

# United States Senate

WASHINGTON, DC 20510

February 12, 2019

The Honorable Lamar Alexander  
Chairman, Committee on Health, Education, Labor & Pensions  
U.S. Senate  
Washington, DC 20510

The Honorable Patty Murray  
Ranking Member, Committee on Health, Education, Labor & Pensions  
U.S. Senate  
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

We write with renewed concern for the health and well-being of the children detained and unnecessarily separated from their families due to President Trump's inhumane "zero tolerance" policy at our southern border. Last month, the Department of Health and Human Services' Office of the Inspector General (HHS OIG) released a report finding that thousands of additional children had been separated from their families than were previously revealed by the Office of Refugee Resettlement (ORR).<sup>1</sup> Given the alarming nature of this report, we ask the Senate Committee on Health, Education, Labor & Pensions (HELP) immediately hold a full committee hearing on the negative health effects caused by this disgraceful policy.

In its January 2019 report, HHS OIG found that, "the total number and current status of all children separated from their parents or guardians by DHS and referred to ORR's care is unknown."<sup>2</sup> Furthermore, HHS OIG concluded, "it is not yet clear whether ORR's recent changes are sufficient to ensure consistent and accurate data" are collected on separated children.<sup>3</sup> It is unacceptable that children were separated from their families in the first place, and it is unconscionable that the administration—almost eight months after the Executive Order on family separation—is still unable to ensure it can accurately account for all of the children who were separated.

Moreover, the report from HHS OIG indicates that child separations began to noticeably increase in the summer of 2017, several months before then-Attorney General Sessions announced the zero tolerance policy.<sup>4</sup> This further justifies the need to examine the treatment of children whose separation under this policy was previously unknown.

Last week, the House Committee on Energy and Commerce Subcommittee on Oversight and Investigations held its own hearing on family separation and the zero tolerance policy. The

---

<sup>1</sup> Health and Human Services' Office of the Inspector General (HHS OIG). (2019). *Separated Children Placed in Office of Refugee Resettlement Care*. (Report No. OEI-BL-18-00511). Retrieved from <https://www.oig.hhs.gov/oei/reports/oei-BL-18-00511.pdf>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Department of Justice (DOJ). (2019). *Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry*. Retrieved from <https://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry>

House Judiciary Committee will hold a separate hearing on the administration's family separation policy later this month.

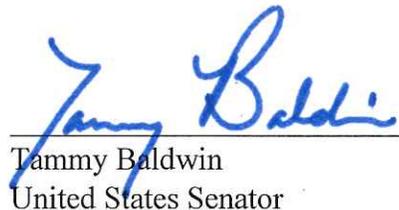
We strongly urge you to hold a similar hearing in the HELP Committee so the Senate may begin to perform its own due diligence in ensuring that those responsible for these policies are held accountable. Our constituents deserve the opportunity to understand how this cruel policy was implemented, the actual number of children and families that were affected, and whether or not HHS was able to mitigate any of the harm imposed on separated children and families. Ultimately, it is our responsibility to make sure that no child or family are again affected by such a cruel and shortsighted program.

Thank you for your consideration of this important request.

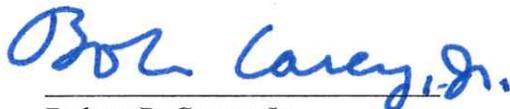
Sincerely,



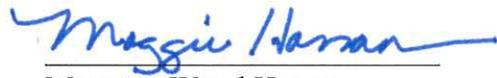
Tina Smith  
United States Senator



Tammy Baldwin  
United States Senator



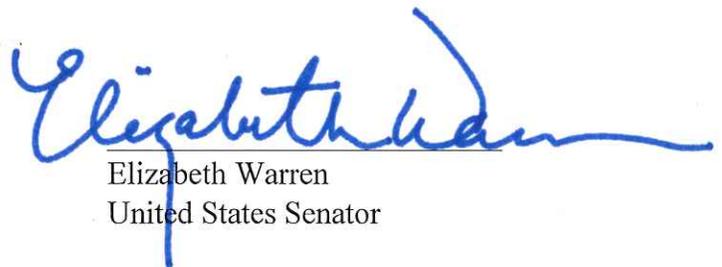
Robert P. Casey, Jr.  
United States Senator



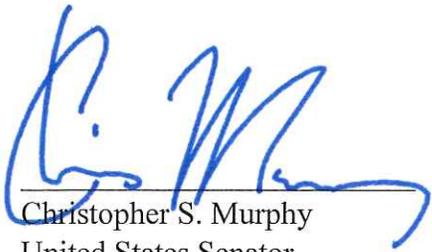
Margaret Wood Hassan  
United States Senator



Tim Kaine  
United States Senator



Elizabeth Warren  
United States Senator

A handwritten signature in blue ink, appearing to read 'C. Murphy', written over a horizontal line.

Christopher S. Murphy  
United States Senator

A handwritten signature in blue ink, appearing to read 'Bernard Sanders', written over a horizontal line.

Bernard Sanders  
United States Senator