

# United States Senate

WASHINGTON, DC 20510

July 18, 2019

The Honorable Ron Johnson  
Chairman  
U.S. Senate Committee on Homeland  
Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, DC, 20510

The Honorable Gary Peters  
Ranking Member  
U.S. Senate Committee on Homeland  
Security and Governmental Affairs  
442 Hart Senate Office Building  
Washington, DC, 20510

Dear Chairman Johnson and Ranking Member Peters:

On June 27, 2019, Congress passed the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act (P.L. 116-26), which provides nearly \$4.6 billion in funding to the Departments of Homeland Security (DHS) and Health and Human Services (HHS) to address the humanitarian needs at the U.S. Southern Border. Given recent developments on the conditions of DHS facilities and treatment of migrant children in U.S. custody, I request that any upcoming hearing on migration at the U.S. Southern Border include robust oversight of the funds appropriated to the Department and the appalling conditions at U.S. Customs and Border Protection (CBP) facilities for migrant children and families.

Last month, news reports detailed gross neglect and mistreatment of migrant children at an overcrowded CBP facility in Clint, Texas. At the facility, CBP officers tasked children with taking care of toddlers; children were severely sleep deprived; and children had gone without bathing or clean clothing for weeks.<sup>1</sup> Additionally, children lied on overcrowded concrete floors which prevented them from sleeping and were held in cells with single toilets. Children also were not provided adequate food or water, and at times, were forced to go to sleep hungry. There were also outbreaks of the flu, and migrant children who contracted diseases were kept in separate cells without toilets along with other sick children.<sup>2</sup> According to a June 21st Washington Post article, the government argued in court that it “shouldn’t be required to give detained migrant children toothbrushes, soap, towels, showers or even half a night’s sleep inside Border Patrol detention facilities” in order to provide a safe and sanitary environment.<sup>3</sup>

Furthermore, news stories have also surfaced detailing allegations of sexual assault, abuse, and retaliation at a CBP facility in Yuma, Arizona holding migrant children. A 15-year-old girl reported to HHS that while at the CBP facility in Yuma, a CBP officer – in front of other officers and migrants – groped her breasts and other private parts in a routine pat down while laughing

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<sup>1</sup> *Attorneys: Texas border facility is neglecting migrant kids*, AP News (June 21, 2019) (online at <https://www.apnews.com/46da2dbe04f54adbb875cfbc06bbc615>)

<sup>2</sup> *Hungry, Scared and Sick: Inside the Migrant Detention Center in Clint, Tex.*, The New York Times (July 9, 2019) (online at <https://www.nytimes.com/interactive/2019/07/06/us/migrants-border-patrol-clint.html>)

<sup>3</sup> *Detained migrant children got no toothbrush, no soap, no sleep. It's no problem, government argues.*, The Washington Post (June 21, 2019) (online at [https://www.washingtonpost.com/nation/2019/06/21/detained-migrant-children-no-toothbrush-soap-sleep/?utm\\_term=.fla845750be7](https://www.washingtonpost.com/nation/2019/06/21/detained-migrant-children-no-toothbrush-soap-sleep/?utm_term=.fla845750be7))

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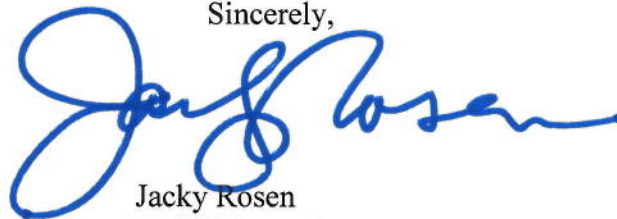
and humiliating her.<sup>4</sup> At the same facility, a 16-year-old migrant reported that officers had retaliated against him and others because they had complained about the poor taste of the food and water at the facility, and had their sleeping mats taken away as punishment. Dozens of reports from children detail similar accounts of inhumane conditions<sup>5</sup> highlighting what appears to be a systemic problem of abuse across many of CBP's holding facilities for migrant children.

Recent Office of Inspector General (OIG) inspections support these news reports of inhumane conditions at DHS facilities. The OIG report, entitled *Management Alert – DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley* cited severe overcrowding and prolonged detention of migrant children. Under the Flores Agreement and the CBP National Standards on Transport, Escort, Detention, and Search, detainees cannot be held for more than 72 hours. According to the OIG, 826 out of the 2,669 migrant children at the Rio Grande Valley facilities had been held longer than 72 hours. Additionally, out of the five facilities that were visited, three facilities “had no access to showers,” two facilities had not provided children with hot meals, and “children had limited access to a change of clothes.”<sup>6</sup> This is unacceptable.

The news reports and OIG report are alarming, and it is imperative that this Committee exercise rigorous oversight of the Department, its officers, and its use of recently-appropriated funds. In order to ensure DHS accountability regarding the health, safety, and well-being of migrant children, I respectfully request that any upcoming hearing on the U.S. Southern Border prioritize the humanitarian concerns raised in this letter and that such hearings take place before the Senate adjourns for the August State Work Period.

I appreciate your consideration on this important issue.

Sincerely,



Jacky Rosen  
United States Senator

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<sup>4</sup> *Migrant kids in overcrowded Arizona border station allege sex assault, retaliation from U.S. agents*, NBC News (July 9, 2019) (online at <https://www.nbcnews.com/politics/immigration/migrant-kids-overcrowded-arizona-border-station-allege-sex-assault-retaliation-n1027886>)

<sup>5</sup> *Two 'significant reports' obtained exclusively by NBC News*, MSNBC (July 9, 2019) (online at [www.msnbc.com/rachel-maddow-show/two-significant-incident-reports-obtained-exclusively-nbc-news](https://www.msnbc.com/rachel-maddow-show/two-significant-incident-reports-obtained-exclusively-nbc-news))

<sup>6</sup> *Management Alert – DHS Needs to Address Dangerous Overcrowding and Prolonged Detention of Children and Adults in the Rio Grande Valley*, Department of Homeland Security Office of Inspector General (July, 2, 2019) (online at [https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19\\_.pdf](https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-51-Jul19_.pdf))