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Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON RULES

APPROPRIATIONS
TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

FINANCIAL SERVICES AND GENERAL GOVERNMENT

REGIONAL WHIP

December 9, 2019

The Honorable Lucille Roybal-Allard
Chairwoman
Committee on Appropriations
Subcommittee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

The Honorable Chuck Fleischmann
Ranking Member
Committee on Appropriations
Subcommittee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Roybal-Allard and Ranking Member Fleischmann,

I am writing to request that the Appropriations Subcommittee on Homeland Security hold a hearing to conduct oversight on the standard of care at Customs and Border Patrol (CBP) facilities and deaths of migrant children in the custody of CBP. New evidence indicates that Border Patrol provided an inaccurate record of the death of a migrant child in the agency's care.

Video footage released on December 5, 2019 from ProPublica contradicts CBP's account of the death of a sixteen-year-old immigrant, Mr. Carlos Gregorio Hernandez Vasquez, in their custody on May 20, 2019. Six days before he reported symptoms, Carlos arrived at an overcrowded processing facility in McAllen, Texas. On May 19th, a nurse practitioner diagnosed Carlos with the flu and a 103-degree fever. She instructed CBP agents to evaluate the boy again in two hours and take him to get emergency care if his condition worsened. Border Patrol failed to follow the medical professional's directions. Carlos was quarantined in a cell at a nearby facility with another sick migrant child. CBP reported that Carlos had been found and deemed "unresponsive" by a CBP agent on the morning of May 20th. In an official statement, Commissioner John Sanders deemed Carlos' death "tragic" and claimed that CBP was "committed to the health, safety and humane treatment of those in our custody."

Video footage obtained by ProPublica shows a different story. The first video shows the child writhing in his cell for almost half an hour, both on the floor and a concrete bench. He then struggled to a the get to the toilet, but eventually collapsed on the floor, where he became unconscious and then died. He lay still next to the toilet until his cellmate found him in a pool of blood. The first video stops at 1:47 AM. Border Patrol claims that Carlos was checked on over the next four hours. If this were true, it should have been impossible for CBP to not have seen Carlos' body. The video resumes at 5:48 AM showing Carlos' body in the same position. Border Patrol has refused to release the full video or provide a justification for the four-hour gap. At 6:06 AM, Carlos cellmate finds Carlos' body on the floor. This directly contradicts CBPs claim that he was found during a welfare check.

The ProPublica footage and report demonstrates that Border Patrol intentionally misrepresented its actions. The agency inaccurately described how Carlos' body was found and misled the public about the attention it claimed to provide the ill child. CBP committed numerous errors, from not sending the sick boy to a hospital to misleading the public about monitoring his care. CBP demonstrated a complete lack of sympathy for a sick child, failing to provide him with nothing more than a Mylar blanket for warmth. This evidence demonstrates a blatant disregard for the lives within CBP custody.

In the last year, the Appropriations Committee has committed millions of dollars in funding to address the problem of care for sick migrants in federal custody. Our intention was to provide adequate and humane care. CBP must be held to this standard. Carlos was the sixth death of a migrant child in federal custody in under a year. Over the past decade there has been a large surge of children crossing the border, but none have died until last year. CBP's choice to deliberately mislead the public in the case of Carlos Hernandez's death indicates that they may have provided misinformation about the standard of care provided to other migrants. I am requesting that the Appropriations Subcommittee on Homeland Security conduct an oversight hearing on the standard of care received by migrants in CBP custody in order to prevent additional deaths of migrant children.

Sincerely,

Norma J. Torres
MEMBER OF CONGRESS