

July 30, 2018

The Honorable Roy Blunt
Chairman
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
United States Senate
260 Russell Senate Office Building
Washington, DC 20002

The Honorable Patty Murray
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
United States Senate
154 Russell Senate Office Building
Washington, DC 20002

The Honorable Tom Cole
Chairman
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
United States House of Representatives
2467 Rayburn House Office Building
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
Subcommittee on Labor, Health and Human Services, Education, and Related Agencies
United States House of Representatives
2413 Rayburn House Office Building
Washington, DC 20515

Dear Senators Blunt and Murray and Representatives Cole and DeLauro,

We the undersigned organizations are writing to express our profound concern over the cruel and harmful practice of separating families at our southern border. We request that you act to help swiftly reunite families and ensure this is done in a manner that absolutely protects the children, upholds legal standards prohibiting family detention, and increases government transparency for the public. During the House Appropriations Committee mark-up of the Labor, Health and Human Services, Education and Related Agencies (Labor-HHS) annual appropriations bill for Fiscal Year 2019 (FY 19), we were extremely troubled and alarmed to see the Cole amendment pass, as it would override crucial protections established by the *Flores* Settlement Agreement. However, we were pleased to see the Committee include a number of important provisions in the Manager's Amendment, as well as several other amendments by voice vote, that

would lead to real progress in addressing this urgent crisis. As the FY 19 Labor-HHS spending bill advances further, we urge you to:

- 1) **Strike the Cole (No. 2) Amendment overriding *Flores* protections for children,**
- 2) **Support the four provisions in the Manager’s Amendment pertaining to Congressional oversight of the Office of Refugee Resettlement (ORR) and permitting in-kind donations to ORR care facilities,**
- 3) **Support the 12 amendments adopted by voice vote aimed at protecting children in the care of ORR and facilitating family reunification, and**
- 4) **Support additional amendments that, had they passed, would strengthen efforts to protect these children and families.**

We are strongly opposed to the Cole amendment, which would override the *Flores* Settlement Agreement by allowing migrant children to be held in unlicensed family detention facilities for prolonged periods of time. This policy provision flies in the face of decades of legal precedent at the expense of the health, wellbeing, and development of children. Family detention is not an appropriate alternative to the cruel practice of forcible family separation. The American Academy of Pediatrics has recommended limited exposure of any child to current Department of Homeland Security (DHS) facilities because they “do not meet the basic standards for the care of children in residential settings” and may “harm or traumatize them.”¹ A recent lawsuit filed in the U.S. District Court in Southern California alleges that while in Customs and Border Patrol holding facilities, families with children were subject to unsanitary and overcrowded conditions, freezing temperatures, and inedible food and foul-smelling drinking water.² These shocking allegations reinforce our concern over attempts to use the appropriations process to establish prolonged family detention. Congress must hold DHS accountable for maintaining family unity while simultaneously upholding *Flores*, including its standards that children be placed in the least restrictive environments.

While we are dismayed by the inclusion of the Cole Amendment in the House Labor-HHS bill, we are encouraged by four provisions in the Manager’s Amendment (Cole No.1) addressing this crisis. We support the language that would increase transparency and accountability from HHS around the status of forcibly separated children in its care and progress of reunification efforts as well as prompt strict oversight of the Office of Refugee Resettlement (ORR)-funded care provider facilities (including their compliance with Federal, State, or local standards of childcare or the wellbeing of children), including Congressional access to facilities housing or detaining minors for oversight purposes. We also support the provision permitting in-kind donations to ORR care-facilities.

We would like to express our support for the 12 amendments, passed by voice vote, that seek to address this ongoing crisis. These provisions represent first steps toward addressing long-lasting harm of the Administration’s family separation policy on the health and wellbeing of the children it impacted. We are especially grateful to see measures aimed at protecting children who the administration separated from their parents, including funding for mental health services, ensuring siblings are kept together, preventing forced medication, and protecting their privacy. Additionally, we are pleased by amendments requiring greater transparency around the implementation of the forcible family separation policy and ongoing reunification efforts.

¹ Julie M. Linton, Marsha Griffin, Alan J. Shapiro, Council on Community Pediatrics, “Policy Statement on the Detention of Immigrant Children,” March 2017, <http://pediatrics.aappublications.org/content/early/2017/03/09/peds.2017-0483>

² Scott Neuman, “Migrants Allege They Were Subjected To Dirty Detention Facilities, Bad Food And Water,” National Public Radio, July 18 2018, <https://n.pr/2L0Q61z>

We also request that you support four measures that, had they passed, would have gone even further to protect these children and families. The amendment offered by Representative Lee (No. 2) would provide much-needed funding for a Family Case Management Program. Those offered by Representatives Serrano (No. 2) and Meng, meanwhile, would prohibit the bill's funds from being used to house unaccompanied children in soft-sided facilities or any other manner inconsistent with *Flores* and the preliminary injunction in *Ms. L v Ice*. These provisions are particularly important given that the majority of those arriving are women and children fleeing severe forms of physical violence and sexual assault. Leaving this already traumatized population vulnerable to additional sexual violence and exploitation is unacceptable. Finally, the amendment offered by Representative Roybal-Allard (No.1) prohibits HHS from sharing personal identifying information of sponsors and potential sponsors of unaccompanied children with DHS to ensure the department's actions uphold the best interests of the children in its care. We ask that you reconsider these amendments, as they would go a long way in promoting family unity, discouraging family detention, keeping HHS accountable and ensuring protection of the children in its care.

The forced separations at the border have created a humanitarian crisis in our own backyard. It is of utmost importance and urgency that you use your power and authority as appropriators to do all that you can to end family separation, uphold the *Flores* settlement, pursue alternatives to detention, mitigate the traumatic consequences that forced separations have on children, and improve government transparency.

Signed,

First Focus Campaign for Children
Academy of Nutrition and Dietetics
African American Health Alliance
Alliance for Strong Families and Communities
American Academy of Pediatrics
American Public Health Association
Asian Law Alliance
Association for Child Psychoanalysis
Bread for the World
Center for Law and Social Policy (CLASP)
Child Care Aware of America
Child Welfare League of America
Children's Advocacy Institute
Children's Aid
Children's Law Center
Children's Defense Fund
Church Women United in New York State
Coalition on Human Needs
Collaborative Center for Justice
Community of St. Francis
Congregation of Our Lady of the Good Shepherd, US Provinces
Connecticut Voices for Children
Every Child Matters
Facing Foster Care in Alaska
Global Justice Institute
Immigrant Family Support Network

Juvenile Law Center
Maryland United for Peace and Justice
MomsRising
Moore Center for the Prevention of Child Sexual Abuse
Musikanten
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Counsel for Children
National Association for Family, School and Community Engagement (NAFSCE)
National Council of Jewish Women
National Immigrant Justice Center
National Immigration Law Center
National Family Support Network
National Organization for Women
National WIC Association
National Women's Law Center
Our Lady Queen of Peace
Oxfam
Partners for Our Children
Partnership for America's Children
Pennsylvania Council of Churches
POZ Military and Veterans USA-Intl
Public Justice Center
Racial and Ethnic Health Disparities Coalition
Sargent Shriver National Center on Poverty Law
Service Employees International Union (SEIU)
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Saint Joseph of Chestnut Hill, Philadelphia, PA
Sisters of St. Francis of Philadelphia
Sisters of St. Joseph of Rochester
SocioEnergetics Foundation
The John Leary Organization
Union of Presentation Sisters
West Valley Neighborhoods Coalition
Youth Law Center
Zero to Three

CC: The Honorable Mitch McConnell
The Honorable Chuck Schumer
The Honorable Paul Ryan
The Honorable Nancy Pelosi