

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>

September 16, 2021

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Becerra:

We write today to conduct oversight over recent reports that the U.S. Department of Health and Human Services (HHS) has been forced to engage in potentially unauthorized reprogramming of hundreds of millions of dollars within its budget to augment services for those unlawfully crossing the southern border. HHS is diverting hundreds of millions of taxpayer dollars from their intended purposes to cover the costs of housing unaccompanied migrant children during a crisis caused by the Biden Administration's policy decisions. We are concerned that these budget transfers are negatively impacting other mission-critical functions of HHS and the overall effort to combat the COVID-19 pandemic or respond to a future health crisis.

As you are aware, HHS has a statutory obligation under law to care for the unaccompanied children placed in its custody from the Department of Homeland Security (DHS).¹ The Biden Administration has failed to secure the border and regulate the flow of illegal border crossings, leaving HHS overburdened with an unprecedented level of unaccompanied children. Indeed, almost 19,000 unaccompanied children were encountered by DHS in July alone and thereafter transferred to HHS custody.² Although lower than its peak in early May with 22,000 unaccompanied children,³ HHS now has more than 14,000 children in the Department's custody across its licensed shelters, influx shelters, and emergency intake sites.⁴

¹ See 8 U.S.C. § 1232(b).

² Southwest Land Border Encounters, U.S. Customs and Border Protection, available at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

³ 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>.

⁴ Rosenberg, Mica & Go Nakamura, *Thousands of migrant kids stuck in U.S. border patrol custody, again*, REUTERS (Aug. 3, 2021), available at <https://www.reuters.com/world/americas/thousands-migrant-kids-stuck-us-border-patrol-custody-again-2021-08-03/>.

Caring for these children does not come without a cost. In early May, the Biden Administration had already awarded \$3 billion to contractors to house unaccompanied children, the majority of which were comprised of no-bid contracts awarded to just three entities.⁵ According to documents obtained by the *New York Times*, the Biden Administration estimated that it would need another \$4 billion before the end of the fiscal year to cover the costs of caring for unaccompanied children in custody *in addition* to money already reprogrammed—potentially without authorization—within HHS for that purpose.⁶

In fact, HHS is reportedly transferring \$589 million within its budget to cover the costs of continuing to care for unaccompanied children.⁷ Included in those funds are \$187.5 million originally intended by Congress to be used for vaccine “planning, distribution, monitoring and tracking” by the Centers for Disease Control, as well as \$225 million from the National Institute of Health.⁸ Incredibly, a spokesperson from HHS denied that the \$187.5 million loss will have an impact on the government’s vaccination efforts, likewise claiming that the multi-million dollar transfers would “not disrupt other HHS activities.”⁹

We are at a critical juncture in fighting the pandemic and it strains credibility that these huge transfers will have no impact on HHS mission critical functions or the Administration’s efforts in combatting the COVID-19 pandemic. This most recent round of budget transfers is only the latest in a months’ long process of raiding critical funding streams to pay for the consequences of the Border Crisis. For example, it was previously reported that HHS diverted \$2.1 billion from other health initiatives to cover the cost of caring for the surge in unaccompanied children.¹⁰ Those funds included \$850 million diverted from funds allocated by Congress to rebuild the Strategic National Stockpile, which was strained by the COVID-19 pandemic, and another \$850 million was taken from money allocated to expand coronavirus testing.¹¹

To assist Republicans on the Oversight Committee in conducting important oversight over the border crisis’s negative impact on HHS mission critical functions and activities to combat the COVID-19 pandemic, please provide the following information no later than September 30, 2021:

1. All documents and communications referring or relating to the need to reprogram \$589 million within HHS’s budget to cover the costs of caring for unaccompanied

⁵ 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>

⁶ Sullivan, Eileen, et. al, *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>.

⁷ Shaw, Adam, *HHS diverting millions in funding marked for vaccine efforts to housing migrant children*, FOX NEWS (Aug. 27, 2021), available at <https://www.foxnews.com/politics/biden-administration-millions-funds-vaccines-housing-migrant-children>.

⁸ *Id.*

⁹ *Id.*

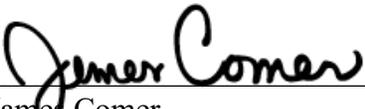
¹⁰ Cancryn, Adam, *Biden admin reroutes billions in emergency stockpile Covid funds to border crunch*, POLITICO (May 15, 2021), <https://www.politico.com/news/2021/05/15/hhs-covid-stockpile-money-border-migrants-488427>.

¹¹ *Id.*

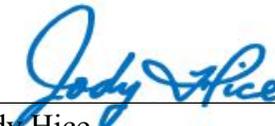
- children, as well as any alternatives that were explored;
2. All documents and communications referring or relating to any analysis of the impact of the reprogramming of such funds from their originally intended purposes;
 3. All documents and communications referring or relating to whether the reprogramming of such funds will have an impact on the government's ability to respond to the COVID-19 pandemic or any future health crisis;
 4. All documents and communications between HHS and DHS referring or relating to DHS's efforts to mitigate the unprecedented surge of unaccompanied alien children and relieve the strain on HHS operations;
 5. All documents and communications between HHS employees and any employees of the Office of Management and Budget referring or relating to funding of custody and care of unaccompanied alien minors.

Thank you for your consideration of this important issue. To make arrangements to deliver the requested documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

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



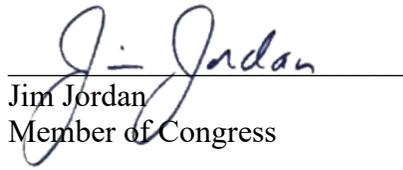
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Ralph Norman
Ranking Member
Subcommittee on Environment



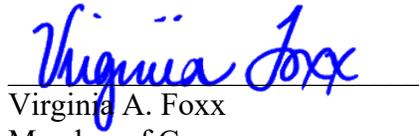
Pete Sessions
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



Jim Jordan
Member of Congress



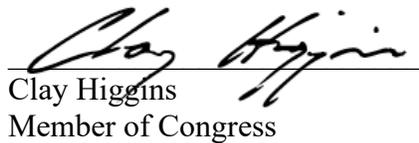
Paul A. Gosar, D.D.S.
Member of Congress



Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress



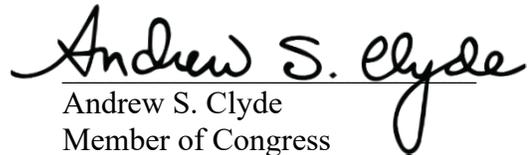
Clay Higgins
Member of Congress



Fred Keller
Member of Congress



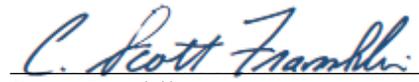
Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress



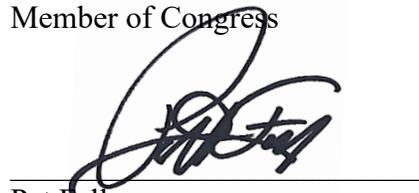
Nancy Mace
Member of Congress



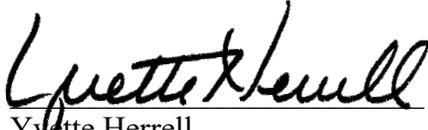
Scott Franklin
Member of Congress

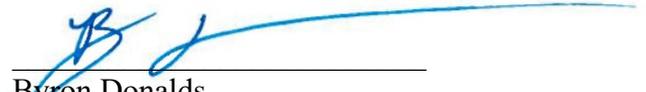


Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress


Yvette Herrell
Member of Congress


Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

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