

SHEILA JACKSON LEE  
18TH DISTRICT, TEXAS

WASHINGTON OFFICE:  
2435 Rayburn House Office Building  
Washington, DC 20515  
(202) 225-3816

DISTRICT OFFICE:  
1919 SMITH STREET, SUITE 1180  
THE GEORGE "MICKEY" LELAND FEDERAL BUILDING  
HOUSTON, TX 77002  
(713) 655-0050

ACRES HOME OFFICE:  
6719 WEST MONTGOMERY, SUITE 204  
HOUSTON, TX 77019  
(713) 691-4882

HEIGHTS OFFICE:  
420 WEST 19TH STREET  
HOUSTON, TX 77008  
(713) 961-4070

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

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## CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS



### HOUSE JUDICIARY COMMITTEE SUBCOMMITTEE ON IMMIGRATION AND CITIZENSHIP

### HEARING ON DANGEROUS OVERCROWDING AND PROLONGED DETENTION AT CBP FACILITIES

**JULY 15, 2019 – 5:30 PM**

**2141 RAYBURN**

- Thank you, Mr. Chairman for convening this important hearing on the overcrowding and prolonged detention at facilities.
- Thank you to our witness, Diana Shaw, Assistant Inspector General for Special Reviews and Evaluations for the Department of Homeland Security, Office of Inspector General.
- I have spoken to you all about my trips to the border and have expressed my grave concern about what is happening in the detention centers.
- When I hear from Ms. Shaw and read about these conditions, I continue to think about **baby Roger**, a very young child, who should not have been subject to these conditions.
- According to the American Association of Pediatricians, which met with children in CBP custody in June, "the smell of sweat,

urine and feces" was the first thing that hit them when they walked in the door.

- To know that two facilities had not provided children access to hot meals — as is required by the TEDS standards — and instead, the children were fed sandwiches and snacks for their meals.
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- Two recent "Management Alerts" issued by the DHS Office of Inspector General (OIG) in May and July 2019 informed us that the overcrowding of the detention centers is beyond capacity.
- CBP is considered "at capacity" when detainee levels reach 4,000.
- However, between May 14 and June 13, 2019, CBP detained more than 14,000 people per day—and sometimes as many as 18,000.
- A cell with a maximum capacity of 12 held 76 detainees; a cell with a maximum capacity of 8 held 41 detainees, and a cell with a maximum capacity of 35 held 155 detainees.
- Border Patrol agents told DHS inspectors that some of the individuals had been held in standing-room-only conditions for days or weeks.
- There is limited access to showers and clean clothing, and individuals have been wearing soiled clothing for days or weeks.
- Individuals were standing on toilets in the cells to make room and gain breathing space, thus limiting access to the toilets.
- While DHS concurred with the recommendation made to alleviate overcrowding at the Del Norte Processing Center, it identified November 30, 2020 as the date on which the situation would be corrected.

- In July, Border Patrol was holding about 8,000 detainees in custody at the time of the DHS OIG visit, with 3,400 held longer than the 72 hours generally permitted under the Transport, Escort, Detention, and Search (TEDS) standards.
- Of those 3,400 detainees, Border Patrol held 1,500 for more than 10 days.
- Border Patrol data indicated that 826 (31 percent) of the 2,669 children at these facilities had been held longer than the 72 hours generally permitted under the TEDS standards and the Flores Agreement.
- It is very concerning that CBP has reported the deaths of four children and six adults in CBP custody.
- Although CBP headquarters management has been aware of the situation at PDT for months and detailed staff to assist with custody management, DHS has not identified a process to alleviate issues with overcrowding at PDT.
- Within DHS, providing long-term detention is the responsibility of U.S. Immigration and Customs Enforcement (ICE), not CBP.
- El Paso sector Border Patrol management said they are able to complete immigration processing for most detainees within a few days, but have not been able to transfer single adults into ICE custody quickly.
- In some instances ICE officers tell CBP they cannot take the detainees.
- In other instances, ICE initially agrees to take some adult detainees, but then reverses the decision.
- As a temporary solutions, we know that CBP has constructed a 500-person holding capacity soft-sided structure at El Paso Station, will construct an additional tent by July 31, 2019, and will open a Centralized Processing Center within 18 months.

- CBP will continue to review the number of migrants in custody at Border Patrol stations to determine available space and transfer subjects accordingly.
- The Border Patrol, through its single point of contact at El Paso Sector, will continue to communicate with ICE to improve the migrant transfer process.
- The estimated completion date is November 30, 2020 which is too far in the future for the pressing issue we are having today!
- Border Patrol agents has said that some single adults had been held in standing-room-only conditions for days or weeks. Border Patrol management on site said there is an ongoing concern that rising tensions among detainees could turn violent.
- Border Patrol's custody data indicates that 826 (31 percent) of the 2,669 children at these facilities had been held longer than the 72 hours generally permitted under the TEDS standards and the Flores Agreement.
- Dangerous overcrowding among single adults in PDT requires immediate action.
- I appreciate my colleague, Rep. Zoe Lofgren, for introducing the Northern Triangle and Border Stabilization Act (H.R. 3524), which would establish short-term custody standards for all CBP facilities, require oversight of these facilities, and mandate the creation of an online tracking system for individuals held in custody.
- I also applaud Rep. Raul Ruiz for introducing the Humanitarian Standards for Individuals in Customs and Border Protection Custody Act (H.R. 3239), which would require CBP to perform an initial health screening on all individuals in CBP custody and ensure that each individual in custody has access to water, sanitation and hygiene, food and nutrition, and safe shelter, among other provisions.

- I look forward to our discussion on H.R. 3239 on Wednesday to discuss insurance of sanitary conditions while people are being detained.
- Thank you for convening this hearing, Chairman and I look forward to hearing from the witnesses.
- I yield back.