

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074

<https://oversight.house.gov>

January 25, 2022

The Honorable Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Becerra:

We write today to continue our oversight of the Biden Administration's failure to adequately secure the southern border, as well as the knock-on effects that failure is having on the United States' response to the COVID-19 pandemic. The Biden Administration did not adequately prepare for another surge in COVID-19 cases and diverted critical pandemic funding to pay for President Biden's self-made border crisis. This mismanagement of taxpayer dollars has contributed to the Biden Administration's failed COVID-19 response.

We previously wrote to you on September 16, 2021, requesting documents and information regarding reprogramming within the U.S. Department of Health and Human Services (HHS) of hundreds of millions of dollars within its budget to respond to the ongoing border crisis.¹ Specifically, "[w]e are concerned that these budget transfers are negatively impacting other mission-critical functions of HHS and the overall effort to combat the COVID-19 pandemic or respond to a future health crisis." Now, with an unprecedented spike of COVID-19 cases² corresponding with a scarcity of tests,³ it appears that our fears are being realized.

We remain concerned about reports that HHS transferred \$589 million within its budget to cover the costs of continuing to care for unaccompanied children from other critical tasks in August.⁴ Included in those funds were \$187.5 million originally intended by Congress to be used for vaccine "planning, distribution, monitoring and tracking" by the Centers for Disease

¹ Letter from James Comer, Ranking Member, H. Comm. on Oversight & Reform, et. al. to Xavier Becerra, Sec'y, U.S. Dep't of Health and Human Serv. (Sept. 16, 2021), available at <https://republicans-oversight.house.gov/wp-content/uploads/2021/09/Letter-to-Becerra-HHS-Transfers-09162021.pdf>.

² Daily Trends in Number of Covid-19 Cases in the United States Reported to the CDC, CENTERS FOR DISEASE CONTROL AND PREVENTION (last accessed Jan. 11, 2022).

³ Liptak, Kevin, et. al, *Biden is dogged by a testing shortage he had vowed to fix*, CNN News (Dec. 28, 2021).

⁴ Shaw, Adam, *HHS diverting millions in funding marked for vaccine efforts to housing migrant children*, FOX NEWS (Aug. 27, 2021).

Control and Prevention, as well as \$225 million from the National Institutes of Health.⁵ It was also reported that HHS diverted \$2.1 billion from other health initiatives to cover the cost of caring for the surge in unaccompanied children in May.⁶ Those funds included \$850 million diverted from funds allocated by Congress to rebuild the Strategic National Stockpile, which was strained by the COVID-19 pandemic, and another \$850 million was taken from money allocated to expand coronavirus testing.⁷

On January 11, 2022, Senator Susan Collins raised these very concerns and questions with HHS's Assistant Secretary for Preparedness and Response (the ASPR) during testimony before the Senate Committee on Health, Education, Labor & Pensions.⁸ The ASPR failed to provide answers to Senator Collins. Despite the size of the transferred funds and their relation to COVID-19 testing availability and pandemic response, the witness did not offer details about how the transferred money may have affected the original programs. She only claimed HHS could lawfully make these transfers without citing under what authority. Ultimately, she indicated that she would have to take back questions related to these budget transfers to financial experts within HHS.⁹

Like the ASPR, you have failed to respond to our initial letter with the documents and information we requested. This information is essential for Committee Republicans to conduct important oversight. As we wrote to you last year, "it strains credibility that these huge transfers will have no impact on HHS mission critical functions or the Administration's efforts in combatting the COVID-19 pandemic." Americans now face an alarming scarcity of COVID-19 tests and as the sheer number of COVID-19 cases continue to rise across the country, we demand to know exactly how the border crisis has exacerbated challenges in responding to the pandemic.

We therefore reiterate the five enumerated requests made in our September 16, 2021, letter and urge your prompt response. For your ready reference, we have included the requests here:

1. All documents and communications referring or relating to the need to reprogram \$589 million within HHS's budget to cover the costs of caring for unaccompanied children, as well as any alternatives that were explored;
2. All documents and communications referring or relating to any analysis of the impact of the reprogramming of such funds from their originally intended purposes;
3. All documents and communications referring or relating to whether the reprogramming of such funds will have an impact on the government's ability to

⁵ *Id.*

⁶ Cancryn, Adam, *Biden admin reroutes billions in emergency stockpile Covid funds to border crunch*, POLITICO (May 15, 2021).

⁷ *Id.*

⁸ Addressing New Variants: A Federal Perspective on the COVID-19 Response, Hearing before the Senate Committee on Health, Education, Labor & Pensions, 117th Cong. (Jan. 11, 2022) (Testimony of Dawn O'Connell, Assistant Secretary for Preparedness and Response, U.S. Dep't of Health and Human Serv.).

⁹ *Id.*

Secretary Becerra

January 25, 2022

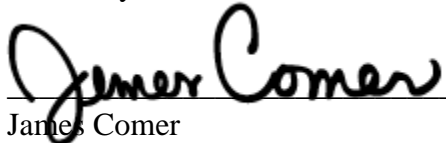
Page 3 of 3

respond to the COVID-19 pandemic or any future health crisis;

4. All documents and communications between HHS and DHS referring or relating to DHS's efforts to mitigate the unprecedented surge of unaccompanied alien children and relieve the strain on HHS operations;
5. All documents and communications between HHS employees and any employees of the Office of Management and Budget referring or relating to funding of custody and care of unaccompanied alien minors.

Provide the requested materials on or before February 8, 2022, and please do not hesitate to contact Committee minority staff with any questions. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive style and is positioned above a horizontal line.

James Comer

Ranking Member

Committee on Oversight and Reform

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform