

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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<https://oversight.house.gov>

November 21, 2022

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

Dear Secretary Becerra:

Committee Republicans are continuing to investigate how Biden Administration policies created the worst border crisis in American history. As a result of President Biden's border crisis, the U.S. Department of Health and Human Services (HHS) diverted critical pandemic funding to pay for the consequences of this self-inflicted border crisis. Despite requesting documents and communications from HHS directly relevant to our inquiries, you have failed to provide these materials. As we look to the 118th Congress, Committee Republicans intend to continue prioritizing this investigation. It is important that the American people, and their elected lawmakers, understand the impact of the border crisis on mission-critical functions of HHS. We therefore reiterate our previous requests for documents and information about the impact of the border crisis on mission-critical functions of HHS.

During the 117th Congress, we requested documents and communications on the impact of President Biden's border crisis on HHS resources, which required budget transfers from other mission-critical programs.¹ We also requested information about contracts awarded for the care of Unaccompanied Alien Children (UAC)—a problem that despite Democrat's rhetoric under the prior Administration, continues under this Administration.² Your response provided a three-page narrative reiterating HHS's statutory obligation to care for UAC placed in its custody by the Department of Homeland Security (DHS) and summarizing information previously provided to

¹ Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform, et. al. to Xavier Becerra, Sec'y, U.S. Dep't of Health and Human Serv. (Sept. 16, 2021), available at <https://republicans-oversight.house.gov/wp-content/uploads/2021/09/Letter-to-Becerra-HHS-Transfers-09162021.pdf>; Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform, to Xavier Becerra, Sec'y, U.S. Dep't of Health and Human Serv. (Jan. 25, 2022), available at <https://republicans-oversight.house.gov/wp-content/uploads/2022/01/Letter-to-Becerra-Followup-1252022.pdf>.

² Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform, et. al. to Xavier Becerra, Sec'y, U.S. Dep't of Health and Human Serv. (Sept. 16, 2021), available at <https://republicans-oversight.house.gov/wp-content/uploads/2021/09/Letter-to-HHS-re-whistleblower-complaints-Fort-Bliss.pdf>.

appropriators on budget transfers within HHS to accomplish this goal.³ To date, you have failed to provide any of the documents or communications requested in our prior letters.

Due to the Biden Administration's reckless border policies, we are concerned HHS resources were strained to the point of breaking. Looking ahead to the 118th Congress, Committee Republicans will continue to conduct oversight over the crisis created by the Biden Administration's border policies. These policies have caused HHS to resort to drastic and expensive measures and may have jeopardized other HHS missions such as pandemic preparedness and public health more generally.

The American people have a right to know whether responding to the border crisis prevented HHS from having COVID-19 testing readily available during the 2021 holiday season. Likewise, Americans have a right to know whether their taxpayer dollars are being used judiciously to provide adequate care to UACs. HHS possesses information critical to understanding the effect of the border crisis on HHS's mission. We look forward to working with your office to deliver the documents and communications we requested in our prior letters. Please provide the documents and information requested in our prior correspondence, and prioritize the following requests for production as soon as possible, but no later than December 5, 2022:

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 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 employees and DHS employees 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.

³ Letter from Norris Cochran, Acting Assistant Secretary for Financial Resources, U.S. Dep't of Health and Human Serv. to James Comer, Ranking Member, H. Comm. on Oversight & Reform (Apr. 22, 2022), *on file with committee staff*.

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To schedule the delivery of responsive 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 for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style with a horizontal line underneath the name.

James Comer

Ranking Member

Committee on Oversight and Reform

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