

MIKE CRAPO, IDAHO, CHAIRMAN

CHUCK GRASSLEY, IOWA
JOHN CORNYN, TEXAS
JOHN THUNE, SOUTH DAKOTA
TIM SCOTT, SOUTH CAROLINA
BILL CASSIDY, LOUISIANA
JAMES LANKFORD, OKLAHOMA
STEVE DAINES, MONTANA
TODD YOUNG, INDIANA
JOHN BARRASSO, WYOMING
RON JOHNSON, WISCONSIN
THOM TILLIS, NORTH CAROLINA
MARSHA BLACKBURN, TENNESSEE
ROGER MARSHALL, KANSAS

RON WYDEN, OREGON
MARIA CANTWELL, WASHINGTON
MICHAEL F. BENNET, COLORADO
MARK R. WARNER, VIRGINIA
SHELDON WHITEHOUSE, RHODE ISLAND
MAGGIE HASSAN, NEW HAMPSHIRE
CATHERINE CORTEZ MASTO, NEVADA
ELIZABETH WARREN, MASSACHUSETTS
BERNARD SANDERS, VERMONT
TINA SMITH, MINNESOTA
BEN RAY LUJÁN, NEW MEXICO
RAPHAEL G. WARNOCK, GEORGIA
PETER WELCH, VERMONT

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

GREGG RICHARD, STAFF DIRECTOR
JOSHUA SHEINKMAN, DEMOCRATIC STAFF DIRECTOR

September 30, 2026

Robert F. Kennedy Jr.
Secretary
Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Alex J. Adams
Assistant Secretary for Family Support
Administration for Children & Families
330 C Street SW, 4th Floor
Washington, DC 20201

Secretary Kennedy and Assistant Secretary Adams,

The U.S. Department of Health and Human Services' (HHS or Department) continues to dismantle its capacity to identify, respond to, and prevent trafficking and exploitation of children in its custody, particularly unaccompanied children referred to the Administration for Children & Families' (ACF) Office of Refugee Resettlement (ORR). I asked you about this on April 8, 2026, and the concerns I raised have only deepened.¹

On September 10, 2026, ORR issued a directive to its care provider network updating its procedures for reporting to ACF's Office on Trafficking in Persons (OTIP).² The directive orders ORR field operations staff, care provider staff, home study and post-release services (HS/PRS) providers, and ORR National Call Center (NCC) staff to "cease directly contacting" the OTIP to report suspected or alleged human trafficking or labor exploitation concerns involving children in ORR care and custody, and to route all such reports through ORR's Integrity and

¹ Letter from Senator Ron Wyden, Ranking Member, S. Comm. on Finance, to Robert F. Kennedy, Jr., Sec'y, U.S. Dep't of Health & Human Servs., and Alex Adams, Assistant Sec'y for Family Support, Admin. for Children & Families (Apr. 8, 2026),

https://www.finance.senate.gov/imo/media/doc/040826_letter_to_hhs_acf_re_orr_and_otip.pdf.

² Ryan Foley, *Change in Human Trafficking Reporting Alarms Advocates for Migrant Children*, AP NEWS (Sept. 16, 2026), <https://apnews.com/article/human-trafficking-claims-unaccompanied-minors-trump4cd31c79202b49c6144f474c970eeff4>.

Accountability Bureau (IAB), a bureau that is not equipped to review trafficking-related concerns.

Under longstanding ORR practice, and consistent with the statutory framework Congress established, ORR staff and care providers who suspect that a child in ORR custody may have been a victim of human trafficking or labor exploitation have been required to promptly notify OTIP within 24 hours.³ This new reporting procedure severs that direct line of communication, replacing it with ORR's internal reporting infrastructure and inserting IAB as an intermediary between the reporter and OTIP. IAB, per ORR's own field guidance, has a portfolio focused on sponsor vetting, program-integrity work, fraud investigations, and liaising with the HHS Office of Inspector General, not the statutory identification and protection functions Congress vested in OTIP.⁴ HHS represents that IAB will “ensure referral to OTIP within applicable statutory timeframes” and characterizes the change as a way to “streamline the reporting, tracking, and referral of trafficking-related concerns.”⁵ The procedure does neither. It slows reporting, subordinates trafficking identification to an internal ORR unit without the expertise Congress required, and puts an ORR filter between OTIP and the reporters who are best positioned to identify trafficked children.

The practical effect of this change is that ORR – not OTIP, and not the trafficking specialists HHS explicitly moved out of ORR in 2015 to fulfill the requirements of the congressionally – enacted Trafficking Victims Protection Act of 2000 (TVPA) and its subsequent reauthorizations – now controls the entire intervention pipeline. ORR governs which trafficking concerns rise to OTIP's attention, which children get connected to T visas and HHS “Eligibility Letters,” which children receive the trafficking-victim protections that would strengthen their asylum cases and slow removals, and which children get deported before OTIP ever sees their cases. That is not a reporting reform. That is the weaponization of a statutorily-mandated child protection function, either to suppress trafficking findings that would delay removals or to cherry-pick findings that support the Administration's own trafficking-crackdown narrative and the referrals flowing through the ORR Interagency Crime Coordination Cell (OIC3).

The scope of the new procedure is also alarmingly broad. The directive applies not only to children in ORR care and custody but to home study and post-release services providers serving children who have already been released from ORR care. Children need a route to report trafficking concerns that does not depend on the agency that has held them in custody. That is why Congress explicitly directed HHS to “expand benefits and services to victims of severe

³ See ORR Unaccompanied Alien Children Bureau Policy Guide, §§ 3.2.1 & 3.3.3 (citing that this process is essential to ensuring that the children receive the services and supports to which they may be entitled).

⁴ See OFFICE OF REFUGEE RESETTLEMENT, FIELD GUIDANCE #24: ORR DIVISION OF SPONSOR ADMINISTRATION ROLE GUIDANCE (last updated Jan. 26, 2026).

⁵ Memorandum from UC Policy (ACF), U.S. Dep't of Health & Human Servs., to UAC Care Provider Network, EFFECTIVE IMMEDIATELY: Updated Procedures for Reporting to OTIP (Sept. 10, 2026) (on file with the Committee).

forms of trafficking in persons in the United States,” thereby leading HHS to establish OTIP.⁶ Over the years, Congress has explicitly appropriated funding to support OTIP’s work pertaining to victims of trafficking and directed OTIP as a distinct entity within ACF through report language accompanying appropriations bills. This new procedure dismantles that structural independence by administrative fiat.

The Secretary of HHS, acting through ORR, is obligated to promptly act to determine whether a child is eligible for interim assistance upon receiving credible information that the child may have been subjected to trafficking.⁷ Further, timely communications between ORR and OTIP are essential to OTIP carrying out its statutory function of issuing “Eligibility Letters” to confirmed child victims, enabling access to benefits and services.⁸ Every additional day a trafficking concern sits in an ORR administrative queue is a day a child does not receive the protections Congress said they must receive.

This procedure must be immediately withdrawn and direct reporting to OTIP must be immediately restored. HHS's obligation to protect trafficked children in its custody is not discretionary. This procedure is inconsistent with that obligation and must be rescinded.

Accordingly, I request written responses to the following questions and production of the underlying documents no later than October 9, 2026:

1. Provide the complete policy, procedure, guidance, or directive establishing the new reporting process, including the date it was issued, the office(s) and individuals who authored and approved it, and any supporting memoranda, legal analysis, or interagency consultation. Please also provide the “additional guidance and technical assistance” referenced in the September 10 memorandum, or if that guidance has not yet been issued, please describe its expected scope, its timeline, and why the procedure was implemented effective immediately without accompanying guidance.
2. Describe who directed, authorized, or requested the September 10 procedural change, including any communications between HHS and the White House, the Department of Homeland Security, the Department of Justice, or any other Executive Branch entity regarding this procedure or the reallocation of trafficking-identification responsibilities from OTIP to IAB. Please provide copies of any such communications, including any memoranda, meeting notes, or written directives that preceded the issuance of the September 10 memorandum.
3. Describe the specific role IAB will play in reviewing, filtering, or redirecting reports of suspected trafficking or labor exploitation before they reach OTIP. Please also describe how IAB has been resourced or restructured to take on trafficking-report review, whether

⁶ 22 U.S.C. § 7105(b)(1)(B)(i).

⁷ 22 U.S. Code § 7105 (a)(2)(G)(i); Pub. L. 110-457 § 212 (a)(2)(F)(i).

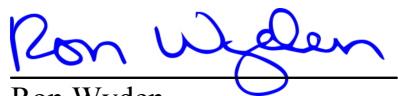
⁸ 22 U.S.C. § 7105(b)(1)(G)(iv).

IAB staff have received training in trafficking identification, and what criteria IAB will apply to determine which reports are forwarded to OTIP.

4. Describe the specific timelines that will govern IAB review of trafficking reports before referral to OTIP, and how those timelines are consistent with ORR's statutory obligation under the TVPA to act promptly on credible information that a child may have been subjected to trafficking. Please also identify the specific statutory timeframes HHS is referring to in its September 10 memorandum and the operational mechanism by which IAB will comply with them.
5. Provide monthly data, for each month from January 2025 through the most recent complete month, on: (a) the number of trafficking or exploitation concerns raised by ORR staff or care providers; (b) the number referred to OTIP; (c) the number of OTIP Eligibility Letters issued for children in or formerly in ORR custody; (d) the average time from initial concern to OTIP notification; and (e) the average time from OTIP notification to Eligibility Letter issuance.
6. Describe any consultation ORR conducted with OTIP, the HHS Office of the General Counsel, DOJ, or trafficking-victim service providers before issuing the procedure, and provide copies of any such consultations. If no consultation occurred, please explain.
7. Provide any analysis ORR conducted of how the new reporting process would affect OTIP's ability to issue timely Eligibility Letters and connect children to trafficking-victim services, benefits, and legal relief, including T visas, Continued Presence, and HHS Eligibility Letters that support asylum and other forms of immigration relief.
8. Describe the interaction between the new trafficking-reporting procedure and the OIC3. Specifically, are trafficking concerns routed through IAB also being shared with OIC3 partners or with federal law enforcement, and if so, on what legal basis and with what notice to OTIP?
9. Provide a copy of any records, memoranda, or communications between ORR and OTIP regarding the September 10 procedure change, and any communications between ORR leadership and Assistant Secretary Adams regarding the reallocation of trafficking-identification and protection functions from OTIP to IAB.
10. Confirm whether ORR intends to rescind this procedure and restore direct reporting from ORR staff and care providers to OTIP. If not, please explain how HHS reconciles the current procedure with the TVPA's statutory framework and with Congress's 2015 decision to move OTIP's program activities out of ORR to preserve its independence.

This procedure follows a pattern of decisions this administration has made that treat the safety of children in ORR care and custody as subordinate to its enforcement priorities. Every day it remains in effect, ORR alone decides which trafficking concerns reach OTIP, the office Congress explicitly supports because it understood that ORR cannot be both the legal custodian of unaccompanied children and the sole arbiter of their protection. Every child ordered removed before OTIP identifies them as a trafficking victim is a child Congress instructed you to protect. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Ron Wyden". The signature is fluid and cursive, with the first name "Ron" and last name "Wyden" clearly distinguishable. It is positioned above a horizontal line.

Ron Wyden

United States Senator

Ranking Member, Committee
on Finance