

Documents for the Record

Energy and Commerce Hearing 04.18.23

“Insights from the HHS Inspector General on Oversight of Unaccompanied Minors,
Grant Management, and CMS”

1. Duncan – Science Undermined Article
2. Rodgers – Migrant Children Article

CDC & NIH to the American People: You Can't Handle the Truth!

- March 31, 2022

Public health agencies face increased pressure over multiple potential scientific integrity violations

Today, watchdog Protect the Public's Trust announced additional activity involving alleged scientific integrity violations by federal health agencies. PPT filed a complaint with the Inspector General at the Department of Health and Human Services (HHS) and a Freedom of Information Act lawsuit against HHS's National Institutes of Health (NIH).

Recent media reports indicate that some officials at the Centers for Disease Control and Prevention (CDC) have apparently adopted as policy the shocking pronouncement of Jack Nicholson's Colonel Jessup from "A Few Good Men:" "You can't handle the truth!" In the context of the CDC, however, withholding health information from the American public in the belief they "can't handle the truth" would constitute a violation of the Center's scientific integrity policy as well as President Biden's Presidential Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking. Both documents stress the importance of insulating scientific findings from political and policy considerations.

The CDC's scientific integrity policy declares, "CDC has a responsibility to conduct the best science and is committed to disseminating scientific findings and results without being influenced by policy or political issues." Yet recent reporting reveals the CDC is not publishing large portions of the data that it collects related to Covid-19, with a spokesperson disclosing that one reason for withholding this from the American public "is fear that the information might be misinterpreted." PPT submitted a complaint to the Inspector General (IG) at HHS requesting an investigation into at least one instance, but possibly several others, in which the CDC may have violated its own scientific integrity policy.

This is far from the first instance in which scientific integrity at these agencies has taken a backseat to policy objectives, giving rise to allegations of inappropriate political influence and meddling. According to another recent report, career staff at the CDC described "uncommon" coordination between the CDC and teachers unions in drafting school reopening guidance. The report indicates "that the CDC does not typically share draft guidance outside the agency." In another instance, prominent health professionals have expressed the belief that federal officials were "acting ahead of the science" with respect to recommending a fourth dose of vaccine for certain populations.

Last year, PPT submitted an IG complaint regarding another potential scientific integrity policy violation related to promotion of the federal government's COVID-19 vaccine push. PPT asserted that public statements by high-level staff within HHS, including from NIH, as well as public documents by the CDC misrepresented the results of a study regarding the effectiveness of natural immunity to Covid-19 acquired via a previous infection. The watchdog filed a FOIA request to NIH in conjunction with the complaint seeking records regarding the study and the public pronouncements involving it. In keeping with the apparent adoption of Col. Jessup's

declaration as policy, NIH has, in PPT's assessment, failed to live up to its statutory obligations regarding this FOIA and PPT has filed a lawsuit.

“Trust is, without question, the most precious commodity for public health officials, especially at the time of a world-wide health crisis,” stated Michael Chamberlain, Director of Protect the Public’s Trust. “Yet, trust in our most powerful and prominent health agencies has been on a steep decline, much of it owing to their own actions and statements, including the apparent adoption of the Colonel Jessup approach to disclosure. These agencies have a long way to go to restore that trust, but a good beginning would be prompt and thorough investigation into our complaints and a renewed commitment to scientific integrity.”

When Antonio Diaz Mendez arrived in the U.S. from Guatemala at age 14, he was already deep in debt and largely on his own. Credit...Kirsten Luce for The New York Times

As Migrant Children Were Put to Work, U.S. Ignored Warnings

The White House and federal agencies were repeatedly alerted to signs of children at risk. The warnings were ignored or missed.

When Antonio Diaz Mendez arrived in the U.S. from Guatemala at age 14, he was already deep in debt and largely on his own. Credit...Kirsten Luce for The New York Times

- April 17, 2023

In the spring of 2021, Linda Brandmiller was working at an arena in San Antonio that had been converted into an emergency shelter for migrant children. Thousands of boys were sleeping on cots as the Biden administration grappled with a record number of minors crossing into the United States without their parents.

Ms. Brandmiller's job was to help vet sponsors, and she had been trained to look for possible trafficking. In her first week, two cases jumped out: One man told her he was sponsoring three boys to employ them at his construction company. Another, who lived in Florida, was trying to sponsor two children who would have to work off the cost of bringing them north.

She immediately contacted supervisors working with the Department of Health and Human Services, the federal agency responsible for these children. "This is urgent," she wrote in an email reviewed by The New York Times.

But within days, she noticed that one of the children was set to be released to the man in Florida. She wrote another email, this time asking for a supervisor's "immediate attention" and adding that the government had already sent a 14-year-old boy to the same sponsor.

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Ms. Brandmiller also emailed the shelter's manager. A few days later, her building access was revoked during her lunch break. She said she was never told why she had been fired.

Over the past two years, more than 250,000 migrant children have come alone to the United States. Thousands of children have ended up in punishing jobs across the country — working overnight in slaughterhouses, replacing roofs, operating machinery in factories — all in violation of child labor laws, a recent [Times investigation](#) showed. After the article's publication in February, the White House announced [policy changes and a crackdown](#) on companies that hire children.

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But all along, there were signs of the explosive growth of this labor force and warnings that the Biden administration ignored or missed, The Times has found.

Again and again, veteran government staffers and outside contractors told the Health and Human Services Department, including in reports that reached Secretary Xavier Becerra, that children appeared to be at risk. The Labor Department put out news releases noting an increase in child labor. Senior White House aides were shown evidence of exploitation, such as clusters of migrant children who had been found working with industrial equipment or caustic chemicals.

Editors' Picks



The Buggles' Song Launched MTV. After 45 Years, They're Going on Tour.



Stephen A. Smith Is Under No Obligation to Tell You What You Want to Hear



American Single Malt Whiskey, a Freewheeling Cousin of Scotch, Comes of Age

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As the administration scrambled to clear shelters that were strained beyond capacity, children were released with little support to sponsors who expected them to take on grueling, dangerous jobs.

Alone and Exploited

Read the original [Times investigation](#) into migrant child labor.

In interviews with The Times, officials expressed concern for migrant children but shifted blame for failing to protect them.

H.H.S. officials said the department vetted sponsors sufficiently but could not control what happened to children after they were released. Monitoring workplaces, they said, was the job of the Department of Labor.

Officials at the Labor Department said inspectors had increased their focus on child labor and shared details about workers with H.H.S., but said it was not a welfare agency.

And White House officials said that while the two departments had passed along information about migrant child labor, the reports were not flagged as urgent and did not make clear the scope of the problem. Robyn M. Patterson, a White House spokeswoman, said in a statement that the administration was now increasing scrutiny of employers and reviewing its vetting of sponsors.

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“It’s unacceptable that companies are using child labor, and this administration will continue working to strengthen the system to investigate these violations and hold violators accountable,” the statement read.

But the White House declined to comment on why the administration did not previously react to repeated signs that migrant children were being widely exploited.

“If I saw it, they could have put it together,” said Ms. Brandmiller, who is also an immigration lawyer. “There were so many opportunities to connect those dots that no one ever did.” An H.H.S. spokeswoman said the agency had no record of Ms. Brandmiller’s concerns. The company that ran the emergency shelter declined to comment.

Ms. Brandmiller said she still worried about the 14-year-old boy, Antonio Diaz Mendez.

Antonio is living in Florida City, Fla., far from his family in Guatemala. In an interview last summer, he sat on the mildewed porch of a house crowded with other migrant

children. He said he was working long shifts in a refrigerated warehouse, packing vegetables for distribution around the country, and had not seen his sponsor in months.

He missed his grandmother and sometimes went days without talking to anyone. He wanted to go to school, but felt trapped because he needed to earn money to repay his debts, support himself and help his siblings.

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No one, he said, had ever come to check on him.

‘This Is BS’

Image



Over the past two years, more than 250,000 migrant children have come alone to the United States. Credit...Kirsten Luce for The New York Times



Soon after President Biden took office, the growing numbers of migrant children touched off tension between the new administration and longtime government staff members.

Migrant Child Labor in the U.S.

- **Alone and Exploited:** Migrant children, who have been coming into the United States in record numbers, are ending up in dangerous jobs that violate child labor laws, [a New York Times investigation found in February](#).
- **The Fallout:** Days after The Times published its investigation, the Biden administration [announced a wide crackdown](#) on the labor exploitation of migrant children and Members of Congress [pressed for stricter laws](#).
- **A New Crisis:** Hannah Dreier, who spent [10 months](#) reporting the Times exposé, joined “The Daily” to discuss the failures that have led to the [explosive growth of migrant child labor in America](#).

The president had promised to abide by a 2008 anti-trafficking law that requires the federal government to accept children traveling alone from most countries and allows them to stay in the United States during the yearslong process of applying for legal status.

But the law did not anticipate that a pandemic would ravage the economies of Central American countries. Parents in deepening poverty began sending their children to the United States to earn money — part of a phenomenon some immigration advocates call “voluntary family separation.”

In 2021, as images of children sleeping under foil blankets in overflow centers dominated the news, Susan E. Rice, the White House's head of domestic policy, told staff members she was frustrated with the situation, according to five people who worked with her. Ms. Rice vented in a note she scribbled on a memo detailing the position of advocates, who believed a pandemic-era border closure was compelling parents to send unaccompanied children, sometimes called U.C.s.

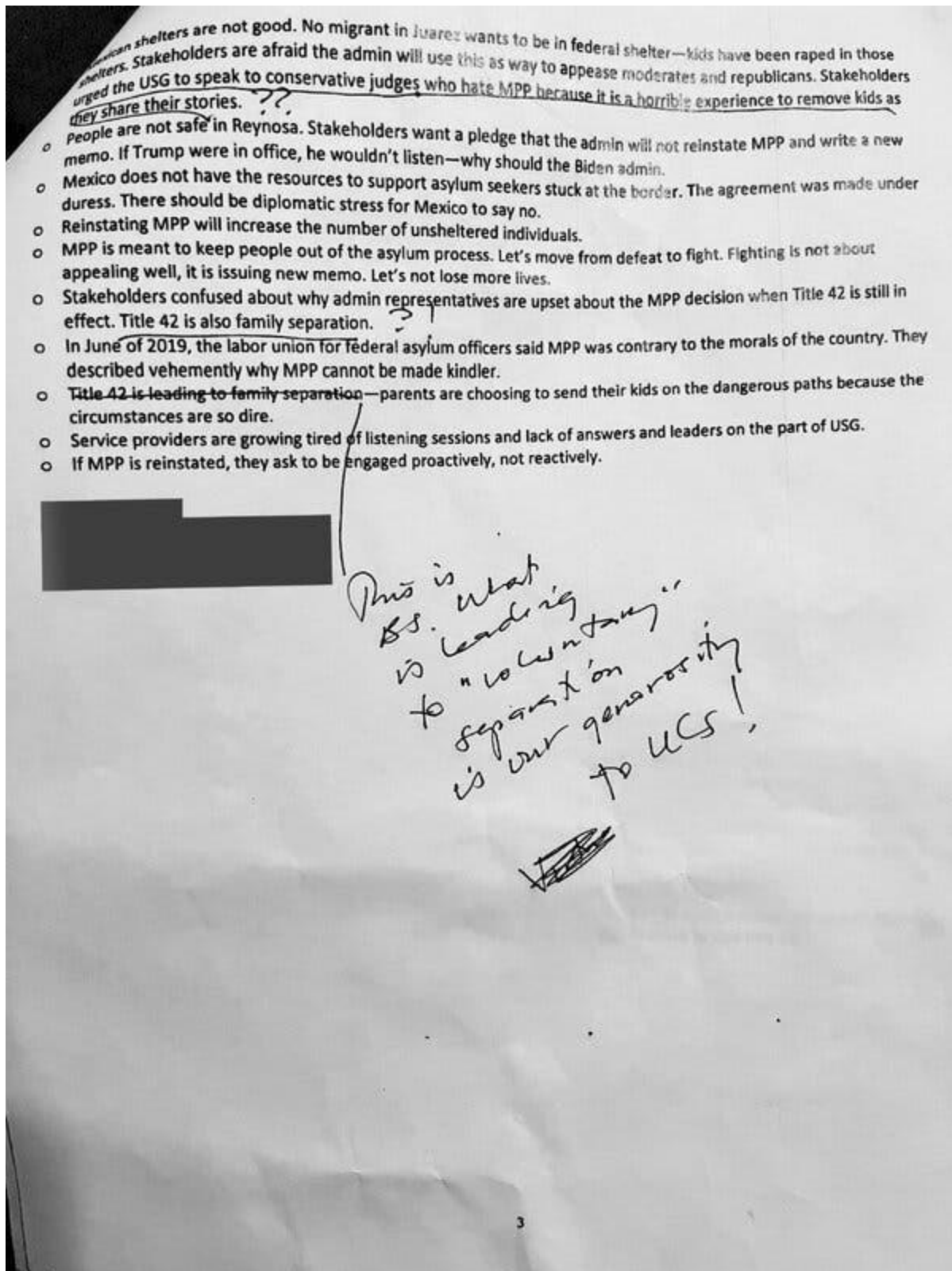
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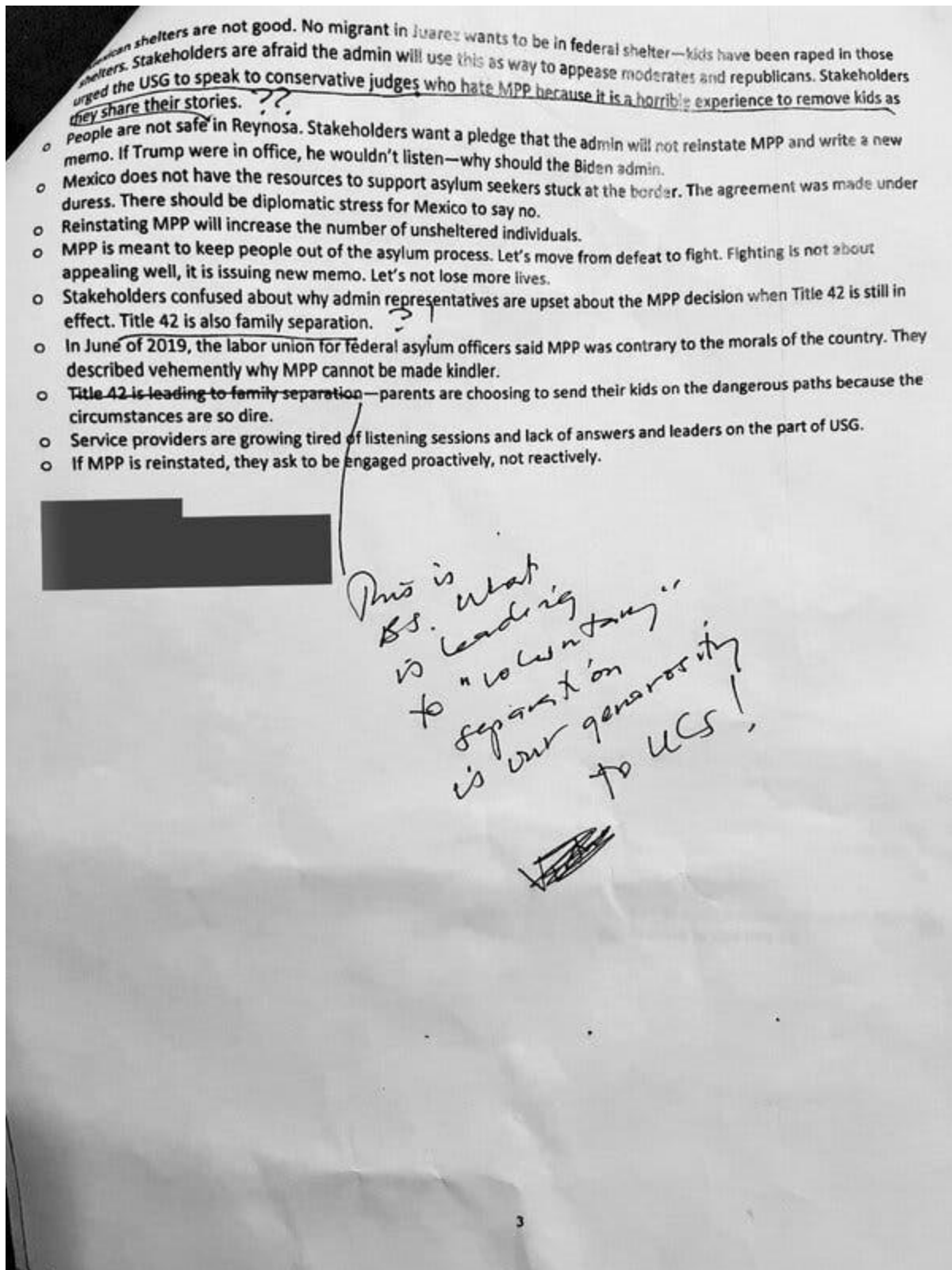
"This is BS," Ms. Rice wrote, according to a copy of the memo reviewed by The Times. "What is leading to 'voluntary' separation is our generosity to UCs!"

In a statement, Ms. Patterson, the White House spokeswoman, said that any suggestion that Ms. Rice felt constrained by the demands of the law was false and that she was "proud to be doing the right thing and treating children with dignity and respect."

Image



A copy of a 2021 memo with handwritten notes by Susan E. Rice, the White House's domestic policy adviser. Identifying information has been redacted.



Under the law, the Department of Health and Human Services is responsible for vetting sponsors to ensure they will provide for children's well-being and protect them from

trafficking or exploitation. But as shelters filled with children, the department began loosening some vetting restrictions and urging case managers to speed the process along.

Longtime H.H.S. staff members complained that the changes endangered children. White House aides and administration officials grew exasperated, believing that these workers were clinging to protocols that kept children in shelters when it was better for them to be in a home with an adult.

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“It was maddening,” said Vivian Graubard, a White House adviser who worked with Ms. Rice on migrant child issues.

At least five Health and Human Services staff members filed complaints and said they were pushed out after raising concerns about child safety.

Jalyn Sualog was the most senior career member of the H.H.S. division responsible for unaccompanied migrant children when Mr. Biden took office. She had helped build the program after the passage of the 2008 law and, as a lifelong Democrat, had celebrated Mr. Biden’s win.

But soon, she said, she began to hear reports that children were being released to adults who had lied about their identities, or who planned to exploit them.

She warned her bosses in a 2021 email, “If nothing continues to be done, there will be a catastrophic event.” She continued to email about situations she described as “critical” and “putting children at risk.”

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Image



Jallyn Sualog was moved out of her position at the Health and Human Services Department after raising concerns about migrant child safety.Credit...Lexey Swall for The New York Times



Concerned that no one was listening, Ms. Sualog filed a complaint in the fall of 2021 with the H.H.S. Office of Inspector General, the agency's internal watchdog, and requested whistle-blower protection. She also took the unusual step of speaking with congressional staffers about her worries.

"I feel like short of protesting in the streets, I did everything I could to warn them," Ms. Sualog said of the administration. "They just didn't want to hear it."

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In late 2021, she was moved out of her position. She filed a complaint with the federal office responsible for enforcing whistle-blower protection rules, arguing that she had been illegally retaliated against.

Last fall, the Office of the Inspector General released a report that discussed Ms. Sualog's case and several demotions and dismissals at the agency that "may have risen to the level of whistle-blower chilling."

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Ms. Sualog settled with the agency, which agreed to pay her legal fees, and resigned last month.

An H.H.S. spokeswoman declined to comment on Ms. Sualog's complaint but said the agency does not retaliate against whistle-blowers. While some staffers disagreed with the administration's approach, the spokeswoman said, significant changes were needed to address the increase in unaccompanied migrant children.

Even as veteran employees left, others kept sounding alarms. In January, shortly before the Times investigation was published, a group of workers sent another memo to their H.H.S. bosses saying the system had resulted in unsafe discharges. "We are pulling humanity out of 'Health and Human Services,'" they wrote.

Troubling Trends

Image



Social workers noted red flags in the Little Village neighborhood of Chicago, where hundreds of migrant children have been sent. Credit...Jamie Kelter Davis for The New York Times



Some of the most persistent warnings that children were being funneled into dangerous jobs came from outside the government. H.H.S. releases most children to sponsors without follow-up care, but it hires organizations to provide thousands of the most high-risk children with several months of support services.

Last spring, Matt Haygood, senior director of children's services at the U.S. Committee for Refugees and Immigrants, one of the largest of these organizations, sent an email with the subject line "Trafficking Concerns" to several H.H.S. officials.

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"We have identified some troubling trends in the Chicago metro area," he wrote, including vans picking up children at odd hours, suggesting that they were being driven to factory jobs. Mr. Haygood asked if H.H.S. would consider adding the neighborhood to a watchlist, so that prospective sponsors there would be more closely vetted.

An H.H.S. staff member replied that more than 200 children, most of them Guatemalan, had recently been released to the neighborhood and confirmed that many of those cases had been marked as suspicious: Adults were sponsoring multiple children, and minors were working instead of attending school.

"There are certainly plenty of other concerning trafficking red flags," the staff member wrote. Mr. Haygood expected the agency to add more safeguards for children released to the area, Little Village. Instead, H.H.S. decided they were not needed.

In response to The Times, an H.H.S. spokeswoman said the department had already put protections in place for children being released to a few streets in the city and at the time saw expanding those measures as overreach.

At a small fast-food restaurant in Little Village one recent afternoon, Guatemalan teenagers played video games on their phones and flirted in Indigenous languages. Several said they worked full time overnight in factories, in violation of child labor laws. Few had enrolled in school.

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Image



A teenager looking at her phone at Dennis B&K, a small fast-food restaurant in Little Village. Some migrant children in the neighborhood said they worked overnight shifts at factories. Credit... Jamie Kelter Davis for The New York Times



One, Marvin Che, said he came to the United States last year, when he was 16, and had been working 12-hour overnight shifts alongside other migrant children packing products at the manufacturer Pactiv Evergreen, including Hefty plastic party cups. “We came alone, so we have to work hard,” Marvin said.

A spokeswoman for Pactiv Evergreen said that its company policy prohibited minors from working at manufacturing sites, and that it would make sure its staffing agencies were complying. A representative for Reynolds Consumer Products, which owns the Hefty brand, said Pactiv Evergreen no longer made its party cups.

Other social service organizations said they, too, had flagged clusters of suspicious cases, including in Nashville and Dallas.

“We’re waiting for the congressional hearing that’s like, ‘How did this happen to all these kids?’” Mr. Haygood said.

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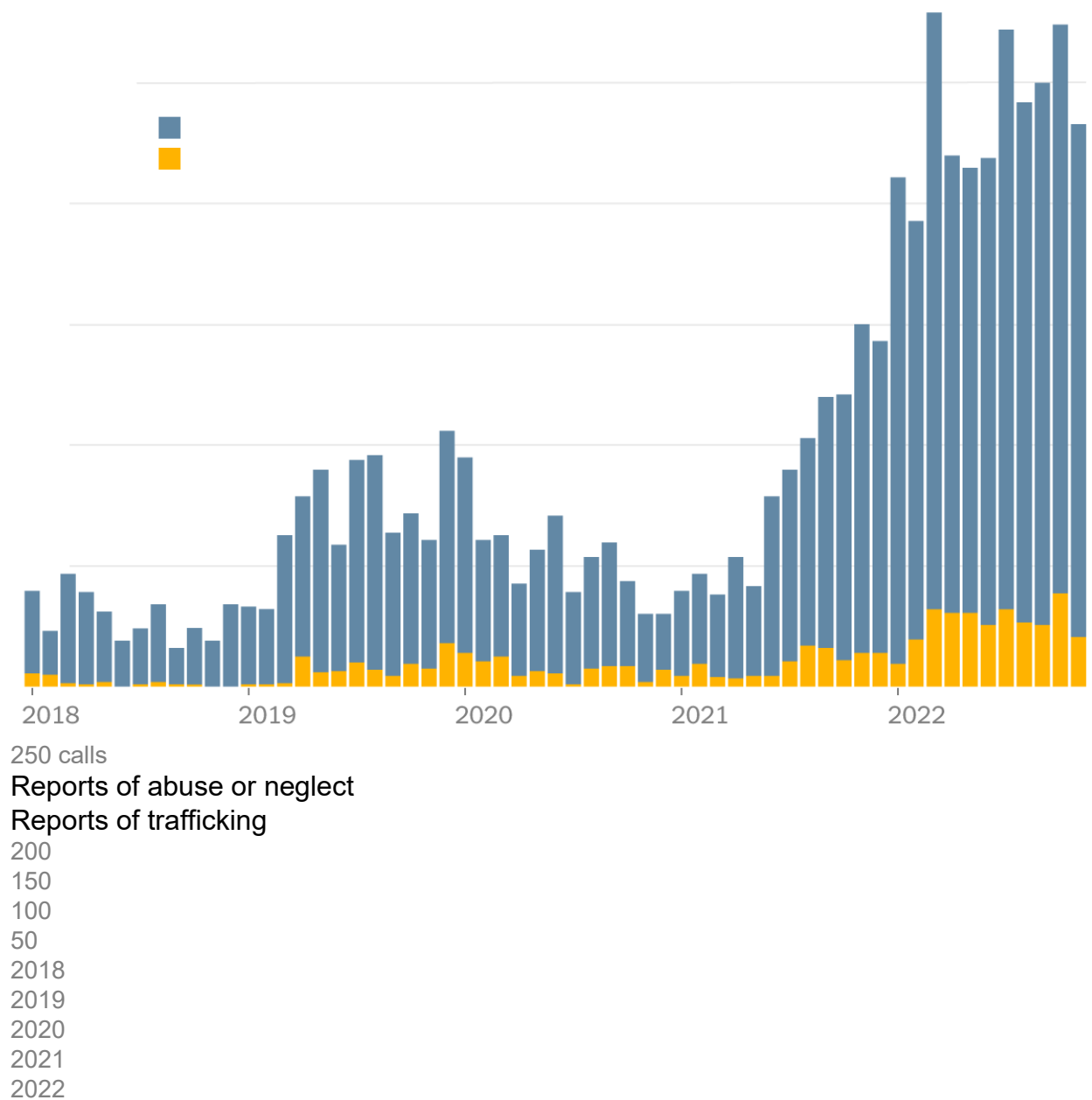
In the last two months, congressional leaders from both parties have questioned why so many migrant children ended up in exploitative jobs, and two oversight hearings are planned in the House on Tuesday.

An H.H.S. spokeswoman said the department was aware that some migrant children worked long hours because they are under intense pressure to earn money, but the agency’s legal responsibility for children ends once they are released. Still, the department is working to provide a few months of case management to all unaccompanied migrant children, she said.

For now, most children released to sponsors have little support aside from an H.H.S. hotline. According to internal documents obtained by The Times, reports of trafficking to that hotline increased by about 1,300 percent over the past five years.

Reports of Trafficking and Abuse of Migrant Children

Monthly calls to H.H.S. reporting trafficking, neglect or abuse of minors placed with sponsors.



Source: A New York Times analysis of data from the Department of Health and Human Services

By Eli Murray

In one call last year, a child living in Charlotte, N.C., said his sponsor had found him a job in a restaurant and told him “he needs to work to eat.” In another, a child said his sponsor had never enrolled him in school after he was released from an El Paso shelter, and was forcing him to pay for rent and food.

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The H.H.S. spokeswoman said the agency asks local law enforcement to check on children who might be in danger.

A Hard Life in Florida

Image



Three boys from Guatemala who were released to the same sponsor in Florida and work full time in construction. “There are a lot of kids here living the same life,” Antonio said. Credit...Kirsten Luce for The New York Times



Antonio arrived at the border shortly after turning 14, and spent several weeks at a shelter before moving to Florida. A former neighbor had agreed to be his sponsor, but Antonio, who had never spent a night away from his town, had not understood how isolated he would be in the United States.

He took jobs with employers willing to hire a child without a work permit — sometimes in landscaping and sometimes in housecleaning. He also enrolled in eighth grade and discovered that he loved biology.

He scraped by until the end of the school year, but he needed to earn more money. Instead of continuing to ninth grade, he found the job packing vegetables. He worked numbing shifts that left him chilled each night even though he worked in the heaviest jacket he could afford. A spokeswoman for the company, Jalaram Produce, said it does not hire minors.

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Antonio had not told anyone back home how much he was struggling. “I don’t want them to worry about me,” he said. His father became more absent during the pandemic, and he knew his grandmother had no other way to feed his young sisters. He said he might feel less lonely after he turned 16 and qualified to enroll in night school.

Image



Antonio called his middle school graduation the proudest day of his life. He bought a frame for his certificate and sent a photo to his siblings back home. Credit...Kirsten Luce for The New York Times



This was a common hope among migrant children in his neighborhood. A few blocks away, a boy working construction said he felt ashamed about not knowing how to read. He, too, was released in 2021 — at age 12 — and was immediately put to work by a man who had sponsored at least five children. At a day-labor pickup site, a 13-year-old released last year to a man he had never met said he wished he could enroll in middle school and start learning English.

“People don’t know,” Antonio said, “but there are a lot of kids here living the same life.”

Warning Signs

Inside the White House, Ms. Rice was at the center of the migrant children crisis. As she pressed to move children out of shelters more quickly, clues began to emerge about what was happening to them once they left.

In the summer of 2021, near the height of the crush at the border, H.H.S. managers wrote a memo detailing their worry about increasing reports that children were working alongside their sponsors, a sign of possible labor trafficking. Ms. Rice’s team received the memo, and Ms. Rice was also told what it said, according to two people familiar with the conversations.

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Andrew J. Bates, White House deputy press secretary, disputed that, saying Ms. Rice “did not see the memo and was not made aware of its contents.”

Around the same time, Ms. Rice’s team was told about [concerns](#) over a large group of children who had been released to one city in Alabama, according to six current and former staff members. The situation was the subject of frequent updates as H.H.S. sent case managers to the city to check on children, and coordinated with the Labor Department and Homeland Security Investigations to look into whether they were working in poultry plants.

One former top White House adviser remembered thinking at the time that the development was worrisome and that it suggested other cases could be going overlooked.

A White House spokeswoman denied that senior officials were told about the situation.

A few months later, Ms. Rice’s staff learned that H.H.S. could not reach a growing number of migrant children just a month after their release, according to a former senior White House official.

