

Congress of the United States  
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

March 4, 2021

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

Dear Chairwoman Maloney:

The Committee on Oversight and Reform must hold a hearing to examine the current crisis occurring on our southern border. Thirteen thousand unaccompanied children are projected to cross the border in May alone.<sup>1</sup> This “projection would exceed the height of the 2019 crisis.”<sup>2</sup> In just one week in February, the Border Patrol stopped more than 2,000 unaccompanied children crossing the southern border.<sup>3</sup> The border facilities holding these migrant children are nearly overflowing. Members of your own party have raised concerns about the Biden Administration perpetuating a policy of housing children in containers—something Democrats renounced during the prior administration.<sup>4</sup> The Committee must hear from Biden Administration officials about their plans to mitigate this crisis, since it is a direct result of President Biden’s unraveling of the prior administration’s strict, deterrent-focused border policies.

On February 25, 2021, we requested that you hold a hearing on the devastating effect of school closures on American children and today we request a hearing on the children being confined at the border. Since President Biden’s election, both American children and migrant children are in crisis. We must act. You and your colleagues previously decried the humanitarian crisis on the border in 2019, blaming “the Trump Administration’s inhumane

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<sup>1</sup> Stef W. Kight, *Scoop: Border officials project 13,000 child migrants in May*, AXIOS (Feb. 26, 2021), <https://www.axios.com/biden-migrant-children-border-dcc5df38-b9cd-4053-bee4-3642c4c215bf.html>.

<sup>2</sup> *Id.*

<sup>3</sup> Miriam Jordan, *Thousands of Migrant Children Detained in Resumption of Trump-Era Policies*, N.Y. TIMES (Feb. 26, 2021), <https://www.nytimes.com/2021/02/26/us/migrant-children-border-detained.html>.

<sup>4</sup> Lexi Lonas, *Ocasio-Cortez criticizes opening of migrant facility for children under Biden*, THE HILL (Feb. 23, 2021), <https://thehill.com/homenews/house/540174-ocasio-cortez-criticizes-opening-of-migrant-facility-for-children-under-biden>; Silvia Foster-Frau, *First migrant facility for children opens under Biden*, WASH. POST (Feb. 22, 2021), [https://www.washingtonpost.com/national/immigrant-children-camp-texas-biden/2021/02/22/05dfd58c-7533-11eb-8115-9ad5e9c02117\\_story.html](https://www.washingtonpost.com/national/immigrant-children-camp-texas-biden/2021/02/22/05dfd58c-7533-11eb-8115-9ad5e9c02117_story.html).

policies” for creating it.<sup>5</sup> Countless Democrats assailed the Trump administration as keeping children in “cages.” Former Chairman Cummings held a hearing on July 18, 2019 with then Acting Secretary of Homeland Security Kevin McAleenan to examine “the treatment of immigrants detained in U.S. government facilities.”<sup>6</sup>

According to press reports, on March 1, 2021, President Biden spoke over video conference to the President of Mexico regarding migration issues. Also, on March 1, 2021, Secretary Mayorkas announced the principles of a Family Reunification Task Force which will work with private nonprofit groups to reunite families. These overtures and bureaucratic constructs will not change what Press Secretary Jen Psaki said: “[t]here are no — there are very few good options here, and we chose the one we thought was best.”<sup>7</sup> Ms. Psaki is referencing the holding facilities for children—facilities which the Biden Administration is quickly reopening and quickly filling.

As you are aware, unaccompanied alien children who arrive at our borders and are not from contiguous countries are required by law to remain in Department of Homeland Security (DHS) custody until they can be transferred into the custody of Health and Human Services (HHS).<sup>8</sup> HHS finds shelter spaces for those children while looking to release them to potential family members or other sponsors in the United States.<sup>9</sup>

However, the capacity of HHS to receive unaccompanied children is strained under an increasing number of arrivals during the COVID-19 pandemic, leading to longer time in custody in DHS facilities. It was recently reported that more than 700 children were backed up in DHS custody as of February 21, several for longer than 72 hours.<sup>10</sup> More than 400 children were referred from DHS to HHS shelters on February 23 alone, well more than the 30-day average during the 2019 crisis.<sup>11</sup> In January alone, 5,871 unaccompanied children were apprehended by DHS crossing the border while there are over 7,000 unaccompanied children currently in HHS custody as shelter space becomes scarce.<sup>12</sup> To increase capacity, the Biden administration is

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<sup>5</sup> Press Release, Maloney Statement on Voting to Pass the Humanitarian Supplemental Bill, H. Comm. on Oversight & Reform (Jun 26, 2019), <https://maloney.house.gov/media-center/press-releases/maloney-statement-on-voting-to-pass-the-humanitarian-supplemental-bill>.

<sup>6</sup> Memorandum from Majority Staff, H. Comm. on Oversight & Reform, to Members of the H. Comm. on Oversight & Reform, *Hearing with Acting Secretary of Homeland Security Kevin K. McAleenan* (July 15, 2019).

<sup>7</sup> Press Briefing, The White House (Feb. 25, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/02/25/press-briefing-by-press-secretary-jen-psaki-february-25-2021/>.

<sup>8</sup> Fact Sheet: Unaccompanied Alien Children (UAC) Program, U.S. Dep’t of Health & Human Serv., Admin. for Children & Families (Sept. 30, 2019), <https://www.hhs.gov/sites/default/files/Unaccompanied-Alien-Children-Program-Fact-Sheet.pdf>.

<sup>9</sup> *Id.*

<sup>10</sup> Stef W. Kight & Jonathan Swan, *Exclusive: Hundreds of kids held in Border Patrol stations*, AXIOS (Feb. 25, 2021), <https://www.axios.com/kids-border-patrol-custody-767cb87d-d757-4c11-842e-2a5dd9db9839.html>.

<sup>11</sup> *Id.*

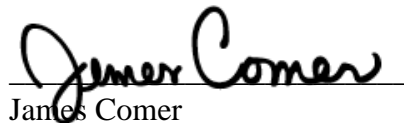
<sup>12</sup> Julia Ainsley & Jacob Soboroff, *Uptick in minors crossing border may result in Biden administration’s building more shelters*, NBC NEWS (Feb. 24, 2021), [www.nbcnews.com/politics/immigration/uptick-minors-crossing-border-may-result-biden-administration-building-more-n1258746](http://www.nbcnews.com/politics/immigration/uptick-minors-crossing-border-may-result-biden-administration-building-more-n1258746).

expected to reopen the Homestead influx facility in Florida, and has already reopened an influx shelter at Carrizo Springs, Texas.<sup>13</sup>

This Committee must schedule a hearing to conduct oversight of the welfare of migrant children being held in these container facilities. The Committee should also examine the Biden Administration's plan for reducing the overall numbers of unaccompanied children arriving illegally at the southern border, as well as its plans for handling the current surge. We urge you to hold a hearing on this matter after you schedule a hearing on U.S. school reopening.

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



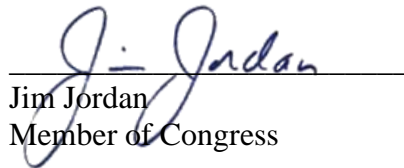
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Subcommittee on Environment



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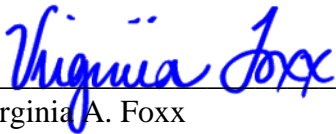
Paul A. Gosar, D.D.S.  
Member of Congress

<sup>13</sup> Stef W. Knight, *Biden's brewing child migrant crisis*, AXIOS (Feb. 2, 2021), <https://www.axios.com/border-migrant-child-crisis-biden-coronavirus-8bce4ec4-a881-4974-abdb404c39b1030f.html>.

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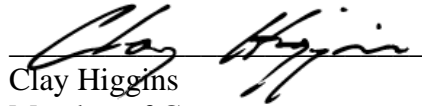
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Member of Congress



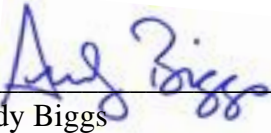
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Member of Congress



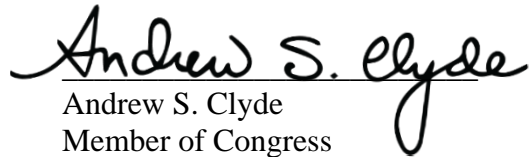
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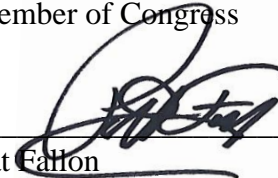
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Jake LaTurner  
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Pat Fallon  
Member of Congress



Yvette Herrell  
Member of Congress



Byron Donalds  
Member of Congress

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