



June 10, 2021

Senator Charles Grassley  
135 Hart Senate Office Building  
Washington, D.C. 20510

Dear Ranking Member Grassley:

We are writing to support your continued calls for the Senate Judiciary Committee to hold an oversight hearing regarding the current border crisis. We believe this hearing should also address the Biden Administration's failure to provide notice and transparency in their movement of unaccompanied migrant children into states.

After significant progress to secure the border under the Trump Administration, the Biden Administration's failed policies have incentivized the largest surge in illegal crossings in 20 years, including the largest monthly number of unaccompanied children in history. Both Iowa and Tennessee have faced a series of disturbing incidents involving the transport of unaccompanied children into our states, under the cover of darkness, with no advance notification.

Incidents and follow-up actions are detailed below. These experiences sow seeds of mistrust in our communities, and work to intentionally subvert the will of the people for a secure border and a clear, lawful immigration process. Additionally, the federal government's failure to provide advance notification to states places an undue burden on our law enforcement partners to determine whether these types of flights constitute a criminal act of human trafficking or the federally-sponsored transport of vulnerable children.

### **Iowa**

In Iowa, on May 2, we were first alerted to an April 22 flight of unaccompanied minor children landing overnight at the Des Moines International Airport. Based on initial conversations with our regional DHS Immigration and Customs Enforcement (ICE) representative, we believed the report was inaccurate. Surveillance footage soon proved the accuracy of the report, and we reached out to both DHS and HHS on May 6. On May 7 and May 10, HHS's Office of Intergovernmental Affairs and Office of Refugee Resettlement (ORR) told State of Iowa officials that it was not an HHS flight. Also on May 10 – and again in writing on May 11 – DHS told the State of Iowa that it was not a DHS ICE flight.

With the prospect of no federal government involvement in a flight carrying what we learned were several young girls landing in the dead of night and separated into buses, we started to investigate the transportation companies involved in order to rule out human trafficking. After discussions with multiple sub-contractors presented more questions than answers, we engaged your office on May 14. As you know, on May 17, ICE told your staff it was not involved in the flight. On May 21 – almost one month after the April 22 flight – HHS ORR confirmed to your office that it was an ORR flight and ORR ground transportation. According to HHS, 19 children were flown from Long Beach, CA, to Des Moines, IA, for unification with their sponsors. Two buses were used to transport the children from the airport to various locations to be unified with their sponsors. Two children were unified with their sponsors at the Des Moines airport. Those who were bused to their unification locations were transported to airports in or near Kansas City, MO; Janesville, WI; Chicago, IL; Ft. Wayne, IN; and Detroit, MI.

### **Tennessee**

In Tennessee, on May 20, 2021, media reports alerted the Governor's office of flights into the Chattanooga airport in the very early morning hours. Media reported that children disembarked from charter flights and were transferred to buses. Tennessee's Department of Safety and Homeland Security reached out to its federal counterparts in the Federal Bureau of Investigation and Immigration and Customs Enforcement on May 21, and the Department of Safety and Homeland Security was told these two federal agencies had no knowledge of any such flights into Chattanooga. On Friday, May 21, the White House Press Secretary acknowledged the charter flights into Chattanooga and further indicated that unaccompanied minors were being transported from Chattanooga to multiple other states. On Monday, May 24, after consultation with counterparts in Iowa, Tennessee's Commissioner of Safety sent an email to the Department of Health and Human Services seeking confirmation of the flights and subsequent ground transportation in order to rule out human trafficking concerns. On Tuesday, May 25, the Commissioner of Safety and federal liaisons participated in a phone call with HHS wherein HHS confirmed that two ORR "transportation contractor" flights landed in Chattanooga and that 8 unaccompanied minors were put into care in the Chattanooga area – 2 with their parents and 6 into other care. ORR represented that the other unaccompanied minors on these flights departed for other states, including North Carolina, South Carolina, Georgia, Kentucky, Alabama, and Virginia. HHS noted that "flights should not be happening in the dead of night" yet provided no clarity around how the process would function moving forward. HHS later provided partial information about the flight authorization process and provided a series of publicly posted website links.

Additional news reports have since indicated flights landed in Knoxville, Tennessee, very late in the night, and unaccompanied minors were transported from the airport via bus. Similar reports came out of the Tri-Cities area in Northeast, Tennessee.

With this information in mind, we support your request for an oversight hearing to address the following:

- (1) Why has the Biden Administration refused to notify Governors prior to transporting unaccompanied children within their respective states?
- (2) If the Administration is not going to inform states of these types of flights in advance, what is the best way for states to quickly confirm that they are in fact federally-sponsored flights? Why does there appear to be a lack of coordination and awareness between HHS and DHS on these flights? Moreover, why are local or regional HHS and DHS representatives seemingly unaware of these flights?
- (3) Did recent flights and placements of unaccompanied minors begin after states declined to use state resources to house them? What is the process for determining where and how to transport the children? What measures is HHS taking to ensure their safety, and were background checks completed on their sponsors?

We hope that our experiences help to shed light on the challenges faced by Governors across the country as we are forced to respond to the Biden Administration's failed policies on the border. We appreciate your work on behalf of the American people to seek answers.

Sincerely,



Kim Reynolds  
Governor of Iowa



Bill Lee  
Governor of Tennessee

CC:

Senator Joni Ernst  
Senator Marsha Blackburn  
Senator Bill Hagerty