

# United States Senate

WASHINGTON, DC 20510

September 15, 2022

Alejandro Mayorkas  
Secretary  
Department of Homeland Security  
1880 2nd Street SW  
Washington, DC 20024

Pritesh Gandhi, MD, MPH  
Chief Medical Officer  
U.S. Department of Homeland Security  
1880 2nd Street SW  
Washington, DC 20024

Chris Magnus  
Commissioner  
Customs and Border Protection  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20229

Dear Secretary Mayorkas, Dr. Gandhi, and Commissioner Magnus:

We commend the Department of Homeland Security (DHS)'s commitment to ensuring the safety of vulnerable migrant children in Customs and Border Protection (CBP) custody.<sup>1</sup> We write to request information on an initiative essential to upholding that commitment—the hiring and deployment of state-licensed child welfare professionals at CBP border facilities.

As you know, as part of the FY 2022 Consolidated Appropriations Act (P.L. 117-103) Congress provided \$14.55 million to the DHS Office of the Chief Medical Officer (CMO) to hire state-licensed child welfare professionals to provide services at facilities along the southwest border in coordination with CBP.<sup>2</sup> Migrant children arriving at the southwest border have frequently endured severe harm and trauma, coupled with unique vulnerabilities stemming from their age, developmental stage, and communication and comprehension capacity. These children require care and screening by state-licensed child welfare professionals—typically social workers—with demonstrated expertise in child development, direct experience working with children, and established skills for trauma-centered and developmentally appropriate interviewing.

---

<sup>1</sup> E.g., Secretary Mayorkas, “It is the best interest of the child that really define our actions;” Press Briefing by Press Secretary Jen Psaki and Secretary of Homeland Security Alejandro Mayorkas (Mar. 1, 2021); <https://www.whitehouse.gov/briefing-room/press-briefings/2021/03/01/press-briefing-by-press-secretary-jen-psaki-and-secretary-of-homeland-security-alejandro-mayorkas/>; Commissioner Magnus, “There is really nothing more important to me, and I think my colleagues at Border Patrol, than the safety of children;” Hearing on the Fiscal Year 2023 Budget Request for the U.S. Customs and Border Protection before the House Appropriations Committee DHS Subcommittee (May 11, 2022).

<sup>2</sup> Joint Explanatory Statement, Division F, Department of Homeland Security: “Child Welfare Support at CBP Facilities.- The agreement provides \$14,550,000 above the request to the Office of the CMO, to obtain the services of, at minimum, two full-time, State licensed child welfare professionals or equivalent per each CBP sector along the southwest border. These providers will provide care for children temporarily in CBP custody. The CMO shall work in coordination with CBP and provide a briefing within 60 days of the date of enactment of this Act, on an execution plan for hiring child welfare support, to include how the personnel will be deployed in the field and how translation services will be provided. The agreement further directs the CMO to develop and oversee implementation of standards for providing physical and mental healthcare to minors held in CBP custody within 180 days of the date of enactment of this Act. Prior to implementation of these requirements, the CMO shall brief the Committees on the contents and scope of the requirements, and, within 90 days of the date of implementation shall brief the Committees on adoption of and compliance with these requirements.”

We encourage DHS to expeditiously deploy these professionals in ways that best leverage their expertise. Key functions that child welfare professionals are specially suited to perform include providing care to children in CBP custody consistent with the *Flores* Settlement Agreement, Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), and CBP National Standards on Transport, Escort, Detention, and Search; administering TVPRA-mandated protection screenings of unaccompanied children that help identify trafficking and other safety concerns; ensuring best practices in the prevention of sexual abuse and exploitation (PSA) of children; and ensuring that children in CBP custody are not needlessly separated from parents or legal guardians.

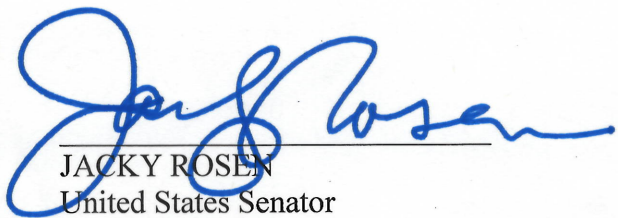
Assigning child welfare professionals to such duties would not only substantially strengthen the safety and well-being of migrant children, but also advance optimal allocation of DHS resources and enhance border operations efficiency.

In view of the vital importance of a timely and effective deployment of child welfare professionals at CBP border facilities, and given Congress's directive to use this money specifically for those purposes, we request the below information by October 3, 2022.

- (1) Please provide a spending plan for the \$14.55 million Congress appropriated for the hiring of state-licensed child welfare professionals via the FY 2022 Consolidated Appropriations Act (P.L. 117-103).
- (2) Pursuant to P.L. 117-103 and the appropriations provided to the CMO, please identify:
  - a. The qualifications/requirements for child welfare professionals that DHS has hired or plans to hire using appropriated funds;
  - b. How many new child welfare professionals have been hired or will be hired using these appropriated funds;
  - c. How many existing DHS staff will have their salaries paid in whole or in part, with these specific appropriated funds;
  - d. How many child welfare professionals the CMO plans to hire in total using these appropriated funds;
  - e. In which locations child welfare professionals hired with these appropriated funds are assigned or will be assigned;
  - f. How DHS will utilize these child welfare professionals, including detailed descriptions of their functions;
  - g. The timetable for completion of the initial hiring and deployment of these child welfare professionals and the timeline for future hiring and deployment;
  - h. Any translation services that will be provided in connection with these child welfare professionals' duties at CBP facilities;
  - i. Any standards guiding the work of these child welfare professionals; and
  - j. Any metrics that are being used or will be used to monitor or evaluate performance of child welfare professionals' duties and to provide oversight of and accountability for child welfare professionals hired using these specific appropriated funds.
- (3) Please describe how the CMO and CBP are coordinating on this effort.

We respectfully request that you update us regularly on your progress in fulfilling Congress's intended use of these appropriated funds, and we stand ready to work with you in implementing this important initiative. Thank you for your attention to these critical matters.

Sincerely,



JACKY ROSEN  
United States Senator



MAZIE HIRONO  
United States Senator