

Congress of the United States
House of Representatives
Washington, DC 20515

December 3, 2018

The Honorable Alex Azar
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

Dear Secretary Azar:

We are writing to express our profound concerns with the Department of Health and Human Services' (the Department) management of the tent city facility in Tornillo, Texas. We are particularly concerned by the November 27, 2018 Office of Inspector General (OIG) memorandum and subsequent media reports exposing that the Administration has waived child abuse and neglect checks for more than 2,000 staff members and allowed employees and contractors without FBI fingerprint checks to be in regular and close contact with children. The OIG memorandum also showed that the facility has dangerously low mental health staffing ratios. The choice former Office of Refugee Resettlement Director Scott Lloyd made not to conduct staff background checks can cause "potential abuse and neglect of these kids," according to Colleen Kraft, president of the American Academy of Pediatrics. The Department's decision to allow a 1:100 clinician-to-child ratio is especially alarming given that these children have likely already experienced "significant trauma," according to the OIG memorandum, which questions how such low staffing levels could allow for proper mental health care. It is clear the Administration's actions are putting thousands of children in danger.

There is no justification for keeping Tornillo open. The Administration is using this facility, which is on federal land and unregulated by State child welfare authorities, to evade requirements and standards for the care of children established in the Flores Settlement Agreement and the Trafficking Victims Protection Reauthorization Act. The Department has already robbed vital health programs to support the Administration's agenda of using the Department as an immigration enforcement agency.

As of mid-November, more than 14,000 children are in ORR custody, up from about 6,000 one year ago. Children are languishing unnecessarily, being released at a rate of only one percent (the average over the seven days leading up to November 15), causing untold mental health damage. The May 2018 Memorandum of Agreement between the Department and the Department of Homeland Security has without a doubt caused this costly backlog. We cannot take the Administration seriously when it says it implemented its new policy of fingerprinting parents, other potential sponsors and household members for the sake of children's safety when it has made a conscious choice to waive background checks for thousands of adults working in close contact with minors at Tornillo.

The Administration has chosen to extend what was supposed to be an emergency, 30-day shelter three times since this summer. In September, the Department notified Congress that it had reallocated \$446 million in health program funds to help pay for its failed immigration policies. It has been reported that the cost to taxpayers for Tornillo could be at least \$430 million. Without any indication that Tornillo will close in the near future, we are also concerned that more health and human services programs will continue to be cut, which will continue to enable the abuse of children.

For these reasons, we call for the immediate closure of the Tornillo facility. We also ask that you report to us on all requirements waived at Tornillo as well as at the temporary emergency influx shelter in Homestead, Florida by December 7, 2018. Furthermore, if a waiver was granted for one facility, but not the other, please provide us with an explanation for that decision. As the top Democrats on the subcommittees that fund the Departments of Health and Human Services and Homeland Security, we will be conducting strict oversight in the new Congress on the Administration's care of migrant children and will be looking closely at limiting the Administration's ability to perpetuate the mistreatment of these children.

Sincerely,



ROSA L. DeLAURO
Member of Congress



LUCILLE ROYBAL-ALLARD
Member of Congress

CC: Secretary Kirstjen Nielsen