

United States Senate

WASHINGTON, DC 20510

May 18, 2021

VIA ELECTRONIC TRANSMISSION

Hon. Xavier Becerra
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington D.C. 20201

Dear Secretary Becerra:

As the unprecedented number of unaccompanied alien children (UAC) crossing the southern border continue to overwhelm Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR) facilities, HHS is attempting to address personnel shortages by recruiting volunteers from other parts of the federal government. In March, HHS partnered with the Office of Personnel Management (OPM) to advertise an opportunity for federal employees to be detailed to HHS to assist with the care and placement of UAC.¹ That opportunity is still being advertised and is still ongoing. According to news reports, last month, leaders at federal agencies as diverse as the National Aeronautics and Space Administration (NASA), Federal Trade Commission (FTC), Environmental Protection Agency (EPA), and U.S. Department of Agriculture (USDA) e-mailed their employees to present the HHS detail opportunity and encourage staff to apply.² At the EPA alone, more than one hundred employees have reportedly expressed interest, and many have already been deployed.³ We write to ask for additional details about the nature, extent, and cost of these deployments.

According to the formal description of the detail position posted on OPM's website, USA Jobs, deployments may last up to 120 days, and responsibilities may include "[m]aintain[ing] line of sight and supervision of children," "[a]ssess[ing] the needs of unaccompanied children in care," and helping to interview children and collect information in order to expedite their discharge or placement.⁴ Although the description states that the closing date for the position is

¹ "Memorandum from Kathleen M. McGettigan, Acting Director, United States Office of Personnel Management to Head of Executive Department and Agencies (Mar. 25, 2021), <https://www.chcoc.gov/content/detail-opportunity-information-departmentagency-leadership>; *Field Program Specialist*, USA JOBS (Mar. 25, 2021), <https://www.usajobs.gov/GetJob/ViewDetails/596318100>.

² Michael Ruiz, "NASA employees reportedly asked to volunteer to work with unaccompanied migrant children" *Fox News* (April 6, 2021), available at <https://www.foxnews.com/politics/nasa-employees-unaccompanied-migrant-children>; Nick Miroff, "Biden administration spending \$60 million per week to shelter unaccompanied minors" *The Washington Post* (April 8, 2021), available at https://www.washingtonpost.com/national/border-shelters-cost/2021/04/08/c54eec3a-97bd-11eb-8e42-3906c09073f9_story.html; Kelsey Brugger, "EPA staffers head to border to aid unaccompanied minors" *E&E News* (April 15, 2021), available at <https://www.eenews.net/stories/1063730103>; E-mail from Michael S. Regan to Colleagues, available at https://www.eenews.net/assets/2021/04/15/document_gw_02.pdf; Audrey Conklin, "USDA sending 500 volunteers to Mexico border, expected to work 12-hour shifts without training: report" *Fox News* (April 29, 2021), available at <https://www.foxnews.com/politics/usda-volunteers-mexico-border-migrant-children>.

³ E-mail from Michael S. Regan to Colleagues, available at https://www.eenews.net/assets/2021/04/15/document_gw_02.pdf.

⁴ *Field Program Specialist*, USA JOBS (Mar. 25, 2021), <https://www.usajobs.gov/GetJob/ViewDetails/596318100>.

May 21, 2021, it also states that this date “will be extended as necessary to meet the volunteer staffing need.”⁵

These duties do not appear to require advanced technical skills, and the detail assignment has no education qualification requirement. Nevertheless, the job description now includes a clarification stating that the position is available to “[c]urrent Federal employees from any agency at any grade.”⁶ According to the listing, “[d]etailees will be compensated at their current rate of pay and with their current locality. Grade and step are not affected.”⁷ This appears to mean that a GS-15 federal employee from a major metropolitan area who volunteers for the detail assignment should expect to be paid at a rate consistent with a yearly salary of as much as \$172,500 per year.⁸ Some Executive Branch employees who are not subject to the General Schedule could expect to receive more than that.⁹

Furthermore, it appears some detailees will have the opportunity to earn substantially more than their base pay. The USA Jobs listing states: “[d]etailees may be required to work evenings and/or weekends. Extensive overtime may be required. Appropriate premium pay rates will be used in accordance with Federal Pay regulations.”¹⁰ ORR appears to be ultimately covering all of these expenses, including base pay, overtime, premium pay, travel, lodging, and a per diem.¹¹

The extension of the detail assignment to all current federal employees raises serious questions regarding cost efficiency. It is unclear what steps the Biden Administration is taking to ensure that volunteers are placed into roles that are commensurate with their levels of applicable experience and that those asked to provide childcare are not only eligible but also qualified to do so. It is also unclear whether the Biden Administration is taking any steps to ensure that detailees are not vastly overqualified and overpaid for the work they are performing during their detail assignments.

Taxpayers should not be on the hook for the Biden Administration’s self-induced crisis. Utilizing government employees as a stop gap and continuing to pay niche experts from entirely unrelated agencies steep salaries that are consistent with their normal duties but inconsistent with the duties they will be conducting as detailees is unacceptable. At no point has Congress ever intended through its legislation or appropriations, nor has any taxpayer ever expected, to pay for leading scientists, engineers, and other experts in their fields to care for children at the southern border.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ At the same time, it appears that federal employees at the lower end of the GS scale who are detailed to assist at the exact same facilities could expect to be compensated at their base rate which, for some, could be less than \$30,000 per year. See Salary Table 2021-GS, available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/saltbl.pdf>.

⁹ See Salary Table No. 2021-EX, available at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/EX.pdf>.

¹⁰ *Field Program Specialist*, USA JOBS (Mar. 25, 2021), <https://www.usajobs.gov/GetJob/ViewDetails/596318100>.

¹¹ *Id.*

It is important for Congress to ensure that resources are allocated in a cost effective manner and that federal tax dollars are not being wasted. Accordingly, we ask that you contact us to schedule a briefing and answer the following questions no later than June 1, 2021.

1. How many detailees is HHS currently seeking? Does HHS project that its need for detailees will change in the future and/or fluctuate with seasonal migration patterns?
2. Does HHS anticipate extending the closing date for the detail position currently listed on USA Jobs beyond the current deadline of May 21, 2021? If so, for how long does HHS expect to continue seeking detailees?
3. When evaluating applications, what criteria is HHS using to determine whether an applicant is qualified to provide childcare?
4. Please provide a complete list of the federal agencies whose employees have applied to be detailed to HHS for purposes of caring for UAC. For each agency on the list, please provide a breakdown of the number of detailees who have been accepted to serve detail assignments and their scheduled dates of deployment.
5. For each federal employee currently serving or scheduled to serve a detail assignment at a UAC facility, please provide the person's job title, relevant pay scale and level, locality pay area, and salary.
6. For each agency providing detailees to HHS for purposes of caring for UAC, please describe the terms under which detailees are being provided to HHS and the terms under which the parent agency is scheduled to be reimbursed by HHS.
7. Is HHS seeking to hire additional temporary or permanent staff to eliminate the need for detailees?
8. Please describe the training HHS is providing to detailees prior to their deployment to HHS facilities.
9. Please describe the facilities where detailees are being housed. How much is HHS spending in total per week to cover lodging for the detailees?

Thank you for your attention to this important matter. Should you have questions, please contact Daniel Parker of Senator Grassley's Judiciary Committee staff at 202-224-5225.

Sincerely,



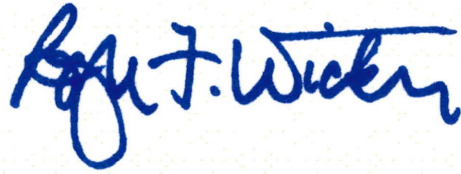
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Thom Tillis
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Ted Cruz
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