

**United States Senate**  
WASHINGTON, DC 20510

December 12, 2022

**VIA ELECTRONIC TRANSMISSION**

The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services

Dear Secretary Becerra:

Since 2015, I have raised concerns about unaccompanied alien children (UAC) sponsor vetting requirements in letters to the Department of Health and Human Services (HHS) and the Department of Homeland Security (DHS).<sup>1</sup> Recent reports based on whistleblower disclosures have raised serious questions about the vetting process the Biden Administration's HHS uses when deciding whether to release UACs from federal custody.<sup>2</sup> These questions raise concerns about whether the Biden Administration is placing the safety and security of children first.

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<sup>1</sup> Letter from Hon. Charles E. Grassley, Chairman, Senate Committee on the Judiciary, and Hon. John Cornyn, Chairman, Subcommittee on the Constitution, to Hon. Jeh Johnson, Secretary, Department of Homeland Security, and Hon. Sylvia M. Burwell, Secretary, Department of Health and Human Services (November 23, 2015), <https://www.grassley.senate.gov/news/news-releases/obama-administration-allegedly-releasing-unaccompanied-minors-criminals-custody>; Letter from Hon. Charles E. Grassley, Chairman, Senate Committee on the Judiciary, and Hon. John Cornyn, Chairman, Subcommittee on the Constitution, to Hon. Jeh Johnson, Secretary, Department of Homeland Security, and Hon. Sylvia M. Burwell, Secretary, Department of Health and Human Services (February 17, 2016), <https://www.grassley.senate.gov/news/news-releases/grassley-cornyn-continue-press-administration-vetting-sponsors-unaccompanied>; Hon. Charles E. Grassley, Chairman, Senate Judiciary Committee, to Hon. Tom Price, Secretary, Department of Health and Human Services (March 23, 2017), <https://www.grassley.senate.gov/news/news-releases/grassley-seeks-background-undocumented-teen-immigrants-charged-brutal-high-school>; Hon. Charles E. Grassley, Chairman, Senate Committee on the Judiciary, to Elaine Duke, Acting Secretary, U.S. Department of Homeland Security, and Eric Hargan, Acting Secretary, U.S. Department of Health and Human Services (November 3, 2017), on file with Committee staff; Hon. Charles E. Grassley, Ranking Member, Senate Judiciary Committee, *et al.*, to Hon. Alejandro Mayorkas, Secretary, Department of Homeland Security, and Hon. Xavier Becerra, Secretary, Department of Health and Human Services (March 19, 2021), [https://www.grassley.senate.gov/imo/media/doc/Judiciary%20Republicans%20to%20DHS%20HHS%20\(Border%20Crisis%203.19.21\).pdf](https://www.grassley.senate.gov/imo/media/doc/Judiciary%20Republicans%20to%20DHS%20HHS%20(Border%20Crisis%203.19.21).pdf) at 5, 7; See also Hon. Charles E. Grassley, Chairman, Committee on the Judiciary, to Hon. Jeh Johnson, Secretary, Department of Homeland Security (December 22, 2015), <https://www.judiciary.senate.gov/imo/media/doc/Immigration,%2012-22-15,%20letter%20to%20DHS,%20UAC%20smuggling.pdf>.

<sup>2</sup> Project Veritas, *U.S. Department of Health & Human Services Whistleblower Reveals 'Tax Dollars' Spent to 'Put Children in the Hands of Criminals'; Says Gov't Complicit Because 'We Don't Get Sued by Traffickers'...Migrant Child: My Female Sponsor 'Would Pimp Me to Men'* (Nov. 29, 2022), <https://www.projectveritas.com/news/u-s-department-of-health-and-human-services-whistleblower-reveals-tax/> [hereinafter Project Veritas Report and Interview].

During the Obama Administration, I raised concerns in a letter with Senator Cornyn to DHS and HHS that, according to whistleblower allegations, at least 3,400 UAC sponsors listed in a UAC database were determined to have criminal convictions. Those convictions included “re-entry after deportation, DUI, burglary, distribution of narcotics, domestic violence, homicide, child molestation, and sexual assault.”<sup>3</sup> Senator Cornyn and I also noted that several of those sponsors were “associated with, or actively engaged in, the practice of sex trafficking and human smuggling.”<sup>4</sup> These vetting failures are unconscionable.

Just last year, I and several other Judiciary Committee colleagues wrote to you raising concerns that the Biden Administration had terminated the April 13, 2018, Memorandum of Agreement between the Department of Health and Human Services’ Office of Refugee Resettlement (ORR), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP), which was put in place by the Trump Administration to ensure that UAC sponsors were carefully vetted for potential criminal concerns.<sup>5</sup> Those vetting requirements were rolled back by the Biden Administration in March 2021 amid a growing influx of UACs that occurred as a result of lax border security and enforcement policies. In our letter, we asked what steps DHS and HHS were taking to ensure children in HHS’s care were safe.<sup>6</sup>

Recent press reports show our concerns were warranted. According to whistleblower Tara Lee Rodas, a Council of the Inspectors General on Integrity and Efficiency (CIGIE) employee who served as a volunteer at the Pomona Fairplex Emergency Intake Site (EIS) in Pomona, California, HHS is currently prioritizing efforts to move children out of federal facilities quickly, at the expense of safety.<sup>7</sup> During a recent interview with Project Veritas, Ms. Rodas stated, “[t]here’s a focus on move the children, as opposed to place children in safe homes. Right now it is speed over safety. Move the children. Ten to fifteen days.”<sup>8</sup> During the interview, Ms. Rodas further alleged that “stringent vetting” requirements have been “relaxed” and noted that when she raised safety concerns with an official about the location where a specific child was going to be placed, the official told her, “We only get sued if we keep kids in care too long. We don’t get sued by traffickers. Are you clear? We don’t get sued by traffickers.”<sup>9</sup>

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<sup>3</sup> Letter from Hon. Charles E. Grassley, Chairman, Senate Committee on the Judiciary, and Hon. John Cornyn, Chairman, Subcommittee on the Constitution, to Hon. Jeh Johnson, Secretary, Department of Homeland Security, and Hon. Sylvia M. Burwell, Secretary, Department of Health and Human Services (November 23, 2015), <https://www.grassley.senate.gov/news/news-releases/obama-administration-allegedly-releasing-unaccompanied-minors-criminals-custody>

<sup>4</sup> *Id.*

<sup>5</sup> Hon. Charles E. Grassley, Ranking Member, Senate Judiciary Committee, *et al.*, to Hon. Alejandro Mayorkas, Secretary, Department of Homeland Security, and Hon. Xavier Becerra, Secretary, Department of Health and Human Services (March 19, 2021), [https://www.grassley.senate.gov/imo/media/doc/Judiciary%20Republicans%20to%20DHS%20HHS%20\(Border%20Crisis%203.19.21\).pdf](https://www.grassley.senate.gov/imo/media/doc/Judiciary%20Republicans%20to%20DHS%20HHS%20(Border%20Crisis%203.19.21).pdf) at 5.

<sup>6</sup> *Id.* at 7.

<sup>7</sup> Project Veritas Report and Interview.

<sup>8</sup> *Id.*

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

Mr. Rodas also alleges that “children have been trafficked through the [UAC] program,” “we are paying to put children in the hands of criminals,” and that “we have proof, evidence, that [children] are being recruited and transported. They are then in debt bondage.”<sup>10</sup> According to Project Veritas, when their investigators visited addresses that Ms. Rodas supplied from case files she had worked on, they found “young children living with multiple, older, unrelated men, and, in one case from Gulf Freeway in Houston, Texas, a young girl who admits to her female sponsor using her for sex work...”<sup>11</sup>

Ms. Rodas’ allegations appear consistent with the concerns Senator Cornyn and I brought to the attention of the Obama Administration more than seven years ago.<sup>12</sup> Further, if true and accurate, they suggest that HHS has not made the safety of children its first priority, which is unacceptable.<sup>13</sup> The allegations shock any reasonable person to the core. The Biden Administration’s treatment of children in the UAC program is unconscionable.

In a July 8, 2021, letter to me regarding HHS policies and procedures at UAC influx care facilities and emergency intake sites, HHS asserted that “ORR’s primary mission is to ensure the safety and well-being of the unaccompanied children in its care.”<sup>14</sup> In that letter, HHS stated that it provides trainings to ensure that “contractors, staff, and federal detailees understand the process and requirement to appropriately elevate significant incidents to ensure the safety and well-being of children and emphasize the importance of reporting SIRs [Significant Incident Reports] to ensure that any allegations of abuse at EIS are investigated and addressed immediately.”<sup>15</sup> However, according to Ms. Rodas, after she made protected disclosures relating to the program, she experienced whistleblower retaliation and was “kicked off the site” where she was volunteering so that she “could no longer research the cases.”<sup>16</sup>

These allegations are serious, and, if true and accurate, must be addressed. In order for Congress to conduct oversight of HHS’s current policies and procedures relating to the placement of UACs, please respond to the following no later than December 26, 2022.

1. Please explain all actions taken by HHS to investigate Ms. Rodas’ allegations, including the claim that she was “kicked off the site” where she was volunteering after making protected disclosures, and provide all related documentation.

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<sup>10</sup> *Id.*

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

<sup>12</sup> Letter from Hon. Charles E. Grassley, Chairman, Senate Committee on the Judiciary, and Hon. John Cornyn, Chairman, Subcommittee on the Constitution, to Hon. Jeh Johnson, Secretary, Department of Homeland Security, and Hon. Sylvia M. Burwell, Secretary, Department of Health and Human Services (November 23, 2015), <https://www.grassley.senate.gov/news/news-releases/obama-administration-allegedly-releasing-unaccompanied-minors-criminals-custody>

<sup>13</sup> Letter from Jeff Hild, Acting Assistant Secretary for Legislation, to Hon. Charles E. Grassley, U.S. Senator (July 8, 2021), on file with Committee staff.

<sup>14</sup> *Id.* at 3.

<sup>15</sup> *Id.* at 5.

<sup>16</sup> Project Veritas Report and Interview.

2. Please describe the policies and procedures that HHS currently uses to investigate and vet sponsors prior to releasing UACs into their care. In your answer, please describe what categories of information HHS currently tracks in its database of UAC sponsors to vet and screen and a list of the criteria HHS uses when determining whether to approve or deny an application to sponsor a UAC. Provide all records.
3. Please describe what policies and procedures HHS currently has in place to ensure that UACs are not placed into the custody of criminals, including human traffickers.
4. How many of the sponsors currently listed in HHS's UAC database have criminal records? Please provide information on the number who have been convicted of: child molestation; homicide; violent crimes, including sexual assault and domestic violence.
5. Please explain all major changes to HHS policies and procedures the Biden Administration has made relating to vetting and placing UACs in response to the crisis at the southern border.
6. Please describe all cases where HHS believes UACs may have been placed into the custody of criminals, including human traffickers, including efforts to recover the children and coordinate related search and rescue efforts with federal and local law enforcement.

Thank you for your attention to this important matter.

Sincerely



Charles E. Grassley  
Ranking Member  
Committee on the Judiciary