal population larger than the State of Arizona, our 14th-largest State.

Among them there have been an estimated 530,000 unaccompanied alien minors. That's about the entire population of the State of Wyoming.

Instead of protecting these children until they could be returned safely home or until their rightful families could be located, HHS deliberately circumvented protocols designed to protect these chil-

dren and abandoned them to poorly vetted sponsors in the United States.

The House Judiciary Committee estimates that roughly 150,000 of these children have now disappeared. They've simply vanished into a dark underworld of sex and drug trafficking, forced labor, gang activity, and crime.

Of course, many are not helpless children but, rather, teenagers or adults posing as teenagers, who themselves present a mortal threat to the public.

Take the case of Walter Javier Martinez. He was transferred to the Office of Refugee Resettlement as an accompanied alien child despite a previous arrest in El Salvador for illicit association with MS-13. One call to Salvadorian authorities would have confirmed this. Maryland authorities later noted that he had gang tattoos. Instead, Martinez was released into our country, no questions asked. On July 27, 2022, he brutally attacked and killed Kayla Hamilton, who was sound asleep in her own bed.

While the prime suspect in her murder, Martinez was placed in a foster home with other children and enrolled in a local high school. He has admitted to four murders, two rapes, and additional other crimes.

Juan Carlos Garcia-Rodriguez from Guatemala, also fast-tracked into our country by this administration as an unaccompanied alien child and released to an unrelated sponsor who was himself an illegal alien. On August 12, 2023, he murdered 11-year-old Maria Gonzalez in her own home, wrapped her body in a trash bag, and stashed it under her bed for her father to find.

We don't know how many more such monsters are among the 150,000 unaccompanied alien minors that HHS has lost track of, or how many helpless children have been abducted and exploited, but we are slowly finding out, tragedy by preventable tragedy.

What we know is that, in 2021, Mr. Becerra removed the requirement that ORR provide biographic and biometric data for all adult members of a sponsor's household to check for their criminal history. What could possibly go wrong?

Records produced by a whistleblower showed that, in 2021, HHS disregarded repeated warnings by a case manager about the MS-13 affiliation of one sponsor attempting to take custody of two unaccompanied alien children.

According to *The New York Times*, Secretary Becerra berated employees for not processing minors fast enough, saying, quote,

If Henry Ford had seen this in his plant, he would've never become famous and rich. This is not the way you do an assembly line.

In July 2021, concerned employees drafted a memo warning that, quote, "labor trafficking was increasing," and complaining that the agency had become, quote, "one that rewards individuals for making quick releases and not one that rewards individuals for preventing unsafe releases."

According to press reports, Mr. Becerra told then-ORR-Director Cindy Huang that, and I quote, "if she could not increase the number of discharges, he would find someone who could." Huang resigned a month later.

Now, the American people have already passed judgment on these policies in the recent election. Those responsible have much

to answer to the victims of their policies and to history. We welcome the Secretary here today to account for his actions.

With that, I yield to the Ranking Member for her opening statement.

Ms. JAYAPAL. Thank you, Mr. Chair.

At the outset, I just want to note that this is the first Immigration Subcommittee meeting without Representative Sheila Jackson Lee.

She was not only a long-term Member of this Subcommittee, but she served as its Ranking Member from the 105th through the 109th Congress. When it came to advocating for those in need, there was simply no better champion than Representative Jackson Lee.

Back in 2020, I remember, when reports emerged of women being subjected to forced medical procedures in immigration detention that left some women unable to bear children, my office found a survivor who was Representative Jackson Lee's constituent who was about to be deported, and I reached out to the Representative, who jumped right on it. Not only did she stop her deportation once she actually stopped it twice.

She was a relentless advocate, and her voice on this Subcommittee will be missed.

Today's hearing, I want to start by commending Secretary Becerra for coming before the Subcommittee today. Our staff went back and looked, and we believe that this might be the first time that the Health and Human Services Secretary has ever come before the Immigration Subcommittee. It shows once again how accommodating the Biden Administration has been when it comes to oversight.

Unfortunately, this is just another show hearing by the majority. With just six weeks left in the 118th Congress, this is only the second immigration-related hearing in the Judiciary Committee to which our colleagues in the majority have actually invited a government witness.

Today's hearing will be one final attempt by the Majority to use all their same false talking points—that the Biden Administration purposefully created a border crisis and “lost,” in quotes, “lost” tens of thousands of children, all of which we know is wrong by the facts.

I'm sure the Secretary will address this as well, but let's just be clear: These children are not lost.

The HHS's legal authority ceases once an unaccompanied child is united with a sponsor—usually a parent or a close relative. While HHS conducts three followup calls to ensure that everything is going well between a sponsor and a child, the agency has no ability to force their way into the home. If no one answers these three calls, then HHS is no longer in contact with the child. Now, that does not mean that the child is, quote, “lost.”

Further, this is not a new policy. Previous administrations have dealt with similar reports of missing children who have been released from HHS custody. For example, in 2018, there was a widespread report that the Trump Administration, quote, “lost contact” with approximately 1,500 unaccompanied children during just a three-month period. Those children were also not lost; they were

following the same procedures that this administration has followed.

Soon, Republicans will not have anyone to blame. In a few short weeks, they will have full control of the government. Republicans will actually have to govern and take responsibility for what happens in the country.

Unfortunately, this Majority has shown again and again that they're not serious about finding solutions to our complex immigration system. While we will hear Republicans ranting today about children being trafficked into the country, the only legislation that this Majority has passed on this issue would actually gut protections for unaccompanied children.

That cruel, inhumane, and unworkable bill, H.R. 2, would allow unaccompanied children to languish in Border Patrol facilities for up to a month. It would force children to appear within two weeks before an immigration judge, with no access to an attorney. It would send children back to their home countries, where they are at high risk for exploitation and abuse.

Their bill, by the way, would also decimate the bipartisan Trafficking Victims Protection Reauthorization Act, or TVPRA, which Congress passed on a sweeping, bipartisan basis and established the U.S. Government's central framework for keeping unaccompanied children out of the hands of traffickers.

Democrats want to protect children and not make it more difficult for them to stay safe. We have more work to do, real serious work to do, to make that happen.

I was devastated last year reading articles about young children who were taken advantage of by unscrupulous sponsors and employers and the potential warning signs that were missed. This increase in child labor is a trend that has been steadily on the rise, especially since 2018. It's completely unacceptable, and I've been shocked to see Republican State legislatures respond by passing bills that actually weaken the protections on child labor.

In response, HHS finalized regulations aimed at protecting unaccompanied children that are placed in HHS's care. The rule improves HHS's placement and release processes for unaccompanied children, it strengthens kids' privacy and legal rights, and it sets minimum standards for emergency and influx facilities designed to hold children when there is insufficient space in permanent facilities.

The Departments of Labor and Health and Human Services have also put in place a variety of new efforts to combat exploitative child labor, including a new interagency task force to improve coordination and the information-sharing among agencies.

At the same time, we know that the Office of Refugee Resettlement and the administration overall need to do more to ensure the safety of kids. To do that, we in Congress have to provide sufficient funding to these agencies for that critical work.

That includes funding to increase post-release services for children after they're placed with a sponsor, as well as appointment of counsel for all unaccompanied children to ensure that they understand the extremely complex immigration system. Improvements in both of these areas would help protect children from mistreatment,

exploitation, and trafficking. That funding, unfortunately, is something that the Republican Majority has been unwilling to do.

The Department of Labor also does need to be more aggressive in going after unscrupulous employers to the fullest extent of the law. Many of these employers were using E-Verify, which just goes to show how ineffective that system is. They should be held accountable for hiring kids and subjecting them and all other workers to harsh conditions.

I look forward to hearing from the Secretary today. The protection of children from exploitation, abuse, and trafficking should be a bipartisan issue, and I hope my colleagues approach it in that way.

I thank you for your service, Mr. Secretary.

I yield back.

Mr. MCCLINTOCK. I'm now pleased to recognize the Chair of the House Judiciary Committee, Congressman Jordan.

Chair JORDAN. Thank you, Mr. Chair.

So, let me get this straight. So, a lost child is not actually lost; we just can't find them—150,000 of them. That's the issue.

That's why we're glad the Secretary is here today to finally—finally—answer some of our questions. I do appreciate the Secretary showing up. I had a chance to serve with the Secretary when he was in Congress.

I appreciate the Ranking Member; I just disagree with what she had to say. We've worked on other issues together, but you can't say, "Oh, they're not really lost; we just can't contact them." That's the problem—150,000 of them.

I appreciate the Chair's work and this Committee's work. The Chair was the primary driver of H.R. 2 that we passed a year and a half ago that would've solved so many problems with our border and with our immigration system. So, I appreciate the work that he's done, and I appreciate this hearing.

With that, I yield back.

Mr. MCCLINTOCK. Thank you.

I'm next pleased to recognize the Ranking Member of the House Judiciary Committee, Mr. Nadler, for an opening statement.

Mr. NADLER. Thank you, Mr. Chair.

Mr. Chair, today, the Immigration Subcommittee is conducting an oversight hearing on the Department of Health and Human Services. I'm all for the Committee exercising its robust oversight authority, and I certainly hope the Committee plans to subject the incoming administration to the same degree of oversight it has utilized for the outgoing one.

What an administration it is shaping up to be: A *Fox News* host who advocated for pardoning war criminals and thinks women should not serve in combat as the Secretary of Defense; a pro-Putin propagandist for Director of National Intelligence; a former Congressman whose only experience with prosecution is his own alleged criminal entanglements to serve as Attorney General; and most applicable to today's hearing, an antivaccine, conspiracy-peddling extremist with a penchant for eating bears for Secretary of Health and Human Services.

These may be some of the most unqualified candidates for Cabinet posts in living memory. It turns out, when you burn through

the serious people in your first administration, there are slim pickings for the second one.

We in Congress have an important job as a co-equal branch of the government. We have a mandate to conduct oversight over the executive branch, and the Senate is constitutionally required to evaluate and, if appropriate, to confirm or reject Presidential appointees. We were elected by our constituents to perform these responsibilities no matter which party sits in the White House.

The responsibilities we have are serious, but this Majority is deeply unserious. This hearing is sure to exemplify this fundamental lack of seriousness.

I am sure that we will hear today a great deal about the children the Biden Administration allegedly lost, although this is a thoroughly misleading claim based on half-truths and without necessary context, as the Ranking Member of the Subcommittee pointed out.

To be clear, there are systemic problems at the Office of Refugee Resettlement that have endured across administrations of both parties, and any child who is harmed as a result is one child too many.

While the Biden Administration has taken important steps to address these concerns, the policies the majority has pushed throughout this Congress, coupled with those that President-elect Trump plans to put in place, would gravely harm immigrant children and make the situation far worse.

For example, the Majority's marquee immigration legislation would gut protections for unaccompanied children, increasing the exploitation of children, and send them back to the traffickers and abusers Republicans claim to abhor.

Republican-led States like Florida, Iowa, and Arkansas have all made it easier for children to work longer hours and more dangerous jobs, paving the way for exploitative work conditions for all children.

President-elect Trump has promised to bring back some of his cruelest and most harmful policies, including family detention and "Remain in Mexico." He's not even ruled out bringing back family separation. Does anyone truly believe that these are pro-child policies?

The Republican Majority has also failed to provide the Departments of Health and Human Services and Labor with the resources and authority they need to properly protect these children and to go after exploitative employers. Is there any reason to believe that they will do so under the next administration?

Do you really believe that the person nominated to be the next HHS Secretary, a man whose theories and views contributed to the preventable measles deaths of dozens of children in Samoa, would adequately protect children in this country?

Do you believe a government beholden to Elon Musk and his promise to cut trillions of dollars from the Federal budget are going to adequately fund programs designed to ensure children are properly cared for?

When we inevitably get reports of children being torn apart from their parents or shipped off to countries they cannot remember or have never lived in, of inhumane conditions in the tent-city deten-

tion centers the incoming administration plans to set up, or of deaths in custody, are we going to see the Majority exercise its oversight authority and hold the Trump Administration to account? I won't be holding my breath.

Secretary Becerra, it is good to see you. I appreciate you being here today and all the good work that HHS has done under your leadership. I look forward to your testimony, but if you came in here hopes of a thoughtful, meaningful debate on policy, I'm afraid you'll be sorely disappointed.

Thank you, and I yield back.

Mr. MCCLINTOCK. Thank you.

Well, now that we've come to bipartisan agreement on these vital issues, it's time to introduce today's witness.

Mr. Xavier Becerra is the Secretary of Health and Human Services, a position he's been holding since March 2021. Secretary Becerra previously served as the Attorney General of California and was a Member of the House of Representatives between 1993–2017.

We welcome him and thank him for appearing here today.

I will begin by swearing you in, Mr. Secretary. Would you please rise, and raise your right hand?

Do you swear or affirm, under penalty of perjury, that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief, so help you God?

Secretary BECERRA. I do.

Mr. MCCLINTOCK. Thank you.

Let the record reflect the witness has answered in the affirmative.

Please know your written testimony will be entered in the record in its entirety, and, accordingly, we'd ask that you will summarize it.

So, Mr. Secretary, you may begin.

STATEMENT OF SECRETARY XAVIER BECERRA

Secretary BECERRA. Mr. Chair, the Ranking Member, and the Members of the Committee, thank you for inviting me to discuss the work of the U.S. Department of Health and Human Services' Unaccompanied Children Bureau within the Office of Refugee Resettlement.

Before I begin my comments, I do want to add my word to those of the Ranking Member, who mentioned our former colleague Sheila Jackson Lee, a dear friend, someone I had a chance to serve with for many, many years, and a true champion of people who really just believed in their government and in their Constitution. So, we miss her, but it's good to know that we always think of her.

Mr. Chair, let me begin by clarifying some confusion or misunderstanding over ORR's work.

First, ORR is not an immigration or law enforcement agency. It does not possess such powers and does not render decisions in those areas.

Second, pursuant to congressional mandate, ORR provides temporary custody and care, including support services for unaccompanied children.

ORR fulfills its Congressional mandate by funding nearly 300 programs in 29 States, including shelter programs, transitional foster care, long-term foster care, group homes, heightened-supervision facilities, and residential treatment centers.

At these facilities, our contractors deliver child-focused services in accordance with child welfare best practices. That includes access to healthcare, education, recreation, counseling, and legal services.

Third, HHS's custodial responsibility and oversight for unaccompanied children through ORR ends once we place the child with an appropriately vetted sponsor.

As important as this work is, we know and child welfare experts will tell you that the best place for a child is with a family in a home in a community, not in a congregate care facility. That's why we work so hard to find and vet potential sponsors for an unaccompanied child.

In fact, an overwhelming number of children released to a sponsor by ORR were placed with a parent, legal guardian, or close family member. As any parent will tell you, to really raise a child, you have to be all-in.

The children we encounter at ORR enter the country without any parent or adult guardian. The challenge for these unaccompanied children is immense. We have worked tirelessly over the past 46 months to build a sustainable network of trained and licensed caregivers who can meet this challenge.

Our network of small-size caregivers means no child stays in a barracks-style housing. We work to keep the tender-age children separate from older adolescents. We strive to house siblings in the same facility together. We expand services so children can receive information and guidance from legal advocates.

We expanded care management and sponsor placement operations to seven days a week. We established the UC Ombuds Office so that staff and stakeholders may raise concerns to an independent and impartial body. We established the ORR Integrity and Accountability Team to further identify and prevent attempted fraud.

We executed a memorandum of agreement with the Office of Trafficking in Persons, with the National Center for Missing and Exploited Children, and with the Department of Labor to help protect the children after they leave our care and custody. We extended our access to post-release services to every child we place with a sponsor.

Like parenting, the work of ORR and our network of caregivers is nonstop, and we are constantly striving to improve. We set clear rules for standards of care, and we have zero tolerance for behavior by care personnel that threatens the safety and well-being of children. All incidents of inappropriate behavior must be reported to ORR, and we take action, as well as report and coordinate with appropriate authorities.

These are the trademarks of an enterprise that understands its weighty responsibility toward the very vulnerable populations we serve.

I want to publicly express my gratitude to the ORR team for never letting up against the many challenges they face daily in

prioritizing the safety and well-being of the unaccompanied children who come into our care. These dedicated professionals may not be the parents of these kids, but they are and all of us at HHS are all-in.

Mr. Chair, that concludes my testimony. I look forward to your questions.

[The prepared statement of Secretary Becerra follows:]



Testimony of

**Xavier Becerra
Secretary
U.S. Department of Health and Human Services**

Before the

**House of Representatives Committee on the Judiciary
Subcommittee on Immigration Integrity, Security, and Enforcement**

November 20, 2024

Introduction

Chairman McClintock, Ranking Member Jayapal, and distinguished Members of the Committee, thank you for the opportunity to appear before you today to discuss the Unaccompanied Children (UC) Bureau within the Department of Health and Human Services (HHS) Administration for Children and Families (ACF) Office of Refugee Resettlement (ORR).

ORR is comprised of a dedicated team of career federal staff that works closely with grant recipients and contractors, all of whom are committed to ensuring the safety and well-being of every child in our care. I have met some of the children we serve and many of the dedicated professionals who serve them, and I have witnessed firsthand the commitment and devotion of our staff. Providing for the safety and well-being of children in our care is not only ORR's congressional mandate, but also the Office's guiding principle. This goal is reflected in our policies, our people, and our efforts to strengthen the program every day.

In my testimony today, I will describe the work of ORR's UC Bureau and the policies in place to promote the safety and well-being of unaccompanied children in ORR's care. In addition, I will share steps ORR is taking—consistent with its authorities and mission—to support and promote children's safety and well-being following their discharge from ORR.

HHS's Responsibility for Unaccompanied Children

Under section 462 of the Homeland Security Act of 2002 (HSA) (6 U.S.C. 279) and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) (8 U.S.C. 1232), ORR is required to assume custody of and provide care for all unaccompanied children from the time they are transferred to ORR from the Department of

Homeland Security (DHS) or another federal entity until they are released from federal custody to an appropriately vetted sponsor, typically a parent or other family member.

This is further enshrined in the Unaccompanied Children Program Foundational Rule, part 410 of title 45, Code of Federal Regulations, in effect as of July 1, 2024. The Foundational Rule provides a comprehensive framework governing the care and treatment of unaccompanied children in ORR custody, and implements and, in many cases, exceeds requirements of the 1997 *Flores* Settlement Agreement (FSA) which outlines minimum standards for ORR care provider facilities and protections for unaccompanied children. The rule also implements provisions of the HSA and the TVPRA and established an independent Unaccompanied Children Ombuds Office to investigate and address concerns. The publication of the Foundational Rule further ensures and enhances the safety and well-being of unaccompanied children in ORR care and enhances public transparency as to the policies governing the operation of the UC Bureau. By codifying both existing and new policies, the rule underscores ORR's commitment to ensuring the safety, health, and overall well-being of unaccompanied children, while also aligning our programs with contemporary best practices and evolving needs.

Current State of the Unaccompanied Children Bureau

ORR funds nearly 300 programs in 29 states for different levels of care such as shelter programs, transitional foster care, long-term foster care, group homes, heightened supervision facilities, and residential treatment centers, as well as Emergency Influx Facilities (EIF). There are currently no children housed at any EIF, though ORR maintains a preparedness posture by ensuring the Office can quickly scale-up capacity if needed to provide safe facilities appropriate for the care of children. ORR now also has the ability to award new Indefinite Delivery,

Indefinite Quantity task orders for scalable ICF capacity and services in a timely manner.

Since 2021, the UC Bureau has successfully built up its capacity and infrastructure, expanding the standard shelter network to increase its resiliency and ability to absorb shifting referral rates of unaccompanied children. At all its facilities, ORR provides for child-focused services, including case management services, access to legal services as required, and access to child advocates where applicable. These services are delivered according to child welfare best practices in a manner that is appropriate to the age, culture, preferred language, and needs of each child. In every aspect of our mission, we recognize the importance of our work in caring for children, many of whom come to our care during extremely difficult periods in their lives.

As of October 31, 2024, ORR had 6,329 children in its care and received 98,365 referrals from federal entities in Fiscal Year (FY) 2024. ORR continues working with DHS to minimize the time an unaccompanied child spends in a border processing facility or port of entry, neither of which are equipped for extended stays for children. Through flexible capacity, improved case management processes, and coordination with interagency partners, ORR efficiently and consistently accepts DHS referrals. The average amount of time an unaccompanied child spends in DHS border facilities is now well under the 72-hour maximum time within which unaccompanied children must be transferred from DHS to HHS care in accordance with the TVPRA.

In FY 2024, ORR placed nearly 99,500 children with appropriately vetted sponsors. The average length of time a child spent in ORR care over this period was less than one month. Given ORR's UC Bureau's child welfare mission, we know that the best place for a child is with

family in a community, not in a congregate care setting. The vast majority of children released to a sponsor were placed with a parent, legal guardian, or other close family member.

Sponsor Vetting Process

In fulfilling its sponsor placement responsibilities, ORR employs rigorous sponsor screening and vetting processes for each category of sponsor that are based on child-welfare principles. To that end, ORR has implemented and funded seven-day-a-week case management—specifically for family unification services, which ensures comprehensive staff support so that every child’s case is worked on even after normal business hours and on weekends. Additionally, ORR has made technological improvements to build in safeguards, streamline processes, and make it easier to identify potential child welfare concerns during sponsor suitability assessments.

ORR identifies potential sponsors for unaccompanied children in four different categories of cases: parents or legal guardians as Category 1; brothers, sisters, grandparents, or other immediate relatives as Category 2; distant relatives or unrelated individuals as Category 3; and unaccompanied children with a sponsor yet to be identified as Category 4. ORR’s sponsor suitability assessment process includes verifying the sponsor’s relationship to the child; speaking with the child’s parents when possible; conducting separate interviews with the child and sponsor; collecting supporting documentation to verify the sponsor’s information; and administering background and address verification checks—which include public records and sex offender registry checks for all sponsors, as well as FBI fingerprint checks in certain cases.

Prior to release of a child and placement with a vetted sponsor, ORR also carries out

home studies in a variety of circumstances. Home studies further investigate a potential sponsor's ability to ensure the child's safety and well-being, and they include home visits, sponsor interviews, background checks of additional adult household members, and, if necessary, interviews with other household members. Home studies are required under circumstances specified by the TVPRA including when a child has previously been a victim of human trafficking. Additionally, pursuant to the Foundational Rule, and in accordance with long-standing ORR policy, home studies are required in certain cases in which a potential sponsor previously sponsored two or more children, as well as when a potential sponsor is a non-relative and the child is 12-years-old or younger. Home studies may also be conducted at ORR's discretion if the ORR Federal Field Specialist, Case Manager, or third-party Case Coordinator determine that additional information is needed regarding the sponsor's ability to care for the health, safety, and well-being of the child. All releases following home studies require a referral for post-release services (PRS), which are detailed below.

Actions and Services to Promote Children's Safety and Well-being Following Their Placement with a Vetted Sponsor

ORR is continually assessing, identifying, and implementing improvements to the UC Bureau to ensure the highest level of care and support for children. HHS recognizes that unaccompanied children discharged from ORR's care are often a particularly vulnerable population. Thus, consistent with its statutory authorities and responsibilities, ORR has undertaken several initiatives to further support the well-being of unaccompanied children after they are released from ORR custody to a vetted sponsor.

HHS is also working closely in partnership with the Department of Labor (DOL) to

advance federal efforts to protect children against labor exploitation. DOL's Wage and Hour Division and HHS ACF formalized this joint effort in a March 23, 2023, Memorandum of Agreement (MOA). This MOA expands the agencies' collaboration to include information-sharing to aid investigations and to help identify communities in which and employers for whom children may be at risk of child labor exploitation; coordination to ensure that children potentially found to be employed in violation of child labor laws have access to critical services; and cross-training of staff.

Additionally, last year ORR launched an internal review of certain individuals who have sponsored multiple unaccompanied children. This review showed that, while there were areas for continued improvement, ORR adhered to its program policies and procedures. A separate, external review of random samples of case files by sponsor category for children released from ORR care is also underway. Moreover, ORR created a new Integrity and Accountability team that is responsible for assessing and addressing potential exploitation risks faced by unaccompanied children.

Building on these efforts, in February 2024, ORR published policy and procedure revisions that enhance its sponsor vetting requirements. These revisions, which supersede certain prior Field Guidance, strengthen and expand home study policies and guidance, among other enhancements.

Further, HHS is committed to expanding access to both post-release services (PRS) and legal services. ORR has expanded PRS to an historic level, rising from just over 20 percent of children referred for PRS in FY 2021 to now 100 percent of children currently being referred for such services. Likewise, ORR has increased the number of unaccompanied children

receiving direct legal representation by an ORR legal services contractor by nearly 300 percent since the 2020–2021 contract year to the 2023–2024 contract year. With continued funding from Congress, HHS can continue to advance the goal of providing access to PRS and legal services for all children.

HHS recognizes that many children discharged from ORR’s care may benefit from ongoing assistance by a social services agency. Further, even though children are placed with vetted sponsors, we recognize that some children may still find themselves in need of support after they are released from ORR’s care. That is why ORR has policies in place, beyond when its custodial responsibilities legally end, to promote children’s well-being after they have been discharged and transition into a new community.

These policies include a variety of ways to help connect children with additional community supports after they are discharged from ORR’s care. These efforts include Safety and Well-being calls to children and sponsors after ORR releases a child from its care, operating the ORR National Call Center (ORRNCC), providing access to PRS, and facilitating access to legal services.

ORR policy requires care providers to make a minimum of three attempts for every case to reach and speak with the child and the sponsor. Children and sponsors are not required to participate in these calls, and they may choose not to answer a call for a variety of reasons, including fear or distrust of government, hesitation to answer an unknown number, or simply missing the call.

When a care provider identifies a child who may benefit from additional resources, the provider must refer the child to the ORRNCC, which is staffed 24 hours a day, seven-days-a-

week. This helpline was established to connect children and sponsors with resources within their local community to help address their individual needs. Children receive information about the ORRNCC while in ORR's care, and upon release they and their sponsor are provided a card with the ORRNCC information. Children, family members, sponsors, legal service providers, child advocates, and other members of the community can request assistance and report concerns to the ORRNCC. ORR requires ORRNCC staff to document any safety concerns, report such concerns to ORR, and comply with mandatory reporting laws, state licensing requirements, federal laws and regulations, and ORR policies and procedures for reporting to state and local child protective agencies and local law enforcement. Additionally, ORR requires the ORRNCC to provide children who contact the helpline and express safety concerns with information regarding the authorities to which their safety concerns will be reported. The ORRNCC connects children directly with the appropriate authorities, when possible, and places a follow-up call to the child to confirm if any further actions are needed.

ORR also provides access to PRS for all unaccompanied children released to sponsors, including those who receive TVPRA-mandated home studies, which includes all children who are victims of trafficking, and to children who, in the determination of a care provider, would benefit from ongoing assistance. PRS includes referrals and connection to community resources, as well as intensive case management services in cases where additional support is necessary to address a child's specific needs or challenges or to help children adjust to their new home and community. These referral and case management services are offered by a network of ORR-funded grant recipients across the United States. PRS can include help with school enrollment, support in finding and accessing health and mental health care, connections with local organizations, and other supports to ensure children's well-being.

Further, ORR continues to expand access to congressionally authorized and funded legal representation services for unaccompanied children. Access to direct legal representation ensures that children can meaningfully participate in their legal proceedings, including attending their immigration hearings, and seek relief for which they may be eligible. Currently, direct representation is prioritized for the most vulnerable cases including children who are expected to have a longer stay in ORR care, those who are seeking voluntary departure, or who otherwise have complex legal needs. The expansion of legal representation will continue to increase contact opportunities for children and may further help support their safety and well-being.

Notably, if at any point during an interaction with an unaccompanied child, an ORR Post Release Case Worker or NCC staff identifies or suspects any safety concerns, they are required to issue a Notification of Concern to ORR and notify appropriate investigative agencies, including local law enforcement and child protective services. This includes any suspicion that the child has run away, is at risk of or posing a danger to themselves or others, or is at risk of human trafficking, exploitation, or other abuse. ORR then conducts further review and determines what actions should be taken, which may include additional reporting and engagement with local law enforcement, state child welfare authorities, and/or referral to PRS.

While ORR does not have authority to remove a child from a home—that authority resides with state child welfare and law enforcement agencies—ORR recognizes the critical importance of notification and coordination to ensure that local authorities can respond appropriately to any allegations of abuse or neglect. For this reason, ORR regularly engages state and local child welfare agencies on the needs of unaccompanied children. State child welfare agencies vary in capabilities and these entities also need robust resources to help ensure

their ability to review or investigate such allegations.

If ORR care provider staff suspect that a child is a victim of trafficking or is at risk of trafficking at any point during their interaction with an unaccompanied child, they must make a referral to HHS ACF Office on Trafficking in Persons (OTIP) and to DHS Homeland Security Investigations (HSI) for further investigation. OTIP provides further assessment assistance to ensure that victims can access appropriate care and services. Such care is then coordinated with ORR to provide direct referrals for grant-funded comprehensive case management services, medical services, food assistance, cash assistance, and health insurance tailored to the child's individual needs.

HHS engages in constant efforts to improve care and information-sharing efforts for better human trafficking prevention. For example, in February 2023, ORR entered into a data sharing MOA with OTIP and the National Center for Missing and Exploited Children (NCMEC) to increase information sharing and visibility on unaccompanied children who are referred to NCMEC and who may be at risk of trafficking or exploitation. Additionally, ORR works regularly with OTIP to further coordinate their efforts to align care and services for victims. Further, the ORR UC Bureau has teams in place to coordinate with State child welfare agencies, and other community partners that help provide a safety-net of services and resources for children following their release.

Conclusion

We appreciate Congress' support for ORR's UC Bureau. Without adequate funding, ORR's ability to timely accept referrals and serve children could be significantly impaired, and it could lead to a curtailment of timely PRS and legal services. These services play a critical role in

ORR's ability to promote the safety and well-being of children—including combating the risk of child labor exploitation—but are only possible with continued investment and support from Congress. We would also welcome additional resources from Congress for ORR to expand not only access to, but the nature of, the services offered to all children following release, to promote child and family stability and reduce vulnerabilities and risks to trafficking and exploitation.

Thank you for the opportunity to provide an update on ORR's UC Bureau. We are committed to caring for and protecting children in HHS's care and continue to do all we can, within the bounds of our authorities and resources, to promote their well-being following their discharge. Children who come into ORR care face unique challenges that require a whole-of-government approach—including our partners in Congress and fellow federal agencies, as well as state and local agencies and national and community partners. At HHS, we are proud to do our part in this critical work.

Mr. McCLINTOCK. Thank you, Mr. Secretary.

We'll now proceed under the five-minute rule with questions.

The Chair recognizes the gentleman from Arizona, Mr. Biggs, for five minutes.

Mr. BIGGS. Thank you, Mr. Chair.

Secretary Becerra, do your policies at ORR place priority on speedy placement of the unaccompanied child with sponsors or taking care of their safety and protection once they've been placed?

Secretary BECERRA. Thank you, Congressman, for the question.

The safety and well-being of children in our custody is our number-one priority.

Mr. BIGGS. Well, so that's important to know, because your record indicates that biometrics for the sponsors were eased up there.

The use of DNA—I'm going to read from your directive on March 22, 2021.

Use of DNA is only used for the purpose of establishing biological relationships for purposes of sponsorship and is not submitted to law enforcement personnel or run against law enforcement databases.

Catch that last part? Not submitted to law enforcement personnel and not run against law enforcement databases.

Get this part: Submission of DNA by the parent is voluntary.

How in the world does that protect the child, the unaccompanied minor, when actually what you're doing, you're saying, the parent, whether you submit to DNA, that's voluntary? So, you're going to be taking whoever it is, the sponsor, their word. So, how does that protect the child?

Secretary BECERRA. Congressman, thank you for the question.

We use a number of tools to make sure we can identify the child, and certainly do the background checks on anyone who wishes to be a sponsor.

We always hope that we can get the most direct information about the care—excuse me—the people who are wishing to sponsor these children. We use, as you've mentioned, a number of techniques, including fingerprinting and DNA on occasion when it helps us to identify—

Mr. BIGGS. On occasion. On occasion.

If you don't have the DNA and you don't have the fingerprints, how in the world are you checking the databases for the background? How are you vetting them?

Secretary BECERRA. We have a number of techniques that we use to make sure we're—

Mr. BIGGS. What are they?

Secretary BECERRA. They can include any number of things, such as: Sometimes it will include fingerprints. It will include a direct interview with the individual. It will be a check on citizenship documents.

Mr. BIGGS. How often do you use fingerprinting or DNA?

Secretary BECERRA. Again, it depends on the type of information we have to identify the individuals who are wishing to sponsor.

Mr. BIGGS. So, let's read this one here. This is from a directive 10 days later, March 31, 2021:

Effective immediately, background check requirements for adult household members and alternate adult caregivers identified in a sponsor care plan are not required as a condition of release under any Category 2.

So, it's not required all the time, right? It's just—it's voluntary, for DNA for parents.

So, how can you say that your number-one priority is the safety of these unaccompanied children when you're placing them in sponsors' homes that on occasion have criminal gang affiliations because there's been no proper background check? How can you say that?

Secretary BECERRA. Congressman, if you follow child welfare best practices, you do an extensive background check. We follow child welfare best practices, so we do those extensive background checks, which could include any number of things.

Mr. BIGGS. So, how did it happen—I've got this report that I'd like to submit to the record. This is Senator Grassley's report.

Mr. MCCLINTOCK. Without objection.

Mr. BIGGS. How did we see children ending up in the homes of MS-13 gang members as the sponsor? How'd that happen?

Secretary BECERRA. Congressman, I don't have that information before me that you're referencing, but what I can tell you is that no sponsor would be allowed to take a child if we have information that shows that they are engaged in criminal activity.

Mr. BIGGS. If you don't do the vetting right, you don't know if they're engaged in criminal activity. That's how you end up with an MS-13 gang member as the sponsor. That's how you end up with pedophiles getting 20 children in the same home. That's how you end up there. Because the vetting's been crappy. That's just the bottom line.

So, if we go on and move to this other aspect, where you say the emphasis is on safety and not speed, I'm going to read to you now the memo of concern filed in July 2021. The reason that I read this, even though it's dated somewhat, it seems to be still the conditions. This is from page 2:

Since the beginning of this current influx, ORR field staff have seen the transformation of the Division of Unaccompanied Children's Operations within ORR from a child-welfare-focused model to one that emphasizes what seems to be a "release to someone as soon as possible." model.

So, I know you've lost contact with these children, and now we're told that when you lose contact with these children, it's not being lost. It is being lost.

I ask for all these to be included into the record, Mr. Chair, and yield back.

Mr. MCCLINTOCK. Without objection.

Mr. MCCLINTOCK. The gentleman's time has expired. Ms. Jayapal, for five minutes.

Ms. JAYAPAL. Thank you. Mr. Secretary, again, thanks for coming here.

Earlier this year, I knew HHS finalized regulations governing the placement, care, and services provided to unaccompanied children in HHS custody. My understanding is that these regulations improve the Department's placement and release processes for unaccompanied children, strengthen children's privacy and legal

rights, and set minimum standards for emergency and influx facilities designed to hold children when there is insufficient space.

The regulations also codify the current requirement that an at-home study be conducted before releasing a child to a nonrelative sponsor who is attempting to sponsor multiple children, who previously sponsored a child, or if the nonrelative child they want to sponsor is under 12 years old.

A lot of this seems responsive to the concerns that were raised last year following a report from *The New York Times* that children were working unlawfully in factories across the Midwest and that some sponsors had taken in multiple unaccompanied children.

Can you just confirm to Mr. Biggs's question, you do a full background check on everybody; is that correct?

Secretary BECERRA. Yes, we do.

Ms. JAYAPAL. So, you run them through the databases. If they have a criminal history, that's going to come up in the full background check. Is that right?

Secretary BECERRA. That's correct.

Ms. JAYAPAL. So, can you discuss the importance of the regulations that you passed to protecting unaccompanied children in HHS's custody?

Second, can you discuss why the home study requirement for children under 12 who are not placed with a close relative is so important to protecting kids from trafficking?

Secretary BECERRA. Congresswoman, the rule that you've mentioned that we recently, actually, got through and have now put in place was important, because it puts a clear signal on what we do and how we do it so that all of our contractors who care for these kids understand the rules.

So, they must make sure that if they're going to vet a particular sponsor, they go through the full level of extensive checking on background, whether it's a sexual offender registry, whether it's making sure that, if they need it, they use fingerprints.

We want to make sure there's no ambiguity about what their responsibility is to make sure that they are putting, first and foremost, the safety of that child first before they place that child with a sponsor.

That Foundational Rule has now put in place what we've learned over time, because, if you'll recall, we inherited a dismantled, a broken system—

Ms. JAYAPAL. Yep.

Secretary BECERRA. —for childcare of these unaccompanied kids, and we had to essentially rebuild the process. Along the way, we've learned a great deal about how to do it and how to do it better and how to strengthen it, and this Foundational Rule really incorporates that.

Ms. JAYAPAL. Yes. Thank you.

So, I just want to be clear, it's not like you're just placing kids with people who have criminal records, people who are known gang members. You're going through a full, extensive background check before you place any child.

I understand that many of the factories unlawfully employing children used E-Verify. It's clear that many of our immigration laws and tools, including E-Verify, are not sufficient to meet the

demands of our modern world. The immigration system hasn't been meaningfully reformed in over 30 years.

You and I have both worked on that issue for a long time. What reforms to the immigration system would you recommend helping HHS protect unaccompanied children entrusted to your care?

Secretary BECERRA. Well, Congresswoman, one of the things that we've worked hard to do is to expand our post-release services. Because, as you mentioned in your opening remarks, once we have placed a child in the care of a sponsor, a vetted sponsor, we no longer have responsibility, we no longer have jurisdiction over those children. We should be able to have that post-release service made something we can do all the time.

Right now, we offer it to the kids; they're not required to take it. We're also depending on the resources to actually offer those services, so if we don't have the resources, we can't offer those post-release services. That would help.

Certainly, if there's an employer who is exploiting a child and employing them against the law, I would hope that this Committee would do the same type of hearings, same type of investigation of the employers. We follow the law at HHS; employers should too.

Ms. JAYAPAL. Yes. Really important point. I don't think we've dragged any employers up to the table to talk to them about why they are abusing these labor laws and employing child labor.

I want to discuss the appointed counsel, because I think this is really important. It's outrageous to me that kids, including toddlers, are forced to literally show up in court facing a prosecutor and they've got no representation. I think a lot of Americans just may not know that.

As you know, HHS is required to arrange for legal representation for unaccompanied children to the greatest extent practicable. I know that you share my empathy with these kids, but so much of this is, again, contingent on funding that is given to the agency.

So, given how complicated the immigration system is, just can you briefly discuss—my time is out, but—the importance of providing counsel to unaccompanied children?

Secretary BECERRA. Giving kids the right information is crucial.

Mr. Chair, I recognize my time has expired, so I'll be brief and say: We do everything we can to make sure they understand what their obligations are. We don't actually hire them attorneys, but we try to give them some information, provide the advocacy. Again, it's all contingent on having the resources to go to that extent of services.

Ms. JAYAPAL. Thank you, Mr. Secretary. I yield back.

Mr. MCCLINTOCK. Mr. Biggs, for a unanimous consent request.

Mr. BIGGS. Thank you, Mr. Chair.

I think the rule that the witness might have referred to is Title 45—I'd like to submit it for the record—where it makes public records checks and FBI national crime checks optional for the sponsors and adults living—

Mr. MCCLINTOCK. Without objection.

Mr. MCCLINTOCK. Mr. Tiffany is recognized for five minutes.

Mr. TIFFANY. Thank you, Mr. Chair.

The Ranking Member ripped on the Trump appointees in his opening remarks, which we largely expected, but I'd just ask the

Secretary of the Department of Health and Human Services, do you have a medical degree?

Secretary BECERRA. I do not.

Mr. TIFFANY. You do not have a medical degree.

Are you familiar with the Florida grand jury presentment that they did about a year and a half ago, in 2023, in regard to unaccompanied alien children?

Secretary BECERRA. I am somewhat familiar with it. I was briefed on it on many occasions.

Mr. TIFFANY. Are you familiar in that report, it revealed that children were pimped out by their aunt, which turns out the aunt wasn't even related to the child, the so-called aunt. Are you familiar with that story that was in there?

Secretary BECERRA. There are a number of incidents that are reported in that Florida report. Some of them I can probably recall better than others. Some of them I would challenge and dispute. That one I don't remember.

Mr. TIFFANY. Do you remember the teenage girl that was in a house with unknown men with no private bedroom for her?

Secretary BECERRA. Yes, I—

Mr. TIFFANY. Are you familiar with the sponsors that utilized a strip club in Jacksonville as an address for where a child should be settled?

Secretary BECERRA. Congressman, as I said, I don't have the information on that Florida grand jury report in front of me. I certainly can go back and take a look at it and try to get back to you.

Mr. TIFFANY. Are you familiar that the case managers only performing home studies—the case managers are only doing case studies—or home studies in 4.5 percent of placements in Florida? Only 4.5 percent. In fact, discretionary home studies were one percent.

Is that all you folks are checking up on these kids that are so vulnerable?

Secretary BECERRA. Congressman, thank you for the question.

Congress, in passing the laws that apply to the unaccompanied children, said that home studies would be reserved for those children who came to us with circumstances that show trauma or the need for additional services. So, by law, by statute passed by you and Congress—those of you in Congress in the past, we have the obligation to conduct these home studies only in those particular cases.

We provide home study—

Mr. TIFFANY. So, you decided to do the minimum.

Secretary BECERRA. No, that's—

Mr. TIFFANY. One percent. That's what you said.

Secretary BECERRA. I was about to go there—

Mr. TIFFANY. "OK, here's the law; that's all we're going to do." In the meantime, you've got kids being placed in addresses like a strip club in Jacksonville, Florida.

Secretary BECERRA. That's what I was trying to say, it is that's not the case. We do—

Mr. TIFFANY. In your testimony—

Secretary BECERRA. We do home studies at our discretion. Most of the time, we have to require—we have to wait until we have the funding, know we have the funding to do those discretionary home

studies, but we've expanded them. That's why the Foundational Rule has become so important.

Mr. TIFFANY. In your testimony, you said you coordinate with the States and local municipalities to make sure that you're working with them.

In this Florida presentment, it says, neither U.S. Department of Homeland Security or HHS actively coordinates or consults with the State on the UAC that are resettled in Florida.

Did you see that part of the study? You aren't coordinating with them?

Secretary BECERRA. Congressman, I find that hard to believe.

Mr. TIFFANY. Why are you not coordinating with them?

Secretary BECERRA. Remember, we used to have programs in Florida that had licensed care facilities. Florida decided to unlicense these facilities, and so we've been in constant touch with Florida.

Mr. TIFFANY. So, you said you've seen some of what was presented here. Do you dispute the study from Florida?

Secretary BECERRA. I have a number of issues with the Florida report.

Mr. TIFFANY. If you would share with me—and at an appropriate time, not today—if you want to share with me all the things you dispute in that study, in that presentment by Florida, I would really like to see it.

Then, I want to take it to Florida and ask them, what were you lying about? Because, obviously, you're telling me that there's some misrepresentation by Florida here. Is that right?

Secretary BECERRA. One thing you could really help us with is checking with Florida to find out why they decided to not allow licensed caregivers be part of our program. All the kids that we place in care we try to place in licensed care facilities—

Mr. TIFFANY. Do you believe you're in charge of an assembly line, as the Chair alluded to?

Secretary BECERRA. If I could just conclude, the important thing about Florida is, Florida took affirmative action to unlicense centers that provide care—

Mr. TIFFANY. I'll wait for your answer in regard to Florida offline here. That'll be just fine.

I want to ask you the Harris question. Would you change anything that you've done over the last four years in regard to illegal immigration?

Secretary BECERRA. Recognizing that we don't deal with immigration—that is part of DHS's authority—we deal with the care, the human services side of care for kids—

Mr. TIFFANY. Would you change anything that you've done in the last four years, with 320,000 children unaccounted for by your administration?

Secretary BECERRA. We work tirelessly to strengthen and approve the program of the UC (unaccompanied children) that come before us, and we work really hard to make sure we, first and foremost, protect the safety and the well-being of those kids. Every day is a challenge, and we do the best we can.

Mr. MCCLINTOCK. The gentleman's time has expired.

The Chair recognizes Mr. Nadler for five minutes.

Mr. NADLER. Mr. Secretary, since Mr. Tiffany kept cutting you off, would you answer the question about Florida that he asked?

Secretary BECERRA. Congressman, thank you, because I think this is very important.

It's been very difficult to deal with some of the States because we seek out licensed care facilities, because that is the best practice to ensure child welfare. So, we don't place these kids with just anybody; they have to be folks who are licensed to care for kids.

So, when we had our facilities in Florida, they were licensed. Florida took affirmative steps to say that they would not license any caregiver who took care of unaccompanied children. So, today, if a caregiver wants to come forward to provide services to these unaccompanied children we have at ORR, we cannot have them be licensed.

So, what we have done is essentially set the floor of what licensing would be required for any caregiver in Florida to be able to care for our kids. We don't understand why any State would abrogate its responsibility of making sure caregivers are licensed caregivers.

Mr. NADLER. Thank you, Mr. Secretary.

Mr. Secretary, as you may know, last year, there were media reports about how the Office of Refugee Resettlement did not know the whereabouts of tens of thousands of unaccompanied children who have been released to sponsors since the Biden Administration began. Some of my Republican colleagues have latched on to this headline to claim that the Biden Administration, quote, "lost" these children.

Let's start with the most important question. Are those children actually lost by the Federal Government?

Secretary BECERRA. Yes, again, you're right, Congressman, that's the way it is framed. I want to be clear, we have not—

Mr. NADLER. Can you explain why they're, in fact, not lost?

Secretary BECERRA. Yes. First, to be clear, we have not lost 85,000 kids.

We make every effort—even after we lose the authority to continue to monitor the children once we have discharged them and placed them with a vetted sponsor, we make an effort, on our own dime essentially, to try to reach out to them. We make—we call—we do what we call "safety and well-being calls." We try to reach the child and the sponsor three times by phone to check in.

The children and the sponsors are not obligated to return our call. We can't require them to do so. By the way, even if they don't call back, that doesn't mean a child is lost.

Mr. NADLER. What are some of the reasons a sponsor or a child might not answer when HHS does followup after release through a phone call?

Secretary BECERRA. I'm sorry, say that again.

Mr. NADLER. What are the reasons a child or a sponsor might not answer when you followup with a phone call?

Secretary BECERRA. They may be in school. They may be at a doctor's appointment. They may not have the phone working anymore. There are any number of reasons why they don't answer.

By the way, we do other things in an attempt to try to contact them, including, as I've mentioned, some of these post-release services.

Mr. NADLER. Can you discuss why the Office of Refugee Resettlement is not able to do more? For example, why does it not go to every sponsor's house in person to talk with each child after they're released?

Secretary BECERRA. Well, if we had the resources to do so, it would be far easier to have a program that really reaches as aggressively.

What we don't do is shortchange in the vetting process. We make sure that we follow the best practices in the child welfare field when it comes to determining whether a child should be placed with a particular sponsor. Whether you're in foster care at the State level or whether you are protecting unaccompanied children in ORR, we use child welfare best practices.

Mr. NADLER. Thank you. It seems like the only actual lost children are the 1,000 children that were separated from their parents by the Trump Administration that still have not been reunited to this day.

Let's switch gears a bit. Mr. Secretary, thank you and all the hardworking staff at HHS for the important work you're all doing.

While ORR does its best to care for unaccompanied minors, we know that the immigration system is broken, and that comprehensive immigration reform is needed.

My Republican colleagues' marquee immigration legislation, H.R. 2, would allow unaccompanied children to languish in Border Patrol facilities for up to a month, force children to quickly appear before an immigration judge with no access to an attorney, and send children back to their home countries where they're at high risk for exploitation and abuse.

Would this kind of legislation help or hurt unaccompanied children?

Secretary BECERRA. Congressman, what I will tell you is that, if you're going to have the best interests of that child in mind, you're going to try to be supportive of what they need.

They are not adults. They don't know all the laws. They don't know all these proceedings, whether it's a silent proceeding or an immigration proceeding. You have to make sure that they are fully aware, and those who can be responsible, an adult who's supervising them, can be available to help them out.

Mr. NADLER. So, this legislation would not help.

In your opinion, is it better to allow children to remain in the United States with vetted sponsors while undergoing a robust legal proceeding or to summarily deport them with limited due process back to their home country and the dangerous situation they just fled?

Secretary BECERRA. Well, Congressman, again, I'm going to be careful. I'm the Secretary; I'm no longer a Member of Congress. I do know the laws when it comes to immigration.

Asylum—once you have claimed asylum, you're entitled in this country to a hearing. You would have to change those laws before you're able to summarily remove those protections for those who claim asylum.

Mr. NADLER. Thank you, Mr. Secretary.

My time has expired.

Mr. MCCLINTOCK. Time has expired.

Mr. NADLER. I yield back.

Mr. MCCLINTOCK. The Chair recognizes Mr. Roy of Texas.

Mr. ROY. I thank the Chair.

Thank you, Mr. Secretary, for appearing before the Subcommittee.

You mentioned the State of Florida in the context of—I think you characterized it as not being willing to work with HHS.

On September—I'm sorry, on March 29, 2023, a Florida Grand Jury released a report detailing the impact of the UAC influx at the Southern border. The grand jury made some of the following conclusions of the Office of Refugee Resettlement, the component agency within HHS entrusted to you, Mr. Secretary. Excerpt:

A disturbing pattern has emerged whereby the same sponsor applies to receive multiple UACs, sometimes at the same address, sometimes at a different one. Some individual sponsors apply to receive more than one child at more than one address simultaneously.

One address in Texas had 44 children sent to it. Another had 25. One sponsor in Bonita Springs, Florida, had multiple children sent to multiple addresses, and he applied using different versions of his hyphenated surname. One address in Austin, Texas, had more than 100 UACs released to a single-family dwelling.

A town which I represent.

Mr. Secretary, is this remotely consistent with the claims by your Department that you're doing everything in your power to ensure child security?

Secretary BECERRA. Congressman, thank you for the question.

All potential sponsors, anyone who wishes to apply to sponsor a child, must undergo an extensive vetting process that follows child welfare best practices. We use a variety of tools. We try to monitor as best we can. Recently, through the Foundational Rule, we have established an even more extensive process for vetting as well.

Mr. ROY. Do you believe that the HHS Foundational Rule from April 30, 2024, is consistent with what you just said in terms of background checks? Is it sufficient?

Secretary BECERRA. The foundation rule is what we've built to try to give us a better way to not only care for kids, but also make sure—

Mr. ROY. Does it require full public records background checks?

Secretary BECERRA. I'm sorry?

Mr. ROY. Does it require full public records background checks and FBI national criminal history checks?

Secretary BECERRA. As I said, we follow child welfare best practices when it comes to—

Mr. ROY. Yes or no, though? Do you do the full criminal history checks for the potential sponsors of these children?

Secretary BECERRA. Well, yes, we follow best—child best practice—best practices—

Mr. ROY. Right. The answer is no.

Secretary BECERRA. It's a yes. We follow child welfare best practices.

Mr. ROY. That's not my question. My question is, do you do backgrounds checks, or do full criminal records public background checks for the FBI national criminal history?

Secretary BECERRA. We certainly check for criminal records. We check for sex offender in the sex offender registry. We do, again, the different things that the child welfare—

Mr. ROY. The rule says you don't. The rule I'm talking about says you do not.

Secretary BECERRA. I'm sorry?

Mr. ROY. The rule that we're talking about was released on April 30, 2024, says you do not.

Secretary BECERRA. We do not what?

Mr. ROY. That you do not carry out FBI national criminal history checks for all potential sponsors.

Secretary BECERRA. We do background checks on every individual—

Mr. ROY. Right, but that's a slippery description.

What I'm saying is, this rule is pretty clear in what it's saying, that you do not provide the kind of background checks—which, by the way, has created a problem.

So, let me move on in the interest of time.

Are you familiar with Maria Gonzalez, an 11-year-old girl who lived in Pasadena, Texas? In August 2023, Miss Gonzalez was allegedly raped and murdered by Juan Carlos Garcia-Rodriguez, a Guatemalan national who appeared at the Southern border as a UAC in January 2023 and was 17 years old. A month later, HHS released Garcia-Rodriguez to a sponsor with a criminal history and who previously had two other UACs in his care. Failed to enroll them in school, as required by HHS.

How about the situation with respect to another individual, Kayla Hamilton? Are you familiar with Walter Javier Martinez? Martinez was a 17-year-old from El Salvador who appeared at the border as a UAC in March 2022. Months later, in July 2022, he raped and murdered Kayla Hamilton, a 20-year-old woman in Maryland. After Martinez's release from the border and before Ms. Hamilton's tragic death, HHS released him to a sponsor in May 2022, despite Martinez having gang tattoos and an arrest record for illicit association with MS-13.

Mr. Secretary, how can you credibly claim that HHS is working to protect these children?

By the way, children we're talking about in the order of magnitude of 400-and-something-thousand children, which you are dismissing that they are lost.

Let me ask you a very specific question, Mr. Secretary. Can you account for the whereabouts of those 400-and-something-thousand children—the 320,000 that were put in the report by the Inspector General, the 85,000 that we've talked about before in 2023? Do you know where all these children are and that they are safe? Yes or no?

Secretary BECERRA. Congressman, as I explained the process, we get these kids when they are referred to us by the Department of Homeland Security. We then provide them with care while they are in our custody. We lose custody of those kids once we find a vetted sponsor with whom they can stay.

Mr. ROY. A vetted sponsor that rapes and murders the people that they're entrusted to? Because you issue a rule that doesn't

even do the background check? That's what you think is appropriate care for these children?

Secretary BECERRA. Congressman, as I said, we do background checks.

Mr. ROY. I yield back, Mr. Chair.

Mr. MCCLINTOCK. The gentleman's time has expired.

The Chair recognizes Mr. Correa of California.

Mr. CORREA. Thank you, Mr. Chair.

First, I want to welcome you, Secretary Becerra, to this Committee and wanted to remind you that you are under oath today, sir.

Are you a father?

Secretary BECERRA. Three daughters.

Mr. CORREA. Care for them deeply? I think it's safe to say all of us here care for the welfare of all children, irrespective of if they're our blood. They're children, God's children. We take care of them, correct, sir?

Secretary BECERRA. Even if they aren't your blood children, you try to take care of them.

Mr. CORREA. As a Member of the Homeland Security Committee, I've had the opportunity to tour the border, both North and South border, down at Tijuana, those areas where a lot of refugees, asylum-seekers are actually held, waiting their turn to possibly come to the U.S.

I also had the opportunity to tour a safe-house holding children that had been rescued from the sex trade South of the border. Children as young as eight years old rescued. If you looked at their faces, you knew that those kids had lived through unspeakable horrors.

So, I want to ask you, sir, in your opinion, is it better to allow children to remain in the United States while they're being vetted, their sponsors are being vetted, and they're going through a robust legal procedure, or is it better to, essentially, summarily deport them with limited due process back to their home country or South of the border? Which, in your opinion, is best for those children?

Secretary BECERRA. Again, Congressman, respecting that I don't have immigration law within my jurisdiction, what I will tell you is that we've had decades of research on how best to care for kids, especially those who have undergone trauma. What you want to do is provide them with stability. You want to provide them with the care that they need. You want to make sure that they have a safe place to be. You want to make sure that they are well fed, they're not ill-equipped.

That's what we do. It's a tough job. We do that for a lot of these kids who have gone through hardship and trauma. If you take them out of that setting, who knows where they will end up, what will happen to them.

That is why, in fact, under the law, the Department of Homeland Security does not detain these kids and hold them. Because they detain adults. They're—it's an adult detention facility that's used for those who have to be held. That's not appropriate for kids. That's why, under the law, we get them.

So, when you asked the question, I think you and I as parents—I have three daughters—I would want to make sure my children

received the kinds of services that the experts over decades of time have said are the best way to help a child heal and treat the trauma and hardship they've suffered.

Mr. CORREA. I hear my colleagues from the other side of the aisle, colleagues from Texas, talking about children that are lost in the system, children that end up in areas not intended to.

How long has this been going on? Is this something new? Refugees have been at our Southern border for a couple of decades, so how long has the U.S. Government been challenged to work through this issue, dealing with unaccompanied minors as they present themselves in chaotic situations at our border?

Secretary BECERRA. Congressman, as you're indicating, a number of administrations, numerous previous administrations have had to tackle these challenges—

Mr. CORREA. Both Republican and Democrat?

Secretary BECERRA. Republican and Democrat—dealing with the issue of unaccompanied children.

By the way, "lost"—you can't say because someone doesn't answer a phone call that it means they are lost.

Mr. CORREA. Is that part of the definition here we're using, that if you don't answer—if a sponsor doesn't pick up that phone, then that child is lost? Is that what you're saying?

Secretary BECERRA. That's what they're interpreting. The fact that a child may not answer a phone call that we place when we try to check in with them, they then—

Mr. CORREA. Mr. Secretary, we all have the best interests in mind of these children.

Secretary BECERRA. Yes.

Mr. CORREA. So, I'm concerned as well.

What else do you need, what other tools, what other resources do you need so somebody else can make second, third, or fourth phone call, maybe have a personnel go out and check out that home situation? What do you need to make sure you increase the probability of a safe environment for those children?

Secretary BECERRA. Sir, to give you context, in 2021, when I began as Secretary, about one in every five kids we were able to reach through what we are calling our post-release services. Today, we provide that to 100 percent of the children that we release to a vetted sponsor.

What could I use? What would help us? The resources to make sure we continue that. Because the moment you make cuts to our program, our first responsibility is to provide the care in the places that we have, and the secondary thing we can do is try to provide them with post-release services.

So, if you cut the dollars that we use, if we don't have enough to do our principal responsibility of caring for these kids, we have to make cuts to things like post-release services.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. CORREA. Mr. Chair, I yield.

Mr. MCCLINTOCK. The Chair recognizes Mr. Van Drew.

Mr. VAN DREW. Thank you, Chair.

Secretary, I want to thank you for your service in Congress.

I want to let you know, if you don't know already, I'm a blunt guy. So, you're going to have to forgive me in advance. What's going on here is bad.

You talked about mandates. We have a human mandate, a humane mandate, and an American mandate. I hear lots of words where we talk about the bureaucracy, and we talk about all the speeches that everybody's giving and lots of money is the answer to it. Money sometimes helps, no doubt about it, but you have to have the basic rules, the basic foundation to do things right.

Just before I go into some questions and ideas here, let's tell the truth. It's tell-the-truth time. We eased the background checks greatly. Yes, you do very often do background checks, but they're not good enough, and that was done in the rule. We allow those who want to refuse criminal background checks, and some kids are put in those homes and in danger.

Having a criminal background is not prohibited. Let's tell the truth. I can read, this Committee can read, we all can read. We know what the truth is. That all sponsors are not vetted—that's the truth. That's what's really happening. Let's deal with the real world.

You've played an integral role in establishing the Unaccompanied Children Program Foundational Rule. The details of the rule, to me, are so abhorrent that it's no wonder some of the worst individuals have been able to exploit it and slip into our country. It's no wonder that hundreds of thousands of unaccompanied alien children have gone missing under this watch.

The details of the rule, in my opinion, are insane. We're dealing with kids; we're dealing with children. The rule allows sponsors to refuse background checks. As I said—let me say it again—a sponsor can refuse a background check, and they still can be eligible for taking on a vulnerable child.

There's a new State adoption agency anywhere in this country, in any State in this country, that would allow this for any foster parent, for any adoptive parent, for any American citizen who wanted to adopt. Why are we not holding sponsors of unaccompanied children to at least the same standard that we hold them?

The rule also fails to disqualify individuals with criminal records or child welfare violations from serving as sponsors. How wrong is that? Again, we wouldn't allow an adoptive American citizen to do that to an adopted child. Why do we let them?

It gets worse. The rule also actively prevents the sharing of critical immigration-related information with enforcement. You said certain things aren't your job. That's what enforcement is there for. There should be a communication, there should be a dialog back and forth, especially when sponsors are under investigation for human trafficking or smuggling. You want to know that from the Feds. It's evil. It's wrong. I don't know how we justify it.

The rule works to undermine age verification processes—and you can read it in the rule; I'm not making it up—which enables adults posing as children to exploit the system and gain easier access into the United States of America.

Even if there is evidence of criminal backgrounds, the rule is designed to create barriers to placing the UACs in secure facilities. This Committee has seen the tragic real-world examples of it. Some

of it was mentioned by my colleagues. Kayla Hamilton, 20-year-old young woman. She was brutally raped, she was brutally beaten, she was murdered by someone with ties to MS-13 who pretended to be a minor, and nobody stopped it. If we had done our job and put the safety of Americans and the safety of kids over processing illegals quickly, she would still be alive today.

I associate myself with some of the remarks that Congressman Correa said. They're kids. We all love our kids. I know you love your kids. Think about that. This woman's dead. We're not going to bring her back, ever. There's no speech, no bureaucratic action that's going to bring her back.

I've seen a lot of stuff, man. I've been in the State Senate, the State Assembly, County Commission, Mayor, Congresswoman now for six years. Man, I haven't seen too many rules that are worse than this rule, because it deals with kids, and it hurts children. It's bad for everyone involved. It's bad for taxpayers, it's bad for American communities, and it's bad, most importantly, for the undocumented children.

So, I have some questions, and I've got 23 seconds. Secretary Becerra, I just want a yes or no: Knowing how this rule has worked, do you still believe it was the right answer to the border crisis? Yes or no? Yes or no?

Secretary BECERRA. Congresswoman—Congressman, the way you've interpreted the rule is not the rule that we passed, so it'd be tough to give you a yes or no.

Mr. VAN DREW. Well, your interpretation of the rule, do you think it was right?

Secretary BECERRA. Well, let me give you a quick example.

Mr. VAN DREW. I don't need an example.

Secretary BECERRA. We do a background check for any potential—

Mr. VAN DREW. I need a yes or a no. Mr. Secretary, I need a yes or a no. I can always answer questions "yes" or "no."

Is the rule good? Is it what you want? Would you continue with it? Yes or no?

Secretary BECERRA. Congressman, you said we—OK—a sponsor can refuse a background check. That's not true. No sponsor who wishes to take a child can refuse a background check.

Mr. VAN DREW. I read the rule. I had people read the rule a whole lot smarter than me.

Mr. MCCLINTOCK. The gentleman's—

Secretary BECERRA. That's not the rule we enforce.

Mr. VAN DREW. I unfortunately have to yield back.

Mr. Chair, I'd like to submit these questions to the Chair.

Mr. MCCLINTOCK. Without objection.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. Garcia?

Mr. GARCIA. Thank you, Mr. Chair, for the opportunity.

Thank you, Secretary Becerra, for being here today and to your staff for all the work and the progress that has been made to a very imperfect system. Its history goes back a long, long ways.

As a former and current foster parent, this issue is near and dear to my heart. I've seen some of the trials and tribulations that children have endured as it relates to trauma. I've seen their resil-

ience. This remains a challenge to our system and certainly to your office and the Office of Refugee Resettlement.

Is it fair to say that the protocols that you utilize in placing children are pretty similar to what most States in the Union utilize when placing children?

Secretary BECERRA. Foster-care programs also try to look to the best practices for child welfare. So, I can't say they're exactly the same, but we follow the best practices of child welfare professionals.

Mr. GARCIA. Those are pretty rigorous, I might say, as someone who is currently abiding by them so, yes.

Secretary BECERRA. Yes, you would know.

Mr. GARCIA. Most of these children arrive after experiencing severe trauma. Can you describe some of the resources that ORR provides to children as it relates to mental health and emotional well-being and if they're made available in other languages besides English?

Secretary BECERRA. So, yes, because so many of the kids come with no familiarity with language—with English, so we do provide language services support.

In terms of behavioral health, we do a full assessment of the child once the Department of Homeland Security places them in our care, and we try to make sure we're checking for their physical and mental health to make sure we provide them with the professionals that they might need. So, that could be any number of things. Obviously, the smaller they are, the more intense and professional the service must be.

On behavioral health and mental health services, we will do an assessment and then provide them with the services that they need in our care.

Mr. GARCIA. Under your leadership, Mr. Secretary, HHS has finalized much-needed regulations aimed at protecting unaccompanied children. The regulation implements and codified protections required by the Flores settlement and enhances the legal framework, as well, for the care and treatment of unaccompanied children.

Can you describe how the new regulations will help improve the protection of unaccompanied children?

Secretary BECERRA. Again, we're talking about the Foundational Rule, to respond to the previous questions by the Congressman, it would be inconsistent with the Flores settlement, the court case, for us not to do background checks. So, we must do background checks, not only because our rule says it, but because the case law says we must do it as well.

What else do we do? We provide an Ombudsman office. That office is there to make sure staff or stakeholders can report any incident and do it with someone who's impartial and independent of the work that we do, to report any incidents that are of concern.

We make sure that we provide enhanced medical services, to your point about behavioral health. We provide enhanced educational services to children. We try to provide legal advocacy services as well.

Mr. GARCIA. Thank you.

My final question is, I'm asking you to look at the future from what you have internalized so far during your tenure in your position.

As we continue to see migration driven by violence, political unrest, climate change, and economic instability, especially in the hemisphere, how is ORR preparing or should be preparing for potential future surges in possible unaccompanied children at the border?

Secretary BECERRA. We have—and this is an excellent question, Congressman, because we never have a clear sense of how many kids will come to our care from the Department of Homeland Security. Obviously, in 2021 there were large numbers. Today, we have got a system that really can manage the children that are coming to us.

What we do is we have to prepare, because we can't afford to not have a place for a child if the consequence is to leave them in an adult detention facility at DHS. So, we make arrangements with potential care providers to have them available.

We also have what we call “emergency influx facilities” that we can quickly ramp up in the event that we have a large influx of children so we can provide them the services they need.

Mr. GARCIA. Very well. Thank you very much.

My time's almost expired. Mr. Chair, I yield back.

Mr. MCCLINTOCK. The gentleman yields back.

The Chair recognizes Mr. Moore.

Mr. MOORE. Thank you, Mr. Chair.

Mr. Secretary, welcome.

Before my time, I understand that this Committee had three hearings on lost children under the Trump Administration. At that time, it was only a thousand lost children.

If I remember correctly, there was a certain Member—and I won't give her name, but her initials are “AOC”—that put on a white suit and went to the border to protest these thousand lost children.

Now, my friend, *The New York Times*, actually—and this is not a Republican rag, by the way—reported in February 2023, HHS had lost over 85,000 unaccompanied children.

My question to you is, as this process—I think you're in over your head. I think the administration has buried you. I don't think there's any way you can keep track of what's going on at the Southern border, and we're losing children by the droves.

When you talk about background checks, how is it that one individual could have 20 children? How does that happen, Mr. Secretary?

Secretary BECERRA. Congressman, thanks for the question. Actually, I think I heard two questions there.

The first is on “lost”—85,000 “lost” kids. Again, not answering a phone call, that does not mean a child is lost—

Mr. MOORE. Mr. Secretary, let me tell you something. If my wife calls one of my kids and on about the second call we don't know where that child is, it is pandemonium around the Moore household.

I've got news for you. When you're losing children to the tune of 85,000, there are parents somewhere in this world—and I don't

know where the parents are—that are sending these children here for some reason. They are being trafficked or they are being used for child labor.

Again, this is *The New York Times*—this is not a Republican talking point, this is not a Republican rag. This is *The New York Times* talking about the mismanagement of this administration of these children and how we've lost them.

So, my question to you is, how does one sponsor get 20 children? If we're background-checking, in fact, how does that happen?

Secretary BECERRA. Congressman, every sponsor must go through a background-check process. Every sponsor must be able to show—

Mr. MOORE. Mr. Secretary, what if they're a foreign national? Are you background-checking if they're foreign nationals? Is it possible that MS-13 is bringing their people across the border and taking custody of these children and putting them into trafficking and other unspeakable sort of things? Is that possible?

Secretary BECERRA. Remember, I mentioned in my opening testimony that the vast majority, 80–90 percent, of the kids that we place are placed with the parent, a very close relative—

Mr. MOORE. If you're not doing biometrical—if you're not identifying these people with biometrics, how do you know they're the parents?

Secretary BECERRA. So, there are many ways to provide—or, to prove identity. You can look at citizenship—

Mr. MOORE. So, they can prove their identity to take custody of children but not to vote? Is that what you're telling me?

Secretary BECERRA. I'm sorry, can you repeat that?

Mr. MOORE. So, you're saying voter ID doesn't need to be required, there's no way to verify somebody's identity, but if they're going to take custody of a child from a foreign country, you're saying they do have an ID or they need to have an ID?

Secretary BECERRA. You said voter ID?

Mr. MOORE. Yes. What I'm saying, in other words, is you're requiring ID for these people supposedly to take these children, but then you're saying—many times on the left, they say, well, voter ID is racist or discriminatory.

So, explain to me, how is it that you're verifying the ID of these people if they don't have IDs and nobody can get IDs?

Secretary BECERRA. Thank you for the question.

Identity documents are one of the many tools that we use to try to ascertain the relationship of the child with the potential sponsor, but there are many other things that we'll do. If there's a sponsor that has not provided sufficient identification and proven that tie to the child, we can turn to things like fingerprinting if we need to.

Mr. MOORE. So, you think this person that got these 20 children is related to all 20 of those kids? Is that what I'm hearing? Or—

Secretary BECERRA. What I can tell you again is that every sponsor must go through a vetting process to be able to sponsor any child.

Mr. MOORE. If they're a foreign national, we do vet those people as well? Or—

Secretary BECERRA. Anyone who wishes to apply to sponsor a child must go through the process. If they decline to go through the process, they cannot sponsor.

Mr. MOORE. Well, earlier, one of the members mentioned that a certain sponsor had kids delivered to different addresses. How do you cross-reference that? How do you justify that?

Secretary BECERRA. I'm not familiar with any case that you're referencing, but what I will tell you again is, when we—

Mr. MOORE. That was the Florida grand jury case, by the way.

Secretary BECERRA. —yes—go through the background checks, we ascertain any number of things, including residence, where the child will be placed.

We check on the household members in that place as well, in the home. So, we go through the process of not only vetting sponsors, but we also check with those members in the household.

Mr. MOORE. So, in the Florida grand jury case, where the one child was delivered to the strip club, is that—did y'all vet that location? Was that considered a house? I mean, is a strip club now considered a house for children being trafficked or lost?

Secretary BECERRA. As I mentioned, Congressman, we can discuss the Florida report. There are many issues that we have with that report.

Mr. MOORE. Let me ask you a really quick question. I'm going to change subjects really quick. Many of the members had mentioned it, the Kayla Hamilton case, where Mr. Martinez, he came across as an unaccompanied child and then ended up killing Ms. Hamilton.

How many UACs, unaccompanied children, now do we have in secure facilities, are you housing in secure facilities? Do you know?

Secretary BECERRA. We use secure facilities if we don't believe that we can manage the children or keep the children they would be around safe, or perhaps even for the safety of the individual.

I don't have that number. I can take that back to my team.

Mr. MOORE. Yes, we'd be curious to know that.

I'm trying to figure out how in the world we—I had a situation in one of my areas where a young lady was raped by a 31-year-old that identified as an unaccompanied child, and he came to this country and then drug a 14-year-old girl into a restroom and raped her, and yet he was identified as a child.

I don't know how you understand a 31-year-old—how does he—how do you identify that as a child? Is there any test on age when the kids come here? Do you get any documentation on birth certificates or anything like that?

Secretary BECERRA. You're going to many of the documents and the ways that we try to ascertain not just the child's identity, but also get into the background of anyone who wishes to sponsor.

Mr. MCCLINTOCK. The gentleman's—

Mr. MOORE. How does a 31-year-old identify as a child?

Ms. JAYAPAL. Mr. Chair, it's way over time.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. MOORE. I yield back.

Mr. MCCLINTOCK. Ms. Ross?

Ms. ROSS. Thank you, Secretary Becerra. I apologize for my tardiness.

Secretary BECERRA. No, no.

Ms. ROSS. I understand that some of the questions that I was going to ask you about unaccompanied minors have been covered, so I'm going to just find out what you think the status of Temporary Protected Status individuals are.

Given the conflicts that are going on around the world and the people who are seeking asylum in so many different ways, could you reflect on where the Biden Administration has been with TPS and share advice that you would give to the incoming administration for how to deal with people who come here seeking refuge under TPS?

Secretary BECERRA. Congresswoman, you're taking me back to my days as a Member of this body—in fact, a Member of this Committee as well.

As Secretary, we do not have jurisdiction over issues like Temporary Protected Status. That falls under the jurisdiction of the Department of Homeland Security.

What I will tell you is this: The TPS process is one that has helped many individuals who have—are afraid that, if they return, they would return to violence and persecution.

The Temporary Protected Status system has been in place under many administrations, Republican and Democratic. It is a way that we have been able to protect families—individuals and families from the harm that they could face if they were to be sent back home.

Ms. ROSS. My next question to you is: You've had this job; it's been a tough job because you inherited just a complete mess, particularly for unaccompanied minors and for family separation. You've made some progress.

If you could give advice to the next Administration for maybe the top three things that they should do to build on the progress that you've made—we know nothing's perfect, but what should they do if they really wanted to make a difference in this area?

Secretary BECERRA. First, Congresswoman, safety and well-being, that has to be always the first priority when it comes to unaccompanied children, is safety and well-being, recognizing that some of these kids are in our care after going through some truly traumatic experiences, some severe hardship.

Our job is to try to help care for them, but our principal job is to place them in a better setting than the congregate care facilities that we have, because you want to help them—help cure them from those devastating experiences that they have, and the best place to do that is in a home, in a community, and in a place where they can be with people who care for them. While we care for them, again, congregate settings, we do the best job we can.

So, I would say, on top of always putting safety and well-being at the top of your list, second, making sure you have the resources so that not only the care you give while they're with you is good but that you can help provide the services that help make them transition to a new sponsor, one that will work for the child.

Ms. ROSS. OK. Then, finally, what was the most inspirational thing you got to do, serving as Secretary?

Secretary BECERRA. Oh, my gosh. We're talking beyond the Unaccompanied Children Program?

Ms. ROSS. Yes. Yes. Because your term's coming to an end, and so it's always nice to reflect on something positive.

Secretary BECERRA. Yes. In all my notes, I didn't prepare for that question, Congresswoman.

What I will tell you is that, watching as more Americans today have access to healthcare because they have their own health insurance than ever before. A record number, more than 300 million Americans today, have their own health insurance coverage. That's never happened in the history of our country. President Biden made that possible.

We have more people today—virtual country has been vaccinated against COVID, and so we've been able to function. We don't have to wear a mask everywhere we go, we don't have to distance, and we don't have to watch our loved ones die in isolation because we can't be with them.

Having gone through a pandemic that none of us had experienced before was something that was a tremendous challenge, and watching how we tried to make sure America got healthy, so our economy got healthy was critical.

I would simply say it's giving us a chance to do what we're supposed to do, is improve the health of the American people.

Ms. ROSS. Well, as a legislator from North Carolina, I want to thank you for your assistance with Medicaid expansion—

Secretary BECERRA. Absolutely.

Ms. ROSS. —because that's the most important thing that happened in our State during your tenure.

Thank you, Mr. Chair, and I yield back.

Mr. MCCLINTOCK. The gentlelady yields back.

On behalf of Mr. Biggs, the Chair requests unanimous consent to place into the record a copy of the appropriations language of funding ORR at \$6.4 billion for Fiscal Year 2024.

Mr. MCCLINTOCK. The Chair recognizes Mr. Rulli for five minutes.

Mr. RULLI. Mr. Chair, I yield my time back to the Chair.

Mr. MCCLINTOCK. Oh, well, thank you.

Mr. Secretary, you mentioned, well, the three calls that you make to followup, could be they just aren't by the phone or they're at school or at work or something.

So, OK, so you make the three calls, and you can't contact either the sponsor or the child. So now what?

Secretary BECERRA. Congressman, I would pose the question back to you, because our—

Mr. MCCLINTOCK. Well, now what? Do you just shrug your shoulders and go on?

Secretary BECERRA. No. That's why we have tried to expand—

Mr. MCCLINTOCK. Well, what are you doing then?

Secretary BECERRA. That's why we have expanded—

Mr. MCCLINTOCK. As Mr. Moore said, if it was my child and I couldn't get a hold of them or the person who's looking after them in three separate phone calls, I would be freaking out.

Now, you're the surrogate parent in this case. What do you do after the three calls go unanswered? You're telling us, you're assuring us these children aren't lost, but how are you following up after that? Or are you?

Secretary BECERRA. Congressman, if you give me a chance to respond—because you pose a great question, because you and I, as parents, would want to make sure that we know what’s going on with our children. We make every effort. We don’t have—

Mr. MCCLINTOCK. Three calls, and then what after that?

Secretary BECERRA. Congressman, our responsibility is to provide care while they are in our custody. Under the law—

Mr. MCCLINTOCK. Mr. Secretary, you have dropped them off at a sponsor’s house. You now can’t get ahold of them. That’s on you. What do you do after that?

What I’m hearing back is you don’t do anything. You shrug your shoulders and then send another batch of kids out to another group of sponsors’ homes. That’s frightening to me, and it’s frightening to everybody who has watched this terrible, terrible situation unfold on your watch.

Mr. Van Drew mentioned your Unaccompanied Children Program Foundational Rule and noted that this was a giant step back from rigorous vetting.

Failure to categorically disqualify sponsors with criminal or other child welfare history concerns, instead requiring case managers to first consider a potential sponsor’s resources and strengths, never mind that they’ve got a criminal conviction.

Barring the sharing of immigrant information for potential sponsors with law enforcement officials; finding out, are these people trustworthy?

Weakening the veracity of age determinations of UACs by requiring forensic evidence that indicates that an adult is posing as a UAC, in your rule’s words, “should not be used as sole determining factor but only in concert with other factors,” and then shifting the burden of proof so that the ambiguous, debatable, or borderline forensic examination results are resolved in favor of finding the individual is a child.

That doesn’t sound like a step forward in rigorous vetting. That sounds like a step backward, to me.

It was mentioned, Senator Grassley’s finding, and one particularly disturbing case—that one child was placed with a known affiliate of the dangerous MS–13 gang. Now, according to the documents, HHS disregarded multiple warnings by a case manager about the potential danger of the UAC being placed in this home. This rigorous vetting that you’re talking about—you were actually warned by the case manager that you were placing this child with an MS–13 gang member. That doesn’t sound like rigorous vetting to me.

Since January 20, 2021, when this administration took office, can you tell me the total number of unaccompanied children that HHS has placed with known or suspected gang members?

Secretary BECERRA. Was that a question for me?

Mr. MCCLINTOCK. Yes.

Secretary BECERRA. Please repeat the question. I thought you were making a comment.

Mr. MCCLINTOCK. The question is, how many children have been placed with known MS–13 gang members? We know of one. What do you know?

Secretary BECERRA. Congressman, obviously, when we go through the extensive vetting process, we make sure that—what we try to do is place them with someone who'll keep them safe. Obviously, someone who is involved in gang activity would not be someone we would consider to be safe.

Mr. MCCLINTOCK. Yet, you did so anyway after you were warned by the case manager.

You've placed, what, 440 UACs with sponsors—440,000—during your tenure?

Secretary BECERRA. We have placed a large number. I don't know if that's the precise number, but a large number.

Mr. MCCLINTOCK. Well, again, you assure us that the Department undertakes rigorous background reviews of all these sponsors. So, can you tell me how many sponsors have been rejected for failing to pass background checks?

Secretary BECERRA. Well, certainly, no sponsor who—where we flagged certain activity, whether it's criminal records, where we flagged—

Mr. MCCLINTOCK. Well, how many have you flagged?

Secretary BECERRA. I certainly can try to get back to you with some information on that. I could take that back to my team. I don't have a number with me as we speak.

Mr. MCCLINTOCK. Do you know how many you've disqualified because of previous murder convictions?

Secretary BECERRA. I don't have those kinds of numbers.

Mr. MCCLINTOCK. How about child abuse convictions?

Secretary BECERRA. Certainly, none of those individuals, when they go through the vetting process, would be able to go through—

Mr. MCCLINTOCK. What about trafficking and child pornography?

The Ranking Member reminds me that my time—Mr. Rulli's time has expired.

The Chair now recognizes Mr. Hunt of Texas.

Mr. HUNT. Thank you, Mr. Chair.

The Biden–Harris Refugee Resettlement Program is not your grandfather's refugee program, and I'm going to tell you why.

I grew up thinking that “refugees” meant the most vulnerable people in the world—but not so much under the Biden–Harris Administration. The left can never leave anything alone and not even the U.S. Refugee Resettlement Program. President Biden has reimagined U.S. refugees.

You might've missed this, but the Biden–Harris Administration in January 2023, created a program called the Welcome Corps. Under the Welcome Corps program, U.S. permanent residents—noncitizens—can recommend and sponsor noncitizens to be U.S. refugees. Yes, you heard that correctly. Noncitizens can sponsor noncitizens to become refugees in my America.

Let's make an analogy that the liberal elites will understand. Imagine you are a member of a country club. You pay dues, and you enjoy all the benefits that come with being a member of that club. Then, one day, you invite a guest to visit the country club, and then the guest invites another nonmember to visit the club, and before you know it, the membership is irrelevant. Another member may then ask, how are you inviting people to the club? Are

you a member? The guest will say, no, but I'm a lawful permanent resident.

The whole purpose of reimagining the U.S. refugee program is to demean and devalue what it means to become a U.S. citizen. Citizenship matters. Borders matter.

Having borders is the difference between having a country run by President Trump or by a Haitian warlord, Barbecue. I am sure that some of you are familiar with the recent Spirit Airlines flight that landed in Haiti and was immediately met with gunfire. As I said, borders are important.

In 2020, under President Trump, close to 12,000 refugees were admitted into the United States. Just this past year, under the Biden Administration, the number of admitted refugees has ballooned to over 100,000 people, the highest number in three decades.

Let me tell you about another Biden–Harris initiative for noncitizens. The Biden–Harris Administration has the initiative for refugees called the New Americans Partnership, which is an initiative that fosters collaboration between housing agencies and refugee resettlement agencies to support the housing needs of said new Americans.

New Americans? What about the Americans that are already here? Americans are dreamers too. Americans are refugees too. They're refugees of Democrat-run cities. Now, I am sure there are Americans living in Inglewood who would love to move to Beverly Hills. I'm sure there are Americans living in Harlem that would love to move to the Upper East Side. I am sure there are Americans living in the South side of Chicago who would love to move to Lake Forest.

Take a look at the last census. Americans are fleeing Democrat-run States for the haven of Republican States. Why is that?

Under the Biden–Harris Administration, Americans are left behind while the needs of new Americans are pushed to the front of the line of taxpaying Americans. There's a reason why President Trump won every swing State this year and the first Republican to win the popular vote in 20 years. Americans are sick and tired of being treated like second-class citizens in our own country.

President Trump created opportunity zones for Black Americans. President Biden and Democrat mayors created opportunity zones for illegal immigrants. For the left, it's the new Americans first and Americans last.

I've said this before. It's not the "Great Replacement" theory; this is the definition of the "Great Replacement" fact. The left wants to allow millions of people into this country, whether that be legally or illegally, so that United States citizenship means essentially nothing.

In this country, we don't have Americans—or old Americans or new Americans; we just have my fellow Americans. Now that President Trump is back, I'm happy to say that all American citizens will be treated with respect once again.

With that, I yield back my time. Thank you, Mr. Chair.

Mr. McCLINTOCK. The gentleman yields back.

The Chair now claims his own five minutes to sum up the concerns I have with all of this checking that you keep assuring us is so rigorous.

Your ORR Director, Dunn Marcos, told the Committee that HHS routinely contacts foreign consulates or embassies to verify UACs' documents. Is that correct?

Secretary BECERRA. We work with the consulate offices, Mr. Chair, to try to—

Mr. MCCLINTOCK. You verify the information of these children with the consulate. When you're doing that, do you ever ask for the child's criminal history?

Secretary BECERRA. We continue—

Mr. MCCLINTOCK. Again, we're talking about adolescents here and sometimes adults pretending to be teenage—or, pretending to be adolescents.

Secretary BECERRA. As I've said before, Mr. Chair, we are not a law enforcement agency, we're not an immigration agency—

Mr. MCCLINTOCK. No, you're a placement agency. You're placing these children in what you keep assuring us are carefully vetted homes. Yet, according to your own ORR Director admitting to this Committee in a transcribed interview that when HHS contacts the consulate to verify information on the UAC, they do not ask for any criminal background information on that UAC. So, they don't know if it's a gang member, and they don't ask.

Why would she tell us this?

Secretary BECERRA. Congressman, we go through a vetting process to ensure that we know who the child is and then for the placement—

Mr. MCCLINTOCK. You—yes—of course.

That's what she testified. Then she also testified that you specifically do not inquire into the criminal background of these individuals who are 17 years old and sometimes older and pretending to be 17, with gang tattoos, with gang affiliations.

While you have got them on the phone and you are verifying information on that UAC, you don't bother to ask, "Oh, by the way, is this an MS-13 gang member? Does this individual have a criminal history?"

Then you place them in foster homes, you release them into our communities, and there are some cases, tragic cases, where they go on to murder innocent Americans like Kayla Hamilton.

Mr. Tiffany asked you, is there anything you'd do differently, looking back on these past four years. Is there anything you'd do differently in the Kayla Hamilton case?

Secretary BECERRA. Mr. Chair, we work closely with the Department of Homeland Security, which does the vetting for these children when they first enter into the country—

Mr. MCCLINTOCK. You're placing them—you are the ones that are placing them in people's homes. You're the one who's telling me,

Don't worry about it. They're all carefully vetted. They're all secure. Don't worry that we can't reach them by phone after we've placed them in these homes. It might be they just weren't paying attention to the phone.

Do you understand how this—do you understand how this affects the lives of a population that you've placed that's approaching the

size of the State of Wyoming? Some of them, innocent defenseless children; others, gang members who are 17 years old or even older, pretending to be 17 years old.

You're in charge of all this. You can't tell us if there's anything you'd even do differently after four years of this nightmare that has unfolded not only for our country, but for these children and their families.

What do you have to say for yourself, Mr. Secretary? This is the end of this administration. It's the end of your tenure. What do you have to say for yourself?

Because the words that keep haunting me are those that Cromwell spoke to the Long Parliament:

You have sat here too long for any good you have been doing. It is not fit that you should sit here any longer. You shall now give way to better men. Now, depart and go, I say. In the name of God, go.

Secretary BECERRA. Mr. Chair, if you will allow me, then, to respond.

We work closely with various agencies. In the case of the vetting of the child, it is the Department of Homeland Security that does the initial vetting, because they're the ones that have custody of that child once the child is in the U.S. The Department of Homeland Security is the agency that goes through that process of trying to determine who this child is, including those issues that you have mentioned with regard to any past criminal conduct.

When we receive the children, the Department of Homeland Security shares with us the information they have compiled on that child. From there, what we try to do is make sure we care for the child, and in the process of trying to find them a sponsor where they can live in a community, we go through the vetting of the individual potential sponsor.

Mr. MCCLINTOCK. Mr. Secretary, when the history of this administration is written, I would not want to be you looking back on what historians say about your tenure. I'm sorry, but that's the fact.

If there's no further business to be brought before the Subcommittee, the Subcommittee will stand adjourned.

[Whereupon, at 3:33 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by the Members of the Subcommittee on Immigration Integrity, Security, and Enforcement can be found at the following links: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=117565>.