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THE TRUMP ADMINISTRATION'S CHILD SEPARATION POLICY: SUBSTANTIATED ALLEGATIONS OF MISTREATMENT

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND REFORM HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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THE TRUMP ADMINISTRATION'S CHILD SEPARATION POLICY: SUBSTANTIATED ALLEGATIONS OF MISTREATMENT

Friday, July 12, 2019

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The committee met, pursuant to notice, at 10:06 a.m., in room 2154, Rayburn House Office Building, Hon. Elijah Cummings (chairman of the committee) presiding.

Present: Representatives Cummings, Norton, Clay, Lynch, Cooper, Connolly, Krishnamoorthi, Raskin, Rouda, Hill, Wasserman Schultz, Sarbanes, Welch, Speier, Kelly, DeSaulnier, Khanna, Gomez, Ocasio-Cortez, Pressley, Tlaib, Jordan, Foxx, Massie, Meadows, Hice, Comer, Cloud, Gibbs, Roy, Green, Armstrong, Steube, and Keller.

Also present: Representatives Garcia of Illinois, Gaetz, and Lawrence.

Chairman CUMMINGS. The committee will come to order. Without objection, the chair is authorized to declare a recess of the committee at any time.

This full committee hearing is convening regarding the administration's child separation policy and substantiated allegations of mistreatment.

I also wanted to briefly address the spectators in the hearing room today. We welcome you and respect your right to be here. We also ask, in turn, for your respect as we proceed with the business of the committee today.

It is the intention of this committee to proceed with this hearing without any disruptions. Any disruption of this committee will result in the United States Capitol Police restoring order and that protesters will be removed.

If a disruption occurs, a Capitol Police officer will go to the individual, instruct that they cease the demonstrations. If the individual does cease, no action will be taken. However, if the person does not cease or begins demonstrating after the initial warning by the officer, the individual will be removed from the hearing room.

We are grateful for your presence here today and your cooperation.

I would also remind all Members to avoid engaging in adverse personal references.

I now recognize myself for five minutes to give an opening statement.

Today we examine the Trump administration's inhumane policy of separating children from their parents at the southern border.

I use the word "inhumane" for a reason. Separating children from their mothers and fathers causes damage that may endure for a lifetime. Let me let that sink in. In other words, until they die.

The Trump administration adopted this child separation policy intentionally, purposefully, as a tactic to deter people from coming to the United States and seeking asylum.

You ask the question: How do you know this? Well, let me answer.

On March 7, 2017, the Secretary of Homeland Security, General John Kelly, was asked whether the administration was going to, and I quote, "separate the children from their moms and dads." He said, quote, "Yes," he said, to, quote, "deter," end of quote, additional movement across the border.

Later, when he became the White House Chief of Staff, General Kelly confirmed, quote, "It could be a tough deterrent—would be a tough deterrent," end of quote.

Similarly, when Attorney General Jeff Sessions was asked if separating children was intended as a deterrent, he said, quote, "Yes, hopefully people will get the message."

As many of you know, this is an issue I care deeply about. Last year, while Democrats were in the minority, I begged the Republican leaders of this committee to take action. And when I say beg, I mean beg. I didn't ask. Asking was too cheap. But they refused.

I wrote letters seeking information about these children. I spoke up at completely unrelated hearings to warn about the plight of these children. But I was ignored.

One Republican, Representative Mark Meadows, agreed to join me in sending a letter seeking documents. I thank him for that and for his cooperation. But the administration ignored our letter, and we never got a single page. Not a single word. Not a single syllable. I'm sorry to say the Republicans were fine with that during the last Congress.

Well, that was their watch, and now this is our watch. And when I say "our watch," I'm not just talking about Democrats. I'm talking about all of our watch.

And so earlier this year we issued subpoenas to the Departments of Justice, Homeland Security, and Health and Human Services, and now we have finally begun to get documents. We've just begun to get them.

Based on these documents, the committee is releasing a staff report today that summarizes this preliminary information. To be clear, the information we have received is not complete. We're still trying to get information. But even with this limited data, we can draw a few key findings.

First, the administration's child separations were more harmful, traumatic, and chaotic than previously known. At least 18 infants and toddlers under two years old were taken away from their parents at the border and kept apart for up to six months. Something's wrong with that picture.

At least 241 separated children were kept in Border Patrol facilities longer than the 72 hours permitted by law. And many separated children were kept in government custody far longer than previously known, for more than a year.

Second, the Trump administration has not been candid with the American people about its purpose in separating children. The administration claimed that separating children was necessary to prosecute parents, but the documents describe parents who were never sent to Federal criminal custody.

Other parents were briefly taken into custody but then returned, likely because prosecutors declined to prosecute or they were sentenced to time served. That did not matter, however, because their children were taken away anyway.

In some cases, the documents show that parents were returned to the same facilities they left just hours before, but their children were gone. Imagine that horror. Imagine the horror of a parent coming back hours later and suddenly their children, gone.

Third, the nightmare of child separation continues. Hundreds of additional children have been separated from their parents since a court ordered an end to the administration's, quote, "zero tolerance," unquote, policy more than a year ago. At least 30 children separated under that policy remain separated today, despite the court's order to reunite them with their families or place them with sponsors.

And so, overall, the evidence shows that the administration's policies are causing the problems at the border, not helping to resolve them. The administration is detaining thousands of people who do not need to be detained and are not required to be detained.

The policies are contributing to massive overcrowding, which is aggravating conditions, draining supplies, endangering the health and safety of both detainees and government personnel.

And so I am looking forward to our witnesses today, and today my hope is that we can agree on several basic points. Anyone in the custody of our government, especially a child, must be treated humanely and with respect. Children should not be separated from their mothers or fathers unless there is a true need for it. And our government must meticulously track both children and their parents so they can be reunited or placed with sponsors as quickly as possible.

And to the members of the committee, and our witnesses, I hope that we all, as we go through this hearing, will ask one basic question. My favorite saying is: Our children are the living messengers we send to a future we will never see. And I ask you to ask us, of ourselves, the question: How are we sending these children into their future? How are we sending them? And another question: Would you allow this for your own child? Would you allow it?

And so this is, again, this is our watch, and I'm looking forward to us doing everything in our power to make sure that we are living up to those values as a Nation.

Now, there will be discussions of things that may have happened in the past. This is our watch right now. These kids are suffering right now.

And with that, I yield to the distinguished ranking member, Mr. Jordan.

Mr. JORDAN. Thank you, Mr. Chairman.

What we're going to hear from Democrats this morning is astonishing, will be truly astonishing. For months they declared there wasn't even a crisis on the border. Senator Warren said: "A fake crisis at the border is fear-mongering of the worst kind, and we're not falling for it."

But weeks later, Democrats sure have changed their tune. The chairman just recently said Congress cannot ignore the humanitarian crisis at the border.

For years now, Republicans have been warning about the crisis and working hard to find solutions, and all the while Democrats have denied there was even a problem.

This is not about politics. It's always been about preserving the integrity of our border and preventing the humanitarian crisis that we are all now witnessing.

Democrats are in charge here. They set the agenda. The chairman could have had this hearing on the border crisis in January. He could have had one in February or March or April. Instead, prioritized political hearings, like the hearing—well, like the hearing we first had, Michael Cohen, months and months ago.

Think about this. The President made his emergency supplemental request only two days after that hearing. We knew even then that it was urgent. Instead of giving a platform to a convicted felon, we could have come here to address the border crisis.

Only now the situation has reached the point that Democrats cannot ignore it and finally decided to acknowledge that there is, in fact, a real crisis on the border.

After months of the problem being pointed out and urgent calls for more funding, it wasn't until just before the July Fourth recess that the House Democrats finally agreed, after waiting eight weeks, finally agreed for the path to $4.6 billion supplemental emergency funding bill to provide some of the resources needed at the border. And despite the size and scope of the crisis, even this funding bill was not supported by many of the Democrats, including some testifying today.

Once again, they would rather play politics with the border than work on solutions. They have now gone from denying that there is a crisis to accusing those working to stop it, our border agents, of actually creating a culture of cruelty, as some have said. Just yesterday the chairman of the House Judiciary Committee gratuitously and erroneously accused our Border Patrol agents of committing negligent homicide. I was in the hearing when he said it.

The reality is that our border agents are working tirelessly on the crisis, which they did not create, and they are lacking funding and resources from the very Democrats who are attacking them. Can't vote against funding for a crisis.

And then, Fiscal Year 2019, more than 688,000 illegal aliens, including nearly 133,000 in May 2019 alone, were apprehended between ports of entry along the southwest border, an increase of 80,000 since October 2018.

And while historically most immigrants were single adult males, 72 percent of all border enforcement actions in the last month were directed to unaccompanied alien children and family units.

Fabricating stories of cruelty and besmirching the hardworking civil servants who are protecting the border and providing humanitarian assistance does nothing to help solve the problem. Putting a Band-Aid over the border crisis, like we did two weeks ago, does not fix the root causes.

If Democrats are serious about solving the border crisis, then let's address the Flores settlement agreement, let's address asylum loopholes and the other statutory and judicial constraints that incentivize aliens to make a dangerous journey to the United States.

Most of all, they must stop obstructing the border security wall. This is one of the greatest challenges of our time, and as we all know, it's getting worse by the day. I hope the Democrats will stop their obsession with attacking the President and will actually work collaboratively to fix this crisis.

And, Mr. Chairman, I look forward to hearing from our witnesses. I appreciate the fact that even though initially you were going to have just the Democrats, you allowed the Republican witnesses from border states to participate in the first panel as well.

And with that, I yield back.

Chairman CUMMINGS. Thank you very much.

Let me very quickly preliminarily explain to the committee how this came about. Ms. Tlaib, Ms. Ocasio-Cortez, and Ms. Pressley contacted me over two weeks ago and they made it clear that they wanted to go down to the border to observe as a committee, more of a committee assignment. I told them, go. And they decided they wanted to go and see for themselves.

And I thank you all for doing that.

Ms. Escobar helped make the arrangements, and it was her district. But I wanted them to come back to the committee and tell us what they observed.

I welcome anybody who has gone down there and seen whatever you may have seen so that the Congress, I think, can be sensitive to what's going on and so that we can do something about it.

And so for this panel, we will not have, to the panel, we will not have questions, and we also won't have exchanges among the witnesses.

Mr. MEADOWS. Mr. Chairman, point of information, if I might?

Chairman CUMMINGS. Yes.

Mr. MEADOWS. Yes, you indicated they went down. So was this a codel from this committee? Because I was not invited or was not even aware they were doing it.

Chairman CUMMINGS. I'm going to say—I'm going to answer you briefly, and then we're going to move on to these witnesses.

No, it was not a codel. They called me inquiring as to how it could be a codel, and I told them: You're going to have to go on your own MRA. Okay?

Mr. MEADOWS. Yes, but I don't know that our own MRA qualifies to actually do that.

Chairman CUMMINGS. Well, whatever they—however they did it, they did it properly—am I right, ladies?—they did it properly and within ethical rules. Okay? All right. They took it upon themselves.

We should applaud our Members, even the Republican Members, who have visited these facilities concerning their interests. Taking time from what would normally be their times in their districts and taking care of their families, they decided to go down there. Let's applaud them as opposed to——

[Applause.]

Chairman CUMMINGS. No. I'm sorry. I'm sorry. I told you not to disrupt. I didn't mean it like that. But you get the picture.

But anyway, let's move on.

Ms. SPEIER. Mr. Chairman, will you yield for one——

Chairman CUMMINGS. I'll yield, yes.

Ms. SPEIER. To Mr. Meadows, the appropriate procedure—and we're following that with a codel that we are taking this afternoon—is to get an invitation from the Member's district where you want to visit. And upon having that invitation, you normally have to wait two weeks in order to get the Border Patrol to accommodate you. And if they followed that, which I'm sure they did, that is how they were able to make that trip.

I yield back.

Chairman CUMMINGS. I've got to move on. Thank you all.

Now, to our Members, if you have pictures or exhibits, we are more than willing to see them. But we ask that you please use them only during your testimony and then take them down.

You will each have five minutes. And we will be happy to include in the record any additional materials you would like to submit.

For each of you, the committee would like to know which specific detention centers you visited, when you went there, and what you personally witnessed while you were there.

What I am going to—and we have to keep in mind that we've got a vote coming up at around 11. So it's my hope that we'll get all of you in before the vote.

But to the Members, to all Members, after the vote, I'm coming back here to hear from our other witnesses. We have a very important panel coming after this panel. And I will be here until midnight if I have to be, because I think it's just that urgent.

And so I'm going to begin with our Republican Representatives.

Representative Andy Biggs from Arizona, thank you very much for being with us.

STATEMENT OF THE HON. ANDY BIGGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. BIGGS. Thank you, Chairman Cummings and Ranking Member Jordan, members of the committee. I thank you for allowing me to testify before you today.

I represent the Fifth congressional District of Arizona, which is a suburb of Phoenix just about a hundred miles from the border. But I grew up in southern Arizona. I've traveled extensively in Mexico and been to our southern border many times, and I regularly visit the border today even.

In the past few months I have visited a CBP holding facility in Yuma, an ICE facility in Arizona. That detention center is run by

a private concern that is required to comply with Federal regulations. I've led two groups of Congressmen to the border and invited colleagues from across the aisle to come as well.

When I led a group to the border a couple months ago, we were briefed by agents about the extent of human trafficking, and we learned about an 11-year-old girl that I'm going to call Maria today to protect her privacy. Agents learned that there was a human trafficking hub in South Carolina, moving directly from Yuma across to South Carolina. That's a long way to go.

Working with DEA, ICE, and local law enforcement, agents located a small house that was the headquarters of a cartel affiliate. They were surprised to find Maria. They didn't know about her, or the two small boys that she was required to take care of by the cartel affiliate. They had been separated from their families when their parents allowed them to be taken by human trafficking cartels to create a fake family unit in order to get more favorable treatment when the adults they were placed with by the cartel traffickers crossed our border.

Maria and the two little boys were intended to be taken back by human cartel smugglers to be used again to create a fake family unit.

I asked how many similar trafficking rings existed in the United States and was told that there are hundreds all over the country. And this impacts tens of thousands of children who are given over to cartels and human traffickers by their parents to be used to facilitate human trafficking.

I also think of Benito—again, I changed his name—he was a five-year-old little boy left in the desert by human traffickers. He was found by CBP agents and was given emergency life-saving treatment. I've watched videos of agents rescuing sick or dying individuals in the desert or drowning in the Rio Grande who were saved, at risk to the life and limb of the agents.

Most of the time today by agents is no longer spent in securing the border, but is actually spent on humanitarian endeavors and actually trying to take care of children.

Family separation for angel families like Steve Ronnebeck, whose son Grant was murdered by a multiple deportee, or Mary Ann Mendoza, whose son Brandon was killed by a multiple deportee, are two families permanently separated who live in my district.

I visit regularly ports of entry and the vast open tracts between the ports. I speak to line agents, local law enforcement, residents on the border, and I visit facilities.

When our group visited the holding facility in Yuma, designed to hold a maximum of 250 people for only up to 12 hours for processing, I was shocked to see more than three times that many people there.

CBP had made makeshift arrangements to try and meet the conditions. People were crammed in. They were out on the patio area. They were in the parking lot. They were given mats to sleep on.

We came back and we put in special orders, we did various statements urging immediate help from our colleagues to the CBP and thousands of people crossing our border who were voluntarily surrendering themselves to the agents. We warned of the difficulties

that would be exacerbated if immediately relief was not undertaken.

Months ago, while many of my colleagues were claiming that the border situation was a manufactured crisis, we were urging immediate action because the circumstances were horrible. They were overcrowded. They were horrible. There was clean water. There still is clean water. There was food. There was sanitary supplies. There was bedding supplied. But it was rudimentary. We needed help then.

And now to refer to these folks who are doing their best dealing with a horrible situation—at that time, remember, Yuma was transferring 130 people a day to overcrowded ICE facilities. They were releasing 120 a day into the community. But when you're catching or apprehending or people surrendering at the tune of 4,500, you don't have enough supplies. You don't have enough facilities.

It is a crisis. It is real. And we do not get anywhere by blaming the people who are doing their best to help these people.

We need to look in the mirror. We need to make the changes. We need to provide the funding necessary to get this done. Calling these Auschwitz-style concentration camps or indicating that these people that are trying to enforce the law are somehow Nazi-type war criminals, or yesterday we heard they were criminal child abusers, that doesn't help solve the problem. It's a real problem. We need to solve it. We can do it. We have to do it.

Chairman CUMMINGS. Thank you very much.

Representative CLOUD.

STATEMENT OF THE HON. MICHAEL CLOUD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. CLOUD. Thank you. Thank you, Mr. Chairman, Ranking Member. And thank you for the opportunity to share the story of those of us who live in border states and have experienced this humanitarian and criminal crisis for decades.

First of all, I'd like to thank the men and women of the Border Patrol and Immigration and Customs Enforcement for their continued service to this Nation. Many of them are veterans who view this job as a way to continue their service to our great Nation. Many have served overseas to preserve our freedom on the front lines, and defending our borders at home they view as a way to continue their service back home.

Many of them realize, the men and women serving, realize that protecting the homeland and defending our border by fighting back against the corrupting influence of cartels is just as important to the communities and families across this Nation as fighting overseas.

Wednesday marked the one-year anniversary from when I was sworn into office. What I've learned in a year is that many Members of Congress would rather talk about a problem than actually fix it. Thankfully, the President has made this a priority, and it's past time for Congress to do the same.

I cannot understand why we would allow this problem to continue when we know what would help to fix it: close the asylum loopholes cartels use to exploit people, fix the Flores settlement so

that we can ensure families remain together, and many other situations or circumstances or solutions that have been presented before.

Shortly after I was sworn in, I visited the Texas border, not for the first time, and I asked Border Patrol: What would be a win? And they told me: situational awareness. That was in August of last year, when 16,744 migrants were apprehended by the RGB sector. In June of this year, that number has nearly tripled. There were 43,197 apprehensions in that sector alone.

Our current border facilities are not designed to handle these current numbers. Border Patrol and ICE are doing the best they can with extremely limited resources that we have given them. They understand they don't have the tools and resources they need to even begin thinking about mitigating the influence cartels have in our Nation because Border Patrol is undermanned and underfunded, and Congress has done nothing to help.

During our visit just a few weeks ago, the phrase I heard over and over is: There is no end in sight.

The southern part of Texas' 27th congressional District, the district I am proud to represent, is roughly two hours from the U.S.-Mexican border town of McAllen, Texas. If fixing this crisis had been left up to Texas, we would have done it several years ago.

Widely recognized as the fatal funnel, two major interstates, U.S. 281 and U.S. 77, come up from Mexico and feed right through our district. Why is it called the fatal funnel? Time magazine ran a story in May 2015 titled, "The Border Corridor of Death Along America's Second Border." Customs and Border Protection even warns on their website, if you're traveling on Highways U.S. 281 and U.S. 77, please be cautious of your surroundings as smuggling activity runs rampant.

Or take the Houston HIDTA 2018 threat assessment that's filled with examples of drug and human smuggling conducted by the Gulf and Los Zetas cartels through the district and surrounding area. Or take the story of 19 migrants who were found dead in a back of a tractor trailer truck 10 minutes from my house in Victoria. They died in a tractor-trailer truck in the sweltering heat. Authorities found a five-year-old boy who had died in his father's arms.

Deputy Chief Roy Boyd of the Victoria Country Sheriff's Office says that gangs are moving more and more into the slave trade now because of how profitable it is. While a kilo of cocaine or any drug can be sold once, human beings can be sold numerous times every day. Boyd says that these migrants are being sold into slavery, both sex slavery and labor.

The RAND Corporation recently published a study that said: We found the revenues from smuggling migrants from El Salvador, Guatemala, and Honduras combined could have ranged from a total of about 200 million to a total of about 2.3 billion in 2017. Let's let that sink in when we consider the resources we're giving to our resources at the border.

Congress is allowing these cartels to massively profit because we refuse to close off the avenues they are using to smuggle migrants.

This is not just these gut-wrenching stories either. At the end of May, I, along with Representatives Grothman and Hice, went to

the border. We were briefed by Border Patrol on who and what is coming across the border. We were joined by my friend Hector Garcia and the National Border Patrol Council on a ride-along through the night to see how these fine men and women of the Border Patrol use the meager resources they have to prioritize life, provide for these migrants, and defend our country.

We visited a ranch where we heard stories of those who live on the ranch are fearful for their own lives because of the number of the cartel members smuggling through their own property. They're afraid to walk their own land. The manager of that ranch said his wife cannot go on a walk or run around the property without the dog and a gun.

Cartels cut chains and locks, bust through fences with their trucks, use private property to avoid stations. Somehow these are the stories that the media fails to report but sadly what's become normal for the people of south Texas.

Let me leave you with this story I've shared before but it's worth sharing. I visited an unaccompanied minor facility. There were a number of young ladies there, about a couple hundred. I asked them about the care and what these young ladies had been through. They said about 40 percent of them had been sexually abused along their journey.

This is the tragedy we've allowed to metastasize while many in Congress spent months claiming this was a fake, manufactured crisis. Real compassion would have been for us to do something about this and have the wisdom and foresight to avoid the situation that we've seen over the last couple of weeks instead of implementing policies that enable what the cartels are doing.

Chairman CUMMINGS. Thank you very much, Representative Cloud.

Representative LESKO. And welcome to our committee.

STATEMENT OF THE HON. DEBBIE LESKO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mrs. LESKO. Thank you and good morning. You know, I don't know if I should be jealous with all the pictures being taken over my colleagues or not.

But it's a good morning. And, Chairman Cummings, Ranking Member Jordan, and Members of Congress, thank you for giving us this opportunity.

You know, sometimes I feel, have you ever seen a movie where they have parallel universes, where you're in one world in this situation, you're in another world in this situation? Well, that's what I feel like we're in, quite honestly.

In some of my Democrat colleagues' world they seem to think that all of a sudden, out of the blue, thousands of illegal immigrants showed up at the border, and they are just oblivious—oblivious—to the year-long calls by Republicans and some Democrats for years for immigration reform, knowing that our loose immigration laws are what's incentivizing people to come here and what's causing the crisis.

In my world, what I believe is the real world, the crisis has been mounting for years. And people like me have sounded the alarm for years, over and over and over again, and tried to enact legislation

to fix it. But, unfortunately, many of my Democratic colleagues have fought me over and over again at every turn.

I'm from Arizona. I'm from a border state. I don't live in a state thousands of miles away. So we've been living this for many, many years. And I used to serve in the state senate and the state house. And I was a cosponsor, along with my colleague, Representative Biggs, on SB 1070, because we knew, we were there, we were on the ground, and we knew that the immigration laws were not being enforced, and we thought, okay, well, let's have the state try to enforce it.

Well, we were fought at every turn by every of my Democrat colleagues there and the President. In my Democrat friends' world the crisis at the border, they say, was manufactured. We heard it for months. In January, Speaker Pelosi and Schumer said it was a manufactured crisis. House Democrat whip laughed when asked if there is a crisis at the border and said absolutely not.

Thirty-eight freshman Democrats sent a letter to Senate Majority Leader McConnell requesting that Congress end this manufactured crisis. Democrat Homeland Security Committee chairman tweeted: The President has manufactured a humanitarian crisis.

In my world, President Trump and Republicans have been sounding the alarm for years. I mean, my goodness, we're going to have over a million illegal immigrants that we apprehend. That's more than one congressional district a year. And the pounds, even in Yuma, Arizona, just recently, hundreds of pounds of meth.

And last year, Republicans led two immigration bills that we thought were a compromise, where it gave DACA recipients legal status in one of the bills. Another of the bills, it gave DACA recipients a pathway to citizenship. But not one of my Democrat colleagues voted yes, not one single one.

Unfortunately, in my Democrat colleagues' world, in Judiciary yesterday—I am a member, too—I heard over and over again how CBP are child abusers. And one member, one of my colleagues said: Oh, they're getting treated worse than prisoners of war. I mean, really?

Let's get down to the business of solving the problem. And I encourage everyone to watch a video by Tucson Sector Border Chief Patrol Agent Roy Villareal. The video shows clearly that there are supplies in the detention centers.

And this whole issue about drinking out of the toilet is wrong. No one drinks out of a toilet. No one is being asked to drink out of a toilet. There's a combined unit where at the top you have drinking water, and the Border Patrol Chief drank the water. They're not drinking out of toilets. So, please, American public, there is no one asking people to drink out of toilets.

We really need to solve the root of this problem. We need to get to the base of it. And I call on my Democrat colleagues, we're all passionate about this issue, let's actually solve the root of the problem, work on legislation together, let's get this done.

And I yield back. Thank you.

Chairman CUMMINGS. Thank you very much.

Representative ROY.

STATEMENT OF THE HON. CHIP ROY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. ROY. I thank the chairman. Thank you for holding this hearing and allowing us, giving us time to testify this morning.

As many of you know, I represent Texas 21, Austin, San Antonio. The southwest edge of Texas 21 is about 95 miles from the border of Mexico. I've toured facilities multiple times in my career as a lawyer for the Senate Judiciary Committee, as a Federal prosecutor, as a staffer for Governor Perry, as a first assistant attorney general, and now as a Congressman. I've been to the border multiple times, and I didn't just come recently putting on a show in front of fences for the media. It's come over a career of trying to figure out how to secure the border and do our job.

My chief of staff went to the border this last Saturday, down to Clint to go to the facility after hearing all of the horror stories. My chief of staff had a very different experience in terms of what he saw, in terms of the cleanliness of facilities, in terms of Border Patrol trying to do its job, trying to make sure that people are taken care of after a long, hard journey through Mexico, making sure they do have potable water, including having water containers right outside the very cells where we were told that they didn't have water to drink, having the toothpaste, the food, the diapers, the things that are necessary to take care of people after a long, hard journey, while this body has failed to secure the border and created the very magnet, the very magnet, that is causing these migrants to come through and be abused by cartels while this body cowardly sits in the corner doing nothing about it.

The untold stories that are going on by cartels, these are the stories. At certain stations gangs boarded the trains and demanded a toll. The rate was a hundred dollars per station. They threatened us. They said they would hold us until we could call a relative to arrange to pay. If you couldn't pay, they would throw you off the roof. Johnny was separated from his family on a train, and it's unclear what happened to his wife and children.

Just two weeks ago a 19-year-old woman fell from one of these trains in Tacotalpa, Mexico, killing her. The train stopped near the Tabasco state town and the woman hopped off to buy some cheese-stuffed rolls, and when the train crowded with migrants began to move again she hustled to clamor back aboard. But the train suddenly stopped, she lost her grip and fell beneath its wheels. It dragged her a hundred yards before jerking forward again in a thunder of shuttering steel.

Coyotes take advantage of our system, leading women and children to the border, while along the journey one in three women are sexually assaulted.

This is the reality of what's happening between the Northern Triangle and Texas. This is what is happening because we refuse to do our job.

What about Border Patrol? Sergio Tinoco was born into poverty in south Texas as his mother remained in Mexico and he was forced to work hard labor on a farm to support himself. He served in our military for 10 years and then became a Border Patrol agent protecting the land in which he grew up in the Rio Grande Valley.

He wanted this comment to be told, quote: The last thing this son of Mexican immigrants expected was to be compared to Nazis by America's elites for serving his Nation and protecting our dangerous border.

He said: Our agents are just completely overwhelmed. They are exhausted. Not only are they exhausted out in the field, exhausted inside the stations, processing, they're exhausted with all of the rhetoric that's coming down through the media and this Congress. Our own congressional leaders are vilifying our agents. These are the people holding America's front line.

Add to these thoughts—this is an article that Sergio Tinoco wrote that appeared July 5, 2019—add to these thoughts an exhausting 10-hour shift of seeing hundreds of illegal immigrants at the facility you work in and out in the field at temperatures over a hundred degrees. Add a countless amount of mothers and fathers telling the agent that their child is sick and needs attention. Add being in a facility that can only hold 300 detainees, but is currently holding 1,200, all waiting to be processed and released because of the immigration loopholes that brought them here in the first place.

More so, add having just rescued a mother and child from drowning in the Rio Grande, caring for an infant after being stung by a swarm of bees in the high brush at the area where they entered the country illegally. Add the memory of finding a decomposing dead individual who was left behind by the ruthless smuggler because of an injury or exhaustion.

A Border Patrol agent should be going home at the end of shift to decompress and leave all these matters behind at the workplace. Those things will be waiting for the agent again tomorrow. There will be another daring rescue, another small caravan of over a thousand individuals to deal with and try to fit into an already overcrowded facility. There will be another set of individuals, or kids requiring medical attention, which the agents will tend to.

But now, with comments such as these, the Border Patrol agent must go home and hear about how their families have also heard those comments depicting mom or dad as a murderer of kids and their parents, how mom or dad are running gas chambers to kill all the illegal immigrants.

The fact is both parties have failed. The GOP all too often want to stand at the Rio Grande with a "no trespassing" sign while winking at immigrants and with a "help wanted" sign in the other. Meanwhile, my Democrat colleagues prefer to stand in front of chain link fences next to an empty parking lot while making up hyperbole for clicks, Twitter followers, and cynical politics.

There is a path to fix this. Take out the cartels, recognize that they're terrorist organizations, fix our asylum laws to be welcoming but not tragically abused by cartels, end catch and release, and give ICE the resources to do their job.

President Obama sent up a bill for $760 million for ICE. Why were we not funding ICE so that we have a place to be able to put people when they come through Border Patrol?

It is time for action. This Texan is not going to sit by and watch his state and Texas communities get overrun and abused because

the coward of the swamp sit idly by and cynically fail to do their job.

Thank you.

Chairman CUMMINGS. Thank you very much.

Ms. Escobar, Representative Escobar, let me say this before you go on. I want to thank you for working so closely with us to make this hearing happen, and I really appreciate you very much. Thank you. You may go forward.

STATEMENT OF THE HON. VERONICA ESCOBAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Ms. ESCOBAR. Chairman Cummings, Ranking Member Jordan, members of the committee, thank you for calling this hearing and for the privilege of testifying before you today.

I am proud to live not near but on the U.S.-Mexico border, in El Paso, Texas, a community that has long been safe and secure, a modern-day Ellis Island. For seven months, my office has facilitated delegation visits to El Paso, 10 so far and more to come, and I'm grateful for all of those who have been able to or will soon join us to bear witness to what is happening at the hands of the U.S. Government.

There is no doubt that the increasing number of migrants at our southern border has presented a challenge. Unfortunately, in the last two years our country has failed to live up to our founding values when addressing that challenge.

Before I focus on what our government is doing, let me tell you what my community is doing. For years, but especially in this last year, El Paso has stepped up, helping feed, shelter, and offer hospitality to thousands of migrant families released by DHS week after week. My community, with a fraction of the resources available to the Federal Government, has responded more strategically, thoughtfully, and compassionately than the Federal Government has.

El Paso knows that this is not a matter of resources, but a matter of will. El Paso has had to stand up shelters on a moment's notice, transport hundreds of migrants daily, using only volunteers, and we've opened our wallets and our hearts to ensure that every one of those vulnerable souls has a clean, safe place to stay once out of custody. El Paso made the choice to employ compassion and good will.

And then we have the choice that our government has made. Our government, at the hands of this administration, has exhibited an incompetence and cruelty that has created a human rights crisis in our own country.

Under the Trump administration, border communities have borne witness to the deaths of at least six children in government custody since September.

Family separation, a practice called illegal by the United Nations, one which, according to the American Academy of Pediatrics, inflicts deep life-long trauma, a policy so heinous that the sound of a weeping child secretly recorded in a detention facility moved even some of the most hardline anti-immigrant Americans, El Paso was the testing ground for child separation, a policy that continues to this day.

We've seen severe overcrowding in Border Patrol processing centers that is so inhumane that the DHS Office of the Inspector General described it as dangerous because it represents an immediate risk to agents and migrants alike. We've seen conditions that dehumanize migrants, stripping them of their dignity, sending good agents into states of despondency, giving cover to bad agents who abuse their authority.

There's long-term detention in ICE facilities where in my district a group of men requesting asylum who had been detained for nearly a year became so desperate they went on a hunger strike. They were force fed and hydrated through tubes that were placed down their nose. Speaking through their pain and their bloodied tubes, they told me they would rather die in America than be sent back to India.

We've seen migrant protection protocols. It's the administration's practice of sending legal asylum seekers into another country as they await their hearing, a violation of due process that puts vulnerable populations in danger. In one case, a woman had warned CBP about the danger she faced in Ciudad Juarez, was sent back to Mexico, where she was kidnapped and brutally gang raped.

My district is ground zero for these atrocities, and because my office inquires about these cases in line with my oversight responsibilities, I have become a target.

These policies have created the humanitarian crisis and a moral one. I commend colleagues who have worked to address these issues, from Congresswoman Lofgren focusing on the root causes, to Congressman Raul Ruiz, who's focused on medical standards for migrants in CBP custody.

I, too, have legislation that will be coming up shortly, H.R. 2203, the Homeland Security Improvement Act, which would increase accountability and transparency at DHS so that these conditions, these deaths, these abuses, can be relegated to a dark moment in history.

This is not about resources. And to prove it, one only needs to look at what El Paso, Texas, has done without any. This is about having the will to treat people with dignity. We have the power to change this. Do we have the will?

Thank you.

Chairman CUMMINGS. Thank you very much.

Ms. Ocasio-Cortez.

STATEMENT OF THE HON. ALEXANDRIA OCASIO-CORTEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Ms. OCASIO-CORTEZ. Mr. Chair, I would like to be sworn in.

Chairman CUMMINGS. I'm sorry?

Ms. OCASIO-CORTEZ. I would like to be sworn in.

Chairman CUMMINGS. Oh, all right. We usually don't require a swearing-in, but you want to be sworn in?

Ms. OCASIO-CORTEZ. Yes.

Chairman CUMMINGS. All right. Okay. Stand up, please.

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. OCASIO-CORTEZ. I do.

Chairman CUMMINGS. You may be seated.

Let the record reflect that Ms. Ocasio-Cortez answered in the affirmative.

You may proceed.

Ms. OCASIO-CORTEZ. Good morning, Chairman Cummings, Ranking Member Jordan, and distinguished members of this committee.

When I was asked to testify today, I, frankly, didn't know where to begin after our visit to the border.

Much has been made about the fact that we have said that this is a manufactured crisis. And in many ways, it is manufactured in that it is wholly unnecessary. It is unnecessary to separate children from their families. It is unnecessary to have a policy to detain innocent women and families that have harmed no person and are legally seeking asylum in the United States of America. It is unnecessary to have a policy that calls children unaccompanied when they arrive with older brothers, sisters, and grandparents, and treat them no differently than human traffickers.

And in speaking of trafficking, it is completely unnecessary for this administration to choose to implement policies like metering and so-called "remain in Mexico" policies that dump innocent people in dangerous territories, that puts them right in the crosshairs of human traffickers, ripe for picking.

This is a manufactured crisis because cruelty—because the cruelty is manufactured. This is a manufactured crisis because there is no need for us to do this. There's no need for us to overcrowd and to detain and underresource. There is no need for us to arrest innocent people and treat them no differently than criminals when they are pursuing their basic human rights.

Much has been made about CBP agents in this hearing as well and that this is not their fault, and in some respects, in many respects, I agree, because it is a policy of dehumanization implemented by this executive administration, laid at the feet of Stephen Miller, that creates a tinderbox of violence and dehumanization where hurt people hurt people.

I would like to seek unanimous consent to submit the records of the names of 17 women I met during my trip to the border.

Chairman CUMMINGS. Without objection.

Ms. OCASIO-CORTEZ. I think one of the reasons and what has been spoken of is that there's two different universes, and it feels like we're speaking in two different worlds, and one of the reasons for that, I believe, is because when I and when we took our tour of the border, one of the first things that we were told is that we were not allowed to speak to the migrants, that we were not allowed to have contact with them, that we shouldn't, and this was given for reasons of, quote, "their safety," or reasons for—or for the expediency of the tour.

And after we entered and after we were asked to surrender our cell phones at the beginning of the tour, we went in and one of the CBP officers, after that morning, it being revealed by ProPublica—which I would also seek unanimous consent to submit to the record.

Chairman CUMMINGS. Without objection.

Ms. OCASIO-CORTEZ. While it was revealed by ProPublica a secret Facebook group where CBP members were planning to harm, or encouraging harm, of myself and Congresswoman Escobar as well as mocking the deaths of migrant children.

Into that environment, we walked into this facility. We were asked to surrender our phones and be guarded by the people without a guarantee that no one there was in that Facebook group. We went in and one of the officers attempted to sneak a photograph, a photograph of myself and other congressional Members, and at that point we asked to enter one of the cells.

We were allowed to speak to the women, and these are the women that we spoke to. It's their handwriting. And while we are being asked to speak only to officers, we are not getting the accounts of migrants, of their treatment, of what they are experiencing.

And so when these women tell me that they were put into a cell and that their sink was not working, and we tested the sink ourselves and the sink was not working, and they were told to drink out of the toilet bowl, I believed them. I believed these women. I believed the canker sores that I saw in their mouths because they were only allowed to be fed unnutritious food. I believed them when they said they were sleeping on concrete floors for two months. I believed them.

And what was worse about this, Mr. Chairman, was the fact that there were American flags hanging all over these facilities, that children being separated from their parents, in front of an American flag, that women were being called these names under an American flag. We cannot allow for this.

[Medical emergency in hearing room.]

Chairman CUMMINGS. Representative Green, who is a medical doctor, just told me she'll be okay.

Thank you, Representative Green. I really appreciate it. It's good to have a doctor in the house. Amen.

Miss, since I interrupted you, I'll give you 30—I am sorry. We'll give you a minute to wrap it up, please.

Ms. OCASIO-CORTEZ. Thank you, Mr. Chair, and I know my time was wrapping up at that time.

And again, we have to make sure that—and over and over again, when we spoke to these folks, whether it was agents, whether it was HHS officials, oftentime they said the thing that we need most is not resources, we need policy change.

So we need to change our metering policies. We need to change our detention policies. We need to change our policies on who we call unaccompanied. And that is one of the key areas, in addition to changing our policy on foreign affairs, on investment, on being an equal partner in Latin America and the Western Hemisphere.

Thank you very much.

Chairman CUMMINGS. Thank you very much.

Ms. Tlaib, again, I want to thank you for your phone call about two weeks ago when you wanted to pull together things to get down, go down to the border. Thank you very much. You have now five minutes.

STATEMENT OF THE HON. RASHIDA TLAIB, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Ms. TLAIB. Thank you so much, Chairman.

Honorable members of the committee, thank you all for this critically important hearing, and

[speaking foreign language], which means thank you, Chairman Cummings, for always creating a space for us in this committee. From the first week you said we give you new energy. I hope that's still the case. So thank you.

By allowing us to testify before this committee and enter what we observed and experienced in our visit to El Paso border on July 1, to the CBP Station 1 and the Clint camp into the congressional record, I appreciate that responsibility, and not picking on the President, but holding this administration accountable.

First, no one is illegal. That term is derogatory now because it dehumanizes people. You can say any other forms of maybe coming in without regulations or so forth, but the use of "illegal" is disrespectful. And I ask my colleagues to try in so many ways to not dehumanize our immigrant neighbors that are trying to come in for safe haven.

Mr. Speaker, while working at human service and community advocacy organizations, I learned early on that to truly bring power to the table, to see what is at stake, you have to bring people in the room who can't be here. So I'm asking for Jakelin, who was age 7 from Guatemala, who died from sepsis while in our care. She's the same age as my son when I heard about it.

Mr. Speaker, we do have a crisis at our border. It is one of morality, as we have seen this current strategy unfold, intentional and cruelly created by the Trump administration, dead set on sending a hate-filled message that those seeking refuge are not welcome in America, in our America, and that the rule of law, human rights, will not be—will not protect them here. Instead, Mr. Chairman, it's a dangerous ideology that rules our Nation right now.

I have been so deeply haunted by the unforgettable image of a four-year-old boy coming up to me through a glass door of a cell he was in, with a number of other children, asked me in Spanish where his papa was, and slid a very small board to me so I could write something on it. It was like a dry board. I'm not sure what he needed before an agent asked me to stop engaging him.

Chairman, again, bringing those who can't be here into this room, I ask my colleagues to see a drawing from one of the children in the cages, in the cells, up there, and I want you to not look away. I ask you and beg you not to look away.

But the suffering in these illegal and immoral camps isn't just limited to those children. Something I learned, Mr. Chairman, is that—I was able to travel to Clint, Texas, and meet face to face mothers, fathers, grandparents who are suffering, ripped away from their families, not knowing if they ever see their children and loved ones again.

I won't forget the father from Brazil who held onto his son with tears in his eyes as he told me in English he just wants his son to be an American boy. He said his wife—he was with his wife, his eight-year-old daughter, and teenage boy in a tent-like space outside of Station 1. He said he has been there for four days.

I won't forget Daisy, the grandmother who had a red ribbon on her wrist with the name of the medication she needs, who said she had been in detention for 40 days, and she hadn't seen her grandson who was mentally impaired since being separated from him when they arrived. I wonder every day where she is now and whether or not she's hungry.

The fear in their eyes won't be forgotten, Mr. Speaker, but the suffering in these illegal camps cannot be forgotten. Imagine traveling thousands of miles in grueling and dangerous conditions because you have no other option, only to be separated from your family, from your children, thrown into overcrowded cages, denied a shower, toothbrush, and, yes, Mr. Chairman, drink water out of the toilet if you're thirsty.

Now imagine doing that while pregnant. In Clint, I met Bettys, a woman pregnant with her first child. She smiled at me, and I instantly connected with her. She had a pink hoodie on.

And I instantly just went toward her, even though they told us not to talk to anybody, Mr. Chairman. I couldn't not go to somebody that's smiling at me. And I said hello, and she said hello in English. And I love that she felt confident to speak to me in the broken English.

And she said she found out—I said, how long have you been here? She said 27 days. And she said: I'm with a child. And she glowed. She was so happy, because she had not known she was pregnant until she came here.

But by showing up, Mr. Chairman, she is free now. The following day she is free now, and we are following the asylum process, and she is now at home. I spoke to her last week. She's so happy. She said: You will be part of my family forever.

Ms. TLAIB. Mr. Chairman, it needs to be noted into record. I spoke to CBP agents, even though they told us not to speak to them too. Remember that? And I said: What do you think we need to do because you guys are overwhelmed?

They said, one of the: Stop sending money. It's not working.

Another one said: I wasn't trained for this. I am not a social worker. I'm not a medical care worker.

He actually said: I want to be at the border. That's what I was trained to be at.

The one other one, the last one, Mr. Chairman, the separation policy isn't working, he said. He knew about the separation policy that he was enacting.

CBP morale is one of the lowest among law enforcement agencies, Mr. Chairman. Since between 2017 and 2018, we had a high of 100 agents committing suicide. That needs to be put in record. The dehumanization is not only with those families, but it's also with the agents that we've had told to do this to these families.

Thank you, Mr. Chairman.

Chairman CUMMINGS. Thank you. Thank you very much. Thank you very much.

Ms. Pressley?

STATEMENT OF THE HON. AYANNA PRESSLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Ms. PRESSLEY. Chairman Cummings, Ranking Member Jordan, and colleagues of the committee, thank you for the opportunity to testify here today. I believe that it is both our opportunity and obligation as Members of Congress to shed light on injustice and to lift the voices of the unheard. Make clear that I don't say "the voiceless." Every person has a voice, but our institutions do not always listen. So today I do not speak on behalf of anyone, but I make space for the stories our Nation so desperately needs to hear in this moment.

Mr. Chairman, I cannot unsee what I've seen; I cannot unfeel what I experienced. I refuse to, although, admittedly, it robs me of sleep and peace of mind, but that pales in comparison to the pain felt by families that have been robbed of their liberty, their legal rights, and their dignity, and some even the lives of their babies.

During our stop at the El Paso Border Patrol facility, I pressed my hand to a Plexiglass window. I met the gazes of several women on the other side. Their shoulders were slumped, their clothes filthy, their eyes vacant. I turned to a Border Patrol officer and asked: What is the temperature in this room?

The officer responded: I do not know.

I then asked how they set the temperatures in the room. He mumbled again he did not know.

Mr. Chairman, on the day of our visit, it was a sweltering 103 degrees in El Paso. What's the heat index at which you bring folks indoors, I inquired? Border Patrol responded with no answer. The most basic of questions about the care and welfare of those held in the custody of our government were either dismissed or met with a nonanswer, affirming what we know. This agency was never built, never designed, never trained for the care and keeping of families. These families need trauma support, caseworkers, clean water, adequate and nutritious food. Instead, they have received a level of degradation we should be ashamed is occurring on American soil.

Once we realized we were not going to get the answers we needed from CBP officers, my colleagues and I pushed our way through a doorway to speak directly with the group of approximately 10 to 15 women who were detained in a small room. These women held thin blankets. They sat on the cold concrete. They had tears in their eyes, and as we walked in, relief and release as they collapsed at a sign of compassion.

My colleagues Representatives Kennedy and Ocasio-Cortez translated the women's stories as quickly as they could. I held the hand of a woman who heaved sobs, as she explained, her deep fear that at any moment she could fall to the floor in a seizure. She's an epileptic, and the medicine she relies on had been confiscated. And, in fact, she feared that by telling that truth, she would experience retaliation after we left and her medication would continue to be withheld.

I spoke to another woman who wept in my arms crying for her baby. She didn't care to know my name. She didn't care to know who we were. She simply craved compassion. She wanted to be treated like a human being. She asked me if she deserved to be

treated like this, if they deserved to be treated like dogs. Each had survived a treacherous journey overcoming tremendous obstacles, and while I'm not fluent in Spanish, Mr. Chairman, I want you to understand that there was no barrier to understanding in that room.

We speak the universal language: Of pain, of a mother's love, of justice. These women are not voiceless, Mr. Chairman, but they are cruelly and criminally unheard. Not today. Today, Congress has an opportunity to listen and to act. After everything these women have endured—fleeing violence, deep poverty, sexual violence, domestic abuse—they arrive at the crest of this Nation only to be torn apart from their babies and thrown in cages for seeking asylum, a legal right, a human right, and in spite of all of that, they believe so fiercely in the promise of this Nation.

Mr. Chairman, on that concrete floor sat women with a deep and abiding love for a Nation that had known only as a captor. In spite of the abuse and adversity they had endured, all they desperately wanted to do was to hold their babies and have this Nation give them a chance, a chance to make a credible fear claim, a chance to make it to a court date, a chance to make the case that they would work so fiercely to make this Nation their home just as generations and generations before them have done. They begged us for forgiveness, Mr. Chair. What will we say to this generation of children and parents we imprisoned for seeking safety. We should be the ones begging for forgiveness.

All they want is one more chance to make their way to protect their families to live, and I do not know what is more American than that.

Chairman CUMMINGS. Thank you very much.

I want to thank our entire panel, all of you, for laying out the case, what you have observed and your opinions. I really appreciate the way you've done it. We are now going to move to the next panel. Again, thank you all.

To the members, the vote is expected at around 11:35, so we're going to startup the second panel as soon as they get seated in about two or three minutes.

[Recess.]

Chairman CUMMINGS. We'll now come back to order. This panel includes the independent inspectors general who have personally inspected these facilities, written detailed reports, and provided photographic evidence of their findings. Jennifer Costello is the Acting Inspector General of Department of Homeland Security. Ann Maxwell is the Assistant Inspector General for Department of Health and Human Services. Elora Mukherjee?

Ms. MUKHERJEE. Mukherjee.

Chairman CUMMINGS. Yes, you, is a law professor, Jerome L. Greene, clinical, at Columbia Law School. Jennifer Nagda is the policy director, Young Center for immigrant children's rights. Thomas D. Homan, he's former acting director, U.S. Immigration and Customs Enforcement.

If you would all please rise and raise your right hand, I will begin to swear you in. Do you swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

Let the record show that the witnesses answered in the affirmative.

And thank you. You may be seated.

I let you know that the microphones are sensitive, so please speak directly into them.

Without objection, your written statement will be made a part of the record.

With that, Inspector General Costello, you are now recognized to give an oral presentation of your testimony. Again, before you start, we may not get through all of you, but we'll—but we're going to do the best we can with what we've got. And each of you have five minutes, and I'm begging you to stay within the five minutes because this is a getaway day for a lot of our members and so we got a lot to do today. All right. Ms. Costello?

STATEMENT OF JENNIFER L. COSTELLO, ACTING INSPECTOR GENERAL, DEPARTMENT OF HOMELAND SECURITY

Ms. COSTELLO. Thank you. Chairman Cummings, Ranking Member Jordan, and members of the committee. Thank you for inviting me here today to discuss our recent work related to conditions at Customs and Border Protection holding facilities along the southern border. My testimony today will focus on the dangerous overcrowding and prolonged detention recently observed by DHS OIG inspectors in both the El Paso Del Norte Processing Center and facilities in the Rio Grande Valley.

These issues pose a serious and imminent threat to the health and safety of both DHS personnel and detainees and require the Department's immediate attention and action. DHS OIG conducts unannounced inspections of CBP facilities to evaluate compliance with CBP's Transport, Escort, Detention, and Search standards, otherwise known as the TEDS standards. TEDS standards governs CBP's interactions with detainees, providing guidance on things like duration of detention, access to medical care, access to food and water, and hygiene.

Our inspections enable us to identify instances of noncompliance with TEDS standards and to propose appropriate corrective action. In doing so, we seek to drive transparency and accountability at the Department of Homeland Security. Although CBP has sometimes struggled complying with standards relating to duration of detention, our recent unannounced inspections revealed a situation far more grievous than those previously encountered by our inspectors.

For instance, when our team arrived at the El Paso Del Norte Processing Center, they found that the facility, which has a maximum capacity of 125 detainees, had more than 750 detainees onsite. The following day that number increased to 900. We have also observed serious overcrowding among unaccompanied alien children, or UACs, at all the Border Patrol facilities we visited in the Rio Grande Valley.

Additionally, we found that individuals, including children, were being detained well beyond the 72 hours generally permitted under TEDS standards and the Flores agreement. For instance, at the centralized processing center in McAllen, Texas, many children had

been in custody longer than a week. In fact, some UACs under the age of seven had been in custody for more than two weeks.

Under these circumstances, CBP has struggled to comply with TEDS standards. For instance, although all the facilities we visited in the Rio Grande Valley had infant formula, diapers, baby wipes, and juice and snacks for children, two facilities had not provided children access to hot meals as required until the week we arrived.

Children at three of the five facilities we visited had no access to showers, limited access to a change of clothes, and no access to laundry facilities. Additionally, while Border Patrol tried to provide the least restrictive setting available for children, the limited space for medical isolation resulted in some UACs and families being held in closed cells. Space limitations are also affecting single adults. The lack of space has restricted CBP's ability to separate detainees with infectious diseases, such as chicken pox, scabies, and influenza from each other and from other detainees. According to management, these conditions also affect the health of Border Patrol agents who are experiencing high incidents of illness.

There is also concern that the overcrowding and prolonged detention may be contributing to rising tensions among detainees. A senior manager at one facility in the Rio Grande Valley called the situation, quote, a ticking time bomb.

Despite these immense challenges, we observed CBP staff interacting with detainees in a professional and respectful manner and attempting to comply with standards to the extent possible.

Notwithstanding their efforts, Border Patrol requires immediate assistance to manage the overcrowding in its facilities. CBP is not responsible for providing long-term detention to detainees. Therefore, CBP facilities, like those we visited, are not designed to hold individuals for lengthy periods of time. However, with limited bed space at ICE and HHS facilities nationwide, detainees are left in CBP custody until a placement can be arranged in a long-term facility.

In its response to our management alerts, DHS described the situation on the border as an acute and worsening crisis. Our observations comport with that characterization and that is why we have called on the Department to begin immediate action to remedy the situation. Although DHS has asserted that it has reduced the number of UACs in custody in the last few weeks, we remain concerned that it's not taking sufficient steps to address the overcrowding and prolonged detention we observed, particularly with respect to single adult detainees.

We will continue to monitor the situation at the border and have already begun new work aimed specifically at identifying the root causes of some of these issues. We hope this work will assist the Department in addressing these challenges. In the meantime, DHS leadership must develop a strategic, coordinated approach that will allow it to make good on its commitment to ensure the safety, security, and care of those in its custody.

Mr. Chairman, this concludes my prepared statement. I'd be happy to answer any questions you or the committee have.

Chairman CUMMINGS. Thank you very much.

Ms. Maxwell?

STATEMENT OF ANN MAXWELL, ASSISTANT INSPECTOR GENERAL FOR EVALUATION AND INSPECTIONS, U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ms. MAXWELL. Good morning, Chairman Cummings, Ranking Member Jordan, and other distinguished members of the committee.

Thank you for the opportunity to discuss OIG's work focused on the health and welfare of children in HHS' care. To protect the vulnerable is a core part of our mission, and as such, we have been conducting oversight of HHS' Unaccompanied Alien Children Program for the past decade. This program provides immigrant children that have been referred to HHS with temporary shelter, care, and services before releasing them to sponsors in the U.S. to await their immigration hearings.

This past summer, over 200 OIG staff fanned out across nine states to visit 45 HHS-funded facilities. We assessed the challenges the facilities face in keeping children safe and meeting their mental healthcare needs. We anticipate publishing our results in a series of reports over the next several months, and we look forward to briefing the committee on this work, given your strong commitment and oversight role.

In addition to our work addressing health and safety issues, we are also reviewing efforts by HHS to identify and reunify children who were separated by DHS and referred to HHS for care. We released our first report about this topic in January of this year, and the second is with the Department now for review and will be issued in the coming months.

The focus of my testimony today will be our findings released in January related to the number of children impacted by family separations. At that time, we reported the total number of separated children was unknown, but certainly more than the 2,737 children reported. A lawsuit that required public accounting of separated children only covered children that, one, were separated from a parent and, two, were still in HHS custody as of the date of the court order, which was June 26, 2018. But before that date, HHS had released from its custody other children who had been separated from a parent.

In fact, HHS staff observed a significant increase in separated children starting in the summer of 2017. Since the release of our report, the court has expanded the lawsuit, and in response, the government is working to identify children who were separated from a parent dating back to July 1 of 2017. So far, the government has identified an additional 791 children who were potentially separated.

It's worth noting that the government initially estimated that this effort to identify these children would take one to two years. Even the six months that the court ultimately granted the government reveals how significant the shortcomings were in the data captured about these children and their families. Judge Sabraw noted that detainees' personal property, their money, and documents were better accounted for than their children were.

To address these serious shortcomings, HHS has taken steps to improve its ability to identify the children DHS is currently separating and referring to HHS. HHS now flags separated children in

its case management system and maintains a tracking spreadsheet that captures information about them. However, concerns remain about the completeness and accuracy of information about these children. HHS staff reported that DHS sometimes provides limited information about the reasons for the separations. Of the 118 children we reviewed, DHS reported that 65 were separated because the parent had a criminal history, which could include such crimes as unauthorized use of a vehicle or a prior charge for marijuana possession.

In some cases, though, the nature of the criminal history was not specified, even when HHS staff requested more information. Incomplete or inaccurate information about separated children, including the reasons for separation impact HHS' ability to make placement decisions that are in the best interest of each child.

According to HHS staff, not all criminal histories would prevent a child from being released back to their parent. In conclusion, we strongly encourage HHS and DHS to look for opportunities to improve communication and data about separated children, to minimize their ramifications associated with these separations. We can do better by these children, and we must.

Thank you to the Congress for providing OIG with additional resources to augment our important work in this area. I look forward to discussing our work with you today and to future conversations when our ongoing work is completed. Thank you.

Chairman CUMMINGS. Thank you very much.

Ms. Mukherjee?

STATEMENT OF ELORA MUKHERJEE, DIRECTOR, IMMIGRANTS' RIGHTS CLINIC, COLUMBIA LAW SCHOOL

Ms. MUKHERJEE. Thank you, Chairman Cummings, Ranking Member Jordan, and distinguished members of the committee for having me here today. I'm a clinical professor of law at Columbia Law School and director of the Immigrants' Rights Clinic. For the last 12 years, I have been working with families and children detained along our southern border.

Over the last five years, I have spent more than a thousand hours in immigration detention facilities, hundreds of them, interviewing families and children. All of my work has been on a pro bono basis. I was at the Clint CBP facility last month interviewing children as a monitor for the Flores settlement agreement. My colleagues and I interviewed nearly 70 kids. I want to share with you what I heard, what I saw, and what I smelled.

At Clint, I saw children who were dirty. They could not wash their hands with soap because none was available. Many had not brushed their teeth for days. They were wearing the same clothes they had on when they crossed the border. Clothes that were covered in nasal mucous, vomit, breast milk, urine. Multiple children had a strong stench emanating from them because they had not showered in days, and they were wearing the same clothes. They could not even change their underwear.

Because of the smell, it was hard for me to sit close to some of the children while we spoke. Children were hungry. Children were traumatized. They consistently cried, and some wept in their interviews with me. One six-year-old girl, detained all alone, could only

say, "I'm scared, I'm scared, I'm scared," over and over again. She couldn't even say her own name. I couldn't help her. I had to return her to the guards. Not being able to do anything for her broke my heart.

Children were sick. They were coughing. They had fevers. They had snot running down their faces. There was a flu epidemic and lice. Children as young as eight years old were required to take care of even younger children who were strangers to them. Guards would bring in the little ones and demand: Who is going to take care of this one?

We met a girl tasked with caring for a two-year-old who did not have a diaper on. He never speaks, she reported. He peed in his pants and all over the chair during a meeting with us. The youngest child I met with at Clint was five months old. At CBP facilities last month, my colleagues found a newborn detained for seven days, a two-year-old detained for 20 days, and an eight-month-old detained for three weeks.

While I was at Clint, I met a teenage boy who had been separated from his mother 16 days earlier. He was extremely worried about his mama. He did not know if she was still alive. When we asked, CBP confirmed that he had, in fact, been separated from his mother and that his mother had been released from custody days earlier. I helped to arrange a phone call so this mother and child could speak with each other. They wept with relief. Before that day, no efforts had been made to reunite that child with his mother. No efforts had even been made to identify him as a child who had been separated from his parent.

At Clint, I met a six-year-old boy who I will never forget. He was tiny, and he hardly spoke. When I asked him if he was at Clint with anyone, he began to sob nearly inconsolably for an hour, nearly an hour. Through his sobs, he managed to say that he had a brother. I had to break out of my role as a lawyer. I let him sit on my lap. I wiped his tears. I wiped his nose, and I rubbed his back. And I teared up too. Here was a child, the same age as my son, stuck in a hell hole.

A lawyer for CBP saw us both, eventually a guard brought him a lollipop as an incentive to take him back to his cell. I pleaded with CBP counsel to please prioritize appropriate care for this child. Later that day or the next day, CBP counsel informed me that they would release him and reunite him with his brother. Why didn't that happen sooner? What would have happened if I didn't meet with him that day? What is happening to hundreds and thousands of other children like him? Along our southern border today and every day, children are being forcibly separated from their parents and other family members as a result of cruel policy choices made by this administration.

For many of these children, the government makes little or no attempt to reunite them with their family members. Our team demanded a tour of Clint and visits with the sickest children who were in the quarantine. CBP banned us from both. Why wouldn't CBP allow us in? We are authorized by the Federal courts to monitor immigration detention centers where children are being held. I was and I remain shaken to my core by what I witnessed at Clint.

I have three children of my own. They are three, six, and nine. I do not have the words to explain to them what is happening to children their age in America right now. Families belong together, children belong free, and with their loved ones. That is what is required by our Constitution, by our Federal laws, and by our basic humanity.

Chairman CUMMINGS. Thank you very much. Thank you. Thank you.

This is what we are going to do. We have a vote right now. There's 10 minutes left on the vote I think, and so what we're going to do is, we're going to go into recess. We will reconvene at 1:15. At that time—I'm sorry. This is the way it goes. I mean, we're dealing with urgent situations, and then we'll be back at 1:15. Thank you very much. We stand in recess.

[Recess.]

Mr. RASKIN.

[Presiding.] The committee will reconvene. Members in the front row who are doing such a great job, you're welcome to come sit up here so we can have a more intimate and coherent group. I know a lot of members have headed back to their districts. Without objection, the chair is authorized to declare a recess at any time.

And we are now delighted to welcome for her five-minute testimony, Jennifer Nagda, the policy director for the Young Center for Immigrant Children's Rights.

STATEMENT OF JENNIFER NAGDA, POLICY DIRECTOR, YOUNG CENTER FOR IMMIGRANT CHILDREN'S RIGHTS

Ms. NAGDA. Thank you, Mr. Chair, Ranking Member Jordan, and distinguished members of the committee. Thank you for inviting me to be here today. The Younger Center for Immigrant Children's Rights advocates for the best interests of unaccompanied and separated children according to well-established and universally accepted principles of child protection.

We are working to create an immigration system that ensures the safety and well-being of every child, and that recognizes and treats children as children. Since 2004, our attorneys, social workers, and bilingual volunteers have been appointed by the Secretary of Health and Human Services Office of Refugee Resettlement as the independent child advocate, or best interest guardian ad litem for thousands of child trafficking victims, and other vulnerable unaccompanied and separated children in Federal custody who find themselves in very adult immigration proceedings.

Our statutory mandate is to make recommendations regarding the best interests of individual children to Federal agencies, including the Department of Homeland Security, Justice, and Health and Human Services. Over the past two years, across eight locations, we have worked on hundreds of cases where DHS officials unlawfully separated children from their parents.

If I leave you all with one message today, it is this: Children are still being separated from their parents at the border for reasons that have nothing to do with child safety, and which would never pass muster under the child protection laws of all 50 states. Despite the end of zero tolerance one year ago this month, the Young Center has been appointed to more than 100 children taken from

their parents during this last year, nearly 20 percent of the reported 700 children newly separated. The average age of these children is seven years old, the equivalent of a second grader.

These children spend months in government custody, often thousands of miles away from their families. Our staff, my colleagues, spend hundreds of hours just trying to find parents who might be in U.S. Marshals' custody, or ICE adult detention centers. We negotiate with ICE officers just to speak with the parents and convince them to let parents speak with their children, often for the first time in months. And then we work to unravel the reasons for their separations.

I'm here today to address the reasons for these continuing separations and their lasting impact on children. In our experience, DHS has separated families based on mere arrests, or suspicion of criminal activity by the parent. No state would permit separation for these reasons, unless the crime was related to child abuse. In nearly every case, we have concluded that DHS's reasons for the separation had nothing to do with the child's safety and that the separation was contrary to the child's best interests.

In one case, a father with a single DUI and a prior deportation was separated from his child. In another, the mother of a toddler was accused of being a gang member, which even if true, does not by itself justify separation, but she was not a gang member, she was a victim of extraordinary gang violence, who fled here specifically to seek protection for her child, only to have her child taken from her for over eight months.

And we have discovered that in many of these cases, DHS ultimately allows the same family to reunify months later, but only to deport the family. The split-second decision to separate a child from her parents can take weeks, or even months, to undo.

In the meantime, the harm to children is indisputable. From the Supreme Court to state courts, our laws reflect the importance of parents and family to children's healthy growth and development. Scientific research bears this out, documenting the lasting harm to children's physical, emotional, and brain development when they are separated from loving caregivers. Our independent child advocates have witnessed this harm firsthand.

In our written testimony, we tell the story of a six-year-old boy who believed for months that his father had intentionally left him. In truth, his father was given no choice. He had gently handed his son over to prevent officers from forcibly taking his child from his arms. Their bond can't be repaired just by putting father and son together on a plane to home country.

In our written testimony, we propose eight concrete recommendations for Congress to stop these unnecessary and unlawful separations. I'll leave you with just two: First, no child should ever be separated from a parent unless there is an immediate risk of harm. Congress should prohibit separations absent verifiable evidence that the child is in danger.

And, second, Congress should require each Federal agency to consider the best interest of unaccompanied and separated children, their safety, their wishes, and their well-being in every decision from the moment of apprehension through the conclusion of the child's case. This committee can play a critical role in stopping

ongoing separations and ensuring that immigrant children are treated and recognized as children. Thank you.

Mr. RASKIN. Thank you very much for your testimony, Ms. Nagda. We come now to Thomas Homan, who is the former acting director of the U.S. Immigration and Customs Enforcement. You're recognized for five minutes.

STATEMENT OF THOMAS D. HOMAN, FORMER ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. HOMAN. Sir, my statement is going to take about six minutes, I appreciate leeway since other panel members had up to seven minutes.

Mr. RASKIN. All right. Go for it.

Mr. HOMAN. Chairman Cummings, Ranking Member Jordan, and members of the committee, it is a privilege to appear before you today, and thank you for this invitation.

I spent 34 years enforcing immigration laws. I started my career in 1984 as a Border Patrol agent, then as a special agent and climbed the ranks, one step at a time, to become the acting ICE director. I have conducted and oversaw criminal investigations into alien——

Mr. RASKIN. If the gentleman will suspend for just a moment. We're not allowed to have graphic poster displays during testimony of witnesses. Okay. Thank you.

Mr. HOMAN. I have conducted and oversaw criminal investigations into alien smuggling, human trafficking, immigration fraud, narcotics trafficking, gun trafficking and human trafficking, child predator crimes and other customs-related offenses. As the executive associate director of ICE, I oversaw all interior enforcement operations, to include arrests, detention, removal of those illegally in United States in order to be removed by an immigration judge.

Mr. RASKIN. Forgive me, Mr. Homan. The gentleman will suspend. Officer, the people who were doing that are allowed to stay if they agree not to do any more poster demonstrations, so just let them know that and they can quietly be readmitted. Very good.

Mr. Homan, your time will be compensated for. Thanks.

Mr. HOMAN. I returned on January 27, 2017, was asked on that same day to postpone my retirement and serve as the acting director of ICE by the President of the United States. That was a great honor. I stayed and served for another year and a half until my second retirement on June 30, 2018.

With more than three decades of immigration enforcement experience, I am extremely concerned about the growing risk to our Nation's public safety, security, rule of law, that is all due to illegal immigration. What is happening at our southern border is unprecedented in several ways. The composition of those entering illegally is unprecedented, because 70 percent of those are either family units or unaccompanied children.

It is also unprecedented that the majority of those crossing are abusing the asylum laws, and making fraudulent claims of asylum and are exploiting the loopholes that Congress has reduced to close. Also unprecedented is the attack and vilification on the American patriots that serve this Nation as Border Patrol agents, ICE offi-

cers and agents. The biggest problem involves the unwillingness of Congress to address the loopholes that are causing this crisis.

I and many others have spent the last two years saying what needs to be done, not only to protect our borders, enforce the law in a meaningful way, but to also save lives. However, those calls for action fall has fallen on deaf ears, because there is no more interest in fixing this problem. It is about open border agenda, resisting our President, more interest than that, in securing our border. This should not be a partisan issue. I don't care if you're Republican or Democrat, you should want to secure our border.

There's no downside of having a secured border. There's no downside of having less illegal immigration. There is no downside on less illegal drugs coming into this country. There is no downside in stopping the bankroll and criminal cartels in Mexico that smuggle both people and drugs. After all, Border Patrol and ICE are merely enforcing the laws enacted by Congress.

In the past few weeks, the attacks on the Border Patrol have swelled. The media and some in Congress want to say that those in the Border Patrol custody are mistreated. The holding facilities are overcrowded and there are not enough showers. The DHS inspector general also said the facilities are overcrowded, which, in turn, affects the quality of care within the facility. However, this should be no surprise to anyone.

Border Patrol leadership and acting DHS Secretary McAleenan having been warning Congress for months that this system is overwhelmed, and that more funds are needed so these people can be moved quickly to a more appropriate facility designed for them.

The same people that vilify the Border Patrol for detention conditions are the same people that refuse to answer their call for help until it's too late. I find it disheartened that no one here I've heard today wants to talk about the 4,000 lives that the Border Patrol saved last year. Over 4,000 people that were found by Border Patrol agents in dire straits, that may have perished if it wasn't for the heroic efforts of these agents.

No one talks about how these men and women bring toys from their home and their own children to these facilities so migrant children will have something to play with. No one talks about the sicknesses of these migrants and how these agents take that sickness home to their own families because of that exposure. No one wants to talk about the how the agents have to go through TB screening constantly because they have been exposed to that serious illness.

No one wants to talk about how these men and women who care for these children that cross illegally into this country, I'm talking about unaccompanied alien children now, cross into this country in the hands of criminal organizations that were abandoned by their own families. No one wants to talk about that. No one wants to talk about how these Border Patrol agent mom and dads console these children, and it is disgraceful.

Finally, I want to address the unprecedented attack and vilification of the men and women of ICE and the Border Patrol. These men and women who chose a life of service to this Nation deserve better, not only from the media, from those here in this committee

and other Members of Congress. These men and women who chose a life of service deserve more.

These men and women are working in extremely difficult environments, and dealing with an extraordinary influx of vulnerable people. They are doing the best they can under the circumstances. As a 34-year veteran of law enforcement, it is shocking, shocking to see the constant attacks against those that leave the safety and security of their homes every day, put on a Kevlar vest and put a gun on their hip, and risk their own safety to defend this Nation.

Those that attack the professional integrity of those that serve and blatantly throw unsubstantiated allegations against these men and women with zero evidence of guilt are wrong and should be ashamed. Most of these allegations are to be untrue after extensive investigation, but it's too late when that happens because the damage has been done.

The agency has been tarnished and the spirit of the men and women that serve are many times broken, their morale is at an all-time low. They have to wake up every day and see news reports and comments from Representatives in Congress that they are Nazis, White Supremacists, that they operate concentration camps, that they knowingly abuse women and children.

Those that make those outrageous statements believe that once you decide to carry an ICE badge or a Border Patrol badge, that you lose all sense of humanity. They think that no longer do these people have a heart or they care about other people.

ICE agents and Border Patrol agents are mom and dads too, they have children. What they see every day in this unprecedented surge of children and families affects them deeply and emotionally. It is something they're going to deal with every day and will stay with them the rest of their lives.

Over half of Border Patrol agents are of Latin descent. And to say that they abuse those from Central America with no evidence of abuse is just plain wrong and insulting to those to have to endure this crisis each and every day.

I ask this: Has any of those who easily attack the men and women of the Border Patrol, ICE, have you ever walked up to one and thanked one for serving their Nation? Have you ever walked up to one and thanked them for putting their lives on the line every day for this country?

Have you ever attended the honor burial of a Border Patrol agent or ICE agent that died during their job, died for this country? Have you ever had to console a small child or spouse of a fallen officer? I have too many times. Have any of these people who want to attack the Border Patrol and ICE, have you ever walked the walls of the National Law Enforcement Memorial, just down the street, and see 21,000 names of men and women that made the ultimate sacrifice for this country, which includes hundreds of Border Patrol agents and ICE agents and their legacy agencies? These agents deserve better from the Representatives of Congress. With that, I'll be available for questions.

Mr. RASKIN. Thank you, Mr. Homan, for your testimony. And I want to thank all of the witnesses for their excellent testimony. I now recognize myself for five minutes for questions.

I want to shine a light on a key finding in today's committee staff report. President Trump and others in the administration have suggested that the zero tolerance policy is designed to deter illegal immigration, but at other times, they have said that families are only separated in order to facilitate criminal prosecutions of the parents. But the report details several instances where children were separated from their parents, or a parent, but the parent never actually served time in jail, or in prison, or in criminal custody.

For example, Secretary Nielsen said the only thing that had changed under the zero tolerance policy was that everyone is subject to prosecution, and that parents would go to jail, and then they would then be separated from their family. But what actually is going on? Are there children being separated from their parents unnecessarily? Ms. Mukherjee, let me come to you and ask for your insights on that.

Ms. MUKHERJEE. Yes. Yes. Families are being separated every day and unnecessarily. Government has admitted to separating more than 3,500 families. In addition, since the court had an injunction last summer, last June, ordering the stop to separations of parents and children, more than 700 family units have been separated. Many of these family units are being separated based on only allegations and arrests that may have nothing to do with child safety.

Children should only be forcibly separated from a parent or another family member if that adult family member is posing imminent harm to the child. There is no evidence that that is happening.

Mr. RASKIN. Ms. Nagda, let me come to you. There are reports that we've received that a parent was in criminal custody for less than a day. They left a facility, and then either charges were not pressed against them, or they were given time served for the time they had already been in detention. They returned to the detention center and their child is already gone. That's absolutely astounding to read. Is that taking place, to your knowledge?

Ms. NAGDA. What you just described, Chairman, is what was happening during the zero tolerance policies, where many parents were being prosecuted for the act of appearing and asking for protection at the border. And those were often processed just in a day in a Federal court, and the parents return to find their children missing.

Today, parents and children are being separated when DHS alleges any kind of criminal history, which does not have to be narrowly defined by the parent. It could be an arrest from a decade ago. It could be an allegation of criminal history in home country. We have worked with multiple parents whose children were taken away because DHS accused the parent of having a criminal history in home country. Our team's working with other legal services provider procure documents from home country confirming that there was no criminal history. So there's no reason to know what information DHS had, but at that point, weeks and sometimes months have passed.

Mr. RASKIN. Wait, so you're telling me that's the policy today? A parent shows up with a child seeking asylum in the United States.

It's determined that they have an offense, and it could be a very minor offense that has nothing do with child abuse or child neglect or anything like that, and yet, they end up losing their child in the process where the child can be separated from them?

Ms. NAGDA. That's correct. And not only does it not have to be a minor offense, it doesn't have to be a conviction. It could be an arrest where charges were dismissed, or it could be suspicion of criminal activity. So we have worked with a parent who appeared to be and was concerned about and may potentially have been a gang member in home country without no verifiable evidence who is separated from his toddler son.

Mr. RASKIN. Is there anyone on the panel who believes it is the right policy to separate children from their parents in order to deter other people from coming to the United States? Okay. I want to talk about a specific policy change that the administration could make right now at no cost to the taxpayers that would reduce the number of immigrant children living in overcrowded and dangerous facilities.

I'm talking about rescinding the administration's April 2018 memorandum of agreement, or MOA, that requires the Department of Health and Human Services to share information about potential sponsors for immigrant children with the Department of Homeland Security. Last year, the administration used data obtained under this agreement to arrest and deport at least a 170 people who otherwise would have been willing sponsors of the children.

Ms. Mukherjee, what happens to children whose potential sponsors are targeted for deportation?

Ms. MUKHERJEE. What happens to the kids is that they are left for days, weeks, months, without anyone to take care of them who's in their family who's a loved one. Last year, my client, Baby Constantine, just four months old, was forcibly separated from his father. His father was then deported without his baby. It took weeks, months, for Baby Constantine to be return to his family.

Mr. RASKIN. Okay. My time is up, and I'm going to yield now to the ranking member, Mr. Jordan.

Mr. HOMAN. Can I respond to that question?

Mr. RASKIN. Well, Mr. Jordan can—we're pretty strict about our time here, so Mr. Jordan can ask you—Mr. Hice is actually going to take it.

Mr. HICE. Thank you, Mr. Chairman. Yes, there's so many things going on today, my mind is going in multiple directions. I think immediately how we were corrected, somewhat reprimanded, but I'll use the word "corrected," for even using the word "manufactured crisis" over and over and over, that the Democrats have said. But we don't have to go very far to see that that correction is not justified.

On February 23 in Laredo, Texas, Speaker Pelosi said, there is no national emergency at the border. There is no emergency at the border. She was either misinformed or she was misinforming. Shortly thereafter, Congresswoman Ocasio-Cortez called it a fake national emergency. Again, the word "manufactured" was not used. It was an outright statement that this is a fake national emergency. She also referred to it as the President was faking a crisis at the border. I don't believe that correction today is in order.

There has been an absolute about-face and shifting of position from the Democrats. It's already been mentioned back in February, the President called for an national emergency at the border, and now we're hearing that there is a national emergency from both sides, because indeed there is.

In May, the administration requested $4.5 billion in emergency funding. Eight weeks later, we finally get something done on June 27, but there again, many in this room did not vote for it, and yet they are talking today as though they have some moral high ground. The bottom line is there is a root cause. There is an emergency and there is also a root cause to the emergency. And to this time, we're still not addressing the problem. And at some point, this body has got to face reality and deal with the issues.

I've got a couple of real quick questions, Ms. Costello, first for you. Is the Border Patrol responsible for long-term detention?

Ms. COSTELLO. No, sir, they are not.

Mr. HICE. That's correct. They keep short term and then after that, when they are able, they send them to ICE or DHS, correct?

Ms. COSTELLO. HHS, yes.

Mr. HICE. I mean HHS, thank you.

Ms. COSTELLO. Yes.

Mr. HICE. So the Border Patrol cannot transfer these detainees if both ICE and HHS are overwhelmed themselves?

Ms. COSTELLO. Yes. As of now, that is our understanding. We're going to be doing further work to try to get to the root causes of some of the issues we identified in the management alert.

Mr. HICE. Mr. Homan, is that basically your experience of what the problem is?

Mr. HOMAN. Sir, I would—well, the statement made by HHS a few minutes ago was wrong, and that is a very important thing I need to address. As far as the policy of HHS, sir, it needs to be stricter. When I was the ICE director, I tried to create an MOA with HHS. If you're a parent and you hire a criminal organization to have your kid smuggled in the trunk of a car or back of a tractor trailer, you should come to ICE to get vetted. If you're illegally in the United States, we'll put you in proceedings with a child. We won't take you into custody, but you'll stand shoulder to shoulder with that child and claim your fears of family. I called that parenting, first of all.

You, second, you got to hold them accountable. In the Fiscal Year 2019 appropriations bill, when we finally reopened government, what did the Democratic side of that caucus do? They added language that ICE cannot takes action against anybody the UAC household. When I said at the time, if you do that, the number of UACs will swell, you'll see a surge like never before because these now these people can operate with no impunity, no consequence, no deterrence.

And, what happened, sir? A record number of UACs coming across this country. If we're really here to talk about protecting children, then that memorandum of understanding needs to be more strict.

Mr. HICE. Thank you for that. You know, just this whole hearing seems to me to be rife with hypocrisy and falsehood. It strikes me that criticizing Border Patrol and ICE and so forth for overcrowded

detention centers. I mean, we don't condemn teachers for having overcrowded classes. We don't blame teachers for illnesses floating around in overcrowded classrooms. And yet, it's fair game for us to do it right here.

And the fault, the problem lies with us right here in Congress for not addressing the problems, and instead referring to political theater. And I just, I urge all of us to come to the point of addressing the issue straight up.

Mr. Homan, why does ICE not have enough detention beds—and my time is up, and I thank you, Mr. Chairman.

Mr. HOMAN. ICE has never had enough detention beds. And I know it is a big controversy when money was moved around the Department last year to get more detention beds. They said, What a travesty. What people need to know, eight out of the last nine years, that same thing happened. It happened under the Obama Administration. ICE has never been funded enough beds.

Mr. RASKIN. Okay. Thank you. The gentleman's time is expired. Mr. Cooper, you're recognized for five minutes.

Mr. COOPER. I thank the chair. And I would like to suggest that the last two days in this committee have been historic ones. Yesterday, we had the first hearing, I think, in this entire committee's history, on the well-being of U.S. children. And today, thankfully, we're having a hearing on the well-being of children at the border. These are important issues, because I think most Americans think that we can have secure borders and humane borders.

I want to particularly congratulate today's hearing, because both panels have been extraordinary. The member panel was something, unlike anything I have ever seen before in my tenure in Congress. And it was great that members were able to hear both sides of the question, both groups of voices. I particularly want to praise my colleagues who went to the border just last weekend to see firsthand what these problems are.

But the second panel is no less remarkable. I was particularly struck by the testimony of Ms. Mukherjee, it is heartbreaking. And Nashville families have been calling me, opening their hearts and offering to open up their homes to these poor families, particularly, to these poor separated children, because I think everybody in America wants these kids reunited with their families. They cannot understand a country that is so cold and heartless to have policies like this.

So, I think just for the general public, we need to understand the importance of two things: The Flores decision, some court decision somewhere. I saw in Ms. Nagda's testimony, that I think it's first in your policy recommendations that we keep the Flores protections in place. Can the panelists describe briefly the importance of that decision in terms of protecting these poor innocent children?

Mr. HOMAN. I'll address it first. The Flores settlement agreement needs to be done away with. Because in Fiscal Year 2014 and Fiscal Year 2015 under the Obama Administration, when families first started coming across, we built our first family detention center, which no one wants to talk about. And we held these families for 40, 45 days so they got to see a judge. 90 percent of them lost their case. We put them on the airplane and sent them home, as re-

quired by law, and guess what, the border numbers declined significantly.

It wasn't until Judge Dolly Gee of the Ninth Circuit, says you can only hold them for 20 days, that we saw a surge, because now they know they can't be held long enough to see a judge. If they are really escaping fear and persecution, there's no reason they can't stay in the family detention center, not a jail, time enough to see a judge.

Mr. COOPER. Other witnesses as well?

Ms. NAGDA. Thank you for that question. I will just point out that the Flores Settlement Agreement, which provides baseline standards for care, things like food and water and beds has existed for over 20 years. It is not a new piece of law. Similarly, the anti-trafficking law is over 10 years old. These are the only two ways in which U.S. law treats immigrant children any differently than adults.

And with all of the evidence that we have about how fundamentally different childhood is from adulthood, the idea of losing these two pieces of protection for children is really quite extraordinary. What we should be focused on is enhancing protections for children so that we can actually learn their stories, and ensure that they have a fair day in court. That ought to be something we can all agree on. The idea that children should have a fair opportunity to tell their stories.

And the Department of Homeland Security's own advisory committee, which I sat on back in 2015 and 2016, all members were appointed by the Department of Homeland Security, concluded that children should never be held in detention, including family detention, solely for the purposes of immigration enforcement ever.

Mr. HOMAN. There's only one way you can guarantee——

Mr. RASKIN. Sir, I'm——

Mr. HOMAN. No, I'm sorry. This is about transparency to the American people.

Mr. RASKIN. Well, the time belongs to Mr. Cooper, and I thought he was going down the aisle.

Mr. COOPER. Yes, the witnesses.

Ms. MUKHERJEE. I want to echo everything my colleague said about the critical importance of the Flores Agreement. Without the Flores Agreement, my colleagues and I would never have been allowed into Clint to interview the children there and expose what is happening in our country in our name and with our taxpayer dollars.

I also want to correct the record. Mr. Homan just claimed that 90 percent of the mothers and children detained at Dilley were ordered deported. That is not true. Nearly all of the mothers and children were ordered deported before pro bono lawyers like me showed up. I helped to build a system of universal representation for mothers and children at Dilley. Once we started that program, every mother and child was granted asylum or another form of immigration relief. This shows how important access to counsel is for detained immigrant children, detained immigrant families, and those who are outside of detention as well. Thank you.

Mr. RASKIN. And I'm going to permit the other two witnesses to give quick responses, too, if there's anything you want to say. No.

Mr. COOPER. Thank you, Mr. Chairman. I see my time has expired.

Mr. RASKIN. The gentleman's time has expired. Meantime, without objection, the distinguished gentleman from Illinois, Mr. Garcia, shall be permitted to join the committee on the dais and be recognized for questioning the witnesses when the time comes.

Now Mr. Gibbs is recognized for five minutes.

Mr. GIBBS. Thank you, Mr. Chairman. Before I start my questions, I'm going to let Mr. Homan respond to the previous. Mr. Homan, over here. Over here. Over here. Over here. Go ahead and respond.

Mr. HOMAN. Sorry. The 90 percent number, the executive Office of Immigration view—the numbers are clear; 89 to 90 percent of all Central American families that claim asylum at the border do not get relief from the immigration court. Because, you know, 50 percent, or actually 48 of those families claiming fear at the border, never file a case in immigration court. Once they get released, they're in the wind. 90 percent, sir. 89.6 percent, I think the latest number was, of every family from Central America to claim asylum at the border were not given relief. And any system where there is 90 percent failure rate needs to be fixed.

Mr. GIBBS. Thank you. You know, I sat through the first panel and the second panel, been great panels. And one thing I've noticed, I think everybody sees us and what everybody is saying is pretty much generally accurate. And I think the problem is here, the administration, the Trump administration, asked months ago that we have a crisis at the border, asked for more resources to change our asylum laws and reform our immigration laws and do all that, and this Congress failed to act, and now we have it blown up.

We have got a crisis at the border, because we've got people at the detention facilities that are 10 times or more above capacity, and it's a crisis. Now everybody is blaming the Border Patrol and ICE. And I agree with Mr. Homan, those agents down there, they are family people, too, they are human beings, they're Americans, and we shouldn't desecrate them because they're doing their job with the resources they have. And it's just unbelievable to me that this Congress took this long to pass some legislation here the week before last, $4.6 billion of humanitarian aid, which some people on this panel voted against, by the way, and it is helping them—Mr. Homan, what do you think that passage of that legislation, those resources, what do you anticipate, what do you think is happening?

Mr. HOMAN. With the supplemental funding?

Mr. GIBBS. Yes, the supplemental funding.

Mr. HOMAN. The supplemental funding was late.

Mr. GIBBS. Yes.

Mr. HOMAN. And that's why they had the conditions they had, but it's working. It's my understanding that now children are being moved within 72 hours, as required by statute, which is a good thing. No one wants a child to be locked up in a Border Patrol facility. The head of Border Patrol and the Secretary said that numerous times.

Mr. GIBBS. See, that's my point. The people—the entity that ought to get blamed here is the U.S. Congress for failing to act. I

mean, the administration asked months ago, we got a crisis, but we heard from the other side, it's a manufactured crisis, it's not a crisis. Now it's a crisis, they're all saying that. Some of them went down to the border and saw it was a crisis.

And I'm sure there's some examples of—because of the overwhelming conditions—there's problems and challenges, and I know I've seen the reports of the border agents, and Mr. Homan talked about it, where agents are bringing stuff in from their own families out of their personal, you know, items, personal budgets to help, doing what they want because they're human beings, too, and sometimes, I think, we forget that. And they're really struggling right now to get this done.

And I want to talk a little bit more about the Flores Amendment Settlement. You know, Mr. Homan, what has that done to really impede what you can act on?

Mr. HOMAN. I should have been more clear in my statement. When I'm talking about the Flores Settlement Agreement, when I'm talking about when the Ninth Circuit decides that they are going to limit it to 20 days, and they know that it takes about 40 to 45 days in a detained setting to see a judge, they knew it was going to happen. And I said what was going to happen, but I was called a fear monger. I said, if that 20 days gets put in, you're going to see a surge of families than you never seen before, and it happened. I was right.

And if you're really escaping death and persecution from your home government, the only way we can guarantee you're going to see a judge, because we know the absentia rates is out of control, these families—a lot of these families are not showing up in court even if they file with the court. The only way we can guarantee due process if we detain them in the family detention center, which the Inspector General inspected many times. We're not talking about Border Patrol facilities now, we're talking about a center with child psychologists, pediatricians, doctors, nurses, educational programs.

Mr. GIBBS. But you're overwhelmed.

Mr. HOMAN. We don't have enough family detention——

Mr. GIBBS. You're overwhelmed——

Mr. HOMAN. Because these numbers have just gone through the roof. But if we had a true sense that we can guarantee people to see a judge, and those who have failed their claim to asylum, if they don't fall within the rules of asylum, and send them home——

Mr. GIBBS. I'm almost out of time.

Mr. HOMAN. It worked in 2014 and 2015 when we sent planes of people that failed their interview and failed the judge, and the judge ordered removal. We said that the numbers went down.

Mr. GIBBS. It must be a real challenge for the Border Patrol, minors coming in with, obviously, a lot of them with their parents, but obviously, maybe not so. And I've seen the reports of recycling kids and bringing them back.

Mr. HOMAN. That's another thing I haven't heard today. When you talk about the separation that occurred at the border when the judge first ordered the reunification of the first 112 or 102 children, no one wants to talk about 6 percent of those, based on DNA testing, weren't even the parents. So if you extrapolate that between the 2,600, 2,700 people, how many children were reunited with

someone who wasn't even their parent? That is going to shock us some day.

Chairman CUMMINGS. Mr. Connolly.

Mr. CONNOLLY. I thank the chair. I got to say, Mr. Chairman, you've had two tough hearings in a row. I'd never thought as a Member of Congress, as an American, I would hear the testimony I heard today, both from our colleagues who visited the border, and especially three of the witnesses—four of the witnesses at this table—as to the simple inhumanity that is facing children and families at the border.

I don't really care what their motivation was, whether it was an asylum or economic betterment. They're not to be treated as subhumans. This is not an American way of dealing with the stranger who comes and seeks succor. You can talk all you want about whether the poor Border Patrol is overwhelmed. That makes no excuse for how we are treating children.

If there's one basic value that ought to unite us as Democrats and Republicans, as Americans, it is how we treat children. Their children, our children, it doesn't matter. That's our fundamental value. And I've sat here and listened to horror stories. I thought it was fiction. I thought it was a novel reading from Charles Dickens, and the conditions that prevailed in 19th century London. Children without soap. Children in filth. Conditions that none of us would ever countenance with our own children. Well, any child in our care is our children.

And the equivocation, the enabling, the rationalization, is inexcusable. Is there no limit to what you will justify in this administration when it comes to the mistreatment of our fellow human beings? And do you have no shame about the fact, as our colleagues said this morning, it's all done in the shadow of the American flag. As an American, I have a right to protest, because it's being done in my name and I don't agree.

Ms. Costello, you're the IG for DHS. Is that correct? Acting?

Ms. COSTELLO. Yes, sir.

Mr. CONNOLLY. Now, if I heard you correct this morning, you talked about dangerous conditions that constituted an imminent threat to health and safety.

Ms. COSTELLO. Yes, sir.

Mr. CONNOLLY. Is that because they're just overwhelmed and there's no solution?

Ms. COSTELLO. Well, you know, our reporting in the management alert you're referring to really does describe the conditions we saw when our inspectors were down there, what we haven't been able to do yet is assess the true causes of why we're seeing that. So we can talk about the fact that the overcrowding is dangerous. The prolonged detention is, you know, continuing. But we don't really know what is causing it. We simply know that the conditions are creating imminent risk.

Mr. CONNOLLY. Imminent risk?

Ms. COSTELLO. Yes.

Mr. CONNOLLY. Now, did you go down and visit it yourself?

Ms. COSTELLO. I did not, my chief inspector and her team did.

Mr. CONNOLLY. And did they find the U.S. officials in charge were doing the very best they could, they're just overwhelmed?

Ms. COSTELLO. They actually did find that CBP, Border Patrol agents, you know, were doing their level best to provide care. They found them to be professional. They found them to be——

Mr. CONNOLLY. Let me interrupt you there just a second. We heard testimony from my colleagues this morning who did go down there.

Ms. COSTELLO. Right.

Mr. CONNOLLY. That's not exactly what they observed. An agent walking with a toddler saying to children, which one of you was going to get this one, take care of this one? That's hardly humane care. Now, maybe it's misconstrued, maybe it was out of context, maybe it's an isolated incident, but when we add up the data, you know, putting 900 people in a facility made for 125 is asking for trouble. I mean, you know, in prisons, we have court orders that say you can't do that, but we're doing it with children on the border.

Did you want to comment? You seem frustrated?

Mr. HOMAN. I'm extremely frustrated.

Mr. CONNOLLY. Mr. Homan, I'm not calling on you, sir.

Mr. HOMAN. Of course not. Of course not. This isn't about transparency.

Mr. CONNOLLY. This is my time. You're not at the border. You're not at the border right now, you're in a hearing room. It's my time. Ma'am.

Ms. MUKHERJEE. Thank you very much. I want to respond to your observation about the inhumanity of this situation. The problem here is not the lack of money. The Department of Homeland Security has enough money to provide every child with a toothbrush, with soap, and a bed. The problem here is the position of this administration that this is not required for children. That is what this government argued before the Ninth Circuit of Appeals last month.

Mr. CONNOLLY. In other words——

Chairman CUMMINGS.

[Presiding.] Time is expired.

Mr. CONNOLLY. Well, Mr. Chairman, I was interrupted and I think I'm entitled to 15——

Chairman CUMMINGS. I'll give you 30 seconds to ask the question.

Mr. CONNOLLY. Yes, thank you. I'm not making a statement—I'm making a statement, not asking a question.

Chairman CUMMINGS. All right.

Mr. CONNOLLY. In other words, this is a matter of political will. This is a willful decision, it's not about a matter of being overwhelmed.

Ms. MUKHERJEE. That is exactly right.

Mr. CONNOLLY. Which is the narrative they want us to believe.

Ms. MUKHERJEE. That is right. And I also want to contest the data being put forward by Mr. Homan. We live in a democracy where there are checks and balances on what the executive branch says. The judiciary has considered the claims being made by Mr. Homan and his colleagues, and the Federal court has found that these claims are specious, questionable, and dubious. You can find that case in my written testimony on pages 31 and 32.

Mr. CONNOLLY. I thank you. The rule of law is often, for some people, an inconvenient thing. I thank you for your testimony.

Chairman CUMMINGS. Mr. Connolly, I apologize because I didn't—I forgot that you had been interrupted. I just wanted to make sure——

Mr. CONNOLLY. No problem, Mr. Chairman. Thank you.

Chairman CUMMINGS. Thank you very much. We will now go to Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Chairman. So I just want to talk about the legal part of the Flores decision. What I want to talk about is the time line, because I think this is important and I think it's actually important for what is potentially going on in the Senate.

DHS files a charging document, and then immigration court schedules a case. If an alien timely files for asylum and asks for no continuance and is ready to appear and ready to go within 30 days, which already, I mean, I've had in custody cases, we're talking optimistic, and what I would argue is often unrealistic time line, as this the resources, judges, immigration attorneys and all of those things.

So if the judge denies the asylum claim, the alien has 30 days to file an appeal. Then records, transcripts, audios are ordered, briefing schedules are ordered, I mean, this process takes 30 days?

Ms. MUKHERJEE. Longer.

Mr. ARMSTRONG. So I'll just use 30, because I'll make it as streamlined as possible. Briefing schedules, another 21 days for detention cases, but as a matter of practice, BIA will grant a 21-day extension, and that's actually in their rules, right? So we're already at 132 days on a 20-day detention case, and that's before the board makes a decision, that's if there's no other delay tactics, which, I mean, I'm not saying delay tactics in a nefarious term. I'm a trial lawyer, so there are reasons why some of those things occur.

So when we talk about having a 20-day detention thing, and this is what I'm going to ask Mr. Homan, and we have a court case that, at most, streamlined is at 132 days. Does that make any sense to you?

Mr. HOMAN. No, it does not. Look, there's only one way. The absentia rates in immigration court are sky high, anybody can go to the Department of Justice EOIR website and see that. As a matter of fact, I think the Secretary just testified a couple weeks ago that out of the final orders to remove family units, 89, 90 percent were in absentia, which means didn't show up. But the numbers speak for themselves.

When I left ICE there was nearly 600,000 fugitives that had final orders issued by judges and did not leave, and many of them were in absentia. This secret is out, you bring a child into this country, you won't be detained, you'll be released, and many won't show up in court. And if they get a final order of removal, they won't leave. The numbers are the numbers, so, no, the system does not make sense at all.

Mr. ARMSTRONG. And we work toward—just what I'm saying is when you have a process that can far outweigh what we're required to do on a release process, and I'm not sure if these numbers are 100 percent right, so I'm going to ask. We went from last decade

to about 1 in 10 of illegal crossings having a child with to now we're closer to 50 percent. I mean, that's—these are what I'm hearing. So is that about accurate?

Ms. MUKHERJEE. Mr. Armstrong, thank you. I'd love to clarify the misrepresentations in what Mr. Homan is saying. The data from the U.S. Government is very clear that when families are represented by counsel, they show up for their hearings 99 percent of the time. When families participate in the ICE Case Family Management Program, which was canceled by this administration, they show up for their hearings 99 percent of the time.

And the administration has admitted to the U.S. Supreme Court that the notices to appear that are given to immigrant children and families over the last several years, nearly 100 percent——

Mr. ARMSTRONG. On day 21. On day 21——

Ms. MUKHERJEE [continuing]. place where families need to appear.

Mr. ARMSTRONG. On day 21, what happens? On day 21, what happens? Mr. Homan, on day 21, what happens?

Mr. HOMAN. If they are in ICE custody, they'll see a judge, hopefully within—in Fiscal Year 2014 and 2015 what we did, they saw a judge in about 40 days. That's why with this crisis going on right now, immigration judges need to surge on these groups coming across right now, the most vulnerable and having hearings quickly. The 800,000 backlog, let it sit there.

Mr. ARMSTRONG. But it's not just judges, right?

Mr. HOMAN [continuing]. going on right now.

Mr. ARMSTRONG. You need judges, you need other personnel, where there are two different budgets. I mean, a judge—I've been in a lot of courtrooms all over the country, a judge doesn't run the entire courtroom, you need other staff, you need lawyers, you need support personnel, you need all of those people, correct?

Mr. HOMAN. Correct.

Mr. ARMSTRONG. And without that, what is the actual physical process that is going on? I mean, why is—the question is, it's overwhelming and it's overwhelming to everybody, and I think we say that, but you have been down there, you have watched it, how would you describe it?

Mr. HOMAN. What I'm saying is if you detain these families long enough in a family residential center to see a judge, you'll have a significant impact on what's going on. And despite the political grandstanding I saw earlier, this isn't about enforcing the law. If anybody in this panel don't like what's going on, then change the law, you're the legislature, we're the executive branch.

And the reason when someone says—makes an allegation about children being mistreated, they're in an overcrowded facility because Congress' failure to supply the supplemental funding months ago. Don't blame the men and women wearing the uniform doing the best they can, it's outrageous. This is political theater at its best.

Chairman CUMMINGS. Mr. Krishnamoorthi.

Mr. KRISHNAMOORTHI. Thank you, Mr. Chairman. Ms. Costello, I have a question for you just with regard to the appropriation of the additional funding to DHS. Congressman Chuy Garcia and I wrote a letter to the DHS Secretary saying that we wanted a trans-

parent timeline for how this money should be spent, and what are the metrics for success in determining whether the money is spent in accordance with humanitarian purposes for which it was appropriated.

So the first question I would ask you is, you know, in your opinion, or based on what you know about the agency, what should we be looking for and when? How quickly are the border conditions going to need to change and will change based on the appropriations process?

Ms. COSTELLO. Well, I wish I could answer you, but we don't have any reporting on that right now. But what I can tell you is that we're going to open work, in fact, we've opened work—a review of how that money is going to be spent, whether the Department is in a position to adequately deploy those resources, how to adequately plan to use them, and evaluating the effectiveness of what they're going to do with a portion of those resources.

Mr. KRISHNAMOORTHI. Okay. But how long is it going to take to get that report?

Ms. COSTELLO. It will take a while, I'm not going to lie. But the point is we're going to evaluate what's going to be done with those funds.

Mr. KRISHNAMOORTHI. I'm sorry, that's an unsatisfactory response. A while is not a definite timeline, and we have children who are suffering at the border. So I need a little more specificity right now.

Ms. COSTELLO. Well, sir, we just opened the work and just started, and the money has to be out there and being used for us to able to make any evaluations.

Mr. KRISHNAMOORTHI. Okay. Ms. Mukherjee, what can they do right now? Even before the money arrives, what should they be doing right now, and what should we be expecting?

Ms. MUKHERJEE. Children should be released to their family members and their loved ones. Nearly 100 percent of children in ICE custody are released to their parents. More than 80 percent of children released from ORR custody are released to their family members. Children do not need to be in detention.

Mr. KRISHNAMOORTHI. I'm sorry, let's step back for one second, I just have limited time. Let's talk about CBP. I'm sorry, I just have just limited time. Let's talk about CBP for a second, okay. Because they need to release their children to HHS within 72 hours, okay. We have appropriated a lot of, like, $3 billion to HHS, to beef up their capacity on absorb folks from CBP, but in the meantime, what should they do, the people in CBP?

Ms. MUKHERJEE. Children should be released from CBP now. During the week of June 17, there were 2,600 kids in CBP custody. Within two weeks, there were 300 children left. This isn't about money, this isn't about bed space, this is about cruelty and callous disregard for children's well-being. Media attention and the public outcry is what got thousands of children released from CBP custody.

Mr. KRISHNAMOORTHI. So we're saying that we can identify loved ones and relatives in the community who would be able to take on these children and house them temporarily until we can arrive at their final disposition. Is that what you're saying?

Ms. MUKHERJEE. Exactly.

Mr. KRISHNAMOORTHI. Ms. Nagda, could you comment on that, please.

Ms. NAGDA. I was just going to point out to the Representative that under the prior administration, the government had what was known as the Family Case Management Program, which allowed families to be released as families from detention on an alternative to detention basis, which meant their release could be expedited quickly, and then they could live in the community, access supportive services, and come to court, which over 99 percent of them did.

So there are options that would expedite the release of families from CBP custody as well.

Mr. KRISHNAMOORTHI. Okay. Ms. Maxwell, did you want to comment on this?

Ms. MAXWELL. No.

Mr. KRISHNAMOORTHI. Ms. Maxwell, that is HHS now. You folks are going to get the vast majority of the funding that has been appropriated within the last two weeks, about $3 billion coming to HHS, for the purposes of more long-term shelter for these children.

Can you tell me what are going to be the milestones for success, and how quickly we can kind of beef up your capacity to deal with these children?

Ms. MAXWELL. Well, like Ms. Costello, I'm the IG for HHS and we are going to be providing oversight of how they spend that money. I know that HHS has already opened a new influx facilitate in Carrizo Springs that is operational at the end of June, and they are looking to ramp that up. So it's my understanding that HHS is already in the process of expanding their capacity, and we will be providing oversight to that expansion, and any other expansion that comes with the money that you appropriated.

Mr. KRISHNAMOORTHI. Thank you. Thank you, Mr. Chairman.

Chairman CUMMINGS. Thank you. Mr. Comer.

Mr. COMER. I have to begin with clarifying something that Representative Tlaib said in her opening remarks when we had the portion of the hearing when the legislators were asked to give remarks for five minutes. Representative Tlaib, you were offended by the term "illegal," and said we did not need to use the term "illegal" to describe people that were—certain people that were here in America, that no one was an illegal.

But if anyone is in the United States of America unlawfully, then they are, in fact, an illegal. And I just want to clarify that because when I go home to Kentucky, that's something that offends the overwhelming majority of people that watch what goes on in Congress, specifically in this committee.

And let me be clear, this is not a manufactured crisis. This is a problem that is getting worse every day. Yet this Congress continues to do nothing about the real problem at the border. What I have not heard today in this hearing is a real solution to the problem. Just letting people go freely when they cross the border illegally constituates open border. We cannot have that in America.

And let me just quote Jeh Johnson in an op-ed, and he was President Obama's Secretary of Homeland Security. He said that we cannot embrace a policy, and I quote, "not deport those who

enter or remain in this country illegally unless they commit a crime." This is tantamount to a public declaration repeated and amplified by smugglers in Central America that our borders are effectively open to all. This will increase the recent levels of monthly apprehensions at our southern border about or more than 100,000 by multiples. End quote.

He's right. President Obama's Secretary of Homeland Security is right about the real problem we have at the border. We have to get serious about this problem at the border. Mr. Homan, you're clearly an expert. What can Congress do to fix this problem?

Mr. HOMAN. They need to close the loopholes in asylum to make them meaningful. They can change the TVPRA with children of Mexico—the children of Central America are treated the same way as children of Mexico, once it's ascertained they are not a victim of trafficking. They can be removed. They need to change the Flores Settlement Agreement.

And I'm sitting here, and let me explain to you why I'm sitting here so frustrated. Because I'm the only one in this room that has worn a green uniform and been on that line. I'm the only one in this room that found dead aliens on a trail that were abandoned by smugglers, just left them there because they weren't worth any money anymore. I'm the only one in this room that stood in the back of a tractor trailer surrounded by 19 dead aliens, including a five-year-old little boy that suffocated to death in his father's arms. I was there. And I saw and I smelled it, and it's terrible. And I still have nightmares to this day.

It was in Phoenix, Arizona, when you couldn't pay the smuggling fees, you were tortured. One person was stabbed in the face 22 times because he couldn't pay a smuggling fee. Any we keep talking about open borders, abolish ICE, let's not detain anybody. Let's let everybody go. That entices more people to come. This isn't just about enforcing law, this is about saving lives.

I found enough dead bodies in my day. I have a stack of dead bodies here. I have seen a lot of pictures today, but no one wants to see these pictures, because they're angel moms and dads. Each of them died here at the hands of people that crossed the border because we have an open border. The more we entice people to make this journey, 31 percent of women are being raped. Children are dying.

And I said months ago, if we don't close the loopholes, more women will be raped, more children will die. It's like no one is listening. We can fix this. Sir, we can fix this. There are three things we can do to fix this. And Congress, if they don't like what ICE and CBP do, then do your job. Fix it. Congress has failed the American people for three decades I've been doing this job in fixing this. They would rather point to the men and women at Border Patrol, and men and women at ICE who have an American flag on their shoulder and serve their Nation.

I'm extremely frustrated because what I've seen today is misleading the American people. People are dying, not in ICE custody. If you compare, people that have died in ICE custody to every state, Federal system, we got the lowest rate, we got a hell of a lot lower rate than the city of New York, but no one wants to talk about us. We need to save lives, we need to secure our borders.

Nothing wrong with this. There's nothing wrong with a secure border.

Mr. COMER. I can assure you, Mr. Homan, this side of the aisle is serious about securing the border. The President is serious about securing the border. And I hope my colleagues on the other side of the aisle will get serious about securing the border so we can have a real solution to the problem that we have at the southern border. Mr. Chairman, I yield back.

Chairman CUMMINGS. Thank you very much.

Ms. Hill, our vice chair.

Ms. HILL. Thank you, Mr. Chairman.

Mr. Homan, I want to clarify a couple of things, because you mentioned earlier that no one's been to the law enforcement memorial.

I'm from a law enforcement family, 100 percent from a law enforcement family, and I represent Border Patrol agents, and I represent agents that work for ICE. And I don't believe that it is the agents that are solely responsible for any of this that's happening. I don't think that that's the case. And as far as the law enforcement memorial goes, I was there just a few weeks ago, because I have family that's on that.

So I want you to know that the questions that I'm asking have nothing to do with blaming the agents who are working on the front lines. But I do think it's important that we talk about the policy, and the policy that is still problematic, because I believe that what we do have, this crisis of people who are coming here, I believe, honestly, that they're coming out of desperation. They're hugely being taken advantage of by criminals, by traffickers, by people who are willing to leave them to die anywhere.

That is all true, we're not arguing there. But there are policies in place here, within the United States of America, that go against our values, and one of those is family separation.

So I want to talk to you about your beliefs on family separation. And you've been on the record defending President Trump's policy of separating families at the border many times. Can you clarify how you feel about that today?

Mr. HOMAN. No, I cannot. As you recognize in your report here, it's under litigation. I'm a part of that litigation. And I've been instructed by the attorneys that I'm not allowed to speak about that, other than in a courtroom setting, which this is not.

Ms. HILL. Okay. So that's fine.

So you have said, though, that you believe that families should be held indefinitely until they have a court hearing.

Mr. HOMAN. Well, court hearing and indefinitely are two different things. I think they should be held long enough to see a judge in a family residential center.

Ms. HILL. Family residential center?

Mr. HOMAN. It worked in Fiscal Year 2014 and Fiscal Year 2015.

Ms. HILL. Okay. But you cannot comment at all about family separation right now?

Mr. HOMAN. Well, I was the Director of ICE. If anybody was separated, they're separated on the border by another agency.

Ms. HILL. Okay. Well, you have been on the record many times defending that policy.

But I also want to point out that on June 14, President Trump told "Fox & Friends" that you, Tom Homan, will be returning to the Trump administration as the border czar. Is that true?

Mr. HOMAN. I have not accepted any position with the administration.

Ms. HILL. Well, yes, as of four days ago, you said that you haven't accepted a position yet. But you also said that: If I can help this President, I certainly will.

Mr. HOMAN. If I can help my country, like I've done for the last 34 years, I come back from retirement once, I'm not going to say never say never.

Ms. HILL. You didn't say help my country. You said help this President.

Mr. HOMAN. Well, helping this President is helping my country. He's the President of the United States.

Ms. HILL. Okay. Is it true that you are a FOX News contributor and have been since your retirement?

Mr. HOMAN. Yes.

Ms. HILL. Okay. And is it also true that on your LinkedIn profile, one of your key achievements was that you removed 369,000 aliens from the United States?

Mr. HOMAN. Probably.

Ms. HILL. Okay. So I want to return back to the family separation issue. And even though a Federal court ordered separations to stop last June, the Trump administration has separated at least 700 additional children over the last year. And I believe I heard one of our witnesses say that that number is even higher.

This administration claims that it is only separating children under narrow exceptions to the court's order, when there's a specific concern for child safety or certain criminal history issues.

Ms. Nagda, based on your experience, are all of those additional separations necessary to protect children?

Ms. NAGDA. No. It has been our experience that in the vast, overwhelming majority of family separation cases, those separations were unjustified and unnecessary, either to protect the safety of the child or anyone else.

Ms. HILL. Has your organization worked with children separated since last June?

Ms. NAGDA. We have worked with more than 120 children who were separated after the policy ended.

Ms. HILL. And, Ms. Mukherjee, you've shared a number of stories about how you've spoken with children who have been separated from their parents since the end of the zero-tolerance policy. Is there anything you would like to add or to quantify those ongoing separations?

Ms. MUKHERJEE. The ongoing separations of children from their parents and family members continue every day and I have here emails from Mr. Homan, including his name, with him having authorized family separations, including of a child and mother who I represented, who were granted asylum, who are bona fide refugees in the United States.

Ms. HILL. So I have a couple of other examples that we've seen in public court filings. For example, in one case, an arrest warrant from 10 years ago, which itself was based on mistaken identity,

used as the basis to separate a child. Another parent was separated from his three daughters due to his HIV status. And to me, this appears that the administration is trying to circumvent the court's order and separate children from their parents all over again.

Are all of these separations required by law in any way, shape, or form?

Ms. MUKHERJEE. No. All of these separations are contrary to our Constitution, our Federal laws, our regulations, the TEDS standards that govern how CBP is supposed to treat children and families.

Ms. HILL. So these continued separations, as far as I'm concerned, are a complete outrage and are contrary to the June 2018 court order ending zero tolerance. The Trump administration must stop these unnecessary separations, and I'm seriously concerned that the potential new border czar believes that these are good policy.

I yield back.

Chairman CUMMINGS. Thank you very much.

Mr. Jordan.

Mr. JORDAN. Mr. Homan, the actions you took when you were Director of ICE were entirely consistent with the law of the land, weren't they?

Mr. HOMAN. Yes. When someone is prosecuted for a crime, the child can't go to jail with the parent. That happens to American families every day.

Mr. JORDAN. Yes. And if we, as you said I think earlier, if we don't like the law, last time I checked, it's the folks sitting up here got to change it.

Mr. HOMAN. Yes.

Mr. JORDAN. And you've offered, I think, no more than four times, three changes to the law that would help the situation. Is that right?

Mr. HOMAN. Yes, sir.

Mr. JORDAN. Maybe make it a fifth time. Can you say it a fifth time for this group? Just, you know, because again, we're the ones that have to change the law. So give us that recommendation a fifth time, the three things that we've got to do.

Mr. HOMAN. If we would close the loopholes in the TVPRA, where children who are sent to America are treated the same as children in Mexico; if we would change the Flores settlement agreement so we can actually detain families in family setting long enough to see a judge and plead their case; and if we can change the rules of asylum so it makes more sense, so 90 percent of the people who don't pass the first interview, a lot fewer are passed in front of a judge, those three things would mean a big—would make a big difference on the border and decrease the illegal entry.

Mr. JORDAN. Because those three things go to the heart of the matter. They go to the incentive. Is that right?

Mr. HOMAN. They go to incentive, along with the other things, such as talking about abolishing ICE, having no detention, free education.

Mr. JORDAN. Yes.

Mr. HOMAN. Free medical care. Citizenship for those who are here illegally.

When you keep offers and incentives for people to come—sanctuary cities—come to this country, you'll be protected from ICE, as long as you keep having this——

Mr. JORDAN. Those kind of statements——

Mr. HOMAN [continuing]. people who are vulnerable people are going to keep trying to come.

Mr. JORDAN. Those kind of statements made by Democrats in the U.S. Congress or in positions of influence in this country, they have an impact, don't they?

Mr. HOMAN. They have a significant impact.

Mr. JORDAN. When a Member of Congress says abolish ICE, when another Member of Congress says abolish DHS, when the Speaker of the House says walls are immoral, when the person who gave the State of the Union response to the President's State of the Union says she's okay with noncitizens voting, that all has an impact, doesn't it, just like the law that you're sworn to uphold and impact and do, when you're the Director of ICE?

Mr. HOMAN. It has a significant impact. And if this would have been fixed years ago, we probably wouldn't have seen zero tolerance. We wouldn't see the conditions on the border today.

Mr. JORDAN. But because the laws haven't been changed, because of the statements that have been made, there was a crisis, there is a crisis on the border. And that just didn't happen yesterday.

You think about this. There was a crisis. The administration asked for help. Democrats say it's contrived, it's manufactured, it's fake, it's not real. Then, when the crisis, the real crisis, gets actually worse, the Democrats blame the administration for the very crisis they helped create by the things they said and the fact they won't change the law. But somehow it's your problem. Somehow it's the President's problem.

And we have Ms. Costello, who went down there, her team went down there and looked this all over, the Inspector General, said there is some concerns that she has and the cause of the concerns they're trying to ascertain.

Now, she also said agents are doing—I think your statement was agents are doing their level best. Is that right, Ms. Costello?

Ms. COSTELLO. That's the experience of our inspectors at their visits.

Mr. JORDAN. So the Inspector General goes down there with your team, and you conclude the agents, the people that Mr. Homan used to represent, are doing their darned best they can do, but they're overwhelmed.

And then you also said in your statement, in your answers a few minutes ago, you're trying to ascertain the cause. Well, that's pretty simple to figure out the cause. It's the numbers. In October, 60,000 apprehensions and inadmissibles on the border, October of last year. You know what it was in May of this year? 144,000.

We know the cause: They're all coming. And they're coming because things the other side's saying and the fact we won't change three fundamental things in the law.

And it also might help, Mr. Homan, it also might help, because these are the ones that—these are apprehensions, these people are

presenting themselves at ports of entry—it also might help if we build a border security wall, right? Instead of having the Speaker of the House say they're immoral, even though there's one in her state, it might actually help if we built the border security wall that the American people voted this President in office to do. It might actually help if we did that. Would you agree, Mr. Homan?

Mr. HOMAN. Absolutely. Every place they've built a border barrier, every single place they've built a border barrier, illegal immigration decreased.

Mr. JORDAN. Yes. It would help with some of the tragic things that we have heard about, tragic situations that we have heard about the last couple days, this entire week in this committee, that no one wants to see happen. The young mother who lost her daughter, it's tragic. No one wants those. But if we did the things you're talking about, we could help avoid some of those kind of incidents from happening in the future. Is that right, Mr. Homan?

Mr. HOMAN. Yes. If I could respond to that——

Mr. JORDAN. And you're the guy—you're the guy who's lived it, breathed it, felt it, managed it. You know more than—you have more expertise in this area than anyone in this room. Is that right?

Mr. HOMAN. I believe so.

Mr. JORDAN. I know so.

Mr. HOMAN. But let me respond to the one child that died as tragic.

Mr. JORDAN. Sure is.

Mr. HOMAN. But as long as we're showing a lot of pictures, if I could have just 30 seconds.

Here's a picture. Her name was Serenity. She was nine months old—nine months—raped and murdered by an illegal alien because of open borders policy.

Here's Alana, she was five years old, raped repeatedly and murdered by an illegal alien.

Here's Louise Solowen, she was 93, multiple rapes and murdered by an illegal alien.

Here's a 16-year-old.

Here's a law enforcement officer.

I got hundreds of these in my desk drawer.

So I've seen tears from people today, and I understand that, it's tragic when anybody dies. But let's not remember—let's forget the Angel Moms and Dads who I've all met and got to know, their children died, and they're separated forever. It's not a matter of location. They're dead.

And a secured border would help prevent some of this. Sanctuary cities does not help this. Sanctuary cities, this will increase because of the push of sanctuary cities, come to our country, we'll protect you. You can even commit a crime, be in our county jail, we're not going to let ICE into the jail.

Recidivism rates, anybody can look them up. Fifty percent reoffend the first year, up to 75 will recidivate within 5 years. They're in the country illegally in violation of Federal law. They're locked up in a county jail. Let us have access to them and do our job.

Chairman CUMMINGS. Thank you very much.

Ms. Kelly.

Ms. KELLY. Thank you, Mr. Chair.

You know, I would just ask Mr. Homan—like my colleague said, Ms. Hill, I come from a law enforcement family, too—and I would just ask—and you made some comment about, we want to do away with ICE. I never said I wanted to do away with ICE, and I just feel like there's a lot of generalizations going on.

And, you know, we talk about, oh, we're inviting people in and making it easier. My district is urban, suburban, and rural, and I have 1,200 farms in my district, and I know a lot of my farmers are Republican, and they've told me that they have migrants working for them, undocumented folks working for them.

So if we would have done better with improving immigration or making a pathway and where there was a bipartisan Gang of Eight in the Senate, and we didn't even entertain the bill in the House, when we had a Republican Speaker.

So we can always say there's things that could have been done, and I can think of things, since I've been here in my last six years, that could have been done that haven't been done.

And I know people that are Republican, just like I know people that are Democrat, that feel like we need to do a much better job. So, you know, all this condemning is very interesting.

But anyway, I wanted to focus in on the Homestead shelter in Florida. Homestead is the Nation's largest facility to house and care for immigrant children. It is run by a not-for-profit.

Ms.—and I want to say your name correctly—Mukherjee, you testified you interviewed children at the Homestead facility and that you were, quote, concerned about the numerous violations of the Flores settlement agreement. Can you describe what your concerns are and what the conditions are?

Ms. MUKHERJEE. Homestead is a facility that houses thousands of children, more than 2,000 at this point, and it's set to expand to more than 3,000. It is an environment that is not conducive to children's well-being. Children get lost in the cracks there.

When I interviewed children there in March 2019, my colleagues and I found a 14-year-old boy there who was legally blind. He weighed 66 pounds and was 4'9" tall. He was an indigenous language speaker. His first language is Opteko (ph). He had been detained there 120 days.

We subsequently received incident reports. We were extremely concerned about his well-being. So we requested his full file. We learned that there were documented incidents, multiple incidents, where he had been assaulted, including being punched in the stomach by other children, punched in the groin.

I called his father. I was worried that maybe his father didn't have the resources to take care of a child with a disability. But his father had been desperately trying to reunite with this child. It took us threatening to sue to get this child out of Homestead.

Ms. KELLY. Okay. Ms. Maxwell, is the Office of Inspector General investigating conditions at this facility?

Ms. MAXWELL. Indeed. I mentioned we went to 45 facilities last summer, and Homestead was one of them. Since then, we've been down there several times, offering technical assistance and outreach to that facility, and we continue to provide oversight of Homestead.

Ms. KELLY. How can they stay open with reports like this?

Ms. MAXWELL. Well, the work that we did from our site visit is still ongoing. So I'm going to have to pause and wait until that work becomes public. At that point, I'd be happy to brief you and your staff about what we found there, as well as what we found across the country. We looked at a host of safety issues that affect children in HHS-funded facilities.

Ms. KELLY. And, Mr. Chair, I'd like to enter this article for the record, which is by Monique Madan.

Chairman CUMMINGS. Without objection, so ordered.

Ms. KELLY. The article explains the story of a 15-year-old boy who was stripped from his family by CBP during a traffic stop and transferred to ORR custody and treated as an unaccompanied minor. This child has lived in the United States since he was nine months old. Lawyers say they have represented at least 20 other children at Homestead who have been torn from their families, children that have been living in the U.S. for nearly their entire lives.

So as I said, I'd like to enter into the record the statutory definition of an unaccompanied minor also, which includes there's no parent or legal guardian in the United States, and no parent or legal guardian in the United States is available to provide care and physical custody. This 15-year-old, by our own statutory definition, is not an unaccompanied minor.

Ms. Costello, are you aware of this practice?

Ms. COSTELLO. We are aware of separations, but currently we have no public reporting on any of that, those issues that you described.

Ms. KELLY. And what is your policy when entering undocumented children in the interior U.S.?

Chairman CUMMINGS. The gentlelady's time has expired, but you may answer the question.

Ms. COSTELLO. So as the Inspector General, we provide oversight. We're not responsible for implementing policy or creating policy in any way.

Ms. KELLY. Can I just make one more?

I'm going to request that you open an investigation into this immediately.

Chairman CUMMINGS. Ms. Kelly, I just want to make clear, you were trying to admit one document or two?

Ms. KELLY. Two, I'm sorry.

Chairman CUMMINGS. Oh, I didn't——

Ms. KELLY. The article.

Chairman CUMMINGS. Okay. Fine.

Ms. KELLY. And then the definition of unaccompanied minor.

Chairman CUMMINGS. Without objection, so ordered, to both of those documents.

Chairman CUMMINGS. Ms. Tlaib.

Ms. TLAIB. Thank you, Chairman. I really do appreciate this hearing.

Thank you all so much for being here.

I believe in the importance of whistleblowers—you know, sometimes we call them truth tellers—especially to this committee. We know that employees have decided to stick to their livelihood—de-

cided to stick out their livelihood and their way of life and put courage and their country first.

And to the chair, before I begin questioning, I would like to submit two documents. The first is a July 17, 2018, letter to Senate Whistleblower Caucus chairs and a comment submitted on the proposed rule by Immigration and Custom Bureau—Customer Bureau—on the——

Chairman CUMMINGS. Without objection, so ordered.

Ms. TLAIB. Thank you. Dr. Scott—Doctors Allen and McPherson are two whistleblowers that serve as subject matter experts for DHS. They tried to warn your office, Ms. Costello, the migrant children were going to die in custody. Does that sound familiar at all?

Ms. COSTELLO. We get a number of complaints every year. That one, in particular, is not ringing any bells right now.

Ms. TLAIB. They had warned—they had wrote, quote, "We warned DHS that a migrant child could die in custody," yet these whistleblowers were completely ignored by the office. Their lawyers tell us that no one ever responded to their concerns at all, despite attorneys' multiple attempts to connect with you.

Ms. COSTELLO. So as you said, we take whistleblower concerns extremely, extremely carefully. We take all of those cases and allegations into consideration. I'm not familiar with the issue that you're talking about, but my office can get back to you with some information.

Ms. TLAIB. I do appreciate that.

The next thing I want to talk about is, you know, we brought forward obviously children, and there's a lot of back-and-forth, about—you know, there seems to always be this sense—and maybe because I'm new—but a sense of who to blame, where did it start, what the cause is.

The problem is, the crisis is here, and everybody wants to stick in how we got here. But we're here now, and the responsibility is on us to address it. And there is a sense of urgency, on at least my part, to addressing this.

But one of the things that really was profound was when one of those CBP agents took me aside, even though all on their trucks, if you look at any of the trucks anywhere, there's a term, it goes, honor first. Are you familiar with that, anyone? Mr. Homan? It says, honor first.

And I thought it was spectacular. I said, "Oh, what does this mean?" And they kind of looked and said, "Exactly what it says." But there's also this sticking together, not telling on each other, this kind of culture.

But a couple, three different agents, one said, "Stop sending money, it's not working." He literally said that to me in a whisper. One, you know, very tearful said, "You know, we weren't trained to do this. I am not a social worker, nor a medical care worker." And another very courageously—again, this is somebody that many of my colleagues would be surprised to know said this to me—but he said the separation policy isn't working.

The morale has been, out of all law enforcement offices, the morale of the agents in CBP are among the lowest, and suicide has actually increased over a hundred agents, even when you were there, Mr. Homan. And you know, we talk about the dehumaniza-

tion of the children and so forth. Well, we also understand there is a number of stress. And I can actually feel it from you, Mr. Homan, right now, like—but I also felt this hesitation even when I was shaking every single person's hand up there, that you even hesitate to shake my hand.

And I wanted you to know, I paused and I thought, you know, did I do anything for you to pause and not shake my hand, even though I was telling the truth, what I saw.

And I'm not blaming the agents. I'm not blaming. I'm blaming the broken immigration system, just like you are. And we have to decide and have courage in this Chamber whether or not we proceed in fixing it. And if it's your route of closing borders and all that, great, let's debate that.

But one of the things I'm taken aback is the average of children is seven years old that we're separating at the border. Average age is seven years old. The trauma we're going to create is going to be a generation that I don't think we're going to ever be able to truly address.

And, Mr. Homan, I know you can't talk about it, but I agree with that agent that separation policy isn't working to what we're doing there, and we know that the administration, and you may not be able to speak about it, was trying in ways to prevent people from coming. But it didn't.

It wasn't about asylum. I'll tell you right now, that man that was from Brazil, when I told him in English—and he understood a little bit, because his Portuguese—his Spanish, he didn't have any—he didn't speak Spanish, so he had a lot of issues of language.

And I'm sorry, Mr. Chairman, just—do you know he—I told him, "You know they might separate you from your child. He said, "No. No, no, no. No, no, no, no. That can't happen." And I said, "But that's the policy right now that we have, is that you might not see your 14-or your eight-year-old daughter anymore."

And I just can't sit by and say that is okay. The one thing we can do in this Chamber is we can agree the separation policy needs to stop and that more money toward supporting the separation policy needs to stop, because I don't want an agent to kill themselves. I don't want a tearful agent who is in top level, not one that is even at the border, that said, "Put me at the border," he said, "that's where I belong, not here with these children."

Thank you, Mr. Speaker.

Chairman CUMMINGS. Thank you very much.

Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman.

I want to ask everybody to think of a busy emergency department, a busy emergency department in an inner city, and a massive natural disaster occurs, and there are hundreds of patients now flooding that emergency department. They're treating people in the hallways. They're treating people in the parking lot. It is a crisis, a massive crisis, there are patients everywhere.

It's not the doctor's fault that patients are everywhere. It's not the nurse's fault that the crisis has suddenly overwhelmed that emergency department. And it is ridiculous to assert that.

The problem is, is that the pipe isn't big enough. You can only flow so much water or so many patients through an emergency de-

partment if there's 30 beds or 35 beds or 40 beds. And nobody builds emergency departments for thousands of patients. You can't do that.

And when the crisis happens, it's not the doctor's fault. It's not the nurse's fault. It is the diameter of the pipeline.

Well, how do you get the pipeline to have a bigger diameter? Well, you have to have more beds, right? You have to have more space. You have to have more money.

So for months, we've been asking for budget. And we've got people sitting on this committee who voted against money to go to the problem—in fact, some people want to close the Department of Homeland Security entirely—yet at the same time screaming: We need more resources on the border. How ridiculous is that? It's theatrics. It's just theatrics. That's all it is.

In the 1960's, the progressive liberals called our soldiers baby killers. Remember that? They came home from Vietnam and were spat on. And now CBP is being called Nazi concentration camp operators. How insane is that, how ridiculous. And it harkens back to a dark day in America when we called our soldiers baby killers, when, in fact, they were just doing what the country had asked them to do. Theatrics.

Let me begin by setting the record straight. This notion that Republicans and conservatives are somehow unconcerned about the plight of people is just wrong and unfair.

I run two free healthcare clinics in Tennessee out of my own pocket, and I get, you know, people who are progressive liberals telling me, "We need more taxes to take care of more people." And I say, "Well, come volunteer in my clinic and help these people who are in need if you really care."

You know how many have taken me up on it in four years? None. Not a single one has come and volunteered in my free healthcare clinics, while I've offered it and offered it. Theatrics.

As Politico reported in an article last month, the U.S. Border Patrol apprehended nearly 85,000 family members in May, a 44 percent increase over the prior month, a historic high. For comparison the Border Patrol apprehended approximately 107,000 family members in all of 2018.

We've had a natural disaster and the ER is overwhelmed. They need resources. They need Congress to do our job.

But what does the left want to do? Oh, we didn't acknowledge it was a crisis when we probably should have, so let's just blame President Trump. We'll say he's the one putting these kids in cages. Oh, wait, that picture was from 2015. Obama was President. Right. We didn't recognize it was a crisis. We tried to play it off as not one. And oh, now we've been caught, and oh, well, let's just blame the President. Theatrics.

Listen, it's time for Congress to do its job and get the resources to these men and women who are on the border, taking care of this crisis.

Mr. Chairman, I thank you for the opportunity to share my perspective, and I yield my time back.

Chairman CUMMINGS. Before I go to Ms. Ocasio-Cortez, let me say this. I think we all, on both sides of the aisle, I think we need to be careful about how we talk about the motives of our col-

leagues. I believe that everyone is operating in good faith, and I just want us to be very careful with that.

With that, Ms. Ocasio-Cortez.

Ms. OCASIO-CORTEZ. Thank you, Mr. Chair.

Earlier my colleague from Maryland, Mr. Raskin, asked the panel, how many people here believe that child separation is an effective policy in deterrence? And no one on the panel raised their hand. I just wanted to note that for the record, Mr. Chair.

I wanted to ask a question from Professor Mukherjee. Is the United States violating—or violated—human rights agreements set by the United Nations in a family separation policy?

Ms. MUKHERJEE. Yes. International law is clear that family unity should be prioritized.

Ms. OCASIO-CORTEZ. So we, as members of the United Nations, signed on into an international human rights agreement, saying very clearly that family separation is a violation of international human rights, and then we pursued a policy that violates human rights.

You know, Mr. Chair, I was looking, how did we get to this point? How did we get to this point, where we take children out of mothers' and fathers' arms? And, you know, it dated back—family separation, the way that we have seen it, where we take children away from their parents without due process, began last year under Secretary Kirstjen Nielsen. But I had to dig further, and our staff dug further. But where did this start within the administration? She implemented it.

And we found a memo, it dates back to April 23 of 2018, where there was an official recommendation to, quote, "pursue prosecution of all amenable adults who cross our border, quote, 'illegally,'" even though this applied to legal asylum seekers in practice, "including those presenting with a family unit, between ports of entry," in coordination with DOJ.

Here is the memo that I would like to submit to the congressional Record.

Chairman CUMMINGS. What is the date of that?

Ms. OCASIO-CORTEZ. It is a memo—memorandum for the Secretary from Homeland Security.

Chairman CUMMINGS. Date?

Ms. OCASIO-CORTEZ. April 23, 2018, subject, "Increasing prosecutions of immigration violations."

Chairman CUMMINGS. Without objection.

Ms. OCASIO-CORTEZ. And so I looked at this memo, and it seems like this is the source of it, and it seems as though, Mr. Homan, that you are the author. It says here, from yourself, Kevin McAleenan, and Francis Cissna. Is this correct? Did you sign the memo?

Mr. HOMAN. I'd have to see what you——

Chairman CUMMINGS. Give him——

Ms. OCASIO-CORTEZ. I'd be happy to provide it. And we'll provide it over. But I would like to note that here, it says the official recommendation, there were three different options presented. The third included the option for family separation: This initiative would pursue prosecution of all amenable adults, including those presenting with a family unit.

Mr. Homan, your name is on this. Is this correct?

Mr. HOMAN. Yes, I signed that memo.

Ms. OCASIO-CORTEZ. So you are the author of the family separation policy?

Mr. HOMAN. I am not the author of this memo.

Ms. OCASIO-CORTEZ. You're not the author, but you signed the memo?

Mr. HOMAN. Yes, a zero-tolerance memo.

Ms. OCASIO-CORTEZ. So you provided the official recommendation to Secretary Nielsen on family—for the United States to pursue family separation?

Mr. HOMAN. I gave Secretary Nielsen numerous recommendations on how to secure the border and save lives.

Ms. OCASIO-CORTEZ. But it says here that you—you gave her numerous options, but the recommendation was option three, family separation.

Mr. HOMAN. What I'm saying, this is not the only paper where we had given the Secretary numerous options to secure the border and save lives.

Ms. OCASIO-CORTEZ. And so the recommendation—of the many that you recommended—you recommended family separation.

Mr. HOMAN. I recommended zero tolerance.

Ms. OCASIO-CORTEZ. Which includes family separation.

Mr. HOMAN. The same as it is with every U.S. citizen parent that gets arrested when they're with a child.

Ms. OCASIO-CORTEZ. Zero tolerance was interpreted as the policy that separated children from their parents?

Mr. HOMAN. If I get arrested for DUI and I have a young child in the car, I'm going to be separated. When I was a police officer in New York and I arrested a father for domestic violence, I separated that father from——

Ms. OCASIO-CORTEZ. Mr. Homan, with all due respect, legal asylees are not charged with any crime.

Mr. HOMAN. When you're in the country illegally, it's a violation of eight United States Code 1325.

Ms. OCASIO-CORTEZ. Seeking asylum is legal.

Mr. HOMAN. If you want to seek asylum, go through the port of entry, do it the legal way. The Attorney General of the United States has made that clear.

Ms. OCASIO-CORTEZ. Okay. Mr. Chair, the memo is submitted to the record for review.

Inspector General Costello, one last thing. Is there a record—based on reports through the year and in our hearing earlier this year there was—we spoke with Ms. Juarez, a mother who lost her child due to inhumane conditions in the facilities. We learned that there is no accurate record and no policy being held of people who are pregnant and people who endure miscarriages.

Is there a record of who enters and leaves these facilities?

Ms. COSTELLO. I'm not familiar with the instance you're talking about, but I do believe the facilities keep custody logs and logs, but I'm not familiar with the incident you're talking about.

Ms. OCASIO-CORTEZ. And where would we find those records?

Ms. COSTELLO. I believe all the facilities keep them onsite, CBP and ICE facilities.

Ms. OCASIO-CORTEZ. And if you believe that the records are not accessible—or if we find that the records are not accessible, do you believe the committee should seek to request records from DHS on the location of children and those that are detained?

Ms. COSTELLO. Well, we would never opine about what the committee would request and not request, so——

Ms. OCASIO-CORTEZ. Thank you very much.

Chairman CUMMINGS. Thank you very much.

Ms. Pressley.

Ms. PRESSLEY. Thank you, Mr. Chairman.

I'm very proud to represent and to call the Massachusetts Seventh my home. It is home to—40 percent of our residents are immigrants. And today those residents, those families, are living in constant fear. At the hands of this administration, a fundamentally broken immigration system has truly been weaponized.

On Wednesday, we heard heartbreaking testimony from Yazmin, a mother from Guatemala who lost her 19-month-old baby girl Mariee after pleading with ICE officials to provide her baby with adequate medical care and medicine. I have no shortage of fury for this injustice, this tragedy, this callousness. But in the time allotted to me as a Member of Congress, I would instead like to focus on trying to save a life.

Mr. Homan, I agree with you, there has been much too much death. So in that vein, I want to enlist your partnership, your partnership in saving a life.

Right now, ICE is depriving an asylum seeker, Mariana, of adequate medical care. Mariana fled state-sponsored, gender-based violence in Angola and is being held in Laredo, Texas, at a facility operated by CoreCivic, a private, for-profit detention facility. Her five-and seven-year-old babies were separated from her and sent thousands of miles away to Chicago.

A doctor at the detention center said she is at risk for a hysterectomy if she is not released and receive the proper medical attention. Despite notifying detention center staff of her serious health condition, they refuse to grant her access to adequate care. Earlier this week, Mariana lost consciousness. Her lawyers and her family are desperate to get her medical care.

So, Mr. Homan, in your expert view, can you instruct and advise me how to elevate Mariana's case and ensure that she gets the medical care she needs?

Mr. HOMAN. Well, on your first comment about the callousness of ICE medical, let me be clear on that case that was talked about yesterday. I remember that case. In 20 days of detainment, they had 10 medical appointments—10—and the mother didn't go to two of them.

Ms. PRESSLEY. Mr. Homan, I'd like to reclaim—this is my time, I'd like to reclaim my time right now.

Mr. HOMAN. You can't make a statement about callousness of medical care——

Ms. PRESSLEY. Mr. Homan, as tragic as—but we can all agree that it was a tragedy that that baby died. Okay? I don't want—I'm not talking about the past, I'm talking about the present, and we have an opportunity to save a life. And I'm asking you, in your expert opinion, what should be done and how can we elevate——

Mr. HOMAN. I am not going to let your comment about callousness stand without a response. This is about transparency to the American people, is it not?

Ms. PRESSLEY. Mr. Homan, a woman's life is in jeopardy——

Mr. HOMAN. I'm telling you, that mother was given 10 medical appointments. And she, as required by law, she will be released after 20 days.

Chairman CUMMINGS. Hold up, hold up, whoa, whoa, whoa, wait, wait a minute, wait a minute. Let me just understand what's going on here. We're talking about two cases. Is that right?

Ms. PRESSLEY. Yes. I was referencing the tragedy of a baby that we've already lost.

Chairman CUMMINGS. Right.

Ms. PRESSLEY. There is a woman in care right now——

Chairman CUMMINGS. You're talking about that——

Ms. PRESSLEY [continuing]. who lost consciousness.

Chairman CUMMINGS. Okay. That's what I—I just wanted to make sure I was clear.

Ms. PRESSLEY. And I'm just seeking his expert counsel on what is the procedure and what can be done to elevate this woman's case, to get her the medical attention that the detention doctors have said are essential to keeping her healthy and alive.

Chairman CUMMINGS. Very well.

Let me just ask you real quick, so—and tell you what you can do, too, to help in that situation.

Then we'll restart your time.

All right, go ahead. Sir.

Mr. HOMAN. Well, to make a statement about a baby that didn't die in ICE custody——

Ms. PRESSLEY. Reclaiming my time. Let me state the question again.

Mr. HOMAN. Is this hearing for transparency to the American people or not?

Ms. PRESSLEY. Reclaiming my time. Mr. Homan, I am not revisiting the past.

Mr. HOMAN. Of course not.

Ms. PRESSLEY. I've offered it for context. And I said it was a tragedy and we can all agree there have been far too many tragedies. You said there's been a lot of death. Let's stop the death.

Mr. HOMAN. You can't blame the first death on ICE.

Ms. PRESSLEY. We have an opportunity to save a woman's life. You are an expert. I am asking you——

Mr. HOMAN. Contact—contact—contact Acting ICE Director Matt——

Ms. PRESSLEY. Reclaiming the time. In your expert opinion, where a person loses consciousness in custody and has been separated from her babies for months, how does a Member of the U.S. Congress get an answer about her case from ICE?

Mr. HOMAN. I would make an urgent phone call, if that's—your facts are accurate—I would make an urgent phone call to Acting Director Matt Albence. ICE spends nearly a half a billion dollars on medical care in our facilities. So I'm sure all the facts you presented probably aren't the facts.

Ms. PRESSLEY. Reclaiming my time.

Ms. Costello, in you view, what does it take to elevate a case to ensure a woman who is detained receives medical care?

Ms. COSTELLO. So obviously you can contact my office and issue a complaint through a hotline, you can send a letter to us. But as Mr. Homan is suggesting——

Ms. PRESSLEY. Reclaiming. How does your office inspect facilities to ensure the detained individuals have access to healthcare specialists and outside care?

Ms. COSTELLO. We do periodic unannounced inspections of both CBP and ICE facilities and compare the situations we observe against either the TEDS standards or the PBNDS standards for ICE facilities. And when we identify issues of grave concern, we report on them, and we notify ICE as part of that process.

Ms. PRESSLEY. And since September 2018, at least seven immigrant children have died while or after being in Federal immigration custody. Ms. Costello, based on what your office has seen and reported on, do you have any concerns that the conditions in detention centers at the border could lead to more deaths?

Chairman CUMMINGS. The gentlelady's time has expired, but you may answer the question. Go ahead.

Ms. COSTELLO. Based on what we reported in our management alerts and what I testified to today, we are gravely concerned about the conditions that we see in the CBP facilities at the border. And we are concerned that it could lead to additional security incidents and obviously high risk of disease.

Chairman CUMMINGS. Thank you very much.

Mr. Homan, I can't sit here as a Member of Congress and hear about somebody possibly dying and not do what I can to save them, and I think we all feel the same way, on both sides of the aisle.

I would just say—and I'm not knocking you. I'm glad that you have agreed that as soon as this hearing is over, to make that phone call, because we do want to save every life that we possibly can.

Mr. HOMAN. If you can provide the information, I'll make the phone call.

Chairman CUMMINGS. Yes, we—her staff will get it to you before you get—you know, before we leave.

Ms. PRESSLEY. Thank you.

Chairman CUMMINGS. All right. Thank you very much.

And to you, Ms. Costello, I'm sure that Ms. Pressley will be in touch with you, too, and do all that you can to help us out. All right?

Thank you very much. I really appreciate all of it.

Now we will move on to Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman.

And, Ms. Costello, in response to media reports, a CBP spokesperson said, and I quote, "It's important to note that the allegations of a sexual assault is already under investigation by the Department of Homeland Security's Office of IG." Can you confirm and share any details about the scope of this investigation?

Ms. COSTELLO. Yes, sir. Typically we would never confirm or deny the existence of an investigation to protect the integrity of the investigation. But since CBP has already confirmed that we are investigating that allegation that came out of Yuma, I will confirm

for you today that we are, but I can't share any details with you about our activity.

Mr. CLAY. Has any disciplinary action been taken?

Ms. COSTELLO. We just opened the case. We just received the allegation at the end of June. So we're in the very initial stages of that case.

Mr. CLAY. And that's the one with the 15-year-old girl from Honduras?

Ms. COSTELLO. I believe if that's—if it's the allegation you're referring to coming out of Yuma.

Mr. CLAY. Let me ask Ms. Mukherjee and Ms. Nagda, have you heard of other sexual assaults or harassment of detainees at border facilities?

Ms. MUKHERJEE. Last month when I was in Clint, children reported to me that officers were—had pushed children who needed to use the bathroom and prevented them from using the toilet when they needed to. Three children reported to me that a child had been grabbed by the back of his neck and had been pulled out of his cage.

Other children consistently reported that guards yelled at them and that the children were terrified and that they were so terrified of the guards that they couldn't even bring themselves to ask for more food.

Now, that said, I also heard about one guard who was kind with the children and who gave the little ones an extra chocolate pudding when he was able to.

Mr. CLAY. Thank you.

Ms. NAGDA.

Ms. NAGDA. Representative, we start from the position that when children talk to us and choose to disclose, that they are telling the truth. What we find, though, is that children do not tell stories in very linear ways, the ways in which an adult who is fully developed might tell that story. And so we do hear a lot of stories from children about trauma and violence that they have experienced, both in home country and as they arrive at the border.

Mr. CLAY. And in these facilities, what impact might this have on those children, what kind of psychological effect?

Ms. NAGDA. So I think what is undisputed, Representative, is that what is causing families to flee and what is causing children to flee is extraordinary violence in their home countries. It is very different depending on the country. It is different depending on the region. It may be violence perpetrated by gangs. It may be domestic violence. Children may be coming from countries where there are no resources like we might have here in the United States to address situations of domestic or community violence.

But the point is, they have experienced extraordinary trauma before they make that migration journey, and then they take the migration journey and experience, in many cases, additional trauma. And then they arrive at the United States and are placed in detention.

And though I'm not a medical expert, it is my understanding that what they're experiencing at that point is something referred to as complex trauma, based on a complex trauma history.

That very much compounds what they are experiencing. It can limit their development. It can certainly affect their ability to tell their stories, which is why the idea of rushing children through immigration proceedings or keeping them locked up through their court date is really a horrifying one for anyone who works with children, who understands that that is not an environment in which a child will ever be able to tell their story in a way that allows us to understand what has happened and make a fair decision in their case.

Mr. CLAY. All of this is extremely disturbing. Now, one of the clients stated that the water tasted like chlorine. The client disclosed that there were about 30 minors in the detention center as well. The other minors started to complain about the food and water that was provided to them, and the client stated that the minors started protesting about it, and because of it, the officers took out all of the sleeping mats. Are you familiar with other instances of retaliation like that?

Ms. MUKHERJEE. Yes. When we were in Clint, we talked with a girl who was in a cell with about 20 other girls, 10 to 20 other girls who were very young. And the nurse would bring in two lice combs so that all the girls could share the lice combs, which is exactly the opposite of what you're supposed to do when you have lice. And sometime later, a guard came back to get those two lice combs back. One of the lice combs was missing. In retaliation, as punishment for losing a lice comb, every mat and blanket was taken out of that room, and the girls had to sleep on the cement floor.

Mr. CLAY. That's nothing but pure evil.

My time's up, Mr. Chairman. I yield back.

Chairman CUMMINGS. Thank you very much.

Ms. NORTON.

Ms. NORTON. Thank you very much, Mr. Chairman.

It was very important to lay out with some particularity what has been happening. I know that we passed a very controversial supplemental appropriation, but at least we got some money into the pipeline. As controversial as it was, I'll tell you one thing: With Democrats in charge of this House, had we allowed this session to go—had we gone on recess with no more money on the border, then the blame would have been more than it already is.

I think both sides have to take responsibility for what is happening on that border, and I certainly think that the Trump administration should not get away with blaming the Congress entirely on—blaming the problem entirely on Congress. This Congress has just taken over, so, obviously, there's a lot of blame that could be cast.

I want to look at the administration's zero tolerance policy that forced the separation of 2,800 children, and we're still hearing and still living with and led to overcrowding and delays that nobody would want to justify. Ms. Mukherjee, was that decision to separate children required by law?

Ms. MUKHERJEE. Absolutely not. Absolutely not.

Ms. NORTON. So that had to have been made at the administration's level?

Ms. MUKHERJEE. Yes. And a Federal court has held that it is unconstitutional to separate children from their families for deter-

rence purpose. The Fifth Amendment of the United States Constitution protects family integrity.

Ms. NORTON. So not only required by law but unconstitutional as it happened. Now, it should be clear that that policy overloaded the system. One of my friends on the other side talked about what happens when the Emergency Department of a hospital is overloaded.

But let me look at alternatives that were available. Apparently, this very administration did permit the release of immigrant families. The date I'm given is June 2017, and they were—had to report back in to ICE, and they had to frequently check in, and not until this hearing did I learn that there was a 99 percent success rate. I mean, we finally got success on something. We didn't all grab it and say: Thank goodness; let's go from there.

Look, I bet we don't have a 99-percent success rate when we do bail for criminals in our own criminal justice system.

Why in the world did that end, Ms. Nagda, and what decision, what effect—why did it end? What effect did that have on immigrant children, with separating immigrant children from their families?

Ms. NAGDA. Thank you, Representative.

I can't speak to why the program ended. I do know that when the program ended, we lost a very effective tool that allowed individuals to live in the community together to find attorneys. And we do know that when families and children have counsel, they appear at their hearings. They participate in their cases, and there's a chance——

Ms. NORTON. It's almost like they're afraid not to appear, that, you know, they already were afraid at the border, and then, if you get here and don't appear and you have the full force of law, that you can understand the intimidation to say: I better go. I better go there.

I'm not sure what there was to be afraid of.

I was interested. I had my staff, I said: Please explain this thing called metering to me.

The DHS inspector system issued a report that found that metering may have led to additional border crossings. Now, we're trying to cut down on border crossings, but, apparently, metering, I found out, what does that mean? Limits the number of people who can request asylum at the border. Could you tell me how that, Ms. Mukherjee, how did that prove—have the opposite effect from what was desired?

Ms. MUKHERJEE. I was in Tijuana earlier this year, and I witnessed firsthand the problems with the metering system. There are hundreds——

Ms. NORTON. Explain—if you could, explain metering. Explain the jargon to us. Go ahead.

Ms. MUKHERJEE. There are hundreds of asylum seekers who want to present themselves lawfully at a port of entry. A port of entry is where CBP officers work. They want to go to those CBP officers and request asylum. The United States has blocked off ports of entry throughout our southern border and limits the number of asylum seekers who can enter the country every day.

The first day that I got to Tijuana, zero asylum seekers were allowed to cross at that port of entry. In subsequent days, I saw the

numbers go up to 40 asylum seekers, 60 asylum seekers, but that is what is helping to contribute to massive problems on the southern side of the U.S. border.

Ms. NORTON. Like unlawful border crossings?

Ms. MUKHERJEE. Exactly.

Ms. NORTON. Thank you very much, Mr. Chairman.

Chairman CUMMINGS. Thank you, Ms. Norton.

Mr. Garcia, welcome to our committee.

Mr. GARCIA. Thank you so much, Mr. Chairman. I'm very grateful for the opportunity to participate as a part of this panel asking questions of the witnesses today.

I'd like to just remind everyone of a couple things, that it was the then chief law enforcement of the land, Jeff Sessions, who introduced zero tolerance policy, that that was the message that the Trump administration wanted to send to the world, and it was that announcement that led to the pecking order of other functionaries within the administration to develop what is laid out in the memo previously mentioned, that Mr. Homan and others signed on to. They were responsible for operationalizing zero tolerance policy. That is at the root of family separation that we have come to know and many of the horror stories that we have heard here this afternoon.

Ms. Costello, the Inspector General's Office that you head reported that some of the most atrocious and inhumane conditions that our country has ever heard of and witnessed at the border have taken place. To your knowledge, Ms. Costello, did any children die at the border during the Obama Administration?

Ms. COSTELLO. I don't have any reporting or facts on that, sir.

Mr. GARCIA. Thank you. I'm deeply concerned by the findings from multiple independent reports that the government failed to adequately track separated families, which made it much harder to reunify them later on.

Ms. Maxwell, the January 29 HHS OIG report found, quote, that HHS faced significant challenges in identifying separated children, including the lack of an existing integrated data system to track separated families across HHS and DHS and the complexity of determining which children should be considered separated. Why would an integrated tracking system have been important?

Ms. MAXWELL. It was important to be able to make sure you identify the children that were separated and the people and the parents that they were separated from. We are concerned today, though, with ongoing issues with that data system, in particular, the quality of information in that system about current children that are being separated from their parents and the reasons for those separations.

Mr. GARCIA. What impact did the absence of a tracking system have on the reunification of separated children?

Ms. MAXWELL. It meant that the government had to spend significant time just identifying who those children were. So, in the absence of a system to track the children and their families, the government faced an intensive effort in which they had to look at 60 data bases across both programs. They looked at 12,000 case files and, even then, had to go to the grantees to get certifications just to identify the children.

Mr. GARCIA. And produce more delays. These egregious and cruel conditions and policies are not accidental. Mr. Homan, during your time as Acting ICE Director, deterrence was the order of the day for you. The memo bears that out. Exactly what you planned for. The Trump administration claimed they had no choice but to rip children from their parents because they were criminally prosecuting the parents pursuant to zero tolerance policy, again, in policies that the administration created and that you, Mr. Homan, accepted and forced and championed as we've seen. Let me remind everyone that the Trump administration tried to ban asylum seeking and started the process of metering, which then prevents people from coming through legal ports of entry. That exacerbated the crisis. People are desperately waiting months just to get in line and be granted the inalienable right to due process.

Mr. Homan, you have said that most immigrants are, quote, not criminals other than the criminal act that they do when they enter the country illegally. That is why I think we ought to revisit decriminalizing desperation, striking sections 1325 and 1326 of title 8 of the U.S. Code, the statutes that the administration has leveraged to separate thousands of children from their families.

Mr. Homan, do you understand that the consequences of separation of many children will be lifelong trauma and carried across generations? Have we not learned from the internment of Japanese Americans, Mr. Homan? I'm a father. Do you have children? How can you possibly allow this to happen under your watch? Do you not care? Is it because these children don't look like children that are around you? I don't get it. Have you ever held a deceased child in your arms?

Mr. HOMAN. First of all, your comments are disgusting. I've served my country.

Mr. GARCIA. I find your comments disgusting as well.

Mr. HOMAN. I've served my country 34 years. I served my country for 34 years, and yes, I held a five-year-old boy in my arms in the back of that tractor-trailer. I knelt down beside him and said a prayer for him because I knew what his last 30 minutes of his life were like, and I had a five-year-old son at the time.

What I've been trying to do in my 34 years serving my Nation is to save lives. So, for you sit there and insult my integrity and my love for my country and for children, that's why this whole thing needs to be fixed, and you're the Member. Fix it.

Mr. GARCIA. We agree on that, but I disagree—but I also disagree with your characterization of it——

Chairman CUMMINGS. The gentleman's time has expired. It's my time now.

Mr. JORDAN. Mr. Chairman?

Chairman CUMMINGS. It's my time.

Mr. JORDAN. Well, I just—the gentleman ripped off about seven different questions designed to go at the character of Mr. Homan, and Mr. Homan should be given a chance to respond. It was ridiculous, the way he just rattled them all off and wouldn't let him respond to them.

Chairman CUMMINGS. Let me say this. I understand that, but first of all, I'm going to have civility in my hearings, all right. No. I have the floor.

Mr. JORDAN. I understand, and I agree with you.

Chairman CUMMINGS. I'm going to have civility. That's why we're banging so that we could hear each person speak. I have been very courteous and very kind.

Now, Mr. Homan, do you have something to say?

Mr. HOMAN. No one in this room has seen what I've seen in my 34-year career.

Chairman CUMMINGS. Very well.

Mr. HOMAN. No one has experienced what I have experienced. I saw many dead bodies coming across this border. You want to talk about a memo? This memo is one option to stop death; not just about enforcing the law, stop death. If you want to legalize illegal immigration, good luck with that because it's going to get a hell of a lot worse on that border. If you say, "Okay, from now on, there will be no consequence, no deterrence, it's not illegal to come to this country illegally," more families will come; 31 percent of women will be raped; more children will die.

We're a Nation of laws. If you don't like it, sir, change it. You're the legislator. I'm the executive branch. And I've served my country honorably for 34 years, and I will not sit here and have anybody say that I don't care about children because they're not the same color as my children.

Chairman CUMMINGS. Thank you very much. It is my time. I have not asked questions yet, and I have quite a few.

First of all, let me say this to Mr. Homan. I have never, and I don't—I'm hoping that—you know, I've listened to all of this, and sometimes I think we put issues on top of issues, and there are quite a few issues swirling around here.

I think all of us appreciate our Border Patrol and those people that work for our Federal Government, and I want to thank you for being here today, and I can kind of understand why you could get a little bit upset. I got that.

But I also say we've got to be—we need to concentrate on, and I think it was Ms. Pressley that said it, you know, on the living and just not the dead and just not all the problems, but we've got to figure out some solutions, and I think you've presented some.

And, Ms. Mukherjee, Mr. Homan five times now has presented three things that he thought ought to be done and that could resolve this problem. But you said something that is really bothering me, and you know, it's going to make me—it makes me think. You said it's not necessarily about the money; it's about a will. So I've got two pieces of that. I want you to talk about what Mr. Homan, a man who has been at his job—over 30 years, Mr. Homan?

Mr. HOMAN. Yes, sir.

Chairman CUMMINGS. Over 30 years and who is a dedicated public servant, his recommendations, and then I want you to elaborate a little bit on that issue of it doesn't have to be this way, in other words, just because of the money. You go ahead. Keep your voice up, please.

Ms. MUKHERJEE. Thank you. So, in terms of Mr. Homan's recommendations, they will not work. The children and families who I represent are refugees. They are fleeing terrible violence. They are coming to the United States to seek safety. The United States is not the only country in our region that has seen an increase in

refugees and asylum seekers. All of the countries surrounding the Northern Triangle—Guatemala, Honduras, and El Salvador—have seen marked increases in the number of asylum seekers coming to their countries.

What we need is not to end the Flores settlement agreement. What we need is not to change the Trafficking Victims Protection Reauthorization Act. Those are two critical pillars that protect immigrant children in Federal custody, that limit their time in CBP facilities to 72 hours and require that children be released to family members after appropriate vetting as quickly as possible.

Let me offer you five solutions: One, let independent doctors into these facilities. Two, let public health experts inspect these facilities and give them authorization to order remediations. That is what the plaintiff's counsel in the Flores case sought just two weeks ago in Federal court. The administration's response to those requests was no. The administration argued, and I quote, that that would be a coercive remedy.

The third recommendation that I have is to ensure that children are not in CBP custody for any longer than 72 hours. This administration has refused, has failed to provide plaintiffs' counsel in Flores with any data about how long children are being held in CBP custody. You have oversight powers on this question.

Fourth, children should not be separated from their parents. Immigration officers should not be separating children from their mothers, their fathers, their brothers, their grandmothers, absent a reason to believe that there is imminent risk of harm to the child.

Now, finally, my fifth recommendation is that we look at the data and do what works. When families have access to a lawyer, they appear at their immigration court hearings 99 percent of the time. When families are offered support from a social worker through the ICE family case management program, they show up for their immigration proceedings 99 percent of the time.

Children and families belong together. They do not belong in detention. They should be released, and they should be free. And doing that would be far less expensive than what we're doing now. The ICE case family management program costs only $38 a day per family unit. To detain one person in a family detention center, it costs on average $320 per day. To detain a child at Homestead like the legally blind child I found there in March, it costs the U.S. taxpayers between $750 and $775 a day. That child was detained there about 120 days unnecessarily when he had a father who was desperate, desperately trying to get his son back.

Chairman CUMMINGS. Let me ask you this, then. So we are spending a minimum of $300 a day, minimum, on these children. Is that what you're telling me?

Ms. MUKHERJEE. That is the rate that we are paying for one person a day at the family detention centers.

Chairman CUMMINGS. And if any of us were given $300 a day to take care of our child, that's quite a bit of money, and you could do all kinds of things. Am I right?

Ms. MUKHERJEE. That's right.

Chairman CUMMINGS. All right. Let me go on.

Ms. Costello, I want to ask you about DHS' inspector general's inspections of several immigration detention centers on the south-

ern border. These reports were shocking to the conscience, and I think they will shock any American who takes the time to read them or even to look at the pictures.

In May 2019, you issued a report on, quote, dangerous overcrowding and prolonged detention, quote, at a border facility in El Paso, Texas. I understand that your team saw 900 detainees in an facility intended for only about 125. Is that right?

Ms. COSTELLO. Yes, sir.

Chairman CUMMINGS. The IG report found that some detained immigrants, quote, had been held in standing-room-only conditions for days or weeks, end of quote. And the report goes on to say, quote, with limited access to showers and clean clothing, detainees were wearing soiled clothing for days or weeks. The report concludes that these conditions present, quote, an immediate risk to the health and safety, not just of the detainees but also the DHS agents and officers. Ms. Costello, in all your years in government service, had you ever seen any conditions like this?

Ms. COSTELLO. No, I have not, but more importantly, the inspection team that did the work on the ground for me has not, and they've been doing this for years. The reason we issued those management alerts is because they had never seen anything like what they saw in both the El Paso center we reported on and the facilities in the Rio Grande valley.

Chairman CUMMINGS. But this is not an isolated incident. Just last week, your office issued another report describing, quote, dangerous overcrowding and prolonged detention, end of quote, at five different border facilities in Texas. Together, these facilities held over 2,500 young people. You reported that nearly one-third of these children had been held longer than the 72-hour limit. Ms. Costello, what were conditions like for the children in these facilities?

Ms. COSTELLO. It was similar to the situation in El Paso for the children. The overcrowding was dangerous, significant. Again, my inspectors described the situation like they had never seen before. That is the picture.

Chairman CUMMINGS. That is the picture?

Ms. COSTELLO. Yes.

Chairman CUMMINGS. Can you tell us what is in that picture, please?

Ms. COSTELLO. It is an overcrowded facility, you know. It is families in a facility in a space that they can't possibly fit in. I think the caption underneath may describe—does it describe—no. I don't know that it describes the number.

Chairman CUMMINGS. No. So you mean people had to be like that pretty much 24/7?

Ms. COSTELLO. Yes. Although to clarify, they visited on the days that they visited, so, you know, that's their observation from that snapshot in time. But the understanding is that folks have been in that position for a while.

Chairman CUMMINGS. So, when you went in, you all were—the Inspector General's Office was allowed to take the photo?

Ms. COSTELLO. Yes. You know, that's part of how we do our work. It's how we collect our evidence. It, frankly, would never occur to me, sir, not to have our team go in and take pictures.

Chairman CUMMINGS. Thank you very much. How long were these children kept in these conditions?

Ms. COSTELLO. In that facility?

Chairman CUMMINGS. Yes.

Ms. COSTELLO. In the Rio Grande valley, the information that we have is that children were—31 percent of them were there for more than 72 hours; 165 were there longer than a week. So that's children. With regard to unaccompanied alien children, we had 50 under seven, under the age of seven who were there for over two weeks.

Chairman CUMMINGS. Now, give me that picture. Let me ask you this. I just note—I'm just curious. Where are the toilet facilities in this? Do you know?

Ms. COSTELLO. No. I don't actually know.

Chairman CUMMINGS. Okay.

Ms. COSTELLO. But children are supposed to have access to toilets in the holding rooms.

Chairman CUMMINGS. Ms. Mukherjee, do you have a comment?

Ms. MUKHERJEE. Yes. So, in facilities like this, and this is knowledge based on interviewing hundreds of immigrant children and families, the toilets are open. There is no privacy to use the toilet. Children try to use those foil wrappers that you see to cover themselves when they're toileting, and this leads to problems.

In Clint, we talked to girls who were so embarrassed that boys could see them while they were using the toilet. We talked to a boy who tried not to eat because he was so embarrassed to use the toilet. Every day, these children are being degraded by having no access to any privacy when they're using the toilet.

Chairman CUMMINGS. Yes, Ms. Costello.

Ms. COSTELLO. I want to clarify. A member of my team was able to clarify for me. You can't tell from the picture——

Chairman CUMMINGS. Yes.

Ms. COSTELLO [continuing]. but apparently the toilet is in back of that wall.

Chairman CUMMINGS. In back of that right there?

Ms. COSTELLO. Yes. Yes, sir. You can't see that, obviously, clearly from the picture, but apparently that's where it's located.

Chairman CUMMINGS. Okay. One officer interviewed described the security situation as a, quote, ticking time bomb. Ms. Costello, CBP has detailed standards it is required to follow when detaining these children. Based on your inspections, do you believe the CBP is meeting those standards?

Ms. COSTELLO. Not for every one of the standards, sir. I do want to emphasize that when we visited the facilities, they were well stocked, as I said in my prepared statement, with diapers, juice, snacks.

Chairman CUMMINGS. Did they know you were coming?

Ms. COSTELLO. No.

Chairman CUMMINGS. Okay.

Ms. COSTELLO. All of our inspection are unannounced——

Chairman CUMMINGS. Okay.

Ms. COSTELLO [continuing]. and that's really only the way to do it. What they're not meeting standards are obviously the crowding, the prolonged detention, some of the hygiene that the children are

supposed to have, but it would be impossible to do so in the conditions that we saw there. It's shocking.

Chairman CUMMINGS. Does it shock you that we're spending a minimum of $300 per day?

Ms. COSTELLO. I don't have information that validates that particular number.

Chairman CUMMINGS. That's not what I asked you.

Ms. COSTELLO. I know, sir.

Chairman CUMMINGS. That's not what I asked you. I said, would it shock you to know that we were spending a minimum of $300 a day for folks to live in a facility like that?

Ms. COSTELLO. If that were an accurate number, sir, yes.

Mr. HOMAN. Sir, can I answer that question for you?

Chairman CUMMINGS. Sure.

Mr. HOMAN. $300 a day is for family residential centers, and the reason that price is $300 a day is because we have to provide child psychologists, pediatricians, educational programs. The pictures you are being shown are Border Patrol facilities. There's not a cost per day there. The $300 per day, that's an ICE facility, a different facility.

Chairman CUMMINGS. Well, we're spending something, though, right, wherever the picture is. We're spending some money. They're not coming for free.

Mr. HOMAN. I don't know what the Border Patrol facilities cost. I'm just—the $300 figure is an ICE facility.

Chairman CUMMINGS. I got you. I understand.

Did you have a comment on that, Ms. Mukherjee?

Ms. MUKHERJEE. I wanted to agree with Mr. Homan. That's correct.

Chairman CUMMINGS. Wow. That's—thank you very much.

So, now, Ms. Costello, you've testified that DHS, quote, has not developed a long-term plan to address the issues within detention centers along the southern border, end of quote, and that the steps DHS has taken to alleviate overcrowding continue, these are your words, to fall short. Is that accurate?

Ms. COSTELLO. You know, I think the efforts to put tents in place and try to create more space to illuminate the overcrowding are first steps, but as I did testify earlier, it's about moving children and families and adults out of these facilities to begin with. The CBP facilities were never intended to house folks for—as many folks on the panel have testified today for longer than 72 hours. We are currently engaged in efforts to try to identify why they're staying there for longer than 72 hours and to offer some recommendations for things that we can do about that.

Chairman CUMMINGS. How soon do you expect those recommendations to be made?

Ms. COSTELLO. We're just getting involved in that work.

Chairman CUMMINGS. That's not what I asked you.

Ms. COSTELLO. I know.

Chairman CUMMINGS. Okay.

Ms. COSTELLO. But you know if I promise you a date and then I don't——

Chairman CUMMINGS. You know I'm going to have you up in here.

Ms. COSTELLO. I know you're going to ask me again, sir.

Chairman CUMMINGS. Yes. I certainly will.

Ms. COSTELLO. It will take some time for us to get there. I think we have several lines of work that we're engaged in on all of these issues that have been discussed today. Some of them will be ready this fall. That one, probably not yet.

Chairman CUMMINGS. You know, I want you to understand that we—this is very unusual for us to be here this late on a Friday, on a getaway day.

Ms. COSTELLO. I know, sir.

Chairman CUMMINGS. But it's urgent for us. It's a life-and-death situation, and that's why I'm kind of pressing you a little bit here.

Ms. COSTELLO. Yes.

Chairman CUMMINGS. I just want—like somebody said on the other side, we're looking for solutions. And sometimes to get to solutions, you have to have accountability, and you have to have pressure. So we want to see something get done as fast as we can.

Yes, ma'am.

Ms. MUKHERJEE. I want to add to the record that CBP has dealt with larger number of apprehensions in the past without causing and creating a health and safety crisis. So, if apprehensions continue at the rate that they've been in 2019 without the drop that we saw last month, without the 28-percent drop from June 2019, we'll see no more than 67 percent of the number of apprehensions that we saw in 1986, in 1998, 1999, and in 2000.

And the Flores settlement agreement was reached in 1997. It requires the government to plan for an influx. Two weeks ago, a Federal court recognized that the government has had 22 years to plan for an influx, and the court ordered the government to do so forthwith. So I agree with you, Chairman, about the urgency of the situation and that the administration needs to act now to care for these children and release them promptly.

Chairman CUMMINGS. Ms. Costello, you're going to get back to me, right, let me know when you kind of realize—I mean, believe you can get that done?

Ms. COSTELLO. Of course, we will, sir.

Chairman CUMMINGS. I really would appreciate that.

Do you have anything else because I'm going to let each one of them ask one question. Okay. Fine. Yes.

We're going to let—you all have been so kind, Members, to stay here, and I just want to check to see if you all had a question or two. We will go to Mr. Raskin and then come back down this way.

Mr. RASKIN. Mr. Chairman, thank you very much. And I'm very proud to be a member of your committee with all the extraordinary work we did this week to open America's eyes to what's going on in the name of every American citizen at the border.

Ms. Mukherjee, I wanted to ask you, because you've been doing this kind of work, as I understand it, since you were a law student in a clinical program in 2003, so you have some historical sense of this looking at it as a human rights advocate and a lawyer from that perspective. Can you compare the conditions that you've seen at immigration facilities over the last year to what you saw before this? Because the truth is, I think, I'm like most Americans, who are not in the immigration law field, and I haven't paid close atten-

tion to this, but is this what it's always been like, or are, as we have seen, a degradation and deterioration of the conditions? How do we understand this in historical context?

Ms. MUKHERJEE. I have never seen anything like this. I have been involved in suing three administrations to try and seek better protections for immigrant children in detention, but never before have I seen what I saw, heard, and smelled as what I did in Clint last month. Never before have we learned of 700 children being detained in a facility designed for 100 adults. Never before have I met with children detained in CBP custody for even a week, much less several weeks. Never before has my team of lawyers had to directly intervene to get babies admitted to the hospital.

The week of June 10th, my colleagues, a pediatrician and several lawyers, did interviews in McAllen, Texas, at the Ursula facility, and they identified five babies who were so sick that they needed to be admitted to the neonative intensive care unit of the local hospital.

For nearly a decade, as the committee knows, there were no reported deaths of children in Federal immigration custody. In just the past year, seven children have died in custody or just after being released. This is different than what I've ever seen before.

Chairman CUMMINGS. Thank you very much.

Mr. RASKIN. Thank you, Mr. Chairman.

Chairman CUMMINGS. Mr. Comer.

Mr. COMER. Thank you, Mr. Chairman.

Mr. Homan, you're clearly the expert. You're clearly the person that's performed the sacrifice to try to defend the border, to try to protect Americans, to try to save lives from Americans and others who are here legally or illegally or however they're here. Do you have any closings remarks because I know that you've been cutoff a lot today. I'm very sorry that a member on the other side questioned your integrity because, clearly, you are credible. You have served this country with honor, and I just wanted to give you an opportunity to have some closings remarks or touch on anything that's been mentioned in the last 30 minutes.

Mr. HOMAN. I will just say this: I've served my country for 34 years, and there was a comment made earlier that I—in my LinkedIn, that I oversaw 300-and-some thousand. Actually, in the four years of my leadership, we oversaw a million illegal aliens being removed and be deported. And I got a Presidential Rank Award from President Obama for distinguished service. I've worked for six Presidents, and I respect each and every one of them because they're the President of the United States, but my job as a career law enforcement officer is to execute a mission within the framework provided me, the framework being money, resources, and policies. I executed the mission under President Obama in a leadership role at ICE, and I've executed the mission under President Trump for a year and a half. I did my job. And a lot of this back and forth today—and I'll leave it with this. This situation at the border is the failure of Congress to act. These children are in bad conditions. My heart breaks for them. They shouldn't be in—Border Patrol jails weren't built for a vulnerable population like women and children. So give these people the—HHS—the money they need to get these people to the facility that is built and

planned for them. No one wants to see that, but we need to stop the vilification of the men and women who are doing the best they can under very difficult circumstances. I was a Border Patrol agent. I know many Border Patrol agents, and they've shed many a tear of what's going on. I hope Congress will work with this administration and try to fix it. I do.

I think we're a country of laws. We need to enforce the law. And for anybody in Congress to say, "Well, ignore the law because we'd rather not fix it," is just the wrong way to go. I ask the Border Patrol and ICE to do their job. I ask Congress to do theirs.

Mr. COMER. Two things, and I'll yield back, Mr. Chairman. First of all, something that's good to point out. These facilities, correct me if I'm wrong, were not built to house children.

Mr. HOMAN. They're jails.

Mr. COMER. No. 2, you have given three solutions that I agree 100 percent would begin to solve the problem. And I can assure you that this side of the aisle is going to do everything we can to work with the Trump administration to implement that. It takes 218 votes to pass legislation and move to the Senate. We have about 198. And I hope that we can work in a bipartisan way because to get to a solution in this Congress, it's going to take bipartisan support.

With that, Mr. Chairman, I yield back.

Chairman CUMMINGS. Thank you very much.

Ms. PRESSLEY.

Ms. PRESSLEY. Thank you, Mr. Chairman.

Mr. Homan, I wanted to—just for my own edification, I was wondering if you could answer a couple of questions that I was unable to get answered during our visit at CBP. Are you aware of exactly what is the temperature that the—where families are being detained should be at?

And then, secondarily, what does the heat index need to be outside for people to be moved from tents inside?

Mr. HOMAN. I don't know the answer to that question, ma'am. I can say that the biggest complaint you hear from folks is that the Border Patrol cells many times are very cold. They call them ice boxes. And the reason for that is because many of these people from Central America don't experience air conditioning on a 24/7 basis. But I don't know if they have—to be honest with you, I don't know if they have a limit on where it should be at. I don't. I don't have an answer to that question.

Ms. PRESSLEY. Okay. Is there anyone on the panel that could speak to a recommended temperature?

Ms. NAGDA. Representative, I don't have those numbers, but I know that advocacy groups have pulled that information in the past, and I'd be happy to share it with you. They've prepared reports in terms of what they have been told are the standards and what ought to be the standards.

Ms. PRESSLEY. Okay. Does that include anything so far as a lavatory and a toilet because I would be curious, you know. Again, we make this about funding. If you send equipment some place and more goods, and you send one toilet to serve 500 people, that is not sanitary. That is a public health issue. So I would be curious to know for my own edification what is recommended.

Ms. NAGDA. I don't think we've ever had those recommendations because we've never been in a circumstance where we had to say how many toilets are needed for children——

Ms. PRESSLEY. Right.

Ms. NAGDA [continuing]. is privacy required. Things have never been this bad. So those reports don't exist, but I suspect they are on the way.

Ms. PRESSLEY. Okay. All right. And then Mr. Homan, I just wanted to thank you for your commitment on the record to partner with me to do everything we can to save this Angolan detainee Mariana. My chief of staff, Sarah Groh, is in the back. She'll approach you as this hearing adjourns so that we can get on the phone right away. Thank you.

Chairman CUMMINGS. Thank you.

Ms. Ocasio-Cortez.

Ms. OCASIO-CORTEZ. Thank you, Mr. Chairman.

When we were at these facilities, one of the things that I had noticed was that there were these tents in the back with—I mean, they looked like cages, and I know that a lot of the migrants, they call the cold rooms "hieleras," and they call these pens "perreras," dog pounds. There were a lot of them, but they were all empty when I arrived.

And we had heard reports that there were hundreds of people in the El Paso border station. And so I asked some of the migrants: Is it true that there were people here, or is there anyone else here?

And they said: No. There's no one else here.

And I said: Were there people here? We had been hearing that there were hundreds of people being kept in this facility.

And they said: Yes. They took them away.

And I had heard from these migrants but in other—from other facilities we had visited, a kind of a welcome station for families, and we had heard similar things from the pastor there as well, that CBP changes up facilities when they know—when they have advance notice if a congressional delegation is coming. I'm curious if you all have heard anything about this or heard any accounts to corroborate what they have said.

Ms. MUKHERJEE. What I can say is that the government had 3 weeks' notice that we were coming to the El Paso sector and that the officers on the ground at the Clint facility knew days in advance that we were coming. And what we saw was so appalling that we had to share it with America. We had no other choice, and very quickly thereafter, we learned that children were being moved out of the facility in the hundreds and that CBP was releasing thousands of children.

Chairman CUMMINGS. Thank you very much.

I'm going to just make one closing statement, but I have two or three questions, and we'll be finished in the next five minutes.

Ms. Costello, I was shocked to read the reports about the racist and sexist posts on a Secret Service Facebook page used by current and former Border Patrol agents. Can you confirm today whether your office is investigating this issue? And before you answer, I understand that you have certain limitations. I'm just asking that question. Go ahead.

Ms. COSTELLO. I can answer it in this case.

Chairman CUMMINGS. Okay.

Ms. COSTELLO. But if you'll just allow me to elaborate.

Chairman CUMMINGS. Go ahead.

Ms. COSTELLO. Those kinds of complaints, we do get them, and because they relate to violations of the behavior and code of conduct, usually the CBP Office of Professional Responsibility handles those because we get so many complaints that we want our criminal investigators to focus on corruption and crime and very high-level administrative misconduct. So the individual behaviors, we still feel those are appropriate for CBP's Office of Professional Responsibility.

However, given that there were allegations that leadership knew that they used this Facebook page to get information, that they didn't take action earlier when they knew, we do feel that that's an appropriate issue for my office to look into, but it won't be a criminal investigation, sir. It will be done out of our Office of Special Reviews, which is the same office that did the management alerts.

Chairman CUMMINGS. I understand.

As we conclude, you know, I've sat here, and I've listened to everybody, even you in your testimony. I was looking at it. I was in a meeting but watching it. You, Mr. Homan, I heard your testimony. I heard everybody's testimony. And as I sat listening to all of what has happened today, I go back to what I said a little bit earlier. I think we really have got to concentrate on these children who are trying and their parents are trying to simply live a better life and many of them escaping from just pure horror stories. And, you know, when you use, Ms. Costello, words like "imminent danger"—I forget who used it—but to me, that's life and death stuff. That's—you know, I immediately go to a whole 'nother gear because it's about saving somebody's life, saving a lot of people's lives.

And then there's another piece to this, and I think what happens, Mr. Homan, a lot of—I listened to your testimony and what you—particularly the last statements that you made in answer to Mr. Comer's giving you that opportunity. You know, you have got a good point. You're trying to carry out the law, and if it's anything is to happen, we need to do it. But in the meantime—it's the meantime that I'm worried about—what happens?

I tell my children that whenever you go into a storm, you have to respect the storm. In other words, you don't go into an icy condition speeding. You have to respect the storm. In other words, we have to—right now, I think we've got to go the extra mile to try to make sure we do the things immediately to bring comfort to these children.

We had a hearing yesterday where we talked about the effects of trauma on children. And I'm telling you, it was chilling, and I could not help when I was listening to our witnesses but think about these children. You heard me say at the beginning of this hearing our children are the living messengers we send to a future we will never see. The question is, how do we send them? How are we sending them? I mean, you think about a child walking around with a dirty diaper, no toothpaste, torn away from their parents, smelling bad.

I mean, there's some kind of way—and I'm not blaming you, Mr. Homan, and I don't think anybody here is doing that. What we're saying is we too want to find solutions to resolve this issue. These children will grow up when we're dead. We'll be dancing with the angels. And what kind of message will we have sent? And I think that's the reason why we have so much interest in these hearings. Our members on both sides are concerned about, who is this young man, this little baby, who is now 4 years old, going to grow into? What's he going to be like?

And it is our duty. This moment is our watch. We are on watch right now, and what we do now, we can put our hand prints and our fingerprints on their futures and on their destinies. And so part of this hearing is about trying to change the trajectory of their destinies, trying to change the trajectory of their destinies. And so help me God, I'm going to do everything in our power and work with our entire committee to try to resolve these issues as fast as we possibly can.

Without objection, the following items shall be entered into the hearing record, a letter from the Anti-Defamation League, a recommendation from Kids in Need of Defense, a statement from the Church World Service, a statement from the Center for Victims of Torture, a letter from the organization of Zero to Three.

Chairman CUMMINGS. These documents set forth recommendations to stop separating the children from their families and unnecessary detentions and ensure we provide humane treatment to everyone in government custody.

Again, I would like to thank our witnesses for testifying today. It's been a long day. And I want to thank all of you, all of you, all the Members, who most of you all would have been on a plane by now going to where the places you've got to go, but you felt that it was so important that you be here, and I appreciate that.

Without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair, which will be forwarded to the witnesses for their response. I ask our witnesses to please respond as promptly as possible and as fast as you possibly can.

Again, I want to thank all of you, and this hearing is adjourned.

[Whereupon, at 4:39 p.m., the committee was adjourned.]