



October 26, 2018

Chairman Trey Gowdy and Ranking Member Elijah Cummings
United States House Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gowdy and Ranking Member Cummings:

I write to you as the Executive Director of [Equity Forward](#), a watchdog and accountability project dedicated to monitoring the people and policies at the Department of Health and Human Services (HHS).

Unfortunately, since January 2017, HHS has stood in the way of transparency and the House Energy and Commerce Committee Chairman and Republican members have failed to conduct any meaningful oversight this vital agency.

This week, the Government Accountability Office (GAO) released a report which detailed how Secretary Alex Azar's HHS was woefully unprepared to handle the more than 2,600 children ripped from their families at the border this summer.

The GAO report comes less than a day after [Politico reported](#) that "[Lynn Johnson] a top official at the Department of Health and Human Services, which runs the refugee resettlement program, is conducting what she called a "top to bottom" review of the program, three months after the migrant crisis paralyzed the agency."

The article specifically called into question the competence and fitness of Office of Refugee Resettlement (ORR) Director Scott Lloyd, particularly as it related to his mishandling of the family separation crisis.

From failing to keep a spreadsheet tracking separated families to disobeying a direct order to review hundreds of case files, Politico reports that "Lloyd made decisions that complicated reunifications."

This issue merits serious, bi-partisan oversight of HHS given that the Republican leadership of the House Energy and Commerce Committee has shown no interest in this issue and has thus abdicated responsibility. Representative Frank Pallone, Ranking Member of the E&C Committee, offered an amendment requesting to hold at least one hearing on the status and welfare of the children in children in ORR custody. The Republicans of the committee [resoundingly rejected](#) this request.

We write to you to implore you use your committee to fulfill Congress's constitutional oversight responsibility and specifically hold Secretary Azar and ORR Director Lloyd accountable for their role in the family separation crisis. Below please find specific areas for review:

LACK OF PLANNING:

Before the child separation policy was implemented, former ORR official Jonathan White [expressed warnings](#) to the administration that such a policy could cause families and children significant harm. And yet the administration moved forward, resulting in a more than [20 percent increase](#) in children in ORR custody. ORR was "[unprepared](#)" for the influx, according to a newly released [GAO report](#) that shows ORR did not have a way to document that children had been separated until July - weeks after the policy was announced. Why did Azar and Lloyd fail to adequately plan to implement this policy? If HHS was unable to ensure effective tracking and reunification of families, did anyone raise this flag internally and if so, why was it ignored when the well-being of very young children were at risk?

FAILURE TO COMPLY WITH COURT ORDERS:

HHS and ORR has been unable to meet mandatory, court-ordered deadlines to reunite families, calling reunification a "[novel process](#)" that it had to "[improvise...on the fly.](#)" Despite Azar claiming that he could find any child within "[seconds](#)" and the agency publicly touting that it had a [central database](#), we now know that no such database exists and that HHS [lied to the public](#) when it claimed to have one. In fact, we [now know](#) that Azar [never preemptively set up a plan](#) to intake and reunify children. Will Scott Lloyd be held accountable for failing to meet with court orders and for lying to the public about the oversight of children?

FAILURE TO REUNITE FAMILIES AND TO FULLY ENSURE THEIR SAFETY:

Even as officials were able to reunite some families, reports surfaced that children were given [psychological drugs](#), subject to [physical and sexual abuse](#), and exhibited serious [mental](#) and [physical](#) health issues. This directly contradict with Azar's [assertion](#) that

children in custody were “happy” and treated with “compassion and love.” Children in ORR’s care are regularly detained for months. Will ORR commit to ensuring that they are properly cared for and not placed for adoption without the consent of their legal guardians? ? Will ORR submit to a further investigation of all ORR contracted facilities that house minors, including the “tent cities” that are exempt from the state inspections that have uncovered previous abuses?

INCOMPETENT MANAGEMENT:

Instead of appointing a director with experience dealing with vulnerable populations, the administration designated Lloyd. Lloyd has proven himself incapable of managing ORR, as exemplified when he was [effectively removed](#) in July 2018 during the height of the family separation crisis. Lloyd is also [being accused](#) of an ethics violation related to his work on the ongoing crisis. Who has been the operational head of ORR during this critical time and if Mr. Lloyd is not doing his job, why is he still employed?

BUDGET IMPLICATIONS:

Providing shelter to these migrant children is costing millions of dollars. HHS is [spending](#) about \$1,000 per child per day at a tent city in Tornillo, Texas, and at other temporary facilities. Additionally, Azar [recently told](#) Congress that he would divert more than \$440 million -- which was originally intended for biomedical research, HIV/AIDS services and other health care purposes -- to cover the cost of caring for migrant children and their families. How much has this policy cost taxpayers and what has its impact been on other HHS programs?

Getting to the bottom of the many failures and the mismanagement at HHS must be among your top priority.

Please feel free to contact me if you would like to discuss in more detail. Thank you for your consideration and swift attention to this vital matter.

Sincerely,



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