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December 6, 2018

Secretary Alex M. Azar II
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar:

I am deeply concerned about a memorandum dated November 27, 2018 by the Department of Health and Human Services Office of Inspector General, which found that the Office of Refugee Resettlement has not required FBI fingerprint background checks for all individuals caring for migrant children at the influx care facility in Tornillo, Texas. The Tornillo, Texas facility is already providing care to 1,800 children, and may grow further in coming months.

The failure to require FBI background checks for employees at these facilities who work in direct contact to children is indefensible. FBI fingerprint background checks are the gold standard of background checks, uncovering criminal histories which name-based checks can miss. The children receiving care at Tornillo and other ORR facilities are highly vulnerable, alone in a country they do not know, and speak little to no English in most cases. It is simply common sense and common decency to ensure that those entrusted with their care do not have disqualifying criminal histories.

The Administration knows well the utility and importance of FBI background checks for individuals with direct access to vulnerable children. In March of this year, President Trump signed into law the Child Protection Improvements Act, bipartisan legislation to increase access to and affordability of FBI fingerprint background checks for child-serving organizations. Unaccompanied children must be afforded the same protections from exploitation we would want for our own children.

I request responses to the following questions no later than Tuesday, December 18, 2018:

- Does the Department dispute the findings of the OIG regarding the failure to perform FBI fingerprint background checks at Tornillo?
- Who was responsible for that decision, and what was the basis for declining to require background checks?

- Recent news reports indicate that DHHS is working to retroactively perform FBI fingerprint background checks on all employees. How long will this process take and are you taking any steps in the interim to ensure the safety of children?

Thank you for your attention to this matter.

Sincerely,



Adam B. Schiff
Member of Congress

cc: Secretary Kristjen Nielsen
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