

ACTING SECRETARY  
OF HOMELAND SECURITY  
KEVIN K. MCALEENAN

---

HEARING  
BEFORE THE  
COMMITTEE ON  
OVERSIGHT AND REFORM  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

JULY 18, 2019

**Serial No. 116–49**

Printed for the use of the Committee on Oversight and Reform



Available on: <http://www.govinfo.gov>  
<http://www.oversight.house.gov>  
<http://www.docs.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

37–933 PDF

WASHINGTON : 2019

COMMITTEE ON OVERSIGHT AND REFORM

ELIJAH E. CUMMINGS, Maryland, *Chairman*

CAROLYN B. MALONEY, New York	JIM JORDAN, Ohio, <i>Ranking Minority Member</i>
ELEANOR HOLMES NORTON, District of Columbia	PAUL A. GOSAR, Arizona
WM. LACY CLAY, Missouri	VIRGINIA FOXX, North Carolina
STEPHEN F. LYNCH, Massachusetts	THOMAS MASSIE, Kentucky
JIM COOPER, Tennessee	MARK MEADOWS, North Carolina
GERALD E. CONNOLLY, Virginia	JODY B. HICE, Georgia
RAJA KRISHNAMOORTHY, Illinois	GLENN GROTHMAN, Wisconsin
JAMIE RASKIN, Maryland	JAMES COMER, Kentucky
HARLEY ROUDA, California	MICHAEL CLOUD, Texas
KATIE HILL, California	BOB GIBBS, Ohio
DEBBIE WASSERMAN SCHULTZ, Florida	RALPH NORMAN, South Carolina
JOHN P. SARBANES, Maryland	CLAY HIGGINS, Louisiana
PETER WELCH, Vermont	CHIP ROY, Texas
JACKIE SPEIER, California	CAROL D. MILLER, West Virginia
ROBIN L. KELLY, Illinois	MARK E. GREEN, Tennessee
MARK DESAULNIER, California	KELLY ARMSTRONG, North Dakota
BRENDA L. LAWRENCE, Michigan	W. GREGORY STEUBE, Florida
STACEY E. PLASKETT, Virgin Islands	FRANK KELLER, Pennsylvania
RO KHANNA, California	
JIMMY GOMEZ, California	
ALEXANDRIA OCASIO-CORTEZ, New York	
AYANNA PRESSLEY, Massachusetts	
RASHIDA TLAIB, Michigan	

DAVID RAPALLO, *Staff Director*

RUSS ANELLO, *Chief Oversight Counsel*

AMY STRATTON, *Clerk*

CHRISTOPHER HIXON, *Minority Staff Director*

CONTACT NUMBER: 202-225-5051

## C O N T E N T S

Hearing held on July 18, 2019 .....	Page 1
WITNESS	
The Honorable Kevin K. McAleenan, Acting Secretary of Homeland Security Oral Statement .....	5
<i>Written opening statements and the witness' written statement are available at the U.S. House of Representatives Repository: <a href="https://docs.house.gov">https://docs.house.gov</a>.</i>	

## INDEX OF DOCUMENTS

*The documents listed below are available at: <https://docs.house.gov>.*

- \* Letter to McAleenan from Reps. Garcia and Krishnamoorthi; submitted by Rep. Krishnamoorthi.
- \* Questions for the Record: from Chairman Cummings, Rep. Wasserman Schultz, Rep. Khanna, and Rep. DeSaulnier.
- \* Questions for the Record: response from the U.S. Department of Homeland Security.
- \* Rep. Gerry Connolly's Statement for the Record.



**ACTING SECRETARY  
OF HOMELAND SECURITY  
KEVIN K. MCALEENAN**

---

**Thursday, July 18, 2019**

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

The committee met, pursuant to notice, at 10:05 a.m., in room 2154, Rayburn House Office Building, Hon. Elijah Cummings (chairman of the committee) presiding.

Present: Representatives Cummings, Maloney, Norton, Cooper, Connolly, Krishnamoorthi, Raskin, Rouda, Hill, Wasserman Schultz, Sarbanes, Welch, Speier, Kelly, DeSaulnier, Plaskett, Khanna, Gomez, Ocasio-Cortez, Tlaib, Jordan, Gosar, Massie, Meadows, Hice, Grothman, Comer, Cloud, Gibbs, Higgins, Norman, Roy, Miller, Green, Armstrong, Steube, and Keller.

Also present: Representative Escobar.

Chairman CUMMINGS. The committee will come to order.

Without objection, the chair is authorized to declare a recess of the committee at any time. We are convening to hear the testimony of Acting Secretary of Homeland Security Kevin McAleenan.

I want to briefly address the spectators. I already saw two signs being held up, so I want to address you. We welcome you, and we respect your right to be here. We also ask in turn that you respect—we ask for your respect as we proceed with the business of this committee today. It is the intention of this committee to proceed with this hearing without disruptions. If a disruption occurs, listen up, a Capitol Police officer will go up to the individual, instruct that they cease demonstrations. If the individual does cease, no action will be taken. However, if the person does not cease, you will be asked to leave. We are grateful for your presence here today and your cooperation, and we want to move this hearing along quickly. Every time I have to stop and the police have to address issues like that, that just slows us up.

I would also remind all Members to avoid engaging in any adverse personal references. I now recognize myself for five minutes.

Today, the committee is examining the Trump administration's inhumane policy of separating children from their parents at the border and the dangerous conditions in which they are being held. Last Friday, we issued a staff report summarizing data on children who were separated from their families by the Trump administration. This report was based on information that we forced the Trump administration to produce to the committee pursuant to bi-

partisan subpoenas after they refused to provide it voluntarily for months.

The report found that the administration's child separation policy was more harmful, more traumatic, and more chaotic than previously known. The report also describes specific case studies of 10 children who were separated by the Trump administration, including several who were under the age of two. We sent our report to the Department last week, and we will be asking our witness about these children this morning.

Today, we will hear from Acting Secretary of Homeland Security Kevin McAleenan. He was originally invited to testify at our hearing last week, but he asked for that appearance to be postponed until today. We accommodated his request, and we thank you for being here today.

Mr. McAleenan is one of the key architects of the Trump administration's child separation policy. Last April, he sent a memo to Secretary Nielsen explaining how they could, and I quote, direct the separation of parents or legal guardians and minors held in immigration detention, end of quote. He also recommended going forward with this policy, and she agreed. They separated thousands and thousands of children from their parents under this policy until public outrage and a Federal court forced them to stop.

Mr. McAleenan and other senior administration officials admitted that one of their purposes of separating children from their families was to deter immigrants and asylum seekers. General Kelly said this—and Attorney General Sessions said this, and Mr. McAleenan admitted as much in an interview last June when he said, and I quote, the intent, unquote, of the policy to, and I quote, the policy to dissuade crossing between ports of entry, end of quote.

Tragically, under Mr. McAleenan's leadership, the Trump administration failed to track separated children and families so they could be reunited. Mr. McAleenan has claimed that the administration, and I quote, kept very careful records when the relationships between parents and children. But that is not accurate. Our committee has now obtained data, under subpoena, showing a chaotic system in which children and parents were repeatedly moved to multiple facilities and which parents were repeatedly deported without any idea of where their children were.

Our findings are corroborated by multiple reports from the independent inspector general and the Government Accountability Office, which concluded that the Trump administration made no serious effort to track separated children and had no plan to reunify them.

Finally, while Mr. McAleenan has acknowledged overcrowding at the detention centers, he has claimed publicly that the reports of filthy and dangerous conditions are, quote, unsubstantiated, end of quote. This is simply not accurate. Last week, we heard testimony from the IGs that substantiated these reports in a graphic way, and they provided photographic evidence as well.

The administration wants to blame Democrats for this crisis, but it is the Trump administration's own policies that are causing these problems. It was the Trump administration that implemented the, quote, zero tolerance policy, end of quote, separated thousands of children, and increased the number of people in de-

tention. It was the Trump administration that canceled effective policies from the last administration that reduced unnecessary detentions. It was the Trump administration that shut down the family case management program in which social workers helped migrant families find attorneys and navigate the court system with a 99-percent success rate for attending court appearances and check-ins with ICE. It was the Trump administration that ended the Central American Minors Program, which allowed children fleeing Central American countries with a relative in the United States to apply for asylum from their home countries.

These were all policy decisions made by the Trump administration. They all increased the number of people being held and unnecessarily detained, and they all contributed to the conditions we are now witnessing. The damage the Trump administration has inflicted and is continuing to inflict will impact these children for the rest of their lives. As I've said, when we're dealing with children, it's not the deed; it's the memory. It is the memory that will haunt them until they die. Today's hearing is one more step in our committee's effort to determine the scope of this damage and begin to address it.

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

Mr. JORDAN. The President says there's a crisis, asks for \$4.5 billion. The Democrats said it's fake, it's contrived, it's manufactured, it's not a real crisis. Then the real crisis gets even worse, and what do the Democrats do? They blame the President of the United States, and they blame the hard-working people who work for Mr. McAleenan on the border, when everyone knows what has to be done. Everyone knows this. You've got to fix the asylum law. You've got to fix the Flores decision. You've got to build a border security wall.

Frankly, what would also help is if folks on the left would quit saying some of the crazy things they're saying that I think incentivize more people to come and create this crisis that everyone acknowledged a long, long time ago, except Democrats in Congress.

I want to welcome our witness today, Secretary McAleenan, and thank him for his service to our Nation at DHS both during the Obama Administration and the Trump administration. There's been a lot of talk from Democrats on this committee about the border crisis, and I hope that Secretary McAleenan will offer some facts—facts—and real perspective learned from his years of serving our country and helping secure our border.

Last week, this committee held a hearing entitled "Kids in Cages." The next day, Judiciary Committee Chairman Nadler accused Customs and Border Patrol of committing, quote, negligent homicide. The chairman of the House Judiciary Committee, the storied history of that committee, told the people who work for this individual, who work for Secretary McAleenan, quote, negligent homicide. And just yesterday, he said another thing. He said CBP was engaged in torture.

This rhetoric is wrong. It's despicable and does nothing to fix the problem. After months of calling this a fake crisis, Democrats have now changed their tune. Make no mistake. The Democrats have only changed their tune because the facts simply cannot be ignored

any more. In 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 approximately 80,000 just since October 2018. And while historically most immigrants were single adult males, 72 percent of all border enforcement actions in the last month were related to unaccompanied alien children and family units.

So what do Democrats do when they have to acknowledge a problem that doesn't align with their politics? They look to someone. They look for someone to blame. Who else but the President of the United States and the hard-working men and women who work tirelessly every day trying to secure our border.

The comments from Democrats in Congress I think only serve to demean the public service of our brave Border Patrol employees and frankly—and this is important—to spark unnecessary outrage. Think about what we've heard from them: Abolish ICE. Abolish DHS, the entire Department. Walls are immoral, the Speaker of the House said, even though there's a wall in her state. Non-citizens should be able to vote. Taxpayers should finance healthcare for all illegals. Concentration camps. They call detention facilities concentration camps.

Earlier this week, a self-proclaimed member of Antifa showed up at an ICE detention center outside of Seattle, set cars on fire, and attempted to burn down the building. In his written manifesto, this Antifa member wrote that he felt it was necessary to take action against these, quote, concentration camps. Not one single so-called cage has been constructed by the Trump administration. Not one.

During the Presidency of Barack Obama, we didn't see outrage from the Democrats then. We didn't see prominent Democrat Members of Congress condemning the, quote, concentration camps and, quote, torture then.

Again, President Trump has not built a single cage. The cages you see in the news and on Twitter were constructed by President Obama's administration. In fact, the only thing the Trump administration has used chain-link fence for is one temporary facility through which immigrants pass when they initially come and they're getting screened. The detention facilities that the Trump administration built are all air-conditioned, have fresh water and supplies, and folks trained to administer healthcare and those supplies. You would never know that from listening to the Democrats.

After months of the administration highlighting the crisis at the border and making urgent calls for more funding, it wasn't until just before July 4 that House Democrats finally agreed to pass the \$4.6 billion emergency border funding bill to provide some resources needed at the border. And despite the size and scope of the crisis, some Democrats still choose not to support this bill, choosing instead to play politics with the border rather than work on the solutions that we all know need to happen.

Fabricating stories of cruelty and besmirching the hard-working civil servants protecting the border and providing humanitarian assistance does nothing to help solve the problem, and putting a Band-Aid over the border crisis does not fix the root causes.

If Democrats are serious, if they're serious about solving the border crisis, they must address, as I said before, the Flores settle-



ment agreement, asylum loopholes, and the other laws and court decisions that incentivize aliens to make the 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, frankly, it's getting worse by the day. I look forward to hearing from Secretary McAleenan. As always, we stand ready to work with our Democrat colleagues to address the root causes, the real causes of this crisis at the southern Border.

Mr. Chairman, I yield back.

Chairman CUMMINGS. Thank you very much.

Before we can move forward, let me say to the committee I want to, first of all, thank Mr. Meadows for working hard with us to make this hearing happen. I really appreciate that very much.

The other thing is that we will go all the way up until the call of the vote, which is going to be at approximately 10:45, and then we will come back. We will come back as soon after—I think we have three votes—as soon after that as we possibly can, but look at your iPhones to see exactly what—I'll let the staff know exactly the time. But I guarantee you, it will be as soon after that as we can possibly make it.

With that, now I would like to welcome our witness, the Honorable Kevin McAleenan, Acting Secretary of the Department of Homeland Security. If you would please rise and raise your right hand. I will begin to swear you in. 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?

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

Thank you. You may be seated.

Secretary, the microphones are very sensitive, so please speak directly into them.

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

With that, Mr. Secretary, you are now recognized to give an oral presentation of your testimony.

**STATEMENT OF THE HONORABLE KEVIN K. MCALEENAN,  
ACTING SECRETARY OF HOMELAND SECURITY**

Secretary MCALEENAN. Thank you, Mr. Chairman, Ranking Member Jordan, and members of the committee. I appreciate the opportunity to appear before you today to discuss the border security and humanitarian crisis, our efforts to mitigate it, and the continued support we need from Congress to address the underlying causes. I also intend to provide a much-needed account of the extraordinary humanitarian actions the men and women of the Department of Homeland Security and especially U.S. Customs and Border Protection and the United States Border Patrol have taken this year to protect migrants in our custody while securing our border and enforcing our Nation's immigration laws.

As I have testified and warned publicly, dozens of times this year and last, we are facing an unprecedented crisis at the border. U.S. Customs and Border Protection has apprehended or encountered, as we sit here today, over 800,000 migrants crossing our border from Mexico since October 1, over 90 percent of whom crossed ille-

gally between ports of entry. Over 450,000 of these apprehensions and encounters were members of family units, and over 80,000 were unaccompanied children. Combined, that means over 300,000 children have entered our custody since October 1. That's almost as many as the total apprehensions in Fiscal Year 2017. These numbers are staggering, unprecedented, and challenged and overwhelmed every aspect of our border and immigration enforcement system, and we've been warning about and asking for congressional action to address this crisis for well over a year.

I first publicly referred to the southwest border in a state of crisis a year ago yesterday. Since that time, I and CPB leaders have warned of the border security and humanitarian challenges in more than 100 briefings and meetings on The Hill, more than 15 official congressional hearings, more than 55 congressional delegations to the southwest border, three major press conferences, and more than 50 television appearances.

On March 27 of this year, I went to El Paso sector and declared that the breaking point in our immigration system had arrived and that CBP was facing unprecedented humanitarian challenges. On June 10, nearly 40 days after we asked Congress for emergency funding in the same week that the DHS inspector general was inspecting border facilities, I was explicit about the seriousness of the situation at the border on CNN, and I went well beyond the inspector general's statements. I said our facilities are overcrowded. No American should be comfortable with children in a police station for days on end. It is not an appropriate setting for kids. It took another two and a half weeks for Congress to vote on the emergency supplemental.

Despite the scale of the challenge we face and the failure to enact legislation that would have prevented and could still end this crisis, DHS has made significant strides in its efforts to secure the border and to better protect the health and safety of migrants in our custody. Since January 2019, the DHS team has delivered over 6 million meals, conducted 400,000 medical health interviews, and completed more than 80,000 medical assessments for individuals in CBP custody. We've taken more than 21,000 sick or injured migrants to hospitals and conducted medical transportation or stood hospital watch for over a quarter of a million hours.

With support from the U.S. Coast Guard, Public Health Service Commission Corps, and expanded contracts, we now have over 200 medical professionals embedded in border facilities, screening migrants upon arrival and providing critical triage capabilities, a ten-fold increase from January 1. Combined with our 2,300 agents and officers who are trained emergency medical technicians and paramedics, I am confident that no law enforcement agency in the world is providing more critical life-saving care or medical support than U.S. Customs and Border Protection.

On the facilities front, with humanitarian funding we requested in the Fiscal Year 2019 budget and received finally in the supplemental, CBP professionals have constructed, outfitted, and staffed four new facilities to enhance the conditions in which individuals are held while in custody with two more anticipated by the end of July. These facilities are targeted at reducing overcrowding and improving conditions at the border.

More recently, two critical efforts are starting to make an impact, and we are seeing progress in reducing border flows and lowering in-custody numbers for the first time this fiscal year, thanks to President Trump's direct engagement when he entered into an agreement with Mexico in early June to address the migration flows that is making a dramatic impact, a 28 percent reduction in border crossings in June.

The other key factor allowing us to make progress in the care and custody of migrants at the border is the receipt three weeks ago of the emergency supplemental requested by the administration on May 1. These funds are being directly and immediately applied to create temporary facilities to reduce overcrowding and improve conditions for all demographics at the border, expand medical care, provide more hot meals, improve transportation, and ensure adequate supplies at all border stations and ports of entry. These efforts have reduced in-custody numbers at the border from a high of almost 20,000 in June to under 10,000 yesterday afternoon.

For unaccompanied children, Health and Human Services now has adequate bed space. We've reduced from 2,700 kids at the border to under 350 yesterday afternoon, with an average of fewer than 35 hours in CBP custody. And throughout this period, the men and women of DHS have served with vigilance and compassion.

But make no mistake. The border flows and the custody situation remain beyond crisis levels. We are still seeing 2,500 crossings a day, mostly families. To continue to mitigate this, we're pursuing a multifaceted strategy that addresses the regional flows of migration at their source by expanding our partnership efforts with Central American governments to attack criminal organizations and improve security while fostering economic development and growth.

Fundamentally, however, a durable solution to this crisis lies with Congress. With targeted changes to our immigration laws that we need to enhance the integrity of our immigration system and eliminate the gaps in our legal framework that incentivize families and children to take this dangerous journey.

I will work with any Member willing to discuss the problem and solutions and invite you to see the situation for yourself at the border. If I could indulge one more minute, Mr. Chairman.

Chairman CUMMINGS. You may. Please.

Secretary MCALEENAN. Part of the stated purpose for this hearing is for the committee to receive testimony regarding increased immigration prosecutions last year under the so-called zero tolerance problem and how the prosecution of adults crossing the border in violation of our immigration laws impacted families and children. This initiative resulted in an increase in prosecutions for violations of section 1325 of the Immigration and Nationality Act from 20 percent to 50 percent and included all amenable adults, even those crossing our border unlawfully with children. These prosecutions, as all criminal prosecutions do, resulted in temporary separations of parents and children.

This practice lasted six weeks, ended 13 months ago, and has been the subject of ongoing litigation, multiple congressional hearings, committee and inspector general reports, and hundreds of media stories. I have personally testified in a number of these

hearings and in several media appearances and answered questions about it. I have acknowledged that this initiative, while well intended, lost the public trust and that President Trump was right to end it.

Under current practice, covered by both executive and court orders along with operational guidance, separations of parents and guardians and the children they cross with are rare and are undertaken in the best interest and safety of and welfare of the child.

In closing, I feel compelled to address current public rhetoric surrounding the ongoing border security and humanitarian crisis. The incendiary and overwrought attacks on the men and women securing our border and enforcing immigration laws on the interior are unwarranted and damaging. The demonization of law enforcement professionals, U.S. Border Patrol agents, CBP and ICE officers from all racial and ethnic backgrounds, from all faiths and callings who have chosen a career about protecting others must stop. These false and overheated attacks are not helping to resolve the crisis. Indeed, they diminish the public's understanding and cloud its perception of what is happening.

We need, Mr. Chairman, to regain our balance. We need to understand what is incentivizing and driving migrants to put themselves in the hands of dangerous smugglers and embark on this perilous journey to our border in order to have a real discussion on how to solve the problem. I hope that this hearing today can be a step in the right direction. Thank you.

Chairman CUMMINGS. Thank you very much.

Before we go to Mr. Raskin, can we move those signs, please? Thank you. The audience is trying to see. Thank you very much. All the members, by the way, have what the signs say, so that's the most important thing.

Mr. Raskin.

Mr. RASKIN. Mr. Chairman, thank you very much.

Mr. Secretary, the policy of separating children from their parents has shocked the conscience of our Nation, so I want to go to the point that you closed with. You testified in the Senate that child separations are now, quote, extraordinarily rare and, quote, for the safety of the child. You told the Senate Judiciary Committee, quote, we're talking about examples of a parent wanted for murder, a parent who has had a stroke and needs to be taken to the emergency room.

But the facts that we've learned on the ground seem contrary to that reassuring picture. Last week, HHS IG official Ann Maxwell told us that her office saw cases in which the Department of Homeland Security separated children based on their parents' criminal history, including, for example, a prior charge of marijuana possession. Mr. Secretary, does a parent's prior charge for marijuana possession justify taking his or her child away?

Secretary MCALEENAN. So I want to start with the rare portion of this. Fewer than a thousand juveniles have been separated from their parents crossing the border this fiscal year. That's with 450,000 crossings of family units. This is carefully governed by policy and by court order that needs to have a criminal background or issue as you referenced, potential communicable disease or medical emergency, or risk of abuse or neglect from the parent to the

child. This is in the interest of the child. These are carefully governed, it's overseen by a supervisor, and those decisions are made. Criminal history, yes, is a factor if there's an extraditable warrant or a prosecution for another offense.

Mr. RASKIN. Okay. So do you think that marijuana—a prior charge of marijuana possession justifies taking children away from the parent?

Secretary MCALEENAN. It depends on the totality of the individual case. It's kind of hard to say in a hypothetical.

Mr. RASKIN. If there were no other factors.

Secretary MCALEENAN. I would have to look at the kind of case that you reference.

Mr. RASKIN. According to recently released HHS information on about 3,000 child separation cases, the large majority of them are labeled as taking place based on a parent's criminal history, which could include prosecution, charges, or mere allegations of past crimes based on unsubstantiated information shared by foreign governments. So I want to be clear about this. Are separations taking place based on unsubstantiated evidence regarding suspected criminal backgrounds without criminal convictions?

Secretary MCALEENAN. So, when we have an allegation of a serious crime that we're concerned about, especially if it's from a U.S. jurisdiction, that would be cause to consider separation of that case. We also partner with foreign governments where we work closely with law enforcement in Central America and in Mexico, and when we have referrals of criminal activity, a conviction, an indictment or gang affiliation that is substantiated based on our partnership and our understanding of their mechanisms, their information collection procedures, we do take that into consideration into the safety of the child.

Mr. RASKIN. Well, let me take a case kind of like that. According to the Houston Chronicle, there was a 19-year-old Salvadoran woman identified as Maria who had been abused by adult gang members for years. She was present at a gang fight and was taken into custody by the police but was never charged with anything, but this interaction was enough for Border agents to imprison her and to take away her two-year-old son for more than five months. Do you think that was appropriate?

Secretary MCALEENAN. Again, I'd have to look at the specific factors in that case. I'm not sure that the Houston Chronicle has the same information that was provided by our foreign government partner, and that's, again, governed careful by policy with discretion at the supervisor level in the field for making those decisions.

Mr. RASKIN. Okay. We've seen evidence to suggest that three sisters were taken away from their father in November 2018 allegedly because he was HIV positive. Is that a proper basis upon which to remove children from their parents?

Secretary MCALEENAN. Again, you're referencing a number of specific cases that I do not have in front of me. I'm not sure if that was the only factor involved in that decision.

Mr. RASKIN. But let's assume it was. I mean, just hypothetically speaking, then, would you remove for that?

Secretary MCALEENAN. The simple fact of being HIV positive does not sound like that would meet the standard. There could be

other complications medically that would have required a temporary separation.

Mr. RASKIN. Do you have written civil standards that you use in order to determine whether children should be removed from their parents?

Secretary MCALEENAN. We do have policy and operational guidance consistent with the executive order and court order that's been sent out to the field and has been implemented.

Mr. RASKIN. Can you make that available to us?

Secretary MCALEENAN. Of course.

Mr. RASKIN. Last week, Jennifer Nagda of the Young Center testified before this committee. Her group is appointed by the Department of HHS to advocate for vulnerable children, including 120 recently separated children. On average, these kids, she testified, were seven years old, and they were in custody for 115 days before seeing their parents. According to Ms. Nagda, the center found that separation was contrary to the best interests of the child in nearly every single case.

Do you commit to this committee today and to Congress to have a policy where children will only be removed from their parents if there is a compelling reason to advance the child's own health and safety?

Secretary MCALEENAN. So we also have compelling reasons for criminal prosecutions that are also of relevant interest, as understood by the court and expressed by the executive order, but I'd be happy to work with this committee to evaluate our procedures on separation, to hear Ms. Nagda's testimony about her concerns, and to consider ongoing how we can improve what we do.

Mr. RASKIN. I appreciate that.

Thank you, Mr. Chairman. I yield back.

Chairman CUMMINGS. Thank you very much.

Mr. Cloud.

Mr. CLOUD. Thanks, Chairman, and thank you for being here, Secretary.

In talking about the situation at the border, the President said there may be some narrow circumstances in which there is a humanitarian or refugee status that a family might be eligible for. If that were the case, it would be better for them to apply in country rather than to make the various dangerous journey all the way up to Texas to make those same claims.

He went on to say, but I also emphasize to my friends here that we have to deter a continuing influx of children, putting themselves at great risk, and families who are putting their children at great risk, and so I emphasize that, within a legal framework and a humanitarian framework and proper due process, children who do not have proper claims and families with children who do not have proper claims at some point will be subject to repatriation to their home countries.

Going on, I say this is not because we lack compassion but because in addition to being a Nation of immigrants, we're also a Nation of laws. And if you have a disorderly and dangerous process of migration, that not only puts the children themselves at risk but also calls into question the legal immigration process of those who are properly applying and trying to enter our country.

Would you agree generally with this assessment?

Secretary MCALEENAN. I didn't hear you say who made that assessment, but yes, from what you read, I would agree with that.

Mr. CLOUD. It was President Obama five years ago. He went on to say that there had been a lot of press conferences about this, referring about this and the time for—"we need action and less talk" is what he said, and you mentioned all the different meetings that you've been in. He also went on to explain how the economic conditions, wanting a better life, did not fit in that narrow definition of asylum in that same press conference.

Could you speak briefly to the magnet that is drawing migrants here?

Secretary MCALEENAN. Sure. And just one other comment on that. As the chairman raised in his opening statement, the Central American Minors Program ended. That was a program that provided a categorical parole for certain minors in Central America. This administration has proposed in January and in a letter from the OMB Acting Director to Congress on the budget deal, and again working with Chairman Graham in the Senate Judiciary side on his legislation, technical assistance that would allow for a similar approach, applying for asylum, especially for unaccompanied children, in [the] country closer to where they are because they don't—we don't want them in the hands of the smugglers coming to the border.

So, on the incentives, Ranking Member Jordan laid it out. The main incentive has been the fact that families all over the region, advertised by smugglers, fully internalized—we saw it on CBS News last night. A woman all the way from Venezuela said she knew if she brought her child, she would be released. It has been a fact that the Flores settlement does not allow us to do what we were able to do under President Obama and Secretary Johnson, which is detain families together through an expeditious, fair immigration proceeding. It took about 40 to 50 days on average. That resulted in a clear immigration decision from a judge, either a repatriation if there wasn't a valid immigration claim or a determination that that family would be allowed to stay. We're not able to do that anymore. That's why we see so many families coming. It's a direct response to that gap in the framework.

Mr. CLOUD. Right. Now, definitely this is Congress' job to act. It's our responsibility. We're supposed to fix it. So nothing is meant to—what I say is meant to take us away from that responsibility, but we sent you a letter a couple of months ago highlighting eight actions the administration could take. I wanted to touch on a couple of them in the time that I have left.

One of them was training agents to do credible fear interviews. We got your response. You said, I think, by the end of this month, we'll have 60 trained over the last couple months, but that is the limit in that this is a pilot foreman. Now, the idea of training agents to do credible fear interviews is we wouldn't have a two-year process. We could really, you know, solve this right at the beginning as opposed to, you know, this mass influx that we don't know what to do with these people. We could solve this almost at the point of entry.

Why are we not doing more? I mean, there's thousands and thousands of agents at the border who could be trained to do this, and we're limiting this pilot program to 60.

Secretary MCALEENAN. So, first of all, agree strongly with the principle that we should be addressing those asylum claims at the border, doing a credible fear assessment as soon as possible, and that training immigration officers, Border Patrol agents, ICRO, asylum officers, all technically immigration officers under the statute, on those standards could help us increase the capacity and volume. What we're trying to do is balance it against the continuing crisis. The fact that we've got 40 to 60 percent of our agents doing processing care, transport, hospital watch for migrants, on and on, on down the line, so——

Mr. CLOUD. I only have 10 more seconds if I could ask one more question real quick.

Secretary MCALEENAN. Yes. Please.

Mr. CLOUD. Work authorization. Could you explain the process of who all is getting work visas, why they're getting work visas in the context of how many people that are crossing our border——

Secretary MCALEENAN. Right.

Mr. CLOUD [continuing]. end up actually have a legitimate claim to be here.

Secretary MCALEENAN. So, in the context, in that context, we're seeing is, for asylum claims, 10 to 20 percent actually getting asylum at the end of the court process. Unfortunately, that takes years to happen. So we are seeing employment authorizations being issued by CIS. The Acting Director is looking again at that policy and seeing if we're applying it appropriately given the context you offered.

Chairman CUMMINGS. Thank you.

Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman.

And welcome, Mr. Acting Secretary. I just want to read you a quote: There can be no keener revelation of a society's soul than the way in which it treats children.

That was a quote from the late Nelson Mandela. Would you agree with that quote, the sentiments of that quote, Mr. McAleenan?

Secretary MCALEENAN. I have tremendous respect for the late Nelson Mandela, and that's a powerful quote.

Mr. CONNOLLY. Are you a dad?

Secretary MCALEENAN. Yes, Congressman.

Mr. CONNOLLY. You've got children. I do too. I have one. Mr. Secretary, last Friday, the committee released a staff report on the child separation policy that summarized the data produced by you and other agencies under committee subpoenas as referenced by the chairman. We provided you with a copy of that report last week, and we agreed to delay this hearing in the anticipation that you would review that report. That report included 10 case studies, not a hundred, not a thousand, and we identified specific children at your Department's suggestion by number rather than by name, though we had the names. I want to ask you about one of those cases. I assume you looked at the report.



Secretary MCALEENAN. I've reviewed the report, but I'm not prepared to discuss in detail specific cases at this time.

Mr. CONNOLLY. Well, I am. There's a child identified in the report as Child No. 2. We have additional copies of the report, obviously, if you need to refer to them.

The records we obtained from you and other agencies show that this child is a baby boy from Honduras who was just eight months old when he arrived with his dad at the Texas border in May of last year. He was eight months old. He was taken away from his father and sent to a facility in Arizona. He then spent six months in that facility. He had his first birthday there. He spent half of his life without his dad, in the custody of U.S. officials. Meanwhile, his dad was transported to three different ICE facilities and then ultimately deported after two months.

Mr. Acting Secretary, why was a child of eight months held for six months while his dad was deported two months later?

Secretary MCALEENAN. So, Congressman, if the case your referred to happened in May 2018—

Mr. CONNOLLY. Yes, sir.

Secretary MCALEENAN [continuing]. do you have the date? Do you have the date?

Mr. CONNOLLY. The actual date in May?

Secretary MCALEENAN. Yes.

Mr. CONNOLLY. I can get it to you.

Secretary MCALEENAN. Okay. Again, we'd be happy to go back over these specific cases with you and members of your staff, as appropriate. But what I can tell you is that when we implemented the zero tolerance protocols to increase prosecution of amenable adults, including those arriving with children, I specifically directed and the Chief of the Border Patrol echoed that that would not include parents traveling with children under five.

So, when we've gone back and looked at the cases, and there were a few dozen separations during that timeframe, we've determined that there were other reasons that would comply with the current executive order or court order for separations of children under five that occurred during the zero tolerance period.

Mr. CONNOLLY. So—

Secretary MCALEENAN. If this was in that period, I would imagine—

Mr. CONNOLLY. All right. I'm running out of time. I just want to clarify what you said. Forgive me for interrupting, but I want to make sure I understand what you said. Normally, you're saying, your policy would not have allowed this. Something must have happened that made an exception to your normal practice. Is that what I understand?

Secretary MCALEENAN. Basically, yes. I mean, this was during the zero tolerance period if it was after May 7 or so. If it was before then, it would have been under historical approaches. In either case, there must have been another issue with the adult or a concern that we wanted to follow-up on.

Mr. CONNOLLY. Let's say there was—

Secretary MCALEENAN. Okay.

Mr. CONNOLLY [continuing]. in theory. Isn't there something wrong with deporting the dad and keeping the infant? I mean, don't we have a tracking system in place——

Secretary MCALEENAN. Sure.

Mr. CONNOLLY [continuing]. that would have caught that and said, hey, we've got to link these two up? It's a dad like you——

Secretary MCALEENAN. Right.

Mr. CONNOLLY [continuing]. with his child, a baby. Eight months old.

Secretary MCALEENAN. By ICE policy, if they're going to remove an adult who arrived with a child, it is up to that adult to choose whether the child should be repatriated with them.

Mr. CONNOLLY. I've got one more question for you.

On the Erin Burnett show, the Acting Director of USCIS, a Virginian, Mr. Cuccinelli, actually blamed the father for the death of himself and his daughter crossing the Rio Grande. It turns out, of course, that Oscar Alberto Martinez Ramirez, who left El Salvador on April 3, actually, his daughter had jumped into the river, and he tried to rescue her. Mr. Cuccinelli said, and I'll end on this, that father didn't want to wait to go into the asylum process so he decided to cross the river, and, therefore, it was his fault. Do you share that sentiment? Is that the philosophy of your Department?

Secretary MCALEENAN. I think what happened to Oscar and Valeria is a tragedy. I think they deserve better. They deserve a legal framework in our country that doesn't incentivize unlawful crossing, and they deserve an opportunity to apply for protections, if they warrant them, as close to home as possible.

Mr. CONNOLLY. And you're a dad. I'm a dad. Just one final point, Mr. Chairman.

Chairman CUMMINGS. The gentleman's time has expired. I'm sorry.

Mr. CONNOLLY. You would have jumped in the river to help your daughter, too, right?

Chairman CUMMINGS. You may answer the question.

Secretary MCALEENAN. Of course, Congressman.

Mr. CONNOLLY. Thank you.

Chairman CUMMINGS. Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Chairman, and Ranking Member Jordan, and thank you very much for being here today.

In April, I took a trip with my colleagues to Guatemala to see firsthand the results of human trafficking and abuse of women that occur in the country. I saw with my own eyes the devastating impacts that human trafficking has on the young girls, and I know that this same trafficking is occurring at the border, our border. We need real solutions to act swiftly to address the root cause of this issue.

Mr. McAleenan, I have a lot of questions, so try to keep your answers short enough that I can get to them all.

Nobody wants children to be separated from their parents, and we all want to ensure that children are treated with dignity and housed comfortably. What are the factors a Border Patrol agent uses, what he goes through in order to assess these illegal family units when they arrive?

Secretary MCALEENAN. So, by and large, the vast, vast majority, well over 99 percent, 98 percent of children that arrive with parents are kept together in the process. The Border Patrol agent or CBP officer encountering that family will undertake the analysis under the criteria and the President's executive order from June 20 of 2018 and the Ms. L. court order, which are consistent with prior policy that it's in the interest of the safety and welfare of the child. And cases are, again, prosecution for criminal offense or serious criminal history, abuse or neglect, expressed by that parent or the child where we have a concern or a medical emergency. Those are the main indicators of a potential separation.

Mrs. MILLER. How many children's lives have been saved by the Border Patrol?

Secretary MCALEENAN. So I think that's a really important question. We make over 4,000 rescues a year. Already, in the first nine months of this fiscal year, the U.S. Border Patrol has made 3,800 rescues. Their rescues on the river have gone up tenfold. We're seeing agents almost every day dive into the water with their full equipment on to try to rescue families crossing the water. It's high water this time of the year, and it's very dangerous, so 3,800 rescues so far this year.

Mrs. MILLER. Thank you. I'm glad to hear that.

What is the average size of migrant groups that the Border Patrol is encountering between the ports of entry, and how is that impacting the Border Patrol's operations?

Secretary MCALEENAN. This year has been unlike any other we've seen in our history with well over 150 large groups of more than 100 migrants crossing together. We peaked with a group of 1,036 migrants crossing as one group, all from Central America; 900 plus of them were family units. But since Mexico has started to do their interdiction operations and address the transportation networks on their highways, we've seen a dramatic drop. We've only had four large groups since the start of Mexico's operation and zero in July today.

Mrs. MILLER. Wonderful. How is the policy for separating children from their parents, what do you use except in the zero tolerance? What is different in this administration and past administrations?

Secretary MCALEENAN. Right now, our policy is identical to what we were doing before the zero tolerance practice that ended over a year ago.

Mrs. MILLER. The same.

Secretary MCALEENAN. Yes.

Mrs. MILLER. Okay. In Fiscal Year 2019, the Department of Homeland Security identified nearly 5,500 migrants presenting as family units that turned out to be fraudulent. Why would adults use children to help them cross the border?

Secretary MCALEENAN. Unfortunately, we see that all too often now. It's been a big focus this year to try to identify those adults that are bringing children with them that are not their own to try to take advantage of what they perceive is a loophole in our law that will allow them to be released into the United States. We've had egregious cases including a 51-year-old man who bought a six-month-old child for \$80 in Guatemala, and he admitted that when

he confronted with the DNA test by a Homeland Security investigation's agent conducting a pilot at one of our border stations.

Mrs. MILLER. How has the Flores settlement impeded our ability to enforce the law?

Secretary MCALEENAN. It's prevented us from getting immigration results from judges that can be effectuated.

Mrs. MILLER. At what point would a child be separated from the adult they arrived with?

Secretary MCALEENAN. At what point?

Mrs. MILLER. Uh-huh.

Secretary MCALEENAN. It would depend on when an issue was identified. For instance, we unfortunately had a 15-year-old girl a few months ago tell us on her second day in custody that her father had raped her the night before they crossed the river, and so she was immediately separated and taken care of and sent to Health and Human Services as a result.

Mrs. MILLER. So it's for safety, isn't it?

Secretary MCALEENAN. Correct.

Mrs. MILLER. If a family unit is housed together, how are they housed? Are they in a room with other families?

Secretary MCALEENAN. Yes. We separate families generally by demographic and gender, so male-head-of-household families with other male-head-of-household families. The same for female-head-of-household families. The age of the kids is also a factor. We try to just keep people in the safest groups possible during the short time they're at the border.

Mrs. MILLER. What if one of the—

Chairman CUMMINGS. The gentlelady's time has expired.

Mr. KRISHNAMOORTHY.

Mrs. MILLER. Okay. Thank you.

Mr. KRISHNAMOORTHY. Thank you, Mr. Chairman.

Thank you, Secretary, Acting Secretary, for coming in.

Secretary McAleenan, two weeks ago on July 3, my colleague, Congressman Chuy Garcia and I wrote you a letter requesting that you provide a plan within 14 days for how you will utilize the \$1.34 billion in emergency supplemental funding provided to DHS to address the border situation. I have not received a response.

Mr. Chairman, without objection, I'd like to enter this letter into the record.

Chairman CUMMINGS. No objection, so ordered.

Mr. KRISHNAMOORTHY. Mr. McAleenan, has DHS begun receiving the emergency humanitarian funds provided by Congress and signed by the President on July 1?

Secretary MCALEENAN. Of course. And I can tell you that we were already acting in hopes of receiving that funding before the supplemental was enacted.

Mr. KRISHNAMOORTHY. What is the status of the plan for using the funding as Congress intended, and I presume there is a plan.

Secretary MCALEENAN. Sure. Of course. About half of the funding is dedicated to enhanced facilities, temporary facilities at the border where we can provide additional space, reduce overcrowding, and improve the care of those that are in the custody of CBP during their short stay at the border. We've already erected four temporary soft-sided facilities, two in south Texas, two in El

Paso, and by the end of this month, we'll have another 4,500 spaces online and an additional set of temporary facilities in those two locations as well.

Mr. KRISHNAMOORTHY. So half of the money is allocated for that purpose? What's the other half?

Secretary MCALEENAN. So the rest of it covers a range of issues from paying for the surge force of agents and officers that's down there helping our Border Patrol agents with the humanitarian mission, their temporary deployment. It adds to our medical contracts so that we can provide embedded medical professionals, certified medical professionals, in our facilities. It augments our ability to pay for supplies and food. I referenced the 6 million meals that we provided folks in our custody since.

Mr. KRISHNAMOORTHY. Just to be clear—sorry. Just to be clear, all of this money is being used for the humanitarian efforts—

Secretary MCALEENAN. That's correct.

Mr. KRISHNAMOORTHY [continuing]. and not for any interior ICE deportation efforts or other enforcement actions, correct?

Secretary MCALEENAN. That's how it was appropriated, but I want to be clear, Congressman, that that creates a challenge because we asked for funding for ICE single adult beds, and it was not granted. So those single adults are waiting at the border for placement with ICE—

Mr. KRISHNAMOORTHY. I understand. I understand, sir. But just to be clear, that is how the money was funded, so that's how we expect it to be used.

Secretary MCALEENAN. That's correct.

Mr. KRISHNAMOORTHY. And for purposes of our letter, Chuy Garcia's and my letter, we expect a response, how the money is going to be spent and on what timeline. It has to be transparent so we can actually measure your efforts against your plan. Do I have your assurance we'll receive that plan.

Secretary MCALEENAN. We're transparent through our oversight on how we're spending the money that's programmed by Congress, and we'll continue to be.

Mr. KRISHNAMOORTHY. Do we have your assurance that you'll respond to the letter with the information requested?

Secretary MCALEENAN. We'll respond to all appropriate requests from Congress.

Mr. KRISHNAMOORTHY. Will you respond to our letter on July 3?

Secretary MCALEENAN. I'd be happy to come talk to you about the plan. I haven't seen the letter. I'll talk to my staff about where it is in the process.

Mr. KRISHNAMOORTHY. Okay. I expect a response, sir. Mr. McAleenan, you served as CPB Commissioner prior to your current role at the helm of DHS. According to CPB, 70 current or former employees are now under investigation for posting racist, sexist, and other inappropriate comments about migrants and Members of Congress to a quote/unquote secret Facebook group for Border Patrol agents with over 9,500 numbers. Are you aware of the secret group, sir?

Secretary MCALEENAN. I've been made aware, yes.

Mr. KRISHNAMOORTHY. Were you a member of that group?

Secretary MCALEENAN. No.

Mr. KRISHNAMOORTHY. Is Mark Morgan a current or former member of that group?

Secretary MCALEENAN. I don't know, but I don't believe so.

Mr. KRISHNAMOORTHY. Sir, what are the efforts to investigate those particular comments of the members of that group?

Secretary MCALEENAN. Yes. So our—CBP's Office of Professional Responsibility initiated an investigation within hours of those allegations coming to light. As you noted, they've already placed a number of individuals under investigation. They put several on administrative duties. They've issued cease-and-desist letters, and they're moving very quickly to hold people accountable for conduct that doesn't meet our standards.

Mr. KRISHNAMOORTHY. When will we receive a report on the results of that investigation?

Secretary MCALEENAN. So, again, it's proceeding very aggressively. I would say probably this month or early next month, we'll be able to update on the result of those investigations.

Mr. KRISHNAMOORTHY. Okay. We find this conduct extremely troubling and expect to receive that report. Would you be willing to come back in to discuss that report?

Secretary MCALEENAN. Certainly, or CBP will come and brief it appropriately.

Mr. KRISHNAMOORTHY. Sir, the last question, which is this: The zero tolerance policy that was adopted, how do you define zero tolerance under this administration with regard to immigration policies?

Secretary MCALEENAN. Consistent with the President's executive order from January 25, 2017, that we would no longer have categorical exceptions to enforcement of immigration law, one; and, two, under the Attorney General's April 6 letter, which was to have all 1325 unlawful entry cases be submitted—that was the goal—submitted for prosecution by DOJ. During—

Chairman CUMMINGS. I thought you were finished. Please finish.

Secretary MCALEENAN. During zero tolerance, the prosecutions increased from about 20 percent of amenable adults to 50 percent of amenable adults by eliminating that categorical exception.

Chairman CUMMINGS. Thank you very much.

Mr. Roy.

Mr. ROY. Thank you, Mr. Chairman. A quick question in response to my colleague's questioning just now. Is it true that zero dollars are included in the supplemental that just passed for ICE detention for single or family units?

Secretary MCALEENAN. That's correct.

Mr. ROY. Right. And isn't that part of problem?

Secretary MCALEENAN. It is.

Mr. ROY. Right. And wasn't it purposeful by my Democratic colleagues?

Secretary MCALEENAN. I assume that they did not want to fund ICE beds, but what I'm trying to emphasize is the impact it has on adults waiting at the border.

Mr. ROY. But it's not just a humanitarian crisis, is it? We have a crisis of national security, overstretched resources, endangerment of American citizens, endangerment of Texas communities, and

endangerment of migrants along the journey at the hands of cartels. Is it not?

Secretary MCALEENAN. It's also a border security crisis.

Mr. ROY. The truth is not—is that dangerous cartels, particularly the Gulf cartel, Reynosa faction, the CDN of Los Zetas, the Sinaloas are massively profiting by moving people through Mexico to the United States, correct?

Secretary MCALEENAN. Yes. Three billion-plus a year.

Mr. ROY. The poster behind me is a poster that shows prices, prices for moving people through Mexico and to the United States. So do you agree that it is true that certain dangerous cartels have an entire business model designed to exploit American laws for profit, to move human beings for profit, and that they charge money per person as depicted in this chart?

Secretary MCALEENAN. Yes. I met a family from Honduras yesterday that explained they paid \$10,000 to come across.

Mr. ROY. Do you agree that they use children as a ticket for profit to come to the United States?

Secretary MCALEENAN. Yes.

Mr. ROY. Now, let's look at the numbers quickly. How many people have come across the border and sought to be detained themselves, sought detention, or were apprehended? That number from October 1 to present, it's north of 700,000, correct?

Secretary MCALEENAN. It's north of 500,000. The single adults are not, by and large, turning themselves in.

Mr. ROY. Okay.

Secretary MCALEENAN. They're trying to evade capture, and embedded in that group, unfortunately, are gang members, criminals, and hardened smugglers.

Mr. ROY. Then, if you include those that had been apprehended, that didn't seek to be turned over, it's well over 700,000, correct?

Secretary MCALEENAN. Well, combined, we're over 800,000.

Mr. ROY. So then there are those hundreds of thousands of people who crossed our border in that time who were not apprehended, correct?

Secretary MCALEENAN. There are, yes.

Mr. ROY. And is it not true that Border Patrol is overwhelmed? Is it not true that Border Patrol is dealing with housing migrants rather than policing the border?

Secretary MCALEENAN. When you have 40 percent of your agents doing housing, transportation, and care, the border is less secure.

Mr. ROY. Of those 800,000 you just said, how many were UACs, around 80,000?

Secretary MCALEENAN. Yes.

Mr. ROY. How many are single adults, 250,000 or so?

Secretary MCALEENAN. Correct.

Mr. ROY. And of those, are they mostly male?

Secretary MCALEENAN. The single adults are predominantly male, yes.

Mr. ROY. How many were family units, over 400,000?

Secretary MCALEENAN. 450,000.

Mr. ROY. Of those, roughly 200,000 each of adults and children, about 50/50?

Secretary MCALEENAN. We're seeing about 1.1 because people know that a child is a very valuable way to get into the U.S., so they're only bringing one child with them at a time now.

Mr. ROY. Are most of those family units now dispersed throughout the United States?

Secretary MCALEENAN. Yes.

Mr. ROY. For the most part, are these family units claiming asylum, or are they largely using a child as a ticket for catch and release?

Secretary MCALEENAN. The latter. We do see a number of asylum claims, but it's actually gone down this year from the peak of about 30 percent of those encounters claiming asylum.

Mr. ROY. Is it true that the issue of UACs could be largely solved with a fix to TVPRA and that this could be done on a single piece of paper?

Secretary MCALEENAN. Yes.

Mr. ROY. Is it true that we could largely solve the problem of family units rushing our border and then being caught and released by addressing the Flores settlement, an extension of that settlement by a Ninth Circuit judge, on essentially a single piece of paper?

Secretary MCALEENAN. Yes. That was our experience in 2014 and 2015.

Mr. ROY. Is it true that, with respect to the family unit problem, representing the majority of the surge across our border, that the Obama Administration supported a solution to the Flores problem, and that, again, we could solve it on a single piece of paper?

Secretary MCALEENAN. Yes.

Mr. ROY. Is it true that the Obama Administration asked for \$762 million for ICE to deal with the unaccompanied alien children problem in 2014, the surge where children were riding on the top of train cars?

Secretary MCALEENAN. Yes. We all asked for additional appropriations at DHS to deal with the unaccompanied child surge, yes.

Mr. ROY. And does that amount seem correct, the \$762 million?

Secretary MCALEENAN. That sounds like it's in the ballpark.

Mr. ROY. That is what I'm told.

Is it true that the supplemental just passed only provided \$200 million for ICE in response to a much larger crisis today and that it came with significant restrictions on how it can be used?

Secretary MCALEENAN. That's correct.

Mr. ROY. To repeat again, zero dollars, purposely zero dollars for ICE beds and ICE detention. Is that correct?

Secretary MCALEENAN. That's correct.

Mr. ROY. Do you anticipate that the Democrat-led House of Representatives will bring any of these solutions that could be done on one piece of paper to the floor for a vote this week?

Secretary MCALEENAN. Probably not this week, but I'm sure hopeful on a shared set of facts, we can talk about solutions.

Mr. ROY. So for Flores, TVPRA, or money for ICE, the things that we know would solve the problem and largely address the crisis, you are not anticipating that that will be brought to the floor of the House of Representatives this next week before we adjourn for the August recess?



Secretary MCALEENAN. I don't see any legislative action that would make that possible at this time.

Mr. ROY. Which begs the question why? And I'll tell you why. It is because my Democrat colleagues don't give a damn about our national security or the migrants coming here, and they prefer to use children as political props.

Thank you. No more questions.

Chairman CUMMINGS. Thank you very much.

And as I said a little bit earlier when I opened, I think we need to be careful about the motives of our Members, and that goes to both sides.

With that, we now will hear from Ms. Speier.

Ms. SPEIER. Mr. Chairman, thank you.

Chairman CUMMINGS. Hold on. The bells have rung. Ms. Speier will be the last person, and then we will go into recess, and as I said a little bit earlier, we will let you know exactly. We have three votes, I understand, and then—is it three? Three, possibly four votes. So I'm just letting you know.

Ms. SPEIER.

Ms. SPEIER. Thank you, Mr. Chairman. Thank you, Director. I was with 16 other colleagues at the border at McAllen and Brownsville last weekend. It was my second trip to the border. Have you been there, sir?

Secretary MCALEENAN. Several dozen times.

Ms. SPEIER. All right. So this is familiar to you, seeing families, mothers and children caged with mylar blankets.

Secretary MCALEENAN. Yes.

Ms. SPEIER. That's familiar to you. And is this familiar to you, too? This is what we saw at the processing center: 40 men in a cell that could probably, under normal circumstances, accommodate maybe five. This man is putting his fingers up showing that he has been there for 40 days and 40 nights without a shower and without being able to brush his teeth. And I confirmed that with the Border Patrol officers there.

Ms. SPEIER. This would not be allowed as a kennel for dogs, yet that's how we're housing them. And you know the sally port is filled with yet another six, four, five hundred men as well. It's unacceptable and it has to change. We don't treat human beings like that.

Now, I'm going to ask you to—

Secretary MCALEENAN. Can I respond to those comments?

Ms. SPEIER. You can after I ask you this question. I want to ask you about a case study that is in our report that you've had the benefit of looking at. You've had it since last Friday. It's child No. 3.

He was 19 months old when he arrived from Honduras at the southern border in Texas with his father in April 2018. He was taken from his father and transported to foster care in New York before being released to a sponsor six months later.

During the time, the toddler's father was sent to ICE detention facilities in Texas, New Jersey, and New York before being released.

Why was this 19-month old baby taken from his father?

Secretary MCALEENAN. So, first, on the conditions. There's no one in this room that has warned more often or more stridently about the overcrowding and the conditions in our facilities than I have. So I'm very concerned about them. I've been asking Congress for help.

We did not get the money for single-adult beds that would allow us to move those adults out of our custody from Congress. So I just want to make that point very clear.

Second, on this case, as I said to Congressman Connolly, I'd be happy to follow-up on specific cases. I don't have the details on this case today. But what I explained as well is that—

Ms. SPEIER. Okay. Here's the problem. You've had this report since last Friday. You should have come prepared to answer these particular cases. So I'm wondering why you aren't able to do so.

Secretary MCALEENAN. So I've reviewed this report, and I've explained to Congressman Connolly our policy. I directed and the chief of the Border Patrol implemented when we—during the period of zero tolerance that we would not separate—we would not prosecute an adult that would result in a separation from their child if the child was under five years old, okay.

So if that happened, it was likely due to another issue in that adult's history or in the situation with that child that resulted in the separation. So I want to be clear on that.

Ms. SPEIER. So we don't know then if the toddler was ever reunited with the father?

Secretary MCALEENAN. We do. I mean, the Ms. L.—we have lots of different ways to confirm this. So the Ms. L. court is reporting biweekly the results of their own class and the reunifications of that class. We also have the ability in our system to see which adults cross with which child and respond to that. So we can do a very specific response on this particular case.

Ms. SPEIER. Okay. So you will provide us with a specific—

Secretary MCALEENAN. Yes.

Ms. SPEIER [continuing]. response to the questions that we provide to you?

Secretary MCALEENAN. Yes.

Ms. SPEIER. Let me ask you this. One of the children that we met was an eight-year-old. His mother was dead. His father was elderly. He was brought here by his 25-year-old sister and was separated at the border.

There was another young 16-year-old with an infant that has a mother in New York, but is going to not be reunited with her sponsor for as much as 60 days.

Some of these cases are being handled in a way that doesn't recognize, if you're a family unit, the family unit should be retained. And I want you to look at ways of improving the system.

A 25-year-old sister and an eight-year-old child is a family unit and they should not have been separated. This child now is homeless, parentless, and has lost his sibling. We can't treat people like this.

Secretary MCALEENAN. May I respond?

Ms. SPEIER. Yes.

Secretary MCALEENAN. So we've offered, both through the Senate and House Judiciary Committees in their consideration of legisla-

tion, a modification to the Trafficking Victims Protection Reauthorization Act that requires by law that a child arriving without a parent or guardian be considered unaccompanied, and the only option that we have at the border in that case is to transfer that child to Health and Human Services, where they make the decision on the best placement with a sponsor.

We would like and be willing to discuss the opportunity to have more flexibility to adjust to the kind of cases you just referenced.

Ms. SPEIER. All right. I want to work with you on that.

Chairman CUMMINGS. The committee stands in recess.

And to the members, we will reconvene a half an hour after the last vote begins, okay, on the floor.

We stand in recess.

[Recess.]

Chairman CUMMINGS. We will reconvene the hearing. And as soon as our witness gets seated, we will have Mr. Keller.

Thank you very much.

Mr. Keller.

Mr. KELLER. Thank you, Mr. Chair.

And thank you, Ranking Member Jordan.

Thank you, Mr. Secretary, for being here today.

I know we've been discussing the tragedy at our southern border and how our public officials are handling that and dealing with it, and I want to applaud those people that work every day on our border, and thank you for your service and them.

It's a tragedy. As a father and a grandfather of two little girls, it's a tragedy when children suffer under bad circumstances. And we've talked about ways that we might improve what's happening at our southern border so at intake facilities and so forth they aren't overcrowded.

There were some references made to the Flores decision and also TVPRA, which is the Trafficking Victims Protection Reauthorization Act. Those were items, I think, Mr. Roy brought up that you said would be helpful in making sure we can stop the crisis at our southern border. Is that correct?

Secretary MCALEENAN. That is correct.

Mr. KELLER. Are there other items that you see that we could, as Congress, put in place to help you and the people of the United States that work for Customs and Border Patrol and DHS to help do their jobs?

Secretary MCALEENAN. Sure. We've talked about three targeted changes that are most important to addressing the crisis and the flows coming to our border. You just mentioned two of them: modifying the Flores settlement to allow us to detain families together in an appropriate setting through their immigration proceeding; amending the TVPRA to allow repatriation of children to non-contiguous countries. But we've also added the opportunity for children to apply for asylum from Central America as a potential balance in the legislation we've been discussing.

But the third change is a modification of the front end of the asylum process, what's called the credible fear standard. Currently, it's a possibility of proving an asylum case. We've recommended a change to make it more likely than not that you can prove an asylum case, and we think that would allow for valid claims to come

through, but better align that front-end test with the ultimate decision by an immigration judge.

Mr. KELLER. Okay. If Congress were to fix those items the way that you're recommending, how long would it take you to implement policy and changes to improve the conditions and make sure that there's not such a crisis at our border?

Secretary MCALEENAN. Well, I think there would be a fairly immediate impact on the flow coming to our border.

We have historical context for this. In 2014, when Secretary Johnson made the decision to detain family units through their immigration proceedings, we had a 90 percent drop-off in family units crossing the border within a matter of weeks from those first flights arriving in Central America.

So I think we'll see a quick change in the flow when the loophole is closed.

Mr. KELLER. Okay. Thank you for that.

I guess I would want to say then, if Congress would do, and if the Democrat leadership would bring up these changes and allow us to give you the tools to do your job, we would stop seeing children and families being trafficked up to our southern border.

Secretary MCALEENAN. I truly believe that would be the case. That's been our prior experience, when we're allowed to get immigration results that can be effectuated, and really we need people to be in custody, adjudicated at the border for that to happen effectively. We've seen a dramatic drop in the flow.

Mr. KELLER. Thank you, sir.

And I guess I would just say this for my colleagues. I would encourage you to—encourage my colleagues to encourage the Speaker and the Democrat leadership to not only do these things, but then fix the other areas of our immigration policies that are broken so that we don't have this crisis at our border.

If we truly care about children and families and what's happening, it's our duty to give you the tools to do your job. I'm committed to make sure we help that happen, and I just would encourage my colleagues on both sides of the aisle to push toward that resolution.

I yield back.

Chairman CUMMINGS. Mr. Sarbanes.

Mr. SARBANES. Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for being here.

On July 6, The New York Times published detailed allegations about the detention facility at Clint, Texas, based on dozens of interviews with Border Patrol officers, lawyers, immigrants.

Here's what the Times wrote, I'm sure you're familiar with it: Outbreaks of scabies, shingles, and chickenpox were spreading among the hundreds of children and adults who were being held in cramped cells, according to agents. The stench of the children's dirty clothing was so strong it spread to the agents' own clothing. People in town would scrunch their noses when they left work. The children cried constantly. One girl seemed likely enough to try to kill herself that the agents made her sleep on a cot in front of them so they could watch her as they were processing new arrivals.

You were asked about these the next day on ABC News, these allegations, and you said that they were, quote, "unsubstantiated,"

and you explained, “because there’s adequate food and water, because the facility’s cleaned up every day, because I know what our standards are, and I know they’re being followed, because we have tremendous levels of oversight, five levels of oversight.”

That oversight includes the Department’s independent inspector general, correct?

Secretary MCALEENAN. Yes.

Mr. SARBANES. It also includes lawyers who monitor compliance with the Flores settlement to ensure the children are protected, correct?

Secretary MCALEENAN. It does include the court oversight—

Mr. SARBANES. Okay.

Secretary MCALEENAN [continuing]. which is partly done through the Flores monitors.

Mr. SARBANES. So in a sense in that statement you’re citing all these various levels of oversight, but that includes the IG and it includes the lawyers who do the monitoring under Flores.

Well, as you probably know, the IG testified in front of our committee on Friday, along with the lawyer who inspected that facility and interviewed children. The IG had inspected five detention facilities in the Rio Grande Valley housing over 2,500 children.

She found that more than 800 had been held longer than the 72 hours permitted under the Flores agreement and under CBP’s internal standards, which are known as TEDS. This included at least 50 unaccompanied children younger than seven years old, many of them in detention for over two weeks.

Do you agree—you must do—that holding young children in overcrowded detention cells for over two weeks violates both the Flores decision and the TEDS standards?

Secretary MCALEENAN. So not only do I agree, while the IG was touring our facilities on June 10, on CNN I said that no American should be comfortable with children in a police station for days on end. That’s not an appropriate setting for kids.

Mr. SARBANES. The IG also testified the teams, quote, “The teams also documented additional instances of noncompliance with applicable detention standards. These included noncompliance with standards applicable to the detention of alien children, including lack of access to hot meals, showers, and a change of clothes.”

You don’t seem to be disputing the IG’s findings that DHS violated both Flores and its own detention standards.

Secretary MCALEENAN. Congressman, I’d like the opportunity to quickly unpack these very different sets of allegations so I can—

Mr. SARBANES. Well, the problem is I’m going to run out of time. So if I have time at the end, I’m going to let you unpack that. But I just want to reference what Elora Mukherjee, which is a lawyer who visited Clint as part of the Flores oversight, and she was testifying to, quote, “seeing children who were dirty, children who wore clothing that was visibly stained with dirt, nasal mucus, breast milk.”

None of the children she interviewed reported having access to soap to wash their hands. She said that many children had not showered or bathed for days. Some had not showered or bathed once since crossing the border. They reported they did not have access to clean clothing.

So I understand that there's a debate about why we're where we are, but there cannot be any debate—and I assume you agree—that when you're dealing with children there are basic standards, humanitarian standards, when it comes to their treatment that need to be followed.

This is gut-wrenching testimony that we got. It's unconscionable we would treat children this way in the United States. And I think what Ms. Mukherjee was witnessing clearly does not comply with DHS' detention standards and with the Flores agreement.

So I'm going to let you speak now, but I just want to ask you, beseech you and your Department to take more ownership of the treatment standards here.

Leaving aside why it's happening, why the overcrowding, and we've got our own perspectives and they probably differ on that, once a child is in that situation it's a matter of basic human compassion that we treat them with decency and humanitarian response.

Secretary MCALEENAN. Mr. Chairman, I'd appreciate the opportunity to answer the remarks of the Congressman.

Chairman CUMMINGS. Yes.

Secretary MCALEENAN. Thank you.

So, first, could not agree more that overcrowding of children in our facilities is not an appropriate situation or result. That's why on May 1 the administration asked for a supplemental that included \$3.3 billion for Health and Human Services to increase their bed space capacity for unaccompanied children.

In my opening statement I explained that within weeks of receiving that funding we have reduced our in-custody population of children from a high of near 2,700 to about 350 at the end of the day yesterday, from over 1,200 kids that were with us for more than 72 hours to fewer than 50 at the end of the day yesterday. That's what we were able to do with the resources that we asked for and waited two months for Congress to act upon.

So I agree with you, we need to take ownership of the care and custody of children at the border, but we needed Congress' help to do that. And as soon as we got it we applied it effectively and urgently.

Now, to clarify, the various allegations that you walked through in terms of difficult situations at the border, I personally have explained those situations that were in the IG's findings multiple times in public in press conferences and hearings and how concerned we were about it, why we needed Congress to help us change the law and provide the resources necessary to care for children.

You referenced the Flores monitors. The Flores monitors that visited Clint Station interviewed children in a conference room. They did not go into the custody areas of the facility. They did not see the supplies available. They did not see the toothbrushes available.

I was in Clint last week. I talked to a Coast Guard volunteer who's in charge of procurement for that sector. He told me they had tens of thousands of toothbrushes in the sector, including available at Clint Station. So when I said the allegations were unsubstantiated, I was speaking to the Flores monitors who claimed children didn't have food, water, or toothbrushes.

Now, you mentioned the New York Times article on July 6. Clint had 700 kids in custody at one point. It absolutely was overcrowded. As kids are arriving from the border, sometimes 200 in a single day, they're coming in after a difficult journey, held in squalid conditions by smugglers, they're going to have dirty clothes. Guess what? We have laundry there. We're washing their clothes. We're giving them new clothes.

This was happening in an iterative fashion, but it's really challenging when you're that overwhelmed. Clint Station has added additional showers to make sure that every kid can take a shower within the first 24 hours when they arrive at that station, and it's been a huge effort on behalf of those men and women to do their absolute level best to take care of children.

I want to make sure that this committee has that context and doesn't assume that we took it lightly or were just, you know, shrugging our shoulders. We were fighting this challenge. We were asking for help from Congress. And as soon as we got it, we've applied it, and there's a much better situation for children at that border now.

Chairman CUMMINGS. Mr. Gosar.

Mr. GOSAR. Thank you, Mr. Chairman.

You know, I want to build on some of my former colleagues' comments.

Secretary McAleenan, can you tell me how the recycling of children is a problem at the border?

Secretary MCALEENAN. Sure, Congressman. This is part of our efforts to identify how these loopholes in our law are generating behavior that puts children at risk, and how we can address it not only with our border resources, but with our investigative partners at Homeland Security Investigation.

Early in my tenure, he deployed 400 special agents to the border in El Paso and Rio Grande Valley, where we see most of the family units arriving, to really focus on the potential for parents—for adults bringing children with them who are not their own, just to try to evade enforcement of our immigration laws.

In that initial several weeks, with the referrals from the Border Patrol agents, they found about 15 percent of those referrals - when a Border Patrol agent said there's a risk here with this family unit, we don't think that this adult is a parent - actually were substantiated and demonstrated that they were not related. So that's a huge challenge.

Child recycling is maybe the worst example of it. ICE now has three significant cases in multiple cities around the country where they've identified a small group of children, say five to eight children who are being used by dozens of adults to cross our border seeking release into the United States.

So they're pursuing those cases and appropriate prosecutions, but it's a huge indication that the gaps in our framework are putting children at risk.

Mr. GOSAR. And you're aware that even in early 2014 that the cartels were actually in Central America extorting families to send their children to the United States. Are you aware of that?

Secretary MCALEENAN. Yes. I'm aware that—

Mr. GOSAR. So we were enabling this enterprise to move forward.

Now, you're familiar with Child Protective Services, are you not, in this country?

Secretary MCALEENAN. Broadly, yes.

Mr. GOSAR. Yes. So if I took my child from Flagstaff, Arizona, and went to Seattle knowing that there's a 30 percent chance there's going to be some type of criminal enterprise along the lines, not knowing that I'm going to get food and water and protection, would my child be able to stay with me?

Secretary MCALEENAN. No. I mean, the Child Protective Services structure in the U.S. is designed for the best interest of the child.

Mr. GOSAR. You know, over and over again we still don't really understand the complexity of what you're under. So is it easier to take care of individual men coming across or family units? What takes more work from your standpoint from your work force?

Secretary MCALEENAN. Well, certainly for processing and care we have very high standards for children in our custody and anywhere in Federal custody, both under the TVPRA and the Flores settlement.

Single adults is what our structure was actually built for. These stations were built, most of them, decades ago. Primarily the crossings then were single adult males from Mexico. They were with us just a few hours before being repatriated. That's the structure that's existed on the border for decades.

So this kind of population, with families, with unaccompanied children, is a very difficult challenge for us given the facilities and resources we have at the border.

Mr. GOSAR. And the status of some—of a child going through this long, arduous journey, they're probably pretty debilitated health-wise, right?

Secretary MCALEENAN. We see a lot of communicable disease, a lot of severe illnesses. In some cases we've had immediate surgery required for congenital defects. They actually came to the border to have surgery. We are being faced with a younger and sicker population this year than we've ever seen at the border before.

Mr. GOSAR. So it's going to get worse for you. My understanding is yesterday or last night the World Health Organization actually declared an outbreak of Ebola now that they can't contain in Congo. I've been talking about this for some time.

How is that going to implicate you, and particularly looking at these family units, and how will it slow down the processing of individuals?

Secretary MCALEENAN. Well, having medical professionals embedded in our facilities gives us a chance to screen children and adults arriving into border facilities to ensure they don't have a communicable disease upon arrival.

We're somewhat insulated given the incubation period for Ebola is about 21 days. The journey from Africa to our border generally takes 30 days or more.

But it's something we're going to watch carefully. I'm in close contact with Secretary Azar on the Ebola outbreak. We have a responsibility at the border to be aware of it.

Mr. GOSAR. Is there one thing that we could actually have help with HHS that you would ask for that would actually expedite some of those issues?



Secretary MCALEENAN. So, you know, the Public Health Service Commissioned Corps, these are uniformed doctors and nurse practitioners that have been in our border facilities with us, the funding and support for those tremendous professionals in uniform working alongside us is a huge benefit and helps us carry out our mission.

Chairman CUMMINGS. Thank you very much.

I yield myself now six minutes to ask questions.

You know, I sit here, Mr. Secretary, and one of the things that always has bothered me, and it's bothering me about this hearing, is it seems that we have a tendency to, I want to say sugarcoat, but clearly there's something going wrong down at the border, a lot.

My Republican friends have said that we just declared and said that this was an emergency. I've been begging for a hearing before I became chairman. Begging.

And the thing that I think bothers me the most is that when I see the pictures and I hear the testimony—and by the way, I'm going down there myself, and I'd love for you to accompany me, because I want us to see the same things—I can tell you that I'm at a point where I begin to wonder whether there is an empathy deficit, an empathy deficit.

So, Mr. Secretary, I was disappointed when you decided last year to ignore the request for documents that I made with Representative Meadows. It's a bipartisan request. And you refused to produce a single document about these kids, which is why we had to issue subpoenas.

How much money are we spending? How much money are we spending of the American people's dollars, their hard-earned tax dollars? How much are we spending?

Secretary MCALEENAN. On which issue?

Chairman CUMMINGS. Come on. On all of them. Just give me a ballpark figure. I'll take it.

Secretary MCALEENAN. Department of Homeland Security is a \$60 billion entity with fees. CBP is about \$15 billion.

Chairman CUMMINGS. Yes. That's a lot of money.

In April of this year you gave an interview with Lester Holt at NBC. You claimed that the children you separated were, and I quote, "always intended to be reunited."

You also said this, and I quote, "Really, it was done very effectively. Border Patrol agents kept very careful records between the relationships between parents and children, and those connections were made very expeditiously by Health and Human Services working with the Department of Homeland Security," end of quote.

Given everything that has come out and everything that we now know, do you still stand by that statement today, is it your testimony today that you reunited these children very effectively and expeditiously?

Secretary MCALEENAN. So, Mr. Chairman, in that interview, and in response to a number of questions and hearings on the same topic, what I've talked about then as CBP commissioner is our Border Patrol agents capturing the relationships between adults and children at the border in our system.

I've also acknowledged the limitations, that systems maintained by different immigration agencies have not historically interfaced with one another in a way that's easy to track those files. That's something we're going to improve under the funding we got in the supplemental. We're creating a unified immigration portal.

That said, I think the response to the Ms. L. court order and how fast the majority of children were reunified spoke to good captures of data and a tremendous effort by HHS and ICE to find the child and the parent and bring them back together. I do think that's in the record of the court filings with the Ms. L. court in the weeks after that ruling.

Chairman CUMMINGS. Well, that's interesting that you raise that, the Ms. L. case, because the judge in that case said your agency did a better job of tracking immigrants' personal property than their children. So you could find their keys, but you could not find their children. Come on now.

Secretary MCALEENAN. I'm referencing the result—

Chairman CUMMINGS. Yes, well, we're talking about the same case. You quoted from it and I did.

Secretary MCALEENAN. Sure. I'm talking about the results of the—

Chairman CUMMINGS. Yes, I'm talking about human beings. I'm not talking about people that come from, as the President said, s-h-holes. These are human beings, human beings, just trying to live a better life. So the problem with your claim is that it is contradicted by the facts.

We now have documents and they show this not to be true. And I don't say that lightly. Your claim is also refuted by not one, but two independent inspectors general.

For example, on September 27, 2018, the DHS inspector general issued a scathing report that this, and I quote, "DHS was not fully prepared to implement the administration's zero-tolerance policy or to deal with some of the after-effects. DHS also struggled to identify, track, and reunify families separated under zero tolerance due to limitations with its information technology systems, including a lack of integration systems—between systems," end of quote.

The IG also found that the Trump administration's public claim that you had a, quote, "central data base"—and listen to this, Mr. Secretary—the IG said it was blatantly false. The IG also found that, quote, "There's no evidence that such a data base even exists," end of quote.

Mr. Meadows, to his credit, has often said, and we all have said, we want transparency. Can you understand when we hear that kind of information, listen to the IG, who is independent, see what—and listen to our colleagues who have been there right on the ground—and then we hear that there—you're talking about a data base and there is no data base, that seems to go in the opposite direction of transparency?

Therefore, when we hear about stories coming out from you and your agency that everything is pretty good and you're doing a great job—I guess, you feel like you're doing a great job, right, is what you're saying?

Secretary MCALEENAN. We're doing our level best in a very challenging situation.

Chairman CUMMINGS. What does that mean? What does that mean when a child is sitting in their own feces, can't take a shower? Come on, man. What's that about? None of us would have our children in that position. They are human beings.

I'm trying to figure out—and I get tired of folks saying: Oh, oh, they're just beating up on the Border Patrol. Oh, they're just beating up on Homeland Security.

What I'm saying is I want to concentrate on these children, and I want to make sure that they are okay.

I will say it, I've said it before and I will say it again, it's not the deed that you do to a child; it's the memory. It's the memory.

And so—and I told the head of Border Patrol the other day, I said, I want to know what's happening in the meantime.

We are the United States of America. We are the greatest country in the world. We are the ones that can go anywhere in the world and save people, make sure that they have diapers, make sure that they have toothbrushes, make sure that they're not laying around defecating in some silver paper. Come on. We're better than that.

And I don't want us to lose sight of that. When we are dancing with the angels, these children will be dealing with the issues that have been presented to them. How do you say to a two-year-old, your mother—we can't find your mother, but we can find the keys? Oh, we'll find the keys. We've got your mom's keys.

So I just think we can do better. We can go on and on and on. But I am hoping that we will see some immediate improvements. This isn't beating up. I just want to see an improvement, and I want to see it, and I want to see where we go with this problem.

Finally, let me ask you this, Mr. Secretary. And that wasn't the only thing in the report. The inspector general at HHS issued its own report in January 2019. That report found that the Trump administration, and I quote, "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."

The IG also criticized your agency, the report found. And I quote, "DHS provided ORR with limited information about the reasons for these separations which may impede ORR's ability to determine appropriate placements." As a result, the IG found that the separated children and, I quote, "were still being identified more than five months after the original court order to do so."

Both these IG reports were issued before you made your statements in April.

So, Mr. Secretary, have you read those reports?

Secretary MCALEENAN. Yes, I have.

Chairman CUMMINGS. Then how in the world can you sit here today under oath and defend your statement that you kept very careful records, that you worked with HHS very effectively and efficiently, and that you reunited children expeditiously?

Secretary MCALEENAN. Respectfully—

Chairman CUMMINGS. By the way, very expeditiously, you said. Go ahead.

Secretary MCALEENAN. Respectfully, I actually highlighted that issue before you asked the question, but—and I've testified on it before. We did have a lack of integrated data bases for the immigration agencies between CBP, ICE, Health and Human Services. That is correct.

What I've testified before and what I stated a few moments ago was that the CBP data was carefully captured. It was not available in an integrated fashion from an IT perspective. But when you put all that information together with what HHS and ICE had, that we're able to work within weeks to unify the vast majority of those adults and children.

And at this time, through that process, every single child has an identified parent and has gone through that process with a court and with the ACLU plaintiff's attorneys.

And second, I would welcome the opportunity to travel with you to the border and to see our men and women and how hard they are working to care for children. Border Patrol agents holding children that were not their own, brought across by smugglers, putting formula in baby bottles together.

There's no one defecating in a mylar blanket. We are taking care of these children thanks to the resources we finally have. They're moving very quickly through our facilities to Health and Human Services to a better situation. I'd be happy to show you that at the border, Mr. Chairman.

Chairman CUMMINGS. I'm looking forward to traveling with you. We'll try to make those arrangements as soon as possible.

Mr. Hice.

Oh, I'm sorry. You had something?

The ranking member.

Mr. JORDAN. Mr. Secretary, would it have helped if you had got the resources when you asked for them?

Secretary MCALEENAN. Of course.

Mr. JORDAN. When did you become secretary?

Secretary MCALEENAN. I became acting secretary on April 8.

Mr. JORDAN. This year?

Secretary MCALEENAN. Or April 10 this year, yes.

Mr. JORDAN. A couple weeks later you asked for money, didn't you?

Secretary MCALEENAN. Yes.

Mr. JORDAN. You asked for money because they won't address the underlying problem, what's causing the problem. They won't fix the asylum law, won't fix Flores, won't build the border security wall, say it's not a crisis, say it's manufactured, say it's contrived when it actually is a crisis. Then the crisis gets even worse, and then they blame you, who took the position in April and asked for help three weeks later.

Then they wait two and a half months to send the money. And when they send the money, we had the picture a little bit ago of the 40 individual males in the—adult males—in the facility. You asked for ICE bed money, and what'd they say?

Secretary MCALEENAN. They didn't provide it.

Mr. JORDAN. Didn't provide it. And yet you're the bad guy.

You take the position in April, ask for resources a couple weeks later. They denied the resources for two and a half months. And

then when the problem gets so bad they say, oh, it's your fault, even though you've been trying to address the underlying problem.

And then when they won't do that you say, at least give us money to fix the crisis that you all helped us create because you wouldn't address the underlying problem.

It gets so bad they finally send the money, but they still put limitations on you because they want the political issue when we're talking about kids. We all care about the kids. This is ridiculous.

Let me ask you this. We all know there's a crisis on the border. Does accusing CBP agents of torture help with the crisis?

Secretary MCALEENAN. In no way.

Mr. JORDAN. Does accusing CBP agents of working at concentration camps help with the crisis?

Secretary MCALEENAN. No. It obfuscates the real issues.

Mr. JORDAN. When the chairman of the House Judiciary Committee accuses folks down there working hard of negligent homicide, does that help with the crisis?

Secretary MCALEENAN. Of course not.

Mr. JORDAN. Would abolishing ICE help with the crisis?

Secretary MCALEENAN. No.

Mr. JORDAN. Would abolishing your entire agency help with the crisis?

Secretary MCALEENAN. No.

Mr. JORDAN. Does waiting 10—2-1/2— months to get the \$4.6 billion you asked for two weeks after you took the job, does that help with the crisis?

Secretary MCALEENAN. No. And it left children in these situations way too long, and we've proven that as soon as we got the resources we were able to put them in a much better situation.

Mr. JORDAN. Does denying money for ICE beds help with the problem?

Secretary MCALEENAN. No. That's contributing to overcrowding that still exists today.

Mr. JORDAN. I don't know how many times you've said it already, you said it with Mr. Roy and I think Mr. Keller, two things right now would help, give you the money for the ICE beds and fix Flores. And I think you said to Mr. Keller you think that would be almost immediate action, immediate help. Within a couple weeks you would see the message sent so these people won't take this dangerous trip. That would help immediately. Is that right?

Secretary MCALEENAN. That is right.

Mr. JORDAN. Yet the majority doesn't want to do it, doesn't want to do it.

The chairman just called it a deficit—he accused you and your agents and your agency of a deficit of empathy. Do you want to respond to that, Mr. Secretary?

Secretary MCALEENAN. I can tell you that the men and women of DHS and me personally are working—

Mr. JORDAN. Where is that picture? I am going to interrupt you 1 second, then I want you to take as long as you want.

Put this picture up.

Does that look like a deficit of empathy right there?

Secretary MCALEENAN. Not at all.

Mr. JORDAN. That's the kind of stuff that happens every single day on the border, doesn't it?

Secretary MCALEENAN. Right. I just wonder why would an agency, if they have a deficit of empathy, create a border search trauma and rescue team to try to protect people that are making this dangerous crossing, make over 4,000 rescues a year on their own time, with a collateral duty apply to be emergency medical technicians so they can help people in dangerous conditions? Where's the deficit of empathy there?

These are predominantly Latino Border Patrol agents. They have children of their own. They're out there trying to protect them on the line and trying to do the best they can to take care of them in our facilities.

Mr. JORDAN. Now, you just said something there. You said they're predominantly Latino border agents.

Secretary MCALEENAN. That's correct.

Mr. JORDAN. The majority of your Customs and Border Patrol agents are of Latino descent, Hispanic descent?

Secretary MCALEENAN. Border Patrol agents, yes.

Mr. JORDAN. Yes. It just doesn't help. It doesn't help.

At some point, at some point we have to get past all this and focus on what is driving the problem, and we all know what it is: Flores has to be fixed, the asylum law has to be—the loopholes, that has been to be addressed.

And, frankly, while we're getting that done, why don't we give you a few more dollars so you can take these adult males, have enough beds for them so they're not in the kind of facility that the picture was put up earlier, right?

Secretary MCALEENAN. That would be great.

Mr. JORDAN. And, oh, by the way, oh, by the way, maybe if we had a border security wall, that would help as well, because not all these people are coming to ports of entry. A lot of folks are coming across, too.

I mean, all this is part of the problem. Let's fix it. Let's fix it instead of just saying the things we've been saying.

With that, Mr. Chairman, I yield back.

Chairman CUMMINGS. Thank you very much.

Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman.

And I want to thank you, Mr. McAleenan, for your testimony. And I know I speak for this entire committee when I thank the border personnel for the work they're doing well beyond the call of duty. There is no disagreement about that.

I just want to see where we were in order to see where we've gotten, because some of your testimony has been very helpful in showing progress, and I understand that you were fairly recently there.

But what you had to deal with is a policy where 4,000 children were separated from their parents since mid-2017. There was a cancellation—I want you to note this—of what had proved one of the few successful policies, that was from the Obama era, where—which apparently kept people out of detention.

It's called the Family Case Management Program, where families had to report, having been released, had to report and there was

a 99 percent success rate on that, only a tenth of what the family detention costs.

Then there was another Trump administration policy where they targeted sponsors of children for arrest and deportation. And I'm talking about—our figure is 170 potential sponsors who came forward for these children. Well, then they were deported. So you can see the effect that would have. That has chilled that humanitarian response.

Now, Congress has prohibited that practice now, I'm pleased to say. But it is still having an effect because DHS and HHS are sharing records so people are not stepping forward.

Then, of course, there was the metering process, and we've discussed that in this committee. DHS found that limiting the volume of asylum seekers—and here I'm quoting—entering at ports of entry leads some aliens who would otherwise seek legal entry into the United States to cross the border illegally.

Mr. Secretary, I take it you agree that those policies, some of which you were not a part of, did exacerbate crowding at CBP facilities?

Secretary MCALEENAN. Could I tackle those one by one, Congresswoman? And thank you for—

Ms. NORTON. Remember, I have only—

Secretary MCALEENAN [continuing]. for being at our ribbon cutting for the new Department of Homeland Security headquarters.

Ms. NORTON. Of course, pleased to do that.

Secretary MCALEENAN. Appreciate your support for that.

Ms. NORTON. But I need you to answer. I have a limited amount of time. Did it exacerbate the policies or not, sir?

Secretary MCALEENAN. No.

Ms. NORTON. What I've just described did not exacerbate the policies?

Secretary MCALEENAN. If you're going to ask it in a blanket way, I'd prefer to target—you raised four separate issues.

Ms. NORTON. Well, I'm going to let you go back in a moment, but I have limited time.

Would you agree that this family management program, which I described, 99 percent success rate, people showing up, was successful? Would you agree that that was a successful way to relieve overcrowding and yet get compliance with the law?

Secretary MCALEENAN. So I can't agree that it was successful in ensuring compliance with the law. What we found is that when you have families that are not detained we don't actually complete the process in a way that can be effective.

Ms. NORTON. Ninety-nine percent of the families showed up.

Secretary MCALEENAN. Appeared for their initial hearing. At this point we have 150 cases of final orders of removal, and those families have not shown up to be removed from the country.

Ms. NORTON. Look, I can only go on the statistics we have before us. So you're saying that that program, where you had such a high rate of compliance, was not successful after all, even given the figure I just gave you?

Secretary MCALEENAN. They appeared at their initial hearing, Congresswoman, but they did not complete the process in a way that allowed for repatriation.

Ms. NORTON. I'm saying—I'm only trying to show that if you release these families they will show up. You seem to want to avoid any credit of these families for compliance with what the law says—show up here, 99 percent showed up here. Why did you get rid of that program?

Secretary MCALEENAN. Because it wasn't working, because it was actually more costly to continue to pay for it day after day when a family is released than complete a proceeding in 40 to 50 days in custody, and because we have 150 final orders of removal of families in that program that are not showing up to be repatriated. That's not successful.

Chairman CUMMINGS. Thank you. The gentlelady's time has expired.

Mr. Hice.

Mr. HICE. Thank you, Mr. Chairman.

I have been at the border, and I have absolutely not seen any indication of a deficit of empathy. In fact, just the opposite is what I have seen over and over and over. I'm returning back to the border at the end of next week. It is unbelievable that such accusations would be hurled against you and those agents who are working so hard and giving so much of their time.

And to ask for seeing improvements, there's no question, as you have testified, that as the funds came, which the Democrats continually held back from coming, as the funds were made available improvements have been evident, and they've been stunning.

I'd like to ask you, regarding the cartels renting of children, I've seen that agents are now even beginning to find paper fliers advertising this type of thing. Is that true?

Secretary MCALEENAN. Yes. I mean, we've seen direct Facebook advertisements in Central America. Smugglers will use any means necessary to get customers.

Mr. HICE. How much does it cost to rent a child?

Secretary MCALEENAN. It depends. We've had indications in Homeland Security Investigation efforts and Border Patrol agents doing good intelligence interviews that it could cost anywhere from a few hundred or even in some cases less than a hundred dollars, up to a thousand or more.

Mr. HICE. So walk us through the process. A child—there's advertisement, parents, someone responds, a child is offered?

Secretary MCALEENAN. Yes. So in many of these communities in Central America it's pretty known who the coyote is, who the alien smuggler who's willing to bring you to the United States is in those communities.

So they'll have a situation where everybody knows if they bring a child, they'll be allowed to stay in the U.S. They call it a passport for migration. I heard that directly from a gentleman from Huehuetenango, the western-most province of Guatemala.

If they have an individual who wants to go to the U.S. and somebody has a child, that they might want to make some additional money renting that child; or they want the child to be delivered to a relative in the U.S., they'll say, hey, take my child, they go procure a fraudulent document, and then they're smuggled to the U.S. border.

Mr. HICE. And the cartels are receiving that money?



Secretary MCALEENAN. They're getting paid for the fraudulent document, they're getting paid for the smuggling event, and the child is being put at risk.

Mr. HICE. Any idea how many children are being trafficked like this?

Secretary MCALEENAN. So that's a huge concern. We've identified 5,500 cases of fraud in family units in just the eight weeks or so that we've had special agents helping our Border Patrol agents with these investigations. Fifteen percent of those that they've interviewed have turned out to be fraudulent cases. That tells me that we might be scratching the surface of this problem.

The number of children being put at risk might be even higher. If I could give you a quick stat. Of the first 2,475 family units they've interviewed, 352 were fraudulent, 14.2 percent; 921 fraudulent documents have been uncovered; and we've prosecuted 615 individuals for basically trafficking or smuggling a child with fraudulent documents.

So that's just in the last eight weeks we've been doing this operation.

Mr. HICE. Unbelievable.

Another issue is obviously the treatment of migrants. We've heard in this room that there are people being held in rooms with no running water. We heard several days ago that people are being forced to drink from toilets. Whereas the regional Border Patrol Chief, Chief Border Agent Aaron Hull, has disputed these allegations and have said they're absolutely not accurate, that no one is forced to drink from toilets, noting that cells either have water fountains or five-gallon jugs of water.

What's the truth of the matter?

Secretary MCALEENAN. That's our requirement by our policy. Again, it's overseen by multiple layers of oversight. Every station I've been to has both either running water—and sometimes a faucet will break temporarily—but has running water or the 5-gallon jugs outside.

Children must be kept in the least restrictive setting. Their doors in their areas where they're being held are not even locked. They're able to move around freely.

So we are providing water consistent with our policy directly available in our custody.

Mr. HICE. Maintaining border agents has got to be—and recruiting them—has got to be a serious problem. I know you're working on it. There's about 7,000 fewer than needed, as I understand it.

Does it help when some elected officials refer and liken our agents with Nazis and claim that the agency is running concentration camps?

Secretary MCALEENAN. Yes, I talked about in my opening how unproductive and unacceptable demonizing law enforcement professionals, who are—they chose a career protecting others is. It does not help.

We are turning the corner on our recruiting due to about three dozen process changes we made over the last several years at CBP. We hired more agents, net agents, last year than we started the year with, and we're going to do that again even with the shutdown.

So we're making some progress, but it is a challenge in this media and political environment.

Mr. HICE. Thank you, Mr. Secretary.

I yield back.

Chairman CUMMINGS. Thank you very much.

As we go to Mr. Rouda, I want to just clarify something, because we have a way at times of hearing a few words and then we repeat them over and over again.

Mr. Hice just said something that is—that I didn't say. And I, from the very beginning, I said I don't mean for us to get confused with regard to the, Mr. Secretary, with regard to the good work that the folks down there are doing.

What I was saying, and I know what I said, is that you were a co-signer of the zero policy document. Is that right? Would you agree?

Secretary MCALEENAN. Would you like the context on that, Mr. Chairman, or just a yes-or-no question?

Chairman CUMMINGS. No. I just want—because I'm really not—I just wanted to make a point, just trying to correct him. You were involved in that policy?

Secretary MCALEENAN. I signed a memo—

Chairman CUMMINGS. Right, you signed a memo.

Secretary MCALEENAN [continuing]. presenting options for increasing prosecution for immigration violations at the border.

Chairman CUMMINGS. And I will give you time later on to explain that. All I'm saying, and I felt—I felt that there was an empathy deficit there, in that, not knocking the Border Patrol people, and I didn't say that, all right.

Now, Mr. Rouda—Mr. Gomez. Mr. Gomez.

Mr. GOMEZ. Thank you, Mr. Chair.

Before I start, I want to break up my questioning.

The percentage of the individuals coming from—that are apprehended at the border, what's the percentage from Mexico? What's the percentage from Guatemala? What's the percentage from, you know, the three countries, Guatemala, Honduras, and Nicaragua?

Secretary MCALEENAN. Sure. So this is the first year, Congressman, that we've had a higher percentage from any country other than Mexico, and for every month of this year the number has been higher from Guatemala than Mexico, and for four—five of the nine months this year the number has been higher from Honduras than Mexico as well.

Mr. GOMEZ. Additionally, have you heard of the fact that net migration from Mexico is inherently zero?

Secretary MCALEENAN. I have.

Mr. GOMEZ. And additionally, the undocumented population in the U.S. has decreased, and that's because a lot of Mexicans are returning back to Mexico?

Secretary MCALEENAN. I've definitely seen studies on the first point. I'm not sure the second point would be accurate at this stage given the flow we've seen this year.

Mr. GOMEZ. The reason why I want to bring that up is that there was a claim made earlier that says immigrants know if they bring a child to the border that they'll be able to cross and to get asylum

into this country. It seems that we only focused on what they called the magnet, right?

Secretary MCALEENAN. Right.

Mr. GOMEZ. But yet, at the same time, if—do the Mexicans also know about this magnet, the fact that—as you claim?

Secretary MCALEENAN. Actually, we're able and much more successful at repatriating Mexican families than noncontiguous families. But as you noted, the numbers have been down from Mexico, not necessarily because they couldn't take advantage of the same loopholes, but because Mexico's economic development and opportunity creation has exceeded, you know, the push for migration. They've also had a very significant demographic shift where the birthrate is about similar with the United States.

So I don't believe that that's a lack of taking advantage of the loophole.

Mr. GOMEZ. Okay. My point—that's exactly my point. Everybody always makes it seem that this is like—that there's this big magnet that draws immigrants to this country and it's just here. But there's also the push factors in these other countries—economics, violence—that push those people to flee, right?

And we like to make—pretend that things are very simple, but they're not. Sometimes when the hard lines of—like zero tolerance—people think that that's going to solve the problem. It's not, you know. It has to be in coordination with a strategy that's developing the countries and helping the economics in the countries in order for the people not to leave.

You know, shifting millions of dollars of aid from the Northern Triangle countries to Venezuela is not smart when it comes to immigration. I believe Venezuela has a different issue and we have to get money to that country, but that complicates the situation.

Before I run out of time I wanted to move on to a different issue.

Secretary MCALEENAN. Could I respond to that point?

Mr. GOMEZ. Sure.

Secretary MCALEENAN. Because I believe a multifaceted strategy absolutely requires engagement with Central America. I've been to Central America three times in the last six weeks, met with all three Presidents, including the incoming President of El Salvador.

Advancing cooperative efforts on security, targeting transnational criminal organizations, and fostering economic development are absolutely essential parts of the administration's strategy.

Mr. GOMEZ. I appreciate that.

And one of the things we've also seen is an increased use of for-profit prisons and safety issues. Since 2017 the value of ICE contracts awarded to private detention companies has increased sharply. The two biggest contracts, GEO Group and CoreCivic, were paid a total of \$810 million.

But there has been some questions regarding some serious problems at these private prisons. The IG reported on five ICE detention facilities, including one run by CoreCivic, and it said, quote, "identified problems that undermine the protection of detainees' rights, their humane treatment, and the provision of a safe and healthy environment."

Next year they'll be awarded—CoreCivic will be awarded more than \$141 million in new contracts. Secretary, do you agree that

ICE should not reward a contract that is putting the health and safety of detainees at risk with more than \$100 million in new contracts?

Secretary MCALEENAN. With any government contract you want to ensure that the contractor is meeting the standards required. ICE does oversee this aggressively. The contractors are committed to comply with the performance-based detention manual standards, which are extensive, issued in 2011, in the last administration, and those kind of issues that are identified are corrected and followed up on.

Mr. GOMEZ. Mr. Secretary, I've run out of time, but the issue regarding the use of for-profit prisons is a concern. Some of the safety complaints that are coming out of these prisons is a concern. I would love to follow-up on that.

But with that, I yield back.

Chairman CUMMINGS. Mr. Norman.

Mr. NORMAN. Thank you, Mr. Chairman.

And, Mr. McAleenan, I really appreciate you coming. You know, listening to some of the questions you've had is like jumping on—you know, shooting the messenger. It's like pointing to a cancer patient and blaming the doctor because he's not getting the chemotherapy to treat the cancer patient and somehow saying that you're responsible for that.

And, Mr. Chairman, I appreciate you clarifying the deficit of empathy, because I thought that's who you were talking about here. I'm glad that was not.

But I really take issue with the rhetoric that we've had over the last couple of weeks with, you know, drinking out of toilets, children in cages. If they'd had the money, as Mr. Jordan said, that would not have taken place at any level. Nobody wants to see children like that. Like my colleague Mr. Roy said, it can be solved by one sheet of paper, with curing the Flores amendment.

I've been to the border, as Mr. Hice and many others. I've seen that Border Patrol agent jump down, arrest a fleeing alien, tackle him, not know whether he's going to be shot or live to see his children.

I've seen that sheriff who had a dinner when he woke up at 3 o'clock in the morning and 12 thugs were attacking him and shooting his house up.

I've seen the families who have been robbed repeatedly. They've got their cars chained because of what the drug cartels are putting all those families through.

So I appreciate your effort and appreciate you taking these kind of questions knowing that most of them are for politics, and it's behind this—these cabinets that we can fix this.

On the—there has been a lot of confusion on who actually shows up for immigration hearings. Can you give some clarity on that?

Secretary MCALEENAN. Sure. Yes. The appearance rates are a very important issue. Obviously, that's overseen by the Department of Justice Executive Office of Immigration Review. But they published a whole set of statistics to provide context on this recently on their website. I want to just offer the big picture and then a specific, you know, more recent stat of concern.

Across all demographics, about 44 percent of those non-detained removal cases end with a removal order in absentia. That means that, obviously, the migrant or alien did not show up for their hearing at the end of that process, so they got a final order from a judge when they were absent from the hearing room.

For the recent border entrants, the people crossing now, and especially family units, the number appears to be significantly higher. We've worked on a pilot with the Department of Justice since last September, and in that pilot, it's called an expedited docket, out of 10 cities, unfortunately, about 58 percent of those cases' final orders of removal have been issued in absentia as well.

So I want to—that's what we're dealing with on the appearance rates. The overall appearance rate of 44 percent in absentia; for the recent family cases that have been on the expedited docket, it's 85 percent.

Mr. NORMAN. Thank you.

And one other thing. You were—you've been very open and frank about the overcrowding conditions, and you were quoted in the media saying that certain claims were unsubstantiated. Which claims were you referring to?

Secretary MCALEENAN. The Flores monitors' claims based on interviews, not actually going in the facility at Clint, where they said the children didn't have access to water, food, toothbrushes, and weren't being given showers for days on end. Those were not substantiated.

Mr. NORTON. That's unfair for whoever brings that up to even make that kind of claim.

Again, thank you for what you're doing. I've seen Tom Homan break down in tears about the death that he's seen. So thank you.

I yield the balance of my time to Mr. Roy.

Mr. ROY. I thank the gentleman.

Mr. McAleenan, just a couple quick questions in the minute that I have.

I heard about empathy here today. My colleague discussed the individuals that have been saved. You said up to 4,000 people, children or migrants, been saved by Border Patrol, yes?

Secretary MCALEENAN. That's correct.

Mr. ROY. In this fiscal year?

Secretary MCALEENAN. Yes.

Mr. ROY. Great empathy for those lives saved, yes?

Secretary MCALEENAN. Right.

Mr. ROY. Empathy for Jared Vargas, who was murdered in San Antonio, Texas, last summer by somebody who was here illegally, captured, released, captured, released. Murdered. His mother, Lori, a dear friend of mine, no longer has her son.

Empathy for the people, at least the individual that I believe was murdered by allegedly by two Guatemalans. It was in the news today in Iowa.

Border Patrol and ICE are on the front lines trying to prevent those who are here illegally from carrying out the kinds of crimes I just described. Is that right?

Secretary MCALEENAN. That's correct.

Mr. ROY. And oftentimes they're doing so without all the resources necessary. Is that right?

Secretary MCALEENAN. Right.

Mr. ROY. Thank you.

Chairman CUMMINGS. Thank you very much.

Now we will move to Mr. Rouda.

I want to thank you, Mr. Rouda, for managing the suspensions on the floor yesterday.

Mr. Rouda.

Mr. ROUDA. Thank you, Mr. Chairman.

Mr. Secretary, thank you for coming today. And my thanks to ICE and DHS and all the hardworking men and women there who are trying to fulfill their mission on a daily basis in a very difficult situation, often in ways that they were not trained for, and I recognize that.

I also agree with many of the members who are talking here about we need to get the rhetoric out of this, the rhetoric that you talked about in your opening statements, the rhetoric about build the wall and have Mexico pay for it. That type of rhetoric simply acts as a diversion from what we need to do.

I do think most Americans recognize that this is a multifaceted issue, from beginning with the Northern Triangle countries, and the fact that the President has cutoff aid to those countries creates economic consequences that causes even greater levels of immigration.

I do applaud the administration for working with Mexico to try and stop that immigration at that border. I also recognize that we need to have strong borders and ports and am willing to work with anybody across the aisle to accomplish that.

But I also think all of us want to make sure that we have the appropriate response for a country as great as ours at the border to make sure that those who have come here are treated with dignity, respect, security, and safety.

Mr. Secretary, I want to discuss a key finding in the committee staff's report. According to the DHS data, even after separated children were reunited with their parents, hundreds continued to be detained with their parents for weeks or months in so-called family detention. At least 380 children spent time in family detention. More than 300 were held for more than 20 days past the legal limit. Some were held in detention for up to five months.

Under the Obama Administration, there was a successful alternative for families seeking asylum that didn't have them in long-term detention, but President Trump canceled it. It was the Family Case Management Program, which we talked a little bit about earlier.

That program had a 99 percent success rate, costing taxpayers \$36 per day versus \$319 per day to keep them locked up in detention. You said that that program wasn't successful, and I'd like to understand why. If you could elaborate very briefly on that, I would appreciate it.

Secretary MCALEENAN. Sure. And thank you for your comments.

The program wasn't successful because that's not the only measure of success. That appearance rate at an initial hearing, that's great. That's a start of a court process. But what we were looking for is consistent appearance rates, and if a final order of removal is issued, an actual result effectuated from that.

Mr. ROUDA. Can I ask you this, though? It says 99 percent of these recently released families represented by an attorney attended all immigration court hearings. And that data is from the Department of Justice. Are you disputing the data from the Department of Justice, or are they just simply wrong?

Secretary MCALEENAN. I'm saying at this point we have 150 orders of final removal, and none of those families have shown up to be removed from the United States at the end of the process.

If they're not detained, there's a very difficult chance to effectuate that final order of removal. It ends up being an ICE officer going into a community to try to find that family.

Mr. ROUDA. So you are saying the data is wrong and the Justice Department's data is incorrect?

Secretary MCALEENAN. I'm saying it's incomplete.

Mr. ROUDA. Incomplete.

Secretary MCALEENAN. A successful program results in actual repatriations or a finding that somebody has a right to asylum or an immigration right to stay in the United States.

Mr. ROUDA. So let me ask you. When that decision was made, who made that decision to cancel that program?

Secretary MCALEENAN. I don't know. At the time, I was at U.S. Customs and Border Protection.

But we do have appropriations language and funding this year, and we're looking at how to redesign the program so that it could be effective throughout the entire process.

Mr. ROUDA. So you're not—you have no idea who made that decision. You have no idea if there were any conversations, memorandums, or otherwise that talked about what the implications would be if that program was canceled and how it might be use as a deterrent for people coming to our southern border?

Secretary MCALEENAN. No, I don't, as I sit here today.

Mr. ROUDA. Okay. I'd also like to ask you that—one of the challenges we've had is having enough people to be able to administer the needed services, both in border protection as well as addressing the needs of those who have made it to the southern border.

As of March, there was 2,000 open positions in the CBP. Is that correct?

Secretary MCALEENAN. In terms of the Border Patrol levels, yes. We were down almost 2,000 from our authorized—not necessarily our appropriated levels—and we're aggressively pursuing hiring of additional agents.

Mr. ROUDA. So we just approved funding for additional people and additional beds, but to some degree there was already an existing backlog of over 2,000 positions that haven't been filled. Can you help us understand why we need more people—and, arguably, we do—when we haven't even filled the 2,000 vacancies that have been vacant for quite some time?

Secretary MCALEENAN. Supplemental funding doesn't provide new positions for CBP or ICE, in my understanding. There's some salary funding.

But we've improved our hiring over the last several years. We ended the year with a net gain last year in Border Patrol agents, and we're going to do so again this year, despite the shutdown, despite the politicization of their mission, which is challenging from

a reciting perspective. But it's something we're working on aggressively.

But the humanitarian crisis is immediate. So the funding that we're getting, we're applying both in facilities, medical care, transportation, and contracts to augment our ability to care for people in our custody right now and get law enforcement agents doing their duties on the border.

Mr. ROUDA. Thank you, Mr. Secretary.

I yield back, Mr. Chairman.

Chairman CUMMINGS. Thank you very much.

Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman.

Thank you for your testimony, Mr. Secretary.

Today has been interesting because I've seen some of my colleagues on the other side of this particular room actually come together in a way that I have not seen in previous hearings. So I want to thank you for being straightforward, giving us the facts.

One of the facts that I found out the other day that was very troubling to me is how there are actually cards and directions that are given to people trying to come into our country to actually tell them how to use children to circumvent our laws. Is that correct?

Secretary MCALEENAN. We've seen all manner of smuggling organizations communicating to potential customers and to those crossing the border how to bring a child with them to be allowed to stay in the United States, yes.

Mr. MEADOWS. So would you say that there is a coordinated effort among some south of our border to actually exploit children to circumvent U.S. laws?

Secretary MCALEENAN. Absolutely. I've got a document full of individual cases that have been identified by him through their interviews and their DNA testing, and almost every single summary says something to this effect: The subject stated that he made the attempt because he heard in his hometown that anyone traveling to the United States with a child will be released.

Mr. MEADOWS. Well, I've looked at some of those documents because it's very—it really bothers me, because I saw the cost of purchasing a child, and we're talking about \$160, \$84 in one case, \$250. And when you can buy a child in some of these countries to use them, they become not only trafficked, but used over and over again.

Have you found that some children are actually recycled in this process?

Secretary MCALEENAN. Absolutely. I mean, July 17 of last year I talked about the crisis at the border, over a year ago, and what I highlighted was that the vulnerabilities in our legal framework were incentivizing smugglers and families to put children at risk.

The recycling problem is maybe the worst manifestation of that. We have three ongoing cases, significant cases that ICE is managing, where a small group of children, five to eight in each case, have been used by dozens of different adults to cross our border, seeking release into the United States.

Mr. MEADOWS. All right. So let me ask you a question, because Mr. Roy brought it up, and I believe Mr. Jordan brought it up, and even I think Ms. Speier brought it up from the other side.



If we were to appropriate money and allow you to keep families together when they come across—and one of the things, it was a brother and a sister, I believe, that Ms. Speier was talking about—but if we appropriated the proper amount of money to make sure that we keep family units together, we address Flores to allow them to stay there, would that help solve the problem where this trafficking of kids is not necessarily eliminated but substantially reduced?

Secretary MCALEENAN. That single change would make the biggest possible impact not only on the flow, but on protecting children.

Mr. MEADOWS. So I'm hearing you right—I want to make sure I'm clear because I've had some of my other colleagues that when the cameras are not rolling they're willing to work on this, and I think it's important on this committee to address this issue, and I think we've got an opportunity to address it.

There's going to be a budget caps deal, and that budget caps deal will probably be voted on before we leave here in August. And what you're telling me, if we address Flores and appropriate, how many billion dollars would you need to build a facility to make sure that we can keep families together and keep kids safe?

Secretary MCALEENAN. So actually it was in the hundreds of millions range, and it was requested in the supplemental to—

Mr. MEADOWS. So you're saying it's not even billions of dollars.

Secretary MCALEENAN. No, because what we find very quickly is a response. If people are not successful in coming with a child being released, you're actually getting a decision from an immigration judge resulting in repatriation for the vast majority, that would mean that others would not try to come.

Mr. MEADOWS. So we don't have to change our asylum laws, we don't have to change anything about sanctuary cities, we can make kids safe. If we address Flores and give you less than a billion dollars, we can keep families together and we can keep kids from being trafficked.

Secretary MCALEENAN. In an appropriate setting and a fair and expeditious proceeding.

Mr. MEADOWS. Well, let me just say this, Mr. Chairman. You know that this matters to me because I joined you on that letter over a year ago. I will say this. That request is still out there. I have some other recommendations. Because we want to make sure that we're seeing this and that we actually provide oversight. But I think it's time for us to come together, and let's do it in the next seven days.

I'll yield the balance of my time to the ranking member. I saw he had a comment.

Chairman CUMMINGS. Five seconds.

Mr. JORDAN. Mr. Chairman, you've had 13 minutes. I got—we all—the rest of us got five minutes, and you get 13? You're going to limit me to five seconds?

Chairman CUMMINGS. I'll give you a minute. Go.

Mr. JORDAN. I appreciate the gentleman's words from North Carolina. I think he's right on target. And as the Secretary said, it would be immediate, immediate results, and immediate better care and safety for these kids.

Mr. Secretary, when's the last time you were at the border?

Secretary MCALEENAN. Yesterday.

Mr. JORDAN. Yesterday. You know exactly what's going on. You've got the most recent knowledge of anyone in this room, probably more—and more experience in this area than anyone in this room.

So just a few minutes ago, Mr. Norman asked you about some claims that have been made about conditions down there, and I think your response was they were unsubstantiated. Does that mean not one single person that you talked with who works in your agency could confirm some of the things that have been said, like kids don't have toothbrushes, kids are drinking out of toilets, all these other statements that have been made, not one single person could confirm those things? Is that accurate?

Secretary MCALEENAN. So in terms of toothbrushes, that's accurate, yes. Drinking out of toilets, that's accurate, yes.

Mr. JORDAN. Totally unsubstantiated.

Secretary MCALEENAN. That's correct.

Chairman CUMMINGS. The gentleman's time has expired.

Mr. JORDAN. All right. Thank you.

Chairman CUMMINGS. Thank you very much.

Ms. Wasserman Schultz.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chairman.

Secretary McAleenan, the nonprofit law firm Americans for Immigrant Justice has conducted numerous interviews with kids who have been processed through CBP facilities at the border. There are children, multiple children, who have reported to AIJ that CBP officers punished them for no discernible reason. It's not punishment, it's abuse.

Secretary McAleenan, I want yes-or-no answers to these questions because these are very simple questions.

First, kids reported being forced by CBP officers to kneel on concrete floors for extended periods of time. Are CBP officers permitted to force children to do this?

Secretary MCALEENAN. No.

Ms. WASSERMAN SCHULTZ. Kids reported being forced to stand in front of air vents in very cold rooms. Are CBP officers permitted to force children to do this?

Secretary MCALEENAN. Of course not.

Ms. WASSERMAN SCHULTZ. Kids reported CBP officers kicking them awake every few hours while they are lying on the floor trying to sleep at night. Are CBP officers permitted to prevent children from sleeping by kicking them awake?

Secretary MCALEENAN. No. And any allegation with specificity—

Ms. WASSERMAN SCHULTZ. Yes or no—

Secretary MCALEENAN [continuing]. will be investigated and followed through on.

Ms. WASSERMAN SCHULTZ. Yes or no will suffice.

Kids reported officers withheld food and water to the point that teenage mothers have been unable to produce milk to breast feed their kids. Are CBP officers permitted to withhold food and water from children?

Secretary MCALEENAN. Not from anyone in our custody.

Ms. WASSERMAN SCHULTZ. A majority of kids who spoke to AIJ reported CBP officers treat them like animals, literally calling them animals, and told kids they're dirty and never should have come here. Are CBP officers being trained to call kids animals and dirty?

Secretary MCALEENAN. Verbal abuse will not be tolerated. It will be investigated if we can get a specific allegation.

Ms. WASSERMAN SCHULTZ. Are they being trained to call kids animals and dirty?

Secretary MCALEENAN. Of course not.

Ms. WASSERMAN SCHULTZ. Okay. Secretary McAleenan, advocates are hearing these reports directly from child after child after child. These aren't one-off accusations. These are consistent, broad-based accusations from the majority of children that AIJ lawyers are interviewing. That denotes a systemic problem, and that denotes a tolerated culture of abuse.

So I need a yes-or-no question—a yes-or-no answer to this question. Will you commit today to immediately order an investigation into these allegations of abuse of migrant youth? There are far too many reports. I'm sorry, but doing a here-and-there review of whether some of these reports mentioned today you can unequivocally say are unsubstantiated, unless you've done a comprehensive investigation, you can't unequivocally say that.

So will you make that commitment to do this investigation today?

Secretary MCALEENAN. Any specific allegation that we can be given will be followed through on and investigated fully.

Ms. WASSERMAN SCHULTZ. Okay. There are lots of specific allegations, and I am asking you today, because we have a pile of them, will you commit to immediately order an investigation into these allegations of abuse of migrant youth?

Secretary MCALEENAN. Any specific allegation will be investigated immediately.

Ms. WASSERMAN SCHULTZ. Okay. There are multiple—so if I give you—

Secretary MCALEENAN. Yes.

Ms. WASSERMAN SCHULTZ.—specific allegations, you will commit to doing an investigation.

Secretary MCALEENAN. That's correct. We do this routinely. And we've built relationships with advocacy groups—

Ms. WASSERMAN SCHULTZ. Okay.

Secretary MCALEENAN [continuing]. so if they come across a case, they can refer it to us.

Ms. WASSERMAN SCHULTZ. Reclaiming my time because I want to get to my next question. Thank you for commitment, and we'll make sure we get those to you.

Secretary MCALEENAN. I can give you some more context, though, on how we're working these issues.

Ms. WASSERMAN SCHULTZ. No. I have another question that I want to make sure I ask you.

A 15-year-old boy was just reunited with his family. He has lived here since he was nine months old but was taken from family members at a traffic stop and sent to Homestead Detention Center as an unaccompanied minor. He went without a shower and tooth-

brush while he was detained for five days. His mom didn't know where he was. His mom was in the United States just two hours away when he was apprehended.

Yes or no, do you agree that this is a violation of the statutory definition of unaccompanied minor?

Secretary MCALEENAN. I'd have to say the details of this case.

Ms. WASSERMAN SCHULTZ. I'm sorry. You know the details of this case. It was in the newspaper.

Secretary MCALEENAN. I don't.

Ms. WASSERMAN SCHULTZ. You should be very familiar with it.

Secretary MCALEENAN. I don't, but I can tell you—

Secretary MCALEENAN. It is tiresome that every time you're asked a detailed question, and you did this in the Homeland Security Appropriations Subcommittee, Mr. Secretary, you never seem to be able to answer or bring answers to detailed questions to hearings when you're—when requested.

Secretary MCALEENAN. We followed up with a briefing for you with all the details of that question.

Ms. WASSERMAN SCHULTZ. Let's not even get into the briefing you followed up with me on. That was unacceptable.

You don't know anything about the case I'm talking about?

Secretary MCALEENAN. I'm not going to comment on specific cases—

Ms. WASSERMAN SCHULTZ. Okay.

Secretary MCALEENAN [continuing]. here today.

Ms. WASSERMAN SCHULTZ. How many children—reclaiming my time—how many children have been apprehended in the interior of the United States who don't meet the statutory definition of a UAC and placed into detention with true unaccompanied minors?

Secretary MCALEENAN. So I'm not confirming that there's any mistakes on following the statutory definition—

Ms. WASSERMAN SCHULTZ. Oh, no. There are.

Secretary MCALEENAN [continuing]. of unaccompanied child, but I'd be happy to look at individual cases that you would refer.

Ms. WASSERMAN SCHULTZ. No, I'm not going to refer individual cases to you. I want an answer. I want you to look into how many children have been detained by your agencies who don't meet the statutory definition of unaccompanied minor and have been housed with true unaccompanied minors. I want an answer to that question and the number.

Secretary MCALEENAN. So are you suggesting that an unaccompanied child that has a parent somewhere in the U.S. is not unaccompanied?

Ms. WASSERMAN SCHULTZ. Yes. I will read you the statutory definition, because it specifically says: As used in this section, the term placement means the placement of an unaccompanied alien child in either a detention facility or an alternative to such a facility, and the term "unaccompanied alien child" means a child who, A, has no lawful immigration status in the United States, B, has not attained 18 years of age, and with respect to whom there is no parent or legal guardian in the United States or no parent or legal guardian in the United States that's available to provide care and physical custody.

Someone who is nine months old, whose mother is two hours away, does not meet the statutory definition of UAC. Wouldn't you acknowledge that?

Secretary MCALEENAN. I would have to look at the specific details of that case.

Ms. WASSERMAN SCHULTZ. Come on.

Secretary MCALEENAN. But I'm saying the suggestion that any parent in the U.S.—you know, being considered an accompanied child would have implications.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I know you're tapping me.

I would like a commitment from you, Mr. Secretary, that you are going to get us the number of UAC—of children you've detained that don't meet the statutory definition.

Chairman CUMMINGS. The gentlelady's time has expired.

Ms. WASSERMAN SCHULTZ. Can he answer?

Secretary MCALEENAN. I'm happy to follow-up on your request. Formally submit it.

Chairman CUMMINGS. Mr. Secretary, Ms. Wasserman Schultz just gave you a whole list of cases and incidents, and one of the things that you said was that you would look into it and that if there were such cases—and I'm not trying to put words in your mouth, so correct me—that you would look into them. I'm just curious, are there such investigations going on now? Do we—

Secretary MCALEENAN. Yes. Thank you for asking.

So we created, through our Office of Intergovernmental and Public Liaison at CBP when I was acting and then commissioner, direct relationships with advocacy groups that were bringing forward allegations so they could be referred.

Those are being followed up on through our Office of Professional Responsibility. We've closed out dozens of investigations. Many were unsubstantiated, but some resulted in discipline of officers and agents who hadn't handled the cases properly.

This is an ongoing effort that we want to make sure we're holding ourselves accountable to the highest standards, to our legal requirements, and to our standards of conduct.

So if we do get specific cases, we will follow-up on those, and that's a connection that we built when I was in CBP.

Chairman CUMMINGS. You are committing to that right now.

Secretary MCALEENAN. Yes.

Chairman CUMMINGS. Is that right, sir?

Secretary MCALEENAN. Any specific allegation will be followed up on, Mr. Chairman. Absolutely. That is our responsibility.

Chairman CUMMINGS. Thank you. Thank you very much.

Mr. Grothman.

Mr. GROTHMAN. Thank you very much.

First of all, Mr. McAleenan, I'd like to thank you for being here today. It's unfortunate it's a fly out day, and as you can see, a lot of Congressmen are missing your fine testimony. I would love it if sometime in the future we could have you come here again, because five minutes really isn't enough to ask you the questions we have, and, unfortunately, too many people aren't here.

I've been at the border twice myself. I think you guys are doing a tremendous job. I couldn't help but be impressed by the profes-

sionalism that your staff showed and the high morale they had despite some people saying there wasn't a crisis at the border. I know your people have done all they can to educate the public there was a crisis at the border.

Now, one of the things that intrigues me is sometimes children are coming here with people who are not their parents, and I compare it to how we treat children in American society. You know, if one parent tries to grab the child away from other parents, we have court hearings, we have all sorts of hoopla. I think we would never stand for an aunt or uncle grabbing a child away when the parents are far away.

Could you elaborate a little bit on the concern of children being here who somebody purports to say is their parent but turns out isn't a parent or relative? Is this a concern?

Secretary MCALEENAN. It's a concern, obviously, for the safety and welfare of the child to make sure they're with a parent or guardian, but it's also the legal requirement under the Trafficking Victims Reauthorization Protection Act. That's an essential inquiry that our agents are making at the border to try to determine if the adult crossing purporting to have a child with them is the actual parent or guardian. Unfortunately, we're finding in too many cases that's not the case.

Mr. GROTHMAN. How do you find out?

Secretary MCALEENAN. So a couple of different ways. One, our Border Patrol agents, when they have the time and space to do good interviews and questioning, often determine either through the answers, through the presentation of the documents, that there might be fraudulent birth certificates involved, or the behavior of the child, looking uncomfortable with that adult.

We've now expanded this practice with 400 special agents from his alongside our Border Patrol agents doing more in-depth interviews. They have done about 2,500 so far and found out that almost 15 percent of those cases they were actually presenting a fraudulent family.

Mr. GROTHMAN. That's shocking. Do the cartels who are just the epitome of evil, do they do anything to encourage this sort of behavior?

Secretary MCALEENAN. Absolutely. They've been active in advertising literally on Facebook and in the radio in Central America that if you bring a child with you, you're going to be released in the U.S. There's a whole fake document operation really in all three countries. We have identified 900 fake documents in just the first eight weeks of Homeland Security Investigations doing this in-depth interview.

Mr. GROTHMAN. When children come here, are they purchased or kidnapped?

Secretary MCALEENAN. We've seen all of the above. We've seen rentals, purchase, kidnap, delivery to a relative or parent in the U.S., and outright human trafficking.

Mr. GROTHMAN. You said sometimes you do DNA testing. Is that right?

Secretary MCALEENAN. We started a pilot earlier in my tenure, in the first few weeks of my tenure, where we did about 109 DNA tests at the border. Again, a 15 percent return rate on either people

admitting that's not my child, including a 51-year-old who bought a six-month-old for \$80 in Guatemala. It's a real concern. We want to expand our DNA testing coverage with the new rapid DNA technologies that are coming out.

Mr. GROTHMAN. Okay. One other concern, which I think may be a difficult thing for you to worry about, though I was concerned about it when I heard testimony, previous testimony.

In America we go through a great deal to make sure that something doesn't happen to a child if one parent would object. It occurs to me that if somebody shows up, even if it is their child, do we know if the other parent is there, whether that parent is agreeing to allow this child to be brought in the United States?

Or if a child shows up and is eventually given to somebody who purports to be their aunt or uncle, which, as I understand, was going on, do we have any legal way of knowing if this is right, or for all we know, we may have a situation in which one parent is absconding with the child without the other parent knowing.

Secretary MCALEENAN. So we do have concerns that that could be happening, and they're even heightened more gravely when we have an unaccompanied child who is coming to the border, often had a smuggler paid by a parent who is here in the United States.

I don't think most people realize that most of these unaccompanied children are being released to parents or relatives in the U.S. who are also here unlawfully, who may not have permission to work in the United States, and yet, these children are being released as sponsors in the U.S. under the operation of law and restrictions placed by Congress in the current appropriations and supplemental.

Mr. GROTHMAN. And the default is to allow them in the country even though maybe another parent somewhere else would have wanted that child to stay with them?

Secretary MCALEENAN. Correct. We've had all three Ambassadors from the Northern Triangle countries assert that those governments should have some say in what happens to that unaccompanied child.

Mr. GROTHMAN. Oh, absolutely. I mean, if they're ignoring the wishes of the courts in Central America, I mean, that's just appalling.

Well, I'd like to thank you for being here again. I intend to go back to the border, to go back to El Paso within a couple weeks and talk to your folks again. And I encourage my colleagues to go down to the border and see what a fine job you're doing despite being under-funded by Congress.

Chairman CUMMINGS. Thank you very much.

Secretary MCALEENAN. You'll see a dramatic improvement in the situation in El Paso, from 5,000 in custody to 500 today.

Chairman CUMMINGS. Ms. Hill.

Ms. HILL. Thank you, Mr. Chairman.

So I completely rewrote my question line because I think we just need to acknowledge across the board this is hard. This is a hard thing for us to be tackling. It is something that Americans can't agree on and that we as policymakers can't agree on. In the meantime, people are hurting in so many different ways.

Regardless of politics on this issue, I don't believe that anyone looks at the pictures of children in cages and feels good about it. I don't think that anyone looks at those pictures and feels proud to be an American. I'm guessing you don't, either, and neither do those Border Patrol agents who feel a major dissonance between what they signed up to do and what they have to do now.

This is an emotional issue for everyone, but the more we grandstand, the fewer options we're left with.

If someone showed up at my door asking for help, I'm glad to know that I have a doorbell. I'm glad to know that I'm the one who gets to make the decision if that person is there legitimately in need or if they're there to rob me or do me harm, because it's my house and it's my door.

Border Patrol agencies should provide the function of guarding the door, but they shouldn't be the ones who are caring for kids, in the same way that if someone comes to my house bleeding, I'm not going to be the one who pulls out a suture kit and gives them stitches. I'm going to take them to the hospital or call the paramedics.

I hope we can agree that once we do know that people aren't trying to rob us or do us harm, that they can be treated and should be treated with the dignity and grace of the United States of America. But let's be real, it's not the Border Patrol agents who should be doing that job.

Mr. Secretary, I think you know as well as I do that we're in this reality of a severely divided government that reflects a country that's divided, too, and our democracy is a simple reflection of the will of the people.

There are people in this room who believe we need to abolish the law enforcement agencies at the border, and there are people in this room who believe that no matter what the circumstances, we should keep our doors closed to everyone. Of course the President's policies and remarks reflect that same belief.

But the vast majority of Americans are somewhere in between, and we're trying to figure out how we uphold our values. I think that that's something that you probably struggle with and the Border Patrol agents struggle with.

So how do we greet a family in need at our door and still make sure that we're safe in our home when they step into it? How do we do everything that we can to make sure that the kids that are being brought here are not being abused by people who are seeking to take advantage of our American values of helping families?

I appreciate my colleague Mr. Meadows' desire to work on some immediate solutions, because I think we can't not, but I don't think that with a Democratic majority in the House we're ever going to get rid of the Flores settlement, because I don't think it's a solution to keep kids locked up longer even with their parents. But I do want to talk about how we can make sure that people make it to court. And we're also not going to put more money in detention beds when people continue to see the images that make us sick to be Americans.

So what do we do? This is my question to you. Knowing the reality is not probably what you would want it to be in terms of what's going to happen, what can we do that's somewhere right



now that is going to get fewer kids to be in those kinds of situations, that's going to make an impact at the border, and is just acknowledging the simple reality of what we could actually pass here and now with the kind of divided government that we have?

Secretary MCALEENAN. So I guess I don't want to accept yet that the better system that we had before in the prior administration, having families kept together for 40 to 50 days in a campus-like setting, in a family residential center, with education, recreation, medical care, and courtrooms right there onsite, is not something that the Congress could consider in this environment.

Ms. HILL. So is there a way that we could even learn more about this kind of campus setting? Is this something that we have—that we could, you know, even begin to propose to people that, you know—I mean, like, I don't think that people understand that there could be a difference—

Secretary MCALEENAN. Right.

Ms. HILL [continuing]. right, between what we've been seeing. Right now, these are the images that are stuck in people's minds. So, you know, if you're describing something different, I mean, listen, that doesn't sound crazy, but it also isn't what people think is really going to happen.

Secretary MCALEENAN. I think we could have a meaningful conversation. First of all, I would invite you to visit one of our family residential centers in Dilley or Karnes, Texas. But also, if there could be a dialog about how to do this better, there could be a dialog about even improving the standards that exist there if we could get the funding to do so.

I think that's the right way to handle this. We're not seeing successful results in immigration cases when anyone is released from the detained custody, but especially for families. They're more likely to cutoff their bracelets, they're less likely to show up for hearings, they're less likely to respond to a final order of removal.

So being able to address that at the border in an expedited and fair way with due process is a much better solution than what we're doing now.

Ms. HILL. So if we're doing that at the border, are there agencies—and I realize money has to be a huge part of the solution. There's no way around that. But if we're doing that at the border, let's assume that CBP is going to play a role in it, but do you think that there needs to be involvement of other agencies, community-based providers, things like that?

Because I also, you know, I think case management needs to be part of it, too. And if we don't come to some kind of a place where it's extending the time for the Flores settlement, then how do we make sure people still show up to court?

Secretary MCALEENAN. I think there could be a meaningful discussion about how to accommodate concerns and interests that both parties would raise and how to do this right.

Ms. HILL. So what do you think is the next step to make sure that we actually have that meaningful discussion?

Secretary MCALEENAN. So Department of Homeland Security has provided the technical assistance to Congress on the way that they would like to structure that, and there's a discussion going on in the Senate Judiciary Committee. It would be great if we could start

one here in the House as well. I'd certainly be willing to work with any Member who wants to have a serious dialog on these issues.

Ms. HILL. Thank you. I yield back.

Chairman CUMMINGS. Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Chairman.

I actually agree, in talking about the reality. But I think one thing that happened, we talked about earlier, and we have to also be able to educate people on how the things work, how the world works, particularly in the areas of where these people are coming from.

We know this because there are many who think that just being from El Salvador, Guatemala, or Honduras should make sure that you immediately qualify for asylum, and we know that is an argument. But then at the same time as we're working through this, and we heard this last week in the hearing, too, we hear, like, unsubstantiated claims of criminal activity.

Well, Honduras is one of the—I mean, is an incredibly violent country. It has one of the most corrupt governments in the entire world. Their criminal justice system is directly connected—I mean, their entire government elite and power people and different cartels.

Guatemala is controlled in a lot of ways at all levels of government by powerful criminal organizations. Their criminal justice system is flat-out inept, and I can't even find statistics on it.

In El Salvador, 92 percent of the crimes go unpunished.

So when we're talking about this, I'm assuming when you have somebody come to the border and you are doing this, you don't call the clerk of court in El Salvador and do a criminal history check. Is that correct? I mean, I'm assuming you do do that, but that's not the end of the inquiry.

Secretary MCALEENAN. We don't call the clerk of the court, but we have a relationship with the national police in El Salvador and do share information with them.

Mr. ARMSTRONG. But so criminal convictions in and of themselves, though, I mean, how many of the cartels are directly connected to the governments in those countries?

Secretary MCALEENAN. So I don't want to cast broad aspersions on the governments or connections to organized crime. The cartels are not as present in those three countries. They're more violent gang activity. And, frankly, in the last five years they've all made significant strides in reducing violence, 40 to 70 percent reduction in murder rates in three countries.

So it's a little bit more complex than just kind of painting a broad brush on all three governments.

Mr. ARMSTRONG. But that's what I'm saying. You don't treat it as a normal criminal justice inquiry. You use your allies and other—

Secretary MCALEENAN. Sure. It's not dispositive. Again, we make judgments based on our direct interaction, our liaison and attache personal in country who work alongside these law enforcement agencies. Many of the programs that we get information from are actually supported by State Department International Narcotics and Law Enforcement Bureau. So that gives us greater comfort when we're using different pieces of information from partners.

Mr. ARMSTRONG. And you're confident in the intelligence gathering you do in these scenarios?

Secretary MCALEENAN. Again, no blanket statements——

Mr. ARMSTRONG. Yes.

Secretary MCALEENAN [continuing]. but in these scenarios when we're trusting that information, it's because we've vetted the process and have a program and a relationship that we think we can verify.

Mr. ARMSTRONG. Then I'm going to piggyback off the last question, except I'm not going to place it in you having to deal with the partisan nature of Congress. I just want to ask you, what are three concrete steps Congress could do right now to help the situation at the border?

Secretary MCALEENAN. The three things in the dialog that I just had with Congresswoman Hill. The Trafficking Victims Protection Reauthorization Act.

We've offered a process, the administration in January and again in May, one of my first weeks as Acting Secretary, a process where children could seek protections safely from their home country or a neighboring country. But we would have the balance of being able to repatriate those children who arrived at our border if they did not meet those standards or didn't avail themselves of that process.

And the third is a modest change to the credible fear standard as we assess asylum claims from a standard which 85 to 90 percent of people are clearing to a more rational connection to the ultimate result from an immigration judge.

Those are the three major authorizing changes that we're looking for from Congress.

Mr. ARMSTRONG. All right. Thank you.

Then with that, I yield to the ranking member.

Mr. JORDAN. I thank the gentleman for yielding.

Mr. Secretary, Ms. Hill said in her comments that she doesn't think the Democrats are going to be willing to change Flores. You said you don't want to give up hope on actually making that change because that's at the heart of the problem, right?

Secretary MCALEENAN. Correct.

Mr. JORDAN. Let's hope that they can work together and we can change the Flores decision, because if you don't nobody's going to show up, right? You used the number earlier, 150 to zero, right? What was that number about?

Secretary MCALEENAN. So that was the final orders of removal under the Family Case Management Program that have not been effectuated. None of those who have gotten the final order have shown up for their removal.

Mr. JORDAN. So if we don't change Flores and you have to release families, they're never going to show up for their day in court where we could determine if they're here legally, and if they are, they're going to get a stay. They're just not going to show up unless we can deal with this Flores decision. Is that right?

Secretary MCALEENAN. Right. And it puts ICE in the position of having to go into communities to effectuate the final orders from judges.

Mr. JORDAN. When would be much better to keep them in the facilities you described, where families stay together, and 50 days later, within 50 days, they actually sit down in front of a judge, they hear all the case, everyone gets their due process which they're entitled to, and a decision can be made, and families stay together the entire time. But they don't want to fix that. They don't want to change that.

Chairman CUMMINGS. Thank you very much.

We will have next Mr. Khanna.

Mr. KHANNA. Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for being here.

I want to focus on some basic facts. I hope you'll answer the questions not as a political appointee but in the spirit of when you were at the University of Chicago.

When the zero tolerance policy was being planned, at any point did anyone in the room ask how will the parents and children come together afterwards?

Secretary MCALEENAN. I mean, I was not in every room where every conversation about increasing these prosecutions was had, so—

Mr. KHANNA. And to paraphrase Lin Manuel Miranda, you were probably in the room where the decisions were being made, right?

Secretary MCALEENAN. Interesting paraphrase. On April 19, between the Attorney General's decision letter about expanding to all amenable adults crossing the border and the actual implementation of zero tolerance by the Department of Homeland Security, CBP, working with HHS, made changes to its system to identify better the relationships between the adult and child crossing the border. So that conversation was had, and we did make system modifications to address it from the CBP perspective.

Mr. KHANNA. You recommended—you had a process in place of how these kids would be reunited that you recommended?

Secretary MCALEENAN. On how he would effectively capture the data so that they could be later in the process.

And again, the belief was that the adults would be prosecuted, they'd complete their immigration proceedings, HHS would have the child during that time and make the sponsorship decision to reunite them at the appropriate point in the process.

Mr. KHANNA. So what went wrong? I mean, why were they not being able to be reunited if you had this process in place?

Secretary MCALEENAN. So I had a colloquy with the chairman on this a little bit earlier. I mean, if you go back and look at the Ms. L. court filings, again, very early in this process, before these different parts had concluded, the HHS sponsorship checks or the ICE and immigration court process for the adults, I mean, a matter of weeks, based on the data we had in our data base, the data that ICE had in theirs, the data that HHS had in theirs, put all together in spreadsheets and worked manually by a team, those reunifications were able to be made.

And at this time, every single child has had their parent identified and has either been reunited, or there's a decision made that they can't be for child welfare issues, or the parent has decided not to be reunited.

Mr. KHANNA. Your testimony is there's not a single child who hasn't been reunited or hasn't been—where their parents haven't been identified?

Secretary MCALEENAN. They've identified a parent in every case, and they've taken the appropriate action, in concert with the plaintiffs in the Ms. L., as specified in the court filings that happen every two weeks in this matter since last June.

Mr. KHANNA. Let me ask you this. In a self-reflective moment, are you proud of how this whole situation has happened, or do you have some regrets?

Secretary MCALEENAN. I've testified, I've answered the question in the media multiple times. This program, we lost the public trust. I think the President was right to end it. And if I could go back and redo it, I would.

Mr. KHANNA. How about beyond the program, I mean, in terms of how we're treating the kids. I mean, I know you're blaming Congress, Congress is partisan.

But when you reflect, I mean, look, you had a distinguished career before coming into government service, and you look at your tenure, what would you say? Where do you think you've fallen short?

Secretary MCALEENAN. You know, that's a big question. It's been a couple decades here responding after 9/11 to try to help protect the country and serve at CBP and the Department of Homeland Security. It's been a huge honor. I think we've accomplished a lot in that timeframe.

I'd like to go back to 2014 and 2015 when the Flores court changed the rules after we made the difficult decision. Jeh Johnson made a hard decision to create family residential centers and detain families, but it was the right decision because it stopped the crisis. It reduced the flow.

There was a gap there where the flow was down where we let that decision stand as a government, as the executive branch. We didn't work with Congress in advance of the next crisis. We faced another one around the election in 2016. And here we are today—

Mr. KHANNA. Let me ask you that because you've testified—

Secretary MCALEENAN [continuing]. with a scope even well beyond that.

Mr. KHANNA [continuing]. that these border facilities are not adequate for children to be there. I mean, you've testified before. You've been with the Department since 2014, and you are testifying that you anticipated we could have a surge again.

Did anyone—did you ever raise that maybe we should retrofit some of these buildings or that we should design these buildings in a way that would be hospitable for kids?

Secretary MCALEENAN. So when the system works properly, when Health and Human Services has adequate resources to deal with the flow, the time that children spend at the border is very short. It can be 24 to 30 hours. That works pretty well.

To rebuild the entire border infrastructure is challenging. El Paso, for instance. Two years ago, El Paso was one of the lowest sectors in terms of crossings on the border. This year they've had a twenty-fivefold increase in family units crossing, a 500-plus per-

cent increase in unaccompanied children. That was a sea change that could not have been anticipated in that location. So what's better is to have the process work so those kids can go very quickly to HHS.

Mr. KHANNA. I'm out of my time.

Chairman CUMMINGS. Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman, Ranking Member.

And, Secretary McAleenan, thank you for coming today and for your testimony.

Last week I talked and shared from my perspective as an emergency medicine physician about, you know, just trying to give people perspective about what's happened at the border. And I think that repeating the analogy will be helpful.

Imagine you're working in an emergency department and a natural disaster occurs, let's say it's an earthquake, or maybe something as bad as 9/11. There are thousands of patients that are now rushing into the emergency department. The ER is completely overwhelmed. There's patients in the hallways that are being treated. They're in the parking lots. Doctors are running from place to place.

It's not the physicians' fault that that scenario has come upon them. It's not the nurses' fault. And I would submit that that's the kind of crisis that you're experiencing at the border this year, this calendar year particularly, one that no one could anticipate, and the systems are completely overwhelmed.

Would you agree with that statement?

Secretary MCALEENAN. I think that's an apt analogy. The Border Patrol agents and CBP officers in that analogy are faced with a crisis that's happened that they need to respond to with the resources they have on hand. And sometimes that can be challenging, it can be messy, but it is something they're doing with heart and soul and empathy.

Mr. GREEN. No, I really appreciate that, and I can actually empathize significantly because I've delivered patients in—I delivered a baby in a parking lot because we just—we were so overwhelmed. I ran out, she was delivering. I mean, you do what you have to do when you're overwhelmed, and that's kind of where you are.

I also wanted to talk a little bit about children. In emergency medicine we teach our doctors to be very, very cautious because a child can be sick and not look sick.

Secretary MCALEENAN. Right.

Mr. GREEN. You know, they tend to fall off of a cliff, is the way we say it. They look great, their vital signs are fantastic, and then they crash really fast.

So expecting people, particularly people who aren't trained in emergency medicine—which took, by the way, you know, four years of undergrad, four years of med school, and three years of residency—expecting those individuals to recognize a child that's about to crash is really inappropriate and unfair, and I just wanted to share that thought, too.

By the way, when the physician codes that patient and they die anyway and that doctor or that nursing team has tried really hard, it's not their fault, either. They're doing the best that they can.

You wanted to say something. Go ahead.

Secretary MCALEENAN. Both of those comments, Congressman, resonate for us, you know.

And maybe if I could amend my answer to Congressman Khanna for a second. I think it would have been better to have more medical capability available in our border stations, in the higher trafficked areas, for our agents to access for the migrants as they came in. But we have been responding. We've increased it tenfold since January.

Mr. GREEN. You mentioned four new facilities and two more coming on. Is that right?

Secretary MCALEENAN. That's right, for the temporary facilities, absolutely.

Mr. GREEN. Awesome. Fantastic.

It's interesting. Flow through a pipe is Bernoulli's equation, for anybody who wants to know. And if you increase the radius of the pipe, it exponentially increases the flow through the pipe. So just a little bit of change gives you a lot more flow.

Let me ask about these single adult folks that you don't have the beds for.

Secretary MCALEENAN. Right.

Mr. GREEN. If you had those beds, how would you shift resources? And would it give you better access elsewhere to take care of families and children?

Secretary MCALEENAN. Sure. I mean, so Immigration and Customs Enforcement maintains facilities to house single adults. We requested thousands more beds than we got in the appropriations in Fiscal Year 2019. We requested \$200 million worth of additional beds in the supplemental. We didn't get any of that funding.

Mr. GREEN. Okay.

Secretary MCALEENAN. So that's why we're experiencing that backup at the border, which is taking Border Patrol agent time away from either policing the border or caring for the more vulnerable populations crossing.

Mr. GREEN. Yes. So if you had that diameter expansion, you'd be able to have more capacity and be able to shift resources to take care of those families and those children.

I'd like to, Mr. Chairman, give my time to the ranking member. Thank you.

Mr. JORDAN. I thank the gentleman for yielding.

Just one question. It would be better for them, refugee—people seeking refugee status, to be able to apply in country rather than take a very dangerous journey all the way up to Texas and make those claims. Do you know who said that, Mr. Secretary?

Secretary MCALEENAN. Other than me and some other members of the administration recently?

Mr. JORDAN. President Obama.

Secretary MCALEENAN. Okay.

Mr. JORDAN. Yes. So it wasn't just the Trump administration. It wasn't just you. President Obama made that statement.

And that seems to me the exact same thing Senator Graham is proposing in his legislation, which would be another thing we could do to help deal with the situation. Isn't that true?

Secretary MCALEENAN. That is correct.

Chairman CUMMINGS. Thank you very much.

Ms. TLAIB.

Ms. TLAIB. Thank you so much, Mr. Chairman.

I know it's really frustrating, I know, for my residents. President Obama is not the President anymore. I think we need to get over it and move on and know that we have a crisis and that we need to address it.

And so, Mr. Secretary, thank you so much for coming before this. I think you're serving your agents by being here. And telling the truth as much as you can, provide more to us in actual information is going to help create the sense of urgency to help not only your agents, but the children and families at the border.

Mr. Secretary, there's been a lot of discussion in this committee about rhetoric, this rhetoric, talking a lot, and kind of dismissing and discrediting many of my colleagues, including Congresswoman Escobar who is here with us, what we saw at the border.

On June 28, 2019, you were asked about allegations of shocking conditions at Clint, in Clint, Texas. Quote, you said unsubstantiated allegations last week regarding a single border patrol facility in Clint, Texas, created a sensation.

But in May—dismissing, I think, a report that came out, because in May 2019, before you made that statement, the independent Inspector General for DHS issued a report on a Border Patrol facility in El Paso.

Mr. Secretary, were you aware of that report before you—of the poor conditions they talked about, the length of time, the overcrowding, the fact that many were wearing soiled clothing—were you aware of that report before you said it was unsubstantiated.

Secretary MCALEENAN. So I was offered the opportunity to explain what I was talking about earlier in the hearing. I can do it again.

Ms. TLAIB. Yes. I'm just curious.

Secretary MCALEENAN. Okay.

Ms. TLAIB. Because when you say that, it's misleading to the American people.

Secretary MCALEENAN. Yes. So I hope not, because one of the things I started in my opening statement to show all the times I've warned about the humanitarian crisis, the challenges, the overcrowding in our facilities, saying on June 10 that—

Ms. TLAIB. I think for me, Mr. Secretary, you hear people saying that much of what we're saying is rhetoric, and when it's also backed up with you saying those terms. But I appreciate you trying to urge us and trying to identify that there has been a crisis.

Secretary MCALEENAN. Yes. It was not rhetoric when I said that no American should be comfortable with children in a police station for days on end, that's not an appropriate setting for kids. That was not rhetoric. That was a description.

Ms. TLAIB. But it contradicts in the way you said by using that word. I think be cautious. I'm telling you just as a mom. Just be cautious in the terms that you use because when you say unsubstantiated, when the IG office just gave you a report before you said that, it does mislead the American people that there isn't a serious issue there, that it's not backed, that there's no credibility.



Secretary MCALEENAN. And just to be clear, though, I was talking about the Flores monitors' comments——

Ms. TLAIB. Let's talk about those.

Secretary MCALEENAN [continuing]. who did not go into the Clint station——

Ms. TLAIB. Let's talk about Flores real quick.

Secretary MCALEENAN [continuing]. but claimed that there were no toothbrushes available for children, that they didn't have water——

Ms. TLAIB. I understand.

Secretary MCALEENAN [continuing]. they didn't have access to showers, when they had all of those things, as I know you saw when you went to Clint.

Ms. TLAIB. I understand, sir.

So Flores was a case because it talks about the maximum you can keep a child is 20 days, as you know. And then it talks about things that you have to have, really important aid, like food and drinking water, appropriate food and drinking water, adequate temperature control, ventilation, contact with family members who were arrested with the minor, separation from unrelated adults whenever possible.

It talks about toilets and sinks. It really goes into specifics. Medical assistance of minors in need of emergency services.

What's wrong with Flores that everybody keeps saying they want to change Flores?

Secretary MCALEENAN. Just a single provision. We don't want to——

Ms. TLAIB. You want to keep kids longer.

Secretary MCALEENAN. We don't want to change those provisions about conditions in our custody.

Ms. TLAIB. You want to keep kids longer, Mr. Secretary.

Secretary MCALEENAN. We want to codify those provisions to maintain the highest possible standards.

Ms. TLAIB. No, you want to keep kids longer. It's been very clear from this administration you want to keep kids longer.

Secretary MCALEENAN. We want to keep families together through an immigration proceeding that's fair and expeditious——

Ms. TLAIB. By keeping kids longer.

Secretary MCALEENAN [continuing]. in an appropriate setting. That can't be done in 20 days with due process.

Ms. TLAIB. That's right. So just admit that, though. Tell people it's not—you want to keep the conditions, but you want to keep the kids longer.

Secretary MCALEENAN. We want to keep very high standards, and we're willing to have a conversation about how high those standards should and can be. But we need to be able to finish immigration proceedings before people are released, otherwise we don't have an effective result.

Ms. TLAIB. I understand.

So, Mr. Secretary, I want to go through something else that's important to what I have witnessed and what I was told. So these are things that CBP agents, your agents on the ground, told me.

Stop throwing money at this. One specific person.

Another said: We weren't trained for this, to separate children, we aren't—I'm not—he said specifically, I'm not a social worker or a medical care worker.

This is the most important one: The separation policy isn't working.

What do you say to that?

Secretary MCALEENAN. So I would say three things.

Money is needed to mitigate the crisis. We're applying it effectively now. But I agree, we should change the authorizing law so that we wouldn't have the crisis in the first place, because throwing money at it is just going to continue to manage it.

For training for challenging issues and trauma to our children, that's a hard thing to comprehensively provide for law enforcement. That's why we're trying to have people on contract in our facilities that have that background and can identify mental health trauma, can identify kids who are suicidal. We've done that hundreds of times since we put that in place last July at my direction as commissioner of CBP.

And your third question?

Ms. TLAIB. My third question was about the separation policy.

Secretary MCALEENAN. There is no separation policy. There's a court order and an executive order that define the conditions for the welfare of the child, and they're limited conditions, they're extraordinarily rare. Out of 450,000 families this year, fewer than 900 children have been separated from the adult they crossed with who is a parent, and it's been because of a criminal history or a prosecution——

Ms. TLAIB. Yes. And the definition of criminal history, we can talk about that.

Secretary MCALEENAN [continuing]. not related to the immigration process, a medical issue, or an abuse or neglect concern with a child.

Ms. TLAIB. Mr. Chairman, if I do have more time at the end, I would like to ask further questions for clarification.

Chairman CUMMINGS. Thank you very much.

Ms. Ocasio-Cortez.

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

Thank you, Secretary, for coming in and offering your testimony.

Under the subpoenas that we issued to DHS, your office has produced to this committee data showing that child separations skyrocketed after your zero tolerance policy went into effect. More than 2,000 children were separated from their parents in the two months following your memo that Secretary Nielsen accepted, some for more than a year.

In making these decisions around family separation and child separation, did you all consider the emotional and mental impact on CBP officers in forcing them to take children away from their mothers and fathers?

Secretary MCALEENAN. So we absolutely consider the well-being of our professionals who are strained with the crisis they're facing. They're strained with the stories they're hearing of the dangers of the journey, the abuse of women and girls——

Ms. OCASIO-CORTEZ. And do you——

Secretary MCALEENAN [continuing]. on the process of getting to the United States. We're absolutely worried about that.

Ms. OCASIO-CORTEZ. Thank you. Reclaiming my time.

And do you believe—but did you consider the dehumanizing effect on the officers specifically in child separation in forcing them to take children away from their parents?

Secretary MCALEENAN. Enforcing the law often has emotional impacts for everybody involved, and that's something that they sign up for, but it's something we want to provide resilient services, mental health support for anyone who needs it.

Ms. OCASIO-CORTEZ. Okay. And do you agree with the Federal court's decision that halted your child separation policy?

Secretary MCALEENAN. I agree with the President's executive order on June 20 last year that ended the practice.

Ms. OCASIO-CORTEZ. But not the Federal court's decision?

Secretary MCALEENAN. Of course we follow the Federal court order assiduously.

Ms. OCASIO-CORTEZ. There have been reports that President Trump and Stephen Miller wanted to restart mass child separations earlier this year, but top DHS officials, including Secretary Nielsen, told them that this would violate the court order. Is that true?

Secretary MCALEENAN. So the President said that zero tolerance prosecutions of adults crossing with family units is not on the table at this time.

Ms. OCASIO-CORTEZ. So you are saying that it's incorrect, the reports are incorrect saying that the President wanted to restart child separation?

Secretary MCALEENAN. I'm referring to the President's public statements on this issue—

Ms. OCASIO-CORTEZ. Okay. But privately, in your experience—

Secretary MCALEENAN [continuing]. that this not on the table, not being considered.

Ms. OCASIO-CORTEZ. And so in your experience, the answer is no, he did not consider restarting child separation?

Secretary MCALEENAN. First of all, I'm not going to speak about conversations with the President that I've personally had. I'm not aware of other deliberations between other officials.

Ms. OCASIO-CORTEZ. Mr. Secretary, there were reports that the President offered you a pardon for closing the border to asylum seekers. According to a CNN report, a senior administration official told CNN that President Trump told you he would grant you a pardon if you were sent to jail for having border agents block asylum seekers from entering the U.S. in defiance of U.S. law. Is that correct?

Secretary MCALEENAN. Yes. I've testified about this, answered this question in the media. I've never been asked to do anything unlawful by the President or anyone else, nor would I.

Ms. OCASIO-CORTEZ. Okay. Thank you.

Mr. Secretary, are you aware of the ProPublica report indicating that there were about 10,000 potential current and former CBP officers in the violently racist and sexist Facebook group?

Secretary MCALEENAN. I am aware of the ProPublica article, yes.

Ms. OCASIO-CORTEZ. Did you see any of the posts in the report?

Secretary MCALEENAN. I did.

Ms. OCASIO-CORTEZ. Did you see the posts mocking migrant children's deaths?

Secretary MCALEENAN. I did.

Ms. OCASIO-CORTEZ. Did you see the posts planning physical harm to myself and Congresswoman Escobar?

Secretary MCALEENAN. Yes, and I directed an investigation within minutes of reading the article.

Ms. OCASIO-CORTEZ. Did you see the images of officers circulating photo-shopped images of my violent rape?

Secretary MCALEENAN. Yes, I did.

Ms. OCASIO-CORTEZ. Are those officers on the job today and responsible for the safety of migrant women and children?

Secretary MCALEENAN. So there's an aggressive investigation on this issue proceeding. You've heard the Chief of the Border Patrol, the most senior female official in law enforcement across the entire country, say that these posts do not meet our standards of conduct, and they will be followed up aggressively. We've already—

Ms. OCASIO-CORTEZ. But those officers—

Secretary MCALEENAN. We've already put individuals on administrative duties. I don't know which ones correspond with which posts. And we've issued cease and desist orders to dozens more.

Ms. OCASIO-CORTEZ. Okay.

Do you think that the policy of child separation could have contributed to a dehumanizing culture within CBP that contributes and kind of spills over into other areas of conduct.

Secretary MCALEENAN. We do not have a dehumanizing culture at CBP.

Ms. OCASIO-CORTEZ. Okay.

Secretary MCALEENAN. This is an agency that rescues 4,000 people a year, that's absolutely committed to the well-being of everyone that they interact with. We don't believe there's a dehumanizing culture.

Ms. OCASIO-CORTEZ. And, Mr. Secretary, so you don't think that having 10,000 officers in a violent racist group sharing rape memes of Members of Congress points to any concern of a dehumanized culture?

Secretary MCALEENAN. Congresswoman, those posts are unacceptable. They're being investigated. But I don't think it's fair to apply them throughout the entire organization or that even the members of that group believed or supported those groups.

Ms. OCASIO-CORTEZ. Mr. Secretary, just one last thing. How did 10,000 members join this group, including—including, I believe, the head of CBP? I'll double check. Including the CBP chief. How were they in this Facebook group without anybody knowing, without anyone in leadership knowing?

Secretary MCALEENAN. Again, this is a subject of an ongoing investigation. If there was supervisory knowledge of unacceptable activities, that will also be considered and followed up on.

Ms. OCASIO-CORTEZ. All right. Thank you very much.

Chairman CUMMINGS. Mr. Secretary, let me ask you this: You know, with these entries on social media that was just talked about, do you think people will make those kinds of statements,

which obviously, I guess, reflect what they're feeling, should be on the force? I'm just curious.

Secretary MCALEENAN. So it depends on the individual statement, the individual standard violated, but, yes, that's something that this investigation is looking at. And the appropriate discipline will be meted out up to and included removal.

Chairman CUMMINGS. Ladies and gentlemen, I ask unanimous consent that the gentlewoman, Ms. Escobar, from Texas, be authorized to participate in today's hearing.

Without objection, Ms. Escobar, we'll yield you five minutes.

Ms. ESCOBAR. Mr. Chairman, thank you so much for the opportunity to be seated with this distinguished committee, of which I am not a member. But I am so grateful to all of you for your work and your commitment to creating a better government, a government we can be proud of.

Mr. Secretary, thank you for being here. I've been sitting through some of your testimony just right behind you. And, you know, this whole exercise, I can tell you, on the House Judiciary Committee, this plays out as well. And it is very frustrating when I hear folks talk about how quick and easy the solutions can be when it is not that we don't want solutions, it is that we disagree on the end result.

Some in Congress would like to see more hardline policies that essentially shuts our front door and ensures that this becomes someone else's problem, and others would like to truly address the challenge that we face as a country and as a hemisphere in a holistic, compassionate way.

We've talked a lot about the crisis and the problems that have arisen, and there's absolutely no doubt that the increasing number of families arriving at our front door have caused a challenge. They've caused a challenge for law enforcement agents, many of whom I respect, but there are some very bad ones, who need to be rooted out.

And the good ones are—have told me they are feeling more and more despondent because there are no consequences for the bad ones. There is no accountability for the bad ones. I'm worried about them. I worry about my community, which has shouldered the responsibility of being the good servant in a very dark time. And I worry, of course, for the migrants who have been dehumanized and who are looked at as a problem to be fixed instead of people to be helped.

And I feel like so much of this—and I was privileged to testify before this committee last week. So much of this comes down to a choice in how we choose to approach a challenge. And I would tell you that El Paso, Texas, the community I'm so privileged to represent, has chosen to respond in a way where we create humanitarian standards for migrants as soon as they're released from custody. We literally, as a community, wrap our arms around people in need.

We have a fraction, a miniscule fraction of the resources available to the Federal Government, and we have done far better. I feel that the matter of choice is one that is pretty transparent when we've chosen to separate children as a government, when we've chosen to block entry at our ports of entry for legal asylum seekers,

and when we've chosen the Migrant Protection Protocol Program, which sends legal asylum seekers back into Mexico.

So I apologize for the long preamble, but I just—I felt like I had to get that off my chest. I have a couple of questions for you, Mr. Secretary. I shared with you when you first were sworn in the day that you were sworn in that I felt you had a problem in ICE, and that one of the problems within ICE is that they are detaining people who could easily be paroled.

I used as an example the nine Indians in custody in El Paso in our processing center who could have easily been paroled and should have been paroled and, after nearly being held in detention for—or being held in detention for nearly a year, decided to go on a hunger strike, had tubes forced down their nose so that they could be force fed. They were so depressed, and they could have been paroled. Ultimately, two were paroled. Seven were deported.

I asked for you to look at what was happening in the ICE facilities and in those cases to do a deep dive. Have you done that deep dive?

Secretary MCALEENAN. That deep dive is ongoing. And a number of the cases where we had very long detentions are being looked at. It's a very small percentage. I have data and I'll be getting back to you on the findings.

Ms. ESCOBAR. I appreciate it. I'm going to ask you—I have 13 seconds. I'm just going to ask you if you will provide my office with an accounting of all ICE facilities for the last six months, the number of vacancies at each facility, the number of beds filled at each facility every day for the last six months.

We keep hearing that there are no ICE beds, that you need ICE beds, that we're out of ICE beds, and yet, interestingly, the President can announce interior raids for which he would obviously need ICE beds. Meanwhile, single adults are held in deplorable conditions, abhorrent conditions, while I suspect there are lots of empty ICE beds waiting for the interior enforcement. So would love that information please. Would you get that to my office?

Secretary MCALEENAN. We will follow through on an oversight request, absolutely.

Ms. ESCOBAR. Thank you so much.

Thank you, Mr. Chairman. I yield back.

Chairman CUMMINGS. Thank you very much.

To the committee members, I want to thank all of you for—I know this is getaway day, but this is an urgent matter. But I want to thank you all for being here. We're getting ready to shut down now, and we will now hear from our ranking member.

Mr. JORDAN. Mr. Secretary, do you want to change Flores so you can keep kids longer as Congresswoman Tlaib asserted just a few minutes ago?

Secretary MCALEENAN. We want to complete an immigration proceeding and get a result as people arrive at the border so that we can have a system with integrity.

Mr. JORDAN. Yes. You don't want to keep kids longer. You want to keep families together until you can actually give them the due process which our law entitles them to receive and make a final determination, right?

Secretary MCALEENAN. That's correct.

Mr. JORDAN. And that seems like commonsense to me. And, frankly, it was commonsense for the previous administration. That's how they wanted to do it. And now, when this administration wants to do it somehow oh, no, no, we can't go there because of this Flores decision.

So, if we could—I think we've made this clear, I think you've made this clear this hearing, if you change that, it has immediate impact, it keeps families together, it gives these families trying to get into our country their due process, their completion——

Ms. TLAIB. Ranking Member.

Mr. JORDAN [continuing]. and it gets to—a judge can make a final decision and would make everything better for everyone concerned, for the Congress, for the Agency, and for the people who made this long trek and came here to this country, right?

Secretary MCALEENAN. That's correct.

Mr. JORDAN. That's what you want to have happen. That's all you want to have happen. But we've heard from the other side, they're not going to do it.

Ms. TLAIB. Sir.

Mr. JORDAN. They're not going to do it. And that's the part that I—Mr. Meadows said earlier, we're willing to work with anyone to fix that one thing which would be the most immediate thing we could do to help with the situation on the border.

Republicans are ready. You're ready. My guess is, these families, like that picture, that little girl and her parents, they're probably ready for that too, but they won't do it. Let's just do that. I hope today, if one thing happens from this committee—we've got a lot of other things that need to happen on the border. But if one thing happens, let's fix that.

Let's fix that and stop all the stuff we've heard about and do what you know with your 20 years' experience in this—more experience than anyone in this room what you know has to happen, what you've come here and said, I bet at least eight, 10 times what has to happen, but they've said they won't do it.

I hope they change their mind. And I hope they'll work with us, and I hope we'll get that done. Thank you for your service, for the guys who work for you, the folks who work for you, thank you for their service and for being here today. I yield back.

Chairman CUMMINGS. Ms. Tlaib, I'm going to give you—since the ranking member——

Ms. TLAIB. Yes. Mr. Secretary——

Chairman CUMMINGS. Whoa, whoa, whoa. I'm not finished.

Ms. TLAIB. Oh, I'm so sorry, sir.

Chairman CUMMINGS. I'll give you one minute and 30 seconds.

Ms. TLAIB. Yes, sir.

I want to thank the ranking member. One of the key things is I don't disagree that we have to fix some sort of policy, but keeping the kids longer in various kids is my issue, right, the fact that it is a broken system. I believe that CBP agent—I really truly do—and that throwing money at this, continuing this isn't working.

And, Mr. Secretary, please share with me and the ranking member, in the 1980's, we had more people come to our border. Detention was very rarely used. Can we look at those policies—no, really. I can share the information with you if you don't have it.

But I don't want to leave folks thinking that I wouldn't want to obviously support some sort of resolution to this that's humane and that gives our agents on the frontline more time, more information on training, those things. However, I think we should be very cautious when we say let's just keep them longer, like that's supposed to be some sort of fix. And that's my issue.

And I don't want people to mischaracterize Flores. When you look at Flores, it's all of these conditions. And one of the key things about that case was we kept her longer, and that was inhumane in itself, Mr. Secretary. And that's one thing that my colleagues on the other side won't understand, detaining people in itself for a very long time, even if they're families, is inhumane and it's harmful.

And, Mr. Chairman, I'll leave it with this: What did you say? We leave them with the memory. So you can't keep them longer. That's not going to fix it.

Chairman CUMMINGS. Thank you very much.

And I want to thank all—everybody for a—this is a difficult conversation because we are dealing with difficult issues. And I want to thank you, Mr. Secretary. We really appreciate you being here. I know you had a hard stop at 1:30 and now we're approaching 20 of three.

Let me just say that, as I listen to all of this, I just want to—and the other day, I said this, I want us to make sure we concentrate on in the meantime. In other words, people may differ about what they have observed, but we do have the IG reports, and we did have the IGs come in and testify before us. And there had been some things that today, to be very frank with you, you seem to not be in agreement with the IG.

Secretary MCALEENAN. No.

Chairman CUMMINGS. I'm sorry. Did you say something?

Secretary MCALEENAN. Actually, I accept the conclusions of the IG reports, and, frankly, I think my own comments were at least as strident and specific on the overcrowding and the challenges it was creating in our facilities.

Chairman CUMMINGS. And that's the point. I want us to try the address the overcrowding. But I am convinced that a lot of the policies, the zero-tolerance policy has led in large part to what's going on.

Let me be very clear. I get tired of people saying that folks up here on our side of the aisle are beating up on the Border Patrol and beating up on others. There is nobody that I know of probably in this Congress that fights harder for Federal employees, period, because I know that they're often unseen, unnoticed, unappreciated, and un-applauded. I get that.

At the same time, I want us to keep in mind that we are dealing with children in many instances. We are dealing with people who are trying to simply live a better life, trying to live a better life. And when I think about the idea—it seems—a policy that basically says, "Well, I got over the ladder into the country, and now I kind of pull up the ladder so nobody comes; we don't have enough room"—and I'm not saying that you're saying that—that is not the America I know, and that is not the America that I want for my children and for generations yet unborn.



But most significantly too, I think we need to keep in mind what I will say over and over again until I die: The deeds you do to children may very well come back to haunt us, but it will definitely haunt them. And I think we need to treat these children and ask our—when we're dealing with them, ask them, would we have that for our own?

They are human beings, and that same little child may be like the persons who saved my life at Johns Hopkins Hospital. Most of the people that saved my life were—well, half of them were first generation. And that's the beauty of America. Our diversity is not our problem; it is our promise.

And, with that, I'd like to thank our witness for testifying today. Without objection, all members will have five legislative days within which to submit additional written questions for the witness, and you must submit them to the chair, and which will be forwarded to the witness for his response.

And I would say to you, Mr. Secretary, you made a lot of commitments here today, and we want to follow-up. We're going to follow-up on all of them because time is of the essence. And so I ask that you please respond to those inquiries as rapidly as possible, okay.

Ladies and gentlemen, we are adjourned.

[Whereupon, at 2:46 p.m., the committee was adjourned.]

