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United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director
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March 23, 2017

VIA ELECTRONIC TRANSMISSION

The Honorable Tom Price
Secretary
U.S. Department of Health and Human Services
Washington, D.C. 20201

Dear Secretary Price:

I write to obtain information regarding two unaccompanied minors who crossed the border illegally from Central America and are accused of brutally raping a 14-year-old female at Rockville High School in Maryland. On March 16, 2017, 17-year-old Jose Montano and 18-year-old Henry Sanchez Milian allegedly solicited the girl for sex, and when she refused, forced her into the boy's bathroom where they took turns raping her. Both teens are being charged as adults with first-degree rape and two counts of first-degree sexual offenses.¹

According to the *Washington Post*, both Jose Montano and Henry Sanchez Milian illegally crossed into the United States through the southern border as unaccompanied minors in 2016.² Both were apprehended by Customs and Border Protection (CBP), delivered to the Department of Health and Human Services (HHS), and subsequently released to their sponsors in Maryland. Because Montano and Sanchez Milian were unaccompanied minors at the time they crossed the border, HHS was in charge of their care and placement while in the United States. Given that HHS must monitor its grantees more thoroughly and has failed to routinely conduct background checks, including fingerprinting all sponsors or completing child abuse and neglect

¹ Maria Sacchetti, Dan Morse, & Arelis R. Hernandez, *Suspects in Rockville High Rape Case Came to U.S. Last Year to Join Relatives*, WASH. POST, Mar. 23, 2017, https://www.washingtonpost.com/local/social-issues/suspects-in-rockville-high-rape-case-came-to-us-last-year-to-join-relatives/2017/03/22/a660b792-0e4e-11e7-9b0d-d27c98455440_story.html?utm_term=.8749c41c79a6
<http://www.fox5dc.com/news/maryland-news/242719805-story>

² *Id.*

checks on relative sponsors³, I would like to know what information HHS had on Montano's and Sanchez Milian's sponsors before releasing the minors into their custody. Moreover, it is important to understand whether HHS had any further contact with the minors once placed with their sponsors.

Therefore, to better understand the circumstances surrounding the placement of the unaccompanied minors with their sponsors, please provide the following information as soon as possible, but not later than April 7, 2017:

1. How many individuals applied to be a sponsor for the minors? Please provide details and any documents related to each applicant, including information such as name, relationship, address, and a copy of the application submitted.
2. What specific background or biometric checks were done on the sponsor applicants before the minors were transferred to their sponsor's custody?
3. Who performed the background check for the sponsors—HHS or a contractor? If a contractor, please provide the name.
4. What is the immigration status of the sponsors? Did HHS knowingly place the minors with individuals who were in the country illegally?
5. Were the minors released under any kind of an agreement, probation, or order of supervision?
6. How were the minors physically transferred from their place of entry to the custody of their sponsor?
7. What is HHS' current policy on fingerprinting the sponsors of unaccompanied minors? If parents and other immediate relatives are not required to undergo biometric checks, please explain why.
8. What is HHS' current policy on placing minors with sponsors who may have a pending immigration hearing, or may be subject to a deportation order?
9. After the minor's placement, did HHS have any further contact with the minor or the minor's sponsor?

³ Government Accountability Office, *UNACCOMPANIED CHILDREN: HHS Can Take Further Actions to Monitor Their Care*. (Feb. 2016); *see also*, letter from Chairman Grassley to Secretary Burwell regarding Child Abuse and Neglect waivers (Mar. 03, 2016), and letters from Chairman Grassley and Senator Cornyn to Secretaries Johnson and Burwell regarding UAC criminal sponsors (Nov. 23, 2015 and Feb. 17, 2016).

I anticipate that your written reply and any responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the Office of Senate Security. Although the Committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Should you have any questions, please contact Katherine Nikas of my staff at (202) 224-5225. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive, flowing style.

Charles E. Grassley
Chairman
Senate Judiciary Committee

cc:

The Honorable Diane Feinstein
Ranking Member
Senate Committee on the Judiciary