

Congress of the United States
Washington, DC 20515

July 3, 2019

The Honorable Kevin K. McAleenan
Acting Secretary
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

The Honorable Mark A. Morgan
Acting Commissioner
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

The Honorable Matthew T. Albence
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street, S.W.
Washington, D.C. 20536

Dear Acting Secretary McAleenan, Acting Commissioner Morgan, and Acting Director Albence:

On July 1, President Trump signed the Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act (Public Law 116-26). Congress passed the new law providing \$4.6 billion in supplemental appropriations following revelations of children being held in unsafe, unsanitary, and overcrowded conditions at Customs and Border Protection (CBP) facilities.

Public Law 116-26 provides urgent resources to respond to the humanitarian crisis at the border and ensure all people in U.S. Government custody, including children, are provided adequate care. In total, the Department of Homeland Security (DHS) received \$1.34 billion in additional funding. Provisions include:

- \$112 million to CBP for consumables (including food, water, and sanitary items) and medical care;
- \$793 million to CBP to build or improve facilities to alleviate overcrowding;
- \$45 million to U.S. Immigration and Customs Enforcement (ICE) for medical care for detainees;
- \$36 million to ICE for transportation of unaccompanied children to Department of Health and Human Services facilities;
- \$20 million to ICE for alternatives to detention;
- \$5 million to ICE for contractor background investigations and facility inspections;
- \$21 million to ICE for human trafficking investigations; and
- \$30 million to the Federal Emergency Management Agency for emergency food and shelter in communities experiencing a significant influx of migrants.

Many lawmakers, including ourselves, are concerned about the proper usage of the funds that have been provided under this law, and we intend to monitor the deployment of these funds carefully. As you know, DHS must use the funds identified above only for the purposes directed by Congress, and for this reason we demand your assurance that none of the funds will be reprogrammed for other purposes contrary to congressional intent.¹


In addition, Public Law 116-26 includes more than \$110 million for CBP for “temporary duty and overtime costs” and nearly \$70 million for ICE “temporary duty, overtime, and other on-board personnel costs.” It is our understanding that these funds will be used to provide additional staff support to respond to the humanitarian crisis at the southern border and improve conditions at facilities where migrants are detained. These resources cannot be used for general immigration enforcement or deportation activities. On Monday, ICE reported the death of the sixth detainee to pass away in ICE custody since the start of Fiscal Year 2019,² in addition to the six children who have died in CBP custody since December,³ further highlighting the need to focus resources on providing adequate care for all detainees.

We hereby request that you provide a specific plan for how DHS will utilize these funds in accordance with congressional intent within fourteen (14) days, including how you will measure the funds’ impact on reducing overcrowding, improving staff ratios, and other metrics related to health and safety conditions for detainees.

We remain deeply concerned about the humanitarian crisis at the southern border. As Members of Congress, it is our duty to ensure funds appropriated by Congress are used for the intended purpose—in this case, to protect the health, safety, and dignity of all detainees. We look forward to your prompt response to this urgent matter.

Sincerely,


Raja Krishnamoorthi
Member of Congress


Jesús G. “Chuy” García
Member of Congress

¹ 31 U.S.C. § 1341(a)(1)(A).

² ICE Detainee Passes Away in Houston-Area Hospital. ICE Press Release. July 1, 2019.
<https://www.ice.gov/news/releases/ice-detainee-passes-away-houston-area-hospital>.

³ 16-year-old Migrant Boy Dies in U.S. Custody, 5th Child to Die Since December. NBC News. May 20, 2019.
<https://www.nbcnews.com/news/latino/16-year-old-migrant-boy-dies-u-s-custody-5th-n1007751>.