

Congress of the United States
Washington, DC 20515

August 19, 2019

The Honorable Adam Smith
Chairman
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Mac Thornberry
Ranking Member
House Armed Services Committee
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable James Inhofe
Chairman
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, DC 20515

Dear Chairman Smith, Chairman Inhofe, Ranking Member Thornberry, and Ranking Member Reed:

As you begin conference negotiations on the Fiscal Year (FY) 2020 National Defense Authorization Act (NDAA), we write to urge the preservation of provisions that protect migrant children seeking asylum at our border. The Department of Defense (the Department) plays a leading role in safeguarding vulnerable populations all over the world and that should include migrant children arriving to our county.

On April 6, 2018, then Attorney General Jeff Sessions announced a “zero-tolerance” policy, which initiated a dark chapter in our country’s history and resulted in forcibly separating migrant children from their parents. During the height of this heinous program, over 2,800 immigrant children were separated from parents or caregivers resulting in wide-spread and bipartisan condemnation. Although, the President signed an executive order ostensibly ending family separations on June 20, 2018, families continue to be torn apart. In the past year, more than 900 children have been separated from their families on the basis of inadequate and often erroneous allegations of criminality.^[1] Should the Department of Defense house unaccompanied migrant children, parameters must be in place to ensure that funding is not used to house children forcibly separated from their parents. It is inappropriate for the Department of Defense to aid, enable, or expand family separation and we urge the conferees to prohibit the use of funding for housing children forcibly separated from their parents.

During migration surges, the Department of Defense will occasionally make Department-owned facilities available to house unaccompanied alien children (UACs). Our nation’s judicial system recognizes the sensitivity of housing UACs and established standards that govern how select agencies must accommodate UACs under the *Flores* settlement agreement. These standards ensure humane facility conditions as well as circumscribed timing and terms of the unaccompanied minor’s release. Due to the Department’s role in occasionally housing unaccompanied migrant

^[1] Miriam Jordan, No More Family Separations, Except These 900 July 30, 2019
<https://www.nytimes.com/2019/07/30/us/migrant-family-separations.html?smid=tw-nytimes&smtyp=cur>

children, the agency should always comply with the *Flores* settlement agreement to provide safe conditions that safeguard UACs in government custody.

The House included many of these critical provisions in its version of the FY 2020 NDAA that should be respected and preserved in the Conference. First, to ensure that we continue to have a strong national defense built on American values, we urge you **to preserve the prohibition on the use of funds to house migrant children forcibly separated from their parent or legal guardian.**

To ensure that the Department continues to care for vulnerable populations in a manner consistent with our country's laws, we urge you **to preserve the provisions that requires DoD to certify that any housing provided to unaccompanied children meet the standards of the Department of Health and Human Services, including those provided under the *Flores* settlement agreement.**

Retaining these measures will uphold the integrity of the Department and the matter in which we treat migrant children under our custody. Thank you for your leadership and commitment to assisting unaccompanied minors. We strongly urge you to continue your long history of support to those vulnerable children by including these measures in the FY 2020 NDAA Conference Report.

Sincerely,



Joaquin Castro
Chair
Congressional Hispanic Caucus



Ruben Gallego
First Vice Chair
Congressional Hispanic Caucus



Nanette Diaz Barragan
Second Vice Chair
Congressional Hispanic Caucus



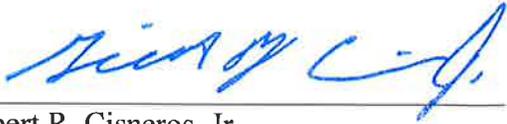
Adriano Espaillat
Whip
Congressional Hispanic Caucus



Veronica Escobar
Freshman Representative
Congressional Hispanic Caucus



Jason Crow
Member of Congress



Gilbert R. Cisneros, Jr
Member of Congress



Debbie Mucarsel-Powell
Member of Congress



J. Luis Correa
Member of Congress



Jesús "Chuy" García
Member of Congress



Darren Soto
Member of Congress



Jim Costa
Member of Congress



Grace F. Napolitano
Member of Congress



Tony Cárdenas
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Juan Vargas
Member of Congress



Norma Torres
Member of Congress



José E. Serrano
Member of Congress



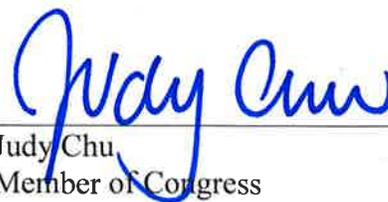
Lucille Roybal-Allard
Member of Congress



Albio Sires
Member of Congress



Raúl M. Grijalva
Member of Congress



Judy Chu
Member of Congress

Salud Carbajal

Salud Carbajal
Member of Congress

Gwen Moore

Gwen Moore
Member of Congress

Yvette D. Clarke

Yvette D. Clarke
Member of Congress

Ayanna Pressley

Ayanna Pressley
Member of Congress

Henry C. "Hank" Johnson, Jr.

Henry C. "Hank" Johnson, Jr.
Member of Congress

Karen Bass

Karen Bass
Member of Congress

Marcia L. Fudge

Marcia L. Fudge
Member of Congress

Donald M. Payne, Jr.

Donald M. Payne, Jr.
Member of Congress

Val B. Demings

Val Demings
Member of Congress

Alma Adams

Alma S. Adams
Member of Congress

Lisa Blunt Rochester

Lisa Blunt Rochester
Member of Congress

Eleanor Holmes Norton

Eleanor Holmes Norton
Member of Congress

Lori Trahan

Lori Trahan
Member of Congress

Mark Takano

Mark Takano
Member of Congress