

United States Senate  
WASHINGTON, DC 20510

June 26, 2019

Joanne Chiedi  
Acting Inspector General  
U.S. Department of Health and Human Services  
Office of Inspector General  
330 Independence Avenue, SW  
Washington, DC 20201

Dear Acting Inspector General Chiedi:

I write to you today to request that the Office of Inspector General (OIG) examine and evaluate whether federal contractors and grantees awarded contracts and grants by the Department of Health and Human Services (HHS) charged with caring for migrant children are in breach of their contractual or grantee obligations or federal regulations due to providing inadequate care, and if so, whether those material breaches should result in total or partial non-payment by the United States, or the recoupment of grant monies, for the services rendered.

Based on recent reports, there is significant evidence that some federal contractors and grantees have not provided adequate accommodations for children in line with legal and contractual requirements. In one such report, children in a facility near El Paso, Texas were given inadequate food, water, and sanitation. At the same facility it was reported that older children were taking care of infants who were without diapers and that there was an outbreak of the flu. These news reports build on previous reports from your office indicating that many of the federal contractors and grantees charged with the care of migrant children have not complied with all applicable federal and state policies and requirements. This is especially troubling given that the children in their care are often young and unable to advocate for their interests.

For example, an OIG report from April 2019 found that “The Children's Village, Inc. (Children's Village), an Unaccompanied Alien Children (UAC) grantee responsible for caring for children in ORR custody, received \$16.7 million in Federal funds for the care and placement of approximately 483 children.” During that time, the OIG determined that, among other violations, Children's Village “did not always ensure that its facility was free from potentially harmful conditions” for the children living there. This is one of several examples found by your office of federal contractors engaging in conduct that would violate their contractual obligations and providing deficient care for children in their custody.

Due to the large amount of unlawful activity found by your office, and the deeply troubling reports that have come to light in recent weeks, I respectfully request that you investigate these companies and address the following questions:

1. What is the standard of care for which the federal contractors and grantees are contractually or otherwise responsible for providing to migrant children in their custody?
2. Have federal contractors or grantees who are responsible for taking care of migrant children provided sufficient resources and facilities to satisfy the above standard of care?
3. For those federal contractors or grantees that have not provided sufficient resources and facilities, specifically how have they been deficient?
4. For those federal contractors or grantees that have not provided sufficient resources and facilities, do you believe that their actions deprived the federal government of the benefits associated with the contract, had it been performed adequately?
5. In your view, would it be appropriate for the federal government to refuse or recoup full or partial payment from the contractors or grantees that did not provide sufficient resources and facilities in line with their legal obligations?
6. Is it to the benefit of the United States to temporarily or permanently suspend the eligibility of these contractors or grantees to contract with the federal government?

An OIG report and recommendations on these issues will be an important step forward towards effectively addressing the deeply troubling reports about the mistreatment of children in our government's care.

Thank you for your attention to this important matter and we look forward to your response. If you have any questions concerning this request, please contact my legislative aide, Jesse Isleman, at (202)-224-3934.

Sincerely,



BRIAN SCHATZ  
United States Senator



SHERROD BROWN  
United States Senator



AMY KLOBUCHAR  
United States Senator



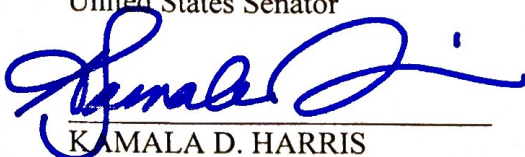
ELIZABETH WARREN  
United States Senator



RICHARD BLUMENTHAL  
United States Senator



MICHAEL BENNET  
United States Senator



KAMALA D. HARRIS  
United States Senator



ROBERT P. CASEY, JR.  
United States Senator

# United States Senate

WASHINGTON, DC 20510

June 26, 2019

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office  
441 G Street NW  
Washington, DC 20548

Dear Comptroller Dodaro:

I write to you today to request that GAO examine and evaluate whether federal contractors or grantees charged with caring for migrant children are in breach of their contractual obligations or federal regulations due to providing inadequate care, and if so, whether those material breaches should result in total or partial non-payment by the United States, or the recoupment of grant monies, for the services rendered and should result in the suspension or debarment of those contractors or grantees.

Based on recent reports, there is significant evidence that some federal contractors and grantees have not provided adequate accommodations for children in line with legal and contractual requirements. In one such report, children in a facility near El Paso, Texas were given inadequate food, water, and sanitation. Further, it was reported that older children were taking care of infants and that there was an outbreak of the flu due to improper medical care. These news reports build on previous reports from the Office of Inspector General at the Department of Health and Human Services (OIG) indicating that many of the federal contractors and grantees charged with the care of migrant children, both by the Department of Health and Human Services and the Department of Homeland Security, have not complied with all applicable federal and state policies and requirements. This is especially troubling given that the children in their care are often young and unable to advocate for their interests.

For example, an OIG report from April 2019 found that “The Children's Village, Inc. (Children's Village), an Unaccompanied Alien Children (UAC) grantee responsible for caring for children in ORR custody, received \$16.7 million in Federal funds for the care and placement of approximately 483 children.” During that time, the OIG determined that, among other violations, Children's Village “did not always ensure that its facility was free from potentially harmful conditions” for the children living there. This is one of several examples found by your office of federal contractors and grantees engaging in conduct that would violate their contractual obligations and providing deficient care for children in their custody.

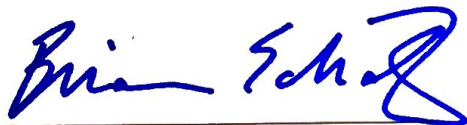
Due to the large amount of unlawful activity found by the OIG, and the deeply troubling reports that have come to light in recent weeks, I respectfully request that GAO address the following questions:

1. What is the standard of care for which the federal contractors and grantees are contractually or otherwise responsible for providing to migrant children in their custody?
2. Have federal contractors or grantees who are responsible for taking care of migrant children provided sufficient resources and facilities to satisfy the above standard of care?
3. For those federal contractors and grantees that have not provided sufficient resources and facilities, specifically how have they been deficient?
4. For those federal contractors and grantees that have not provided sufficient resources and facilities, do you believe that their actions deprived the federal government of the benefits associated with the contract or grant, had it been performed adequately?
5. In your view, would it be appropriate for the federal government to refuse or recoup full or partial payment or grant monies from the companies that did not provide sufficient resources and facilities in line with their legal obligations?
6. Is it to the benefit of the United States to temporarily or permanently suspend the eligibility of these companies to contract with the federal government?

A GAO report and recommendations on these issues will be an important step forward towards effectively addressing the deeply troubling reports about the mistreatment of children in our government's care.

Thank you for your attention to this important matter and we look forward to your response. If you have any questions concerning this request, please contact my legislative aide, Jesse Isleman, at (202)-224-3934.

Sincerely,



BRIAN SCHATZ  
United States Senator



SHERROD BROWN  
United States Senator



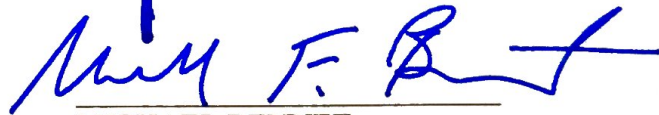
AMY KLOBUCHAR  
United States Senator



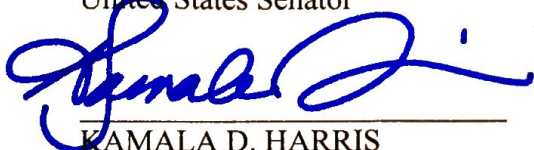
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United States Senator

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WASHINGTON, DC 20510

June 26, 2019

Karl Alvarez  
Deputy Assistant Secretary  
U.S. Department of Health and Human Services  
330 Independence Avenue, SW  
Washington, DC 20201

Dear Deputy Assistant Secretary Alvarez:

I write to you today to request that you, in your capacity as the Suspension and Debarment Official (SDO) of the Department of Health and Human Services (HHS), investigate federal contractors awarded contracts by HHS to care for migrant children. Specifically, I would request that you investigate whether any contractors breached their contractual obligations or federal law by providing deficient care for children in their custody, and determine whether it is to the benefit of the United States to temporarily or permanently suspend the eligibility of these companies to contract with the federal government in the future.

Based on recent reports, there is significant evidence that some federal contractors have not provided adequate accommodations for children in line with legal and contractual requirements. In one such report, children in a facility near El Paso, Texas were given inadequate food, water, and sanitation. At the same facility it was reported that older children were taking care of infants and that there was an outbreak of the flu that was connected to improper care. These news reports build on previous reports from the Office of Inspector General (OIG) for HHS indicating that many of the federal contractors charged with the care of migrant children have not complied with all applicable federal and state policies and requirements. This is especially troubling given that the children in their care are often young and unable to advocate for their interests.

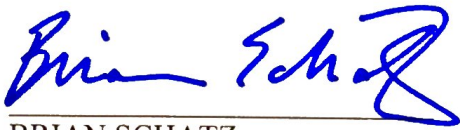
For example, an OIG report from April 2019 found that “The Children's Village, Inc. (Children's Village), an Unaccompanied Alien Children (UAC) grantee responsible for caring for children in ORR custody, received \$16.7 million in Federal funds for the care and placement of approximately 483 children.” During that time, the OIG determined that, among other violations, Children's Village “did not always ensure that its facility was free from potentially harmful conditions” for the children living there. This is one of several examples found by OIG of federal contractors engaging in conduct that would violate their contractual obligations and providing deficient care for children in their custody.

Due to the large amount of unlawful activity found by OIG, and the deeply troubling reports that have come to light in recent weeks, I respectfully request that you investigate contractors to ensure that proper care is being given to these children, and to deter future contractors from

engaging in patterns of behavior which are unlawful or violate their contractual, moral, and ethical obligations.

Thank you for your attention to this important matter and we look forward to your response. If you have any questions concerning this request, please contact my legislative aide, Jesse Isleman, at (202)-224-3934.

Sincerely,



BRIAN SCHATZ  
United States Senator



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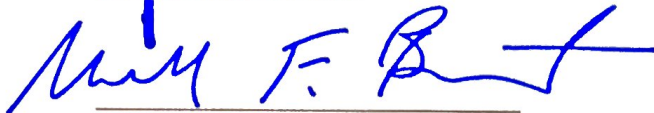
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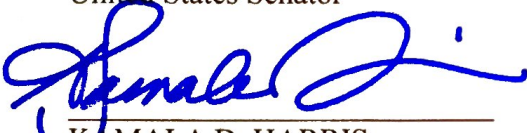
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