

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<https://oversight.house.gov>

June 2, 2021

The Honorable Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Madam Chairwoman:

When we first wrote to you on March 4, 2021 about the crisis on the southwest border, there were about 7,000 unaccompanied children in U.S. custody.<sup>1</sup> When we last wrote to you on March 25, 2021, there were 13,000.<sup>2</sup> Recently, there were over 22,000.<sup>3</sup> Hundreds more children are arriving by the day<sup>4</sup> while the costs to taxpayers for providing adequate care are skyrocketing.<sup>5</sup> Once again, we request that you hold a full Committee hearing with Biden Administration officials in order for them to account for the effects of their policies in fueling the border crisis and scrutinize what plans, if any, they have to remedy this dire situation that places vulnerable children into the hands of human smugglers.

Although the Administration reports lower numbers of children in Customs and Border Protection (CBP) custody, those children have simply been transferred into emergency shelters opened by the Department of Health and Human Services (HHS).<sup>6</sup> U.S. Representative Henry Cuellar, a Democrat from a border district, has correctly highlighted that the Administration is simply moving children “from one tent to the other tent.”<sup>7</sup>

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<sup>1</sup> Julia Ainsley & Jacob Soboroff, *Uptick in minors crossing border may result in Biden administration’s building more shelters*, NBC NEWS (Feb. 24, 2021), [www.nbcnews.com/politics/immigration/uptick-minors-crossing-border-may-result-biden-administration-building-more-n1258746](https://www.nbcnews.com/politics/immigration/uptick-minors-crossing-border-may-result-biden-administration-building-more-n1258746).

<sup>2</sup> Yilek, Caitlin, *More than 13,000 migrant children in U.S. custody, sources say*, CBS NEWS (Mar. 17, 2021), available at <https://www.cbsnews.com/news/immigration-migrant-children-border-patrol-custody/>.

<sup>3</sup> Shaw, Adam, *DHS chief Mayorkas says hundreds of migrant kids still coming in daily*, FOX NEWS (May 8, 2021), available at <https://www.foxnews.com/politics/alejandro-mayorkas-dhs-chief-border-facility-unaccompanied-minors-a-day>

<sup>4</sup> *Id.*

<sup>5</sup> Sullivan, Eileen, Zolan Kanno-Youngs & Luke Broadwater, *Overcrowded Border Jails Give Way to Packed Migrant Child Shelters*, N.Y. TIMES (May 7, 2021), available at <https://www.nytimes.com/2021/05/07/us/politics/migrant-children-shelters.html>.

<sup>6</sup> *Id.*

<sup>7</sup> Giaritelli, Anna, *Border Democrats slamming Biden for ‘failed’ response to border crisis*, WASH. EXAMINER (May 9, 2021), available at <https://www.washingtonexaminer.com/news/border-democrats-slamming-biden-for-failed-response-to-border-crisis>.

In recent months, HHS has opened more than a dozen emergency intake shelters to house these children on sites ranging from army bases to convention centers.<sup>8</sup> Conditions in these emergency intake facilities are concerning. HHS was recently forced to shut down one warehouse-like facility in April for failing to meet agency standards.<sup>9</sup> Conditions were so bad at that particular facility that children were forced to use plastic bags to toilet due to a staffing shortage.<sup>10</sup> In addition to activating the Federal Emergency Management Agency (FEMA),<sup>11</sup> federal employees from across the government have been called to leave their positions to come to the border and assist HHS in caring for unaccompanied children.<sup>12</sup>

Meanwhile, costs are skyrocketing. The Biden Administration has already awarded \$3 billion to contractors to house the unaccompanied children, the majority of which were comprised of no-bid contracts awarded to just three entities.<sup>13</sup> Documents obtained by the *New York Times* indicate that the Administration estimates that it will need another \$4 billion before the end of the fiscal year to cover the costs of caring for unaccompanied children in custody. This is in addition to money already transferred within HHS for that purpose.<sup>14</sup> *Politico* reports that HHS is reprogramming funds intended for the Strategic National Stockpile and coronavirus testing, indicating that the Biden border policies are having a detrimental effect on the government's ability to respond to the current pandemic or future pandemics.<sup>15</sup> This is not a problem that will simply solve itself. Secretary of Homeland Security Alejandro Mayorkas recently confirmed that hundreds of children are still arriving per day.<sup>16</sup> The Committee must take action to fulfill our oversight responsibility.

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<sup>8</sup> Hackman, Michelle & Alicia A. Caldwell, *U.S. Reduces Migrant Children in Border Patrol Custody, but Emergency Shelters Pose New Concerns*, WALL STREET JOURNAL (May 5, 2021), available at <https://www.wsj.com/articles/u-s-reduces-migrant-children-in-border-patrol-custody-but-emergency-shelters-pose-new-concerns-11620234355>

<sup>9</sup> Vega, Cecilia et. al., *'Unbearable' conditions push Biden administration to close Houston migrant center*, ABC NEWS (Apr. 19, 2021), available at <https://abcnews.go.com/US/unbearable-conditions-push-biden-administration-close-houston-migrant/story?id=77156939#:~:text=A%20Houston%20warehouse%20providing%20shelter,it%20after%20just%2017%20days>.

<sup>10</sup> *Id.*

<sup>11</sup> Press Release: *Homeland Security Secretary Mayorkas Directs FEMA to Support Response for Unaccompanied Children*, Dep't of Homeland Security (Mar. 13, 2021), available at <https://www.dhs.gov/news/2021/03/13/homeland-security-secretary-mayorkas-directs-fema-support-response-unaccompanied>.

<sup>12</sup> Memorandum for Heads of Executive Departments and Agencies from Kathleen M. McGettigan, Acting Director, U.S. Office of Personnel Management re: Detail Opportunity (Mar. 25, 2021), available at <https://chcoc.gov/content/detail-opportunity-information-departmentagency-leadership>.

<sup>13</sup> Shaw, Adam, *Biden administration has spent \$3B on migrant facility contracts: report*, FOX NEWS (May 9, 2021), available at <https://www.foxnews.com/politics/biden-administration-border-migrant-facility-contracts-spending>

<sup>14</sup> *Overcrowded Border Jails Give Way to Packed Migrant Child Shelters*, *supra* note 5.

<sup>15</sup> Cancryn, Adam, *Biden admin reroutes billions in emergency stockpile, Covid funds to border crunch*, POLITICO (May 15, 2021), available at <https://www.politico.com/news/2021/05/15/hhs-covid-stockpile-money-border-migrants-488427>.

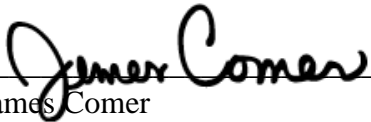
<sup>16</sup> *DHS chief Mayorkas says hundreds of migrant kids still coming in daily*, *supra* note 3.

As we noted in our previous letter, this Committee held multiple hearings during the Trump Administration on the treatment of children at the border.<sup>17</sup> It is surprising that you have failed to schedule a hearing during the current border crisis created by the Biden Administration, especially as conditions continue to deteriorate and more and more taxpayer funds are required. Even as you remain silent, members of your own party in both the Senate and the House have decried the Biden Administration's response to the border crisis.<sup>18</sup>

Yet again, we urge you to schedule a hearing to conduct oversight of the crisis at the southwest border and the Biden Administration's plans to get control of the situation and stem the surge. Our Committee should not stand on the sidelines simply because a Democrat occupies the White House. The Committee must hold the Biden Administration accountable for the effects of its policies and their role in exacerbating the border crisis.

Thank you for your attention to this important request.

Sincerely,



James Comer  
Ranking Member  
Committee on Oversight and Reform



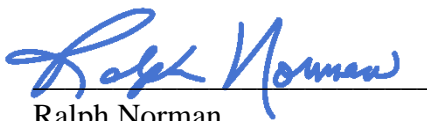
Jody Hice  
Ranking Member  
Subcommittee on Government  
Operations



Glenn S. Grothman  
Ranking Member  
Subcommittee on National Security



Michael Cloud  
Ranking Member  
Subcommittee on Economic and  
Consumer Policy



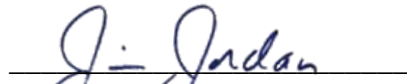
Ralph Norman  
Ranking Member  
Subcommittee on Environment



Pete Sessions  
Ranking Member  
Subcommittee on Civil Rights and  
Civil Liberties


<sup>17</sup> *Kids in Cages: Inhumane Treatment at the Border: Hearing Before the H. Comm. on Oversight & Reform, Subcommittee on Civil Rights & Civil Liberties, 116th Cong. (Jul. 10, 2019); The Trump Administration's Child Separation Policy: Substantiated Allegations of Mistreatment: Hearing Before the H. Comm. on Oversight & Reform, 116th Cong. (Jul. 12, 2019); With the Acting Secretary of Homeland Security Kevin K. McAleenan: Hearing Before the H. Comm. on Oversight & Reform, 116th Cong. (Jul. 18, 2019).*

<sup>18</sup> *Border Democrats slamming Biden for 'failed' response to border crisis, supra note 7.*



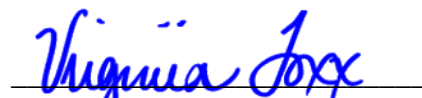
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Jim Jordan  
Member of Congress




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Paul A. Gosar, D.D.S.  
Member of Congress



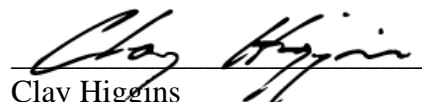
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Virginia A. Foxx  
Member of Congress




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Bob Gibbs  
Member of Congress



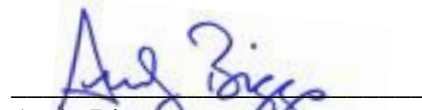
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Clay Higgins  
Member of Congress



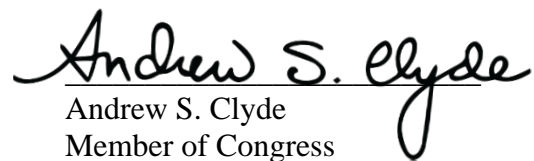
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Fred Keller  
Member of Congress



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Andy Biggs  
Member of Congress



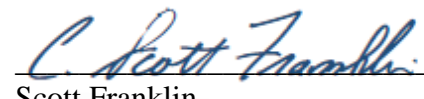
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Andrew S. Clyde  
Member of Congress



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Nancy Mace  
Member of Congress



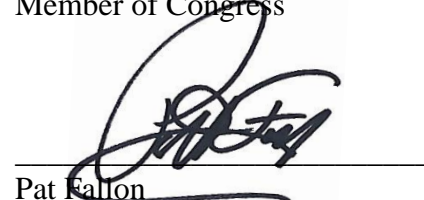
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Scott Franklin  
Member of Congress



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Jake LaTurner  
Member of Congress



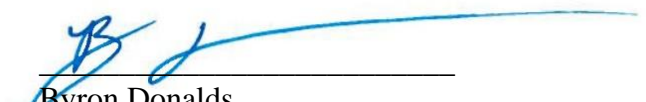
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Pat Fallon  
Member of Congress



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Yvette Herrell  
Member of Congress



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Byron Donalds  
Member of Congress

The Honorable Carolyn Maloney

June 2, 2021

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cc: The Honorable Gerald E. Connolly, Chairman  
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman  
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman  
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna  
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman  
Subcommittee on Civil Rights and Civil Liberties