

United States Senate

WASHINGTON, DC 20510

April 27, 2023

Dear Chair Durbin:

We write to request that the Senate Judiciary Committee invite Secretary of Health and Human Services Xavier Becerra, former Secretary of Labor Marty Walsh, and White House Domestic Policy Advisor Susan Rice to testify on the Department of Health and Human Services' (HHS's) management of the Unaccompanied Children Program. We read your recent letter to Secretaries Becerra and Walsh regarding the placement of unaccompanied alien children with exploitative sponsors, and share your concern about reports that HHS is "prioritizing speed of placing children with sponsors over the children's safety and well-being."¹ The Senate Judiciary Committee should exercise its jurisdiction to come to a better understanding of how senior leadership in both HHS and the White House failed to act on credible reports that children were being placed into exploitative situations, and in fact adopted the very policies that contributed to these placements.

In August 2021, *Bloomberg* reported that federal law enforcement officials were investigating whether unaccompanied alien children had been released from HHS custody to labor traffickers. These included situations where dozens of children were released to the same sponsor who then exploited them for labor in poultry processing and similar industries.² About a year later, *Reuters* reported that federal and local officials were struggling to locate around a dozen unaccompanied alien children in Houston, Texas after Houston Police Department raised concerns that dozens of such children had gone missing. At the time, *Reuters* wrote that an "official with the HHS inspector general's office had never seen this scale of unaccompanied children reported missing in one area."³

The *Bloomberg* and *Reuters* stories were only the tip of the iceberg. The *New York Times* recently shed light on the full extent of the problem, and the degree to which labor traffickers have taken advantage of this vulnerable population of unaccompanied minors. According to the *Times*' initial report, "[i]n many parts of the country, middle and high school teachers in English-language learner programs say it is now common for nearly all their students to rush off to long shifts after their classes end."⁴ A follow-up article reveals the degree to which senior leadership at HHS and the White House were warned about the exploitation of unaccompanied migrant children and failed to take meaningful action. As the *New York Times* wrote,

Again and again, veteran government staffers and outside contractors told the Health and Human Services Department, including in reports that reached Secretary Xavier Becerra, that children appeared to be at risk. The Labor Department put out news releases noting an increase in child labor.

¹ Letter from Sens. Durbin, Schumer, et al, to Hon. Xavier Becerra, Secretary of Health and Human Services, & Hon. Martin J. Walsh, Secretary of Labor (Mar. 3, 2023), <https://www.durbin.senate.gov/imo/media/doc/UAC%20Exploitation%20Letter%203.2.23%20v.4.pdf>.

² Ben Penn and Ellen M. Gilmer, *U.S. Probes Trafficking of Teen Migrants for Poultry-Plant Work*, *Bloomberg Law* (Aug. 19, 2021, 5:36 p.m.), <https://news.bloomberglaw.com/daily-labor-report/u-s-probes-trafficking-of-teen-migrants-for-poultry-plant-work>.

³ Kristina Cooke, Mica Rosenberg, and Ted Hesson, *Dozens of migrant children reported missing in Houston, raising alarms*, *Reuters* (Sept. 2, 2022, 4:22 p.m.), <https://www.reuters.com/world/exclusive-dozens-migrant-children-reported-missing-houston-raising-alarms-2022-09-02/>.

⁴ Hannah Dreier, *Alone and Exploited, Migrant Children Work Brutal Jobs Across the U.S.*, *THE NEW YORK TIMES* (Feb. 28, 2023), <https://www.nytimes.com/2023/02/25/us/unaccompanied-migrant-child-workers-exploitation.html>.

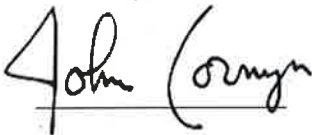
Senior White House aides were shown evidence of exploitation, such as clusters of migrant children who had been found working with industrial equipment or caustic chemicals.⁵

According to the *New York Times*, as shelter populations climbed, HHS began loosening vetting for sponsors and senior White House leaders, including Domestic Policy Advisor Susan Rice, “pressed to move children out of shelters more quickly.”⁶ Ms. Rice’s staff soon learned that around one third of migrant children could not be contacted by HHS within a month of release, and the Department of Labor made the White House aware of a massive increase in child labor violations. The White House denied being made aware of the issue in the same report in which a spokeswoman for the Department of Labor affirmed that the White House was informed of the rise in child labor.⁷ And President Biden’s former senior adviser for migration claimed that the White House “deferred to the agencies to let us know when things were really a problem.”⁸

The Senate has an excellent track record of robust and critical bipartisan oversight of the Unaccompanied Children Program under both Democratic and Republican administrations, and we should continue that tradition.⁹ Oversight of the Department of Health and Human Services Office of Refugee Resettlement falls explicitly within the jurisdiction of the Senate Committee on the Judiciary. In light of the *New York Times*’ reporting, we should invite Secretary Becerra, former Secretary Walsh, and Domestic Policy Advisor Rice to testify before the Committee and help us come to an understanding of exactly why sponsor vetting requirements were reduced, who made these decisions, and how HHS and the White House failed to take meaningful action when presented with the obvious consequences.

We look forward to your response.

Sincerely,



John Cornyn
Ranking Member
Subcommittee on Immigration



Lindsey O. Graham
Ranking Member
U.S. Senate Committee on the Judiciary

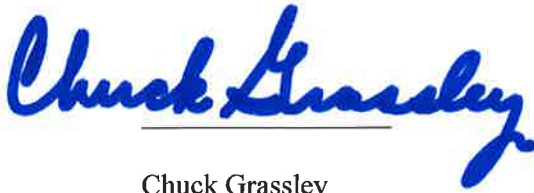
⁵ Hannah Dreier, *As Migrant Children Were Put to Work, U.S. Ignored Warnings*, THE NEW YORK TIMES (Apr. 17, 2023), <https://www.nytimes.com/2023/04/17/us/politics/migrant-child-labor-biden.html>.

⁶ *Id.*

⁷ *Id.* (“A spokeswoman for the Labor Department said that the White House had been aware of the rise in child labor because it was widely public. But Mr. Bates, the White House deputy press secretary, said officials there had not known of the increase in child labor until The Times’s February report.”).

⁸ *Id.*

⁹ *See, e.g.*, Permanent Subcommittee on Investigations, *Oversight of HHS Shelter Grants for Unaccompanied Alien Children* (Staff Rept.) (2020), <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/2020-12-08%20PSI%20Staff%20Report%20-%20Oversight%20of%20HHS%20Shelter%20Grants%20for%20UACs.pdf> (“Since 2015, the Permanent Subcommittee on Investigations has conducted oversight of federal government programs designed to protect and care for children who enter the United States without a parent or legal guardian.”).



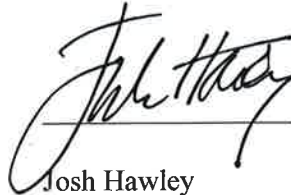
Chuck Grassley
United States Senator



Michael S. Lee
United States Senator



Ted Cruz
United States Senator



Josh Hawley
United States Senator



Tom Cotton
United States Senator



John N. Kennedy
United States Senator



Thom Tillis
United States Senator



Marsha Blackburn
United States Senator