

U.S. House of Representatives

Committee on the Judiciary

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Dear Mr. Lloyd,

Thank you for appearing before the House Judiciary Committee on February 26, 2019. Last month's hearing was an important first step for Congress and the American people to gain more clarity on the processes and decision-making procedures behind the Trump Administration's family separation policy.

At that hearing, our Members expressed concern about your conduct as head of the Office of Refugee Resettlement (ORR). They asked you specifically and repeatedly about reports that you had compiled spreadsheets to track the pregnancies and menstrual cycles of young women in your care. We were troubled by your responses at the time—but we now have reason to believe that your responses are inconsistent with documentation that has been made public since your testimony. We ask that you make yourself available to the Committee to clarify your testimony as soon as possible, but no later than April 12, 2019.

When we meet, two issues require your careful attention.

First, Representative Madeleine Dean asked you multiple times if you had “tracked the menstrual cycles of young girls, young women in your custody.” You responded: “That is not an accurate characterization of what occurred. I am not sure what exactly you are referring to.”¹ Representative Dean then followed up: “It is a yes or no. Did you track—did you create any kind of tracking mechanism.” You responded: “I don't have a yes or no answer for that question...” before proceeding to describe a document which lists pregnant girls in ORR care

¹ *Oversight of the Trump Administration's Family Separation Policy*, hearing before the H. Comm. on the Judiciary, Feb. 26, 2019 (exchange between Rep. Madeleine Dean and Mr. Scott Lloyd).

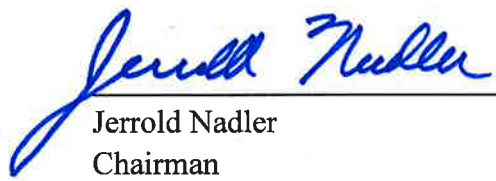
and how long they have been pregnant.² Representative Dean then asked you directly: were you “denying that you tracked the menstrual cycles of young women in your custody.” You responded: “I am denying that I tracked menstrual cycles of women in my custody.”³

Since your testimony, a 28-page document listing young women who were pregnant in ORR custody has been made public.⁴ In that document, at your direction, ORR appears to have been tracking deeply personal information about women aged 12 through 17—including whether their pregnancy was a result of consensual sex, “gestational age,” and the last known menstrual cycle of the women in your custody.⁵

Second, Representative Dean also asked you: “Isn’t it true that you personally visited pregnant minors to pressure them to continue their pregnancies?” You responded: “No, that is not true.”⁶ However, in a deposition given on December 18, 2017, you admitted that you did visit at least one pregnant unaccompanied minor while she was in ORR custody.⁷ In that deposition you also admitted to speaking on the phone with at least one other pregnant unaccompanied minor where the topic of abortion was discussed.⁸

Given these inconsistencies, I have asked my staff to work with yours to give you an opportunity to clarify these and other matters on a voluntary basis. Failing that, we would expect to pursue a date and time for a formal deposition.

Thank you.



Jerrold Nadler
Chairman
House Committee on the Judiciary

² *Id.*

³ *Oversight of the Trump Administration’s Family Separation Policy*, hearing before the H. Comm. on the Judiciary, Feb. 26, 2019 (exchange between Rep. Madeleine Dean and Mr. Scott Lloyd).

⁴ Rachel Maddow, *Trump Admin Tracked Individual Migrant Girls’ Pregnancies*, MSNBC (Mar. 15, 2019),

⁵ *Id.*

⁶ *Oversight of the Trump Administration’s Family Separation Policy*, hearing before the H. Comm. on the Judiciary, Feb. 26, 2019 (exchange between Rep. Madeleine Dean and Mr. Scott Lloyd).

⁷ *Alex M. Azar, II, Secretary of Health and Human Services, et al., Petitioners v. Rochelle Garza, as Guardian ad Litem to Unaccompanied Minor J. D.*, Case No. 3:16-cv-3539-LB, (N.D. CA Dec. 18, 2017), pg. 125-6.

⁸ *Id.* At 128-131.

cc: The Hon. Doug Collins
Ranking Member, House Committee on the Judiciary
The Hon. Madeleine Dean
Member, House Judiciary Committee