AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

KIDS IN CAGES: INHUMANE TREATMENT AT THE BORDER

HEARING

BEFORE THE

SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES

OF THE

COMMITTEE ON OVERSIGHT AND REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

JULY 10, 2019

Serial No. 116–44

Printed for the use of the Committee on Oversight and Reform

Available on: *http://www.govinfo.gov*
http://www.oversight.house.gov or
http://www.docs.house.gov

U.S. GOVERNMENT PUBLISHING OFFICE

37–284 PDF WASHINGTON : 2019

COMMITTEE ON OVERSIGHT AND REFORM

ELIJAH E. CUMMINGS, Maryland, *Chairman*

CAROLYN B. MALONEY, New York
ELEANOR HOLMES NORTON, District of Columbia
WM. LACY CLAY, Missouri
STEPHEN F. LYNCH, Massachusetts
JIM COOPER, Tennessee
GERALD E. CONNOLLY, Virginia
RAJA KRISHNAMOORTHI, Illinois
JAMIE RASKIN, Maryland
HARLEY ROUDA, California
KATIE HILL, California
DEBBIE WASSERMAN SCHULTZ, Florida
JOHN P. SARBANES, Maryland
PETER WELCH, Vermont
JACKIE SPEIER, California
ROBIN L. KELLY, Illinois
MARK DESAULNIER, California
BRENDA L. LAWRENCE, Michigan
STACEY E. PLASKETT, Virgin Islands
RO KHANNA, California
JIMMY GOMEZ, California
ALEXANDRIA OCASIO-CORTEZ, New York
AYANNA PRESSLEY, Massachusetts
RASHIDA TLAIB, Michigan

JIM JORDAN, Ohio, *Ranking Minority Member*
JUSTIN AMASH, Michigan
PAUL A. GOSAR, Arizona
VIRGINIA FOXX, North Carolina
THOMAS MASSIE, Kentucky
MARK MEADOWS, North Carolina
JODY B. HICE, Georgia
GLENN GROTHMAN, Wisconsin
JAMES COMER, Kentucky
MICHAEL CLOUD, Texas
BOB GIBBS, Ohio
RALPH NORMAN, South Carolina
CLAY HIGGINS, Louisiana
CHIP ROY, Texas
CAROL D. MILLER, West Virginia
MARK E. GREEN, Tennessee
KELLY ARMSTRONG, North Dakota
W. GREGORY STEUBE, Florida

DAVID RAPALLO, *Staff Director*
CANDYCE PHOENIX, *Subcommittee Staff Director*
VALERIE SHEN, *Chief Counsel and Senior Policy Advisor*
JOSHUA ZUCKER, *Assistant Clerk*
CHRISTOPHER HIXON, *Minority Staff Director*
CONTACT NUMBER: 202-225-5051

SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES

JAMIE RASKIN, Maryland, *Chairman*

CAROLYN MALONEY, New York
WM. LACY CLAY, Missouri
DEBBIE WASSERMAN SCHULTZ, Florida
ROBIN KELLY, Illinois
JIMMY GOMEZ, California
ALEXANDRIA OCASIO-CORTEZ, New York
ELEANOR HOLMES NORTON, District of Columbia

CHIP ROY, Texas, *Ranking Minority Member*
JUSTIN AMASH, Michigan
THOMAS MASSIE, Kentucky
MARK MEADOWS, North Carolina
JODY HICE, Georgia
MICHAEL CLOUD, Texas
CAROL D. MILLER, West Virginia

C O N T E N T S

Page

Hearing held on July 10, 2019 1

WITNESSES

Panel 1

Yazmin Juµrez, Asylum Seeker

Oral Statement 8

Panel 2

Michael Breen, President and Chief Executive Officer Human Rights First

Oral Statement 16

Clara Long Deputy, Washington Director Human Rights Watch

Oral Statement 18

Hope Frye, Executive Director Project Lifeline

Oral Statement 20

Dr. Carlos A. Gutierrez, M.D. F.A.A.P., Pediatrics Private Practice

Oral Statement 22

Ronald D. Vitiello, (Minority Witness) Former Chief, U.S. Border Patrol Former Acting Director, Immigration and Customs Enforcement

Oral Statement 24

INDEX OF DOCUMENTS

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

* Statement from the American Medical Association; submitted by Chairman Raskin.

* Statement from Amy Kahn; submittedby Chairman Raskin.

* Statement from Carol Martin, Executive Director of Trauma Recovery at EDMR Humanitarian Assistance Programs; submitted by Chairman Raskin.

* Statement from Church World Service; submitted by Chairman Raskin.

* Statement from the National Association of Pediatric Nurse Practitioners; submitted by Chairman Raskin.

* Statement from Myra Jones-Taylor, Chief Policy Officer for Zero to Three; submitted by Chairman Raskin.

* ″Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post Sexist Memes″ from ProPublica; submitted by Rep. Gomez.

KIDS IN CAGES: INHUMANE TREATMENT AT THE BORDER

Wednesday, July 10, 2019

HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON CIVIL RIGHTS AND CIVIL LIBERTIES,
COMMITTEE ON OVERSIGHT AND REFORM
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:52 p.m., in room 2154, Rayburn House Office Building, Hon. Jamie Raskin (chairman of the subcommittee) presiding.

Present: Representatives Raskin, Maloney, Clay, Wasserman Schultz, Kelly, Gomez, Ocasio-Cortez, Pressley, Norton, Roy, Massie, Meadows, Hice, Cloud, Miller, and Jordan.

Also present: Representatives Tlaib and Grothman.

Mr. RASKIN. The subcommittee will come to order. Please close the doors if you can. Without objection, the chair is authorized to declare a recess of the committee at any time.

This subcommittee is convening this hearing regarding inhumane treatment of children and families at the border. I will now recognize myself for five minutes to give an opening statement.

I want to welcome—oh, Okay, we're going to start with a video. If you would run that.

How are we doing on the opening video? Okay. Let me know when that comes up.

I want to welcome the members of the Subcommittee on Civil Rights and Civil Liberties. I want to welcome our distinguished witnesses and guests to this hearing on the humanitarian crisis at the border.

The American people are up in arms about reports, both from the Inspector General of the Department of Homeland Security and the media and various human rights groups, about the dangerous overcrowding, spreading infections, influenza, diarrhea and lice, pervasive medical inattention, sexual assault, and systematic abuse of the rights of migrants in U.S. Government care and custody at the border. We hope to shine a bright light this afternoon on these dark developments to enable rapid and effective legislative responses.

I especially want to thank our first witness, Yazmin Juarez, for coming to share the painful story of her 19-month-old daughter Mariee, who experienced untreated respiratory complications during her detention by ICE and died shortly thereafter. We know that six children have lost their lives while in detention at the border.

I want to thank all the Members of Congress and this committee who have traveled to the border to investigate and all of those who are prepared to do so in the coming weeks.

The human rights violations and family catastrophes happening at the border are not improving a serious regional refugee crisis, but they are worsening and exacerbating it.

What is driving this refugee crisis? Gang violence and intimidation, government dysfunction and police corruption, political persecution, rape and gender violence, they are all driving unprecedented numbers of desperate families and terrified children out of the Northern Triangle of Central America to the United States.

Many of the migrants amassing at our border are escaping threats of imminent death or bodily harm or the prospect of their children being forced into violent gangs or criminal networks of sexual abuse and trafficking. Some are climate change refugees fleeing the devastating effects of extreme drought and flooding in their home areas.

The journey to the border today for these huddled masses is traumatic and filled with deadly peril. Along the way, many are robbed, assaulted, or raped. Some have been killed. Parents have drowned alongside their children in the Rio Grande.

But hundreds of thousands have made it to our border. They turn themselves in to border officials and make their legal claim for asylum, a claim that they have the right to make under both American and international law.

Yet they have been greeted not as refugees whose asylum claims must be heard and taken seriously under our due process of law, but as presumptive criminals and threats to the American people.

The Trump administration has prosecuted them, subjected their families to prolonged and miserable detention, separated children from their parents, and forced migrants back into Mexico. The entire thrust of this policy is punishment, both court-ordered and government-administered, and deterrence by means of mass trauma.

While the Trump administration did not cause the refugee crisis in Central America, it has exacerbated it by cutting off hundreds of millions of dollars in foreign aid for education, healthcare, and community development to precisely the countries which the refugees are now desperately fleeing in huge numbers.

We owe the region at least this aid, given that we are a key market for the drug trade that has wreaked so much violence and insecurity in these countries, and all of us are implicated in foreign policies toward Central America over the last several decades which have emphasized war and military assistance over economic and social development.

The administration's chaotic policy responses have produced a severe humanitarian crisis at the border, with dangerous overcrowding, widespread sickness and disease, and a shocking failure to provide adequate medical care, food, water, and sanitation.

America is watching scenes of sick children packed into holding cells, pregnant women sleeping on cold floors, and mothers trying to warm newborn babies with aluminum blankets.

The policy of separating thousands of migrant children from their parents is designed to make conditions at the border so miserable that the refugees will simply stop coming. Last May, then Attorney

General Sessions stated, "If you don't want your child to be separated, then don't bring them across the border illegally."

But these policies are failing to deter asylum-seeking families because the underlying causes of their migration are so grave and overwhelming. In fact, the Trump deterrence policy seems to be having no deterrent effect at all.

According to Customs and Border Protection's own data, family migration spiked in the month after the administration announced the family separation policy, and there have been sharp increases ever since, unlike anything we've seen before in our lifetimes.

Whatever else these harsh policies are intended to accomplish, the message received by hundreds of thousands of people seems to be: Migrate now before things get even worse.

The administration has failed to respond in a way that meets the actual humanitarian challenges at the border. Our government should be sending doctors and social workers and humanitarian supplies to the border along with asylum officers and legal resources to help identify and process claims. We should be making sure that all of the money being spent at the border is not being wasted, but used to meet the urgent nutritional and medical needs of the migrants.

Last week, the Department of Homeland Security's Inspector General warned of a "ticking time bomb" at Border Patrol detention facilities. The IG cited children crammed into cages with no access to showers or hot meals and "serious overcrowding and prolonged detention" for adults, some in standing room only conditions with no room to lie or even sit down.

At the Border Patrol station in Clint, Texas, The New York Times reported: "Outbreaks of scabies, shingles, and chickenpox were spreading among the hundreds of children in cramped cells, agents said. 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."

There is no excuse for our government being so unprepared and indifferent to refugee flows that have been steadily mounting for months. These conditions violate American law and international human rights standards. We would not accept these conditions for refugees anywhere else in the world.

The Trump administration reversed a policy, for example, that largely protected pregnant women from detention. Over 200 human rights and civil rights groups have called for the policy's reinstatement, noting the current arbitrary detention of pregnant women violates international human rights norms.

Last week, the DHS Inspector General reported that 31 percent of children across five facilities had been held longer than 72 hours, in violation of Flores, the 1997 settlement agreement that required children to be placed in safe and sanitary conditions and directs children be transferred out of detention facilities as expeditiously as possible. There have now been news reports of migrant children detained for much longer than 72 hours and many for weeks.

There is a dangerous lack of accountability at detention facilities. We know that many officers are doing their best under these trying and excruciating conditions, but after recent reports there is little doubt that there is a real contingent of border agents acting in callous and scandalous ways, punishing scared and helpless children, mocking migrant deaths on Facebook, and even attacking in vile ways Members of Congress who dare to demand fair treatment for migrants under the rule of law.

I am pleased that the Acting Secretary has pledged to investigate these reports, but reportedly top Border Patrol officials have been aware of the Facebook group and its egregious contents for many months and even years.

What sort of culture exists within DHS that would foster or even tolerate this behavior for so long? Why did the administration and its allies block efforts to ensure that increased funding for the border be accompanied by provisions to ensure responsible oversight over how our money as taxpayers is being spent? How can we end official tolerance for these shameful actions in our name?

I hope our hearing today will bring these difficult facts into the light and pose hard questions about official actions that shame us as a society, not as Democrats or Republicans or independents, but as Americans. I also hope that this hearing, in conjunction with Chairman Cummings' full committee hearing scheduled for Friday, will identify immediate steps to provide relief and change in these conditions.

I will now go to the opening video before I turn it over to our ranking member, Mr. Roy.

[Video shown.]

Mr. RASKIN. The chair now recognizes the ranking member of the subcommittee, Mr. Roy of Texas, for five minutes for his opening statement, and I will be liberal with that.

Mr. ROY. I thank the chairman.

Ms. Juarez, on behalf of this committee, all the members here, the entire House of Representatives, there are no words that we can possibly share with you about the loss of your little girl. I am the father of a son and a daughter. I cannot possibly imagine what you have gone through. And we owe it to you and to our country and to all those who seek to come here to have a system that works and to not have something like this happen. And so my prayers from my family to you, and we thank you for being here.

Mr. Chairman, I have to say I am frustrated, though, with the title of the hearing. It's setting a tone that doesn't allow us to come together to address this difficult problem in a way that is befitting of the United States and our welcoming nature as a country. It is a hearing entitled "Kids in Cages." What we say and the hyperbole we use matters.

As a Member from Texas and a former staffer on the Senate Judiciary Committee, as a Member of Congress, I've been to the border many times, and to this day I have never seen a kid in a cage the way those words seem to indicate it.

Let's look at the advertisements for this hearing, OK? The slide on the right is the ad for this hearing, showing pictures of kids supposedly in cages. The picture on the left is a picture from 2014 when President Obama's DHS Secretary Jeh Johnson was giving a

tour of a facility where you've got, yes, chain link barriers put up in temporary facilities at that time under the Obama Administration in a way to deal with a crisis at 2014 time of unaccompanied children riding on the top of train cars—we remember those horrific stories from five years ago—and trying to deal with the problem of massive numbers of people coming across the border, oftentimes with parents that aren't the parents claiming to be the parents of the child, which is horrific, oftentimes in facilities and dealing with situations where you want to separate the children from bad actors.

In the most recent time, we've had 144,000 people that CBP had to deal with in May. How do you deal with that? Under the most generous circumstances of trying to figure out what to do to care for these children, release them to family members, release them in a safe way, care for them, give them food, give them healthcare, how would we have them do it when we're denying them the facilities and the resources to do it?

We should discuss the humanitarian crisis. We're experiencing an unprecedented surge in migrants. You see the chart over here. I don't have to go through it. The red line, you see the massive spike in apprehensions. The numbers in June were 94,987, the highest June number recorded in at least the last five years. It was down from 144,000 in May. That often happens because of the heat in June.

I've personally seen that an overwhelming number of individuals fill our Border Patrol stations and stretch our Border Patrol workers to go above and beyond. We all agree that they're stretched. There is no disagreement in this room on that, at least today. There might have been five months ago.

I've seen the facilities, and I've not seen a single cage in the way that it is being depicted. I am seeing ways to try to separate people and keep them safe. And we demean the process and our Border Patrol agents, who are law enforcement officers for the government of the United States trying to do their job, when we call them cages.

It is not helpful to use this crisis that so many denied and called manufactured now to score political points. In this fiscal year, more than 694,000 aliens have been apprehended, whether they were claiming asylum or whether they were just straight coming illegally.

On February 15 the President declared a national emergency at the border to deal with the escalating crisis. On May 1 the Office of Management and Budget wrote Congress its first request for emergency funding to address this worsening crisis. That request and the followup was ignored. And the situation grew so dire, I find myself in agreement—I found myself in agreement with the editorial board of The New York Times, who said it is time for Congress to stop dithering and pass emergency funding to deal with this nightmare.

I even forced a few votes on the floor of the House of Representatives. How dare I force votes in the people's House? And some of my colleagues joined.

Why? Because for five months we had listened to some of our colleagues say there is no crisis. Speaker Pelosi called the situation

a fake crisis at the border. Foreign Relations Committee Chairman Engel called the situation a fake crisis at the border. House Judiciary Committee Jerry Nadler: There is no crisis at the border. Representative Debbie Wasserman Schultz, one of my colleagues on this committee: We don't have a border crisis. Representative Doggett, a fellow Texan, called the situation a phony border crisis. Representative Sanford Bishop called it a crisis that does not exist. I could go on and on. There are dozens of examples, hundreds of examples.

Instead of focusing on the magnets that will allow cartels to exploit women and children, some in this body would rather attack the men and women on the front lines of the crisis.

In the face of our willful blindness and at times blatant falsehoods, CBP has performed over 3,000 rescues this year—3,000 rescues this year—including last month in Laredo where they rescued 14 migrants locked in a horse trailer that was 124 degrees inside with no ventilation or exit.

Now, we can have a robust debate about how we solve this crisis, about what we do about legal and illegal, about what we do about asylum, about ports of entry, between ports of entry. These are all complex questions, and I wish we would all sit in a room, roll our sleeves up, and sit down and figure out how to solve the problem.

But the reality is CBP is out there saving lives. Agencies such as the CBP do not have enough resources to respond to the crisis while also performing their law enforcement duties. DHS Secretary McAleenan said this weekend, quote, "We have no evidence that children went hungry."

Now, we're Oversight, we should go dig into that statement. I agree with that. Let's go make sure that there aren't children going hungry.

"Of course, we're worried about it"—this is now his words—"Of course, we're worried about it. Everyone in the entire chain of command was worried about the situation for children. That's why we've built soft-sided facilities, a thousand spaces. We're building more that we are going to be opening next week. We're trying to provide as much space and as much nice a setting as we possibly can while children are in our custody.

"But the big point was to move them to HHS. Let me give you an update. On June 1, we had 2,500 children in our custody; 1,200 had been with us over three days. Now that we have the supplemental from Congress"—the supplemental that was being denied—"we have the supplemental from Congress, HHS has additional beds. We only have 350 as of yesterday afternoon's report, and only 20 of those children have been with us for more than three days. So that's a huge improvement."

And that's his words.

Today, I talked to a CBP official that said at no point in time has a CBP facility been lacking in supplies for migrant children. Okay, that's his word. We should look into that and make sure that's the case.

When my friends across the aisle ignored the administration's request for emergency funding for two months, DHS took action and CBP began paying for supplies out of their operational budget.

Sometimes they paid out of their own pockets to make sure that things were taken care of.

Importantly, my chief of staff went to Clint this weekend because I felt so strongly about looking into what some of my colleagues were claiming. I couldn't go because of a family conflict, but my chief of staff went. And he looked and he talked and he saw and he took pictures—or, I'm sorry, he observed some of the pictures you're going to see here, which is from a video from a Border Patrol head in, I believe, in Arizona, facilities where you're seeing lots of materials and supplies and food. And there's other pictures that show other materials and supplies and food.

Now, can I guarantee that all of that got to every person who's been detained? No. But this is what we're getting in terms of information and what we're seeing, what I see with my own eyes. I've seen with my own eyes the facilities in McAllen where I talked to Border Patrol and they'll see some of my colleagues on the other side of the aisle come in and go: Well, this all looks great. They walk across the street and they go get in front of a camera, and they say: Kids in cages.

That's not going to solve the problem. That's not going to help Ms. Juarez. That's not going to help stop the cartels who made $2 billion in 2018 profiting by moving people through Mexico to come here, hundreds of millions of dollars, the Reynosa faction of the Gulf Cartel, the cartel del Noreste Los Zetas, the Sinaloas, dangerous cartels making tons of money moving people through.

And even if you believe this is because the Northern Triangle is suffering calamitous situations economically in terms of safety and security and gangs, agreed. But what we're talking about is a profit model that cartels are abusing to use for profit to come then and use our asylum laws to harm these people and to harm that father and that child that died in the river trying to come here.

Now, I've gone longer than I probably should have, Mr. Chairman. I appreciate that you've given me the time. We have a broken immigration system. We must act quickly. I believe we need to fix the asylum problem, the Flores settlement agreement. We need to have a strong collective agreement on what we can do to secure the border.

I've recently introduced a bill aimed at addressing the crisis, the Charitable Donations Freedom Act, to make sure there's no barriers in the Antideficiency Act. If anybody wants to give something, they can give a charitable gift.

I don't even know if it's necessary, but let's make sure there's no barriers and let's work together to bring down any barriers to make sure people are cared for. I don't believe that the CBP isn't doing everything it can to ensure that human beings are treated the way they should.

I look forward to hearing from the witnesses, and I appreciate the chairman's time.

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

Now, we have two panels today. The first panel has just one witness, and that's Yazmin Juarez, who's come. And so I am going to swear her in.

We are very grateful to you for your appearance today. We extend you our condolences, our sympathy, and also our gratitude,

because you're doing a great service to America by coming forward to tell your story.

You are accompanied today by Jasmin Rumbaut, a certified interpreter with the New York State Unified Court System.

You have a headset or you can do simultaneous translation for Ms. Juarez when the members speak or ask questions.

I believe we're expecting votes to be called in about half an hour, I think the last I heard. So we will let the witness testify, we will have whatever questions there are, and when we return we'll open up with the second panel.

So I'd like to swear you in. So please stand, if you would, Ms. Juarez, and raise your right hand.

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, Ms. Juarez. Please be seated. Please be sure to speak directly into the microphone. Without objection, your written statement will be made part of the record.

I also, without objection, will waive onto the committee for the purposes of participation today Ms. Tlaib from Michigan and Mr. Grothman from Wisconsin. Hearing no objection, they are waived on.

And with that, Ms. Juarez, you are now recognized to speak to the committee.

STATEMENT OF YAZMIN JUAREZ, ASYLUM SEEKER

[The following statement and answers were delivered through an interpreter.]

Ms. JUAREZ. First of all, I'd like to thank each and every one of you, and may Jesus bless each and every one of you. Thank you, Chairman Raskin, Ranking Member Roy, and members of the committee, for inviting me.

My name is Yazmin Juarez. My daughter Mariee and I fled Guatemala, seeking asylum in the United States. We made this journey because we feared for our lives. The trip was dangerous, but I was more afraid of what might happen to us if we stayed. So we came to the United States, where I hoped to build a better, safer life for us.

Unfortunately, that did not happen. Instead, I watched my baby girl die slowly and painfully just a few months before her second birthday.

It is painful for me to relive this experience and remember that suffering, but I am here because the world should know what is happening to so many children inside of ICE detention. My beautiful girl is gone, but I hope her story will spur this country's government to act so that more children do not die because of neglect and mistreatment.

Mariee had always been a super happy, very healthy baby. She made the journey from Guatemala without any problems. We were held in CBP custody for three or four days in a facility known as "la hielera," or the icebox, because it's freezing cold. We were

locked in a cage with about 30 other people, moms and children, and forced to sleep on a concrete floor.

We were sent to the ICE detention center in Dilley, Texas. A nurse examined Mariee when we arrived and found her healthy. We were packed into a room with five other people, mothers with children, a total of 12 people in our room.

I noticed immediately how many sick children there were in detention, that no effort was being made to separate the sick from the healthy or to care for them. One of the little boys in our room was sick. As a mother, this was very hurtful to see. His mom tried to take him to the clinic, but they kept sending him back without being seen, without care.

Within a week of being at Dilley, Mariee got sick, my little girl. First it was coughing and sneezing and a lot of nasal secretions. I brought her to the clinic, where I waited in line with many other, many other people in a gymnasium to get medical care. When the physician's assistant saw her days after, she said that Mariee had a respiratory infection and prescribed Tylenol and honey for her cough.

The next day, however, Mariee was worse. She was running a fever of over 104 degrees and began having diarrhea and vomiting as well. She wouldn't eat, and I remember her head and her little body felt so hot and that she was weak.

On this day, they told me that she had an ear infection and gave her antibiotics. I begged them to do deeper exams, but they sent us back to our room.

I tried to come back multiple times to the clinic. I had to wait in line from early in the morning with dozens of other mothers with their sick children. Twice I was turned away and told to go back to my room.

Mariee lost almost eight percent of her body weight in just 10 days. She was still vomiting constantly. When she was finally seen by a doctor, they told me to give her Pedialyte and Vicks VapoRub. I didn't learn until after she died, when I was researching it online, that you aren't supposed to give Vicks to kids under two years old because it could cause respiratory problems.

My baby got sicker. She was vomiting constantly. Her fever kept going up. She wouldn't eat or sleep. Her body was weak. And when I finally received a notice that Mariee had an appointment to be seen by a doctor, I was so relieved, though that didn't happen. We were told that we were going to be processed for transfer out of detention, and at that point I was relieved because I thought that I would actually be able to take her to see a doctor. As a mother, it was very important for me to do that. It was very difficult for me to see her suffering.

What happened was that at 5 a.m. we were woken and taken to be processed for transfer out of detention, and there we waited for hours. She was not taken to the clinic to be seen by medical staff. I later found out that her medical record said that she had been cleared as someone with no medical restrictions. But it did not happen that way. She was never seen. And even though it says that on her records, as her mother I can say that she was not seen.

I was terrified by the time our plane landed. We took Mariee to a pediatrician as soon as we could and just a few hours later to the

emergency room. She was admitted to the intensive care unit with a viral lung infection. Over the next six weeks, she was transferred to another children's hospital.

My little girl suffered horrible pain. She was poked and prodded and eventually needed a ventilator to help her breathe. I couldn't even hold her or hug her or console her when she asked for her mother. It was a terrible pain to see my child in a situation and circumstance like this one, and as a mother I wish that I could have taken her place.

All of the hard work of these doctors came too late. My Mariee died on what is Mother's Day in my country. When I walked out of the hospital that day, all I had with me was a piece of paper with Mariee's handprints in pink paint that the staff had created for me. It was the only thing that I had left, and the nurses had given it to me as a Mother's Day gift.

I'm here today because I want to put an end to this. It is very hard to see so many children and for none of them to be my daughter and to think that I will never see her again or hug her or enjoy being with her or tell her just how much I love her. It is very hard. You have no idea how hard it is to move forward without my little girl. It's like they tore out a piece of my heart, like they tore out my soul.

I'm suffering every day. It is difficult to get up and move forward without her. I wanted to have a better life for her and a better future and work hard so that she could keep growing the way that she was, but now we won't be able to do that because she is gone.

I'm here today to put an end to this and that we not allow any more children to suffer and die in this way. Mariee could be here with us, but she is not. Next month she would have been three years old. That is a very painful date for me. It's painful to not have her with me and show her what I feel and say what I want for her. I have no words to describe that.

My daughter is gone. The people who are in charge of running these facilities and caring for these little angels are not supposed to let these things happen to them. Their parents have brought them here to find a better life and a safer life for their children.

I'm here today because I don't want any more little angels to suffer the way Mariee did and the way I am now. I don't want any more mothers or fathers to lose children.

It can't be so hard for a country like the United States to protect kids who are locked up. It is very hard. You don't know the terror that mothers and children feel when they see children in cages, hungry, cold, without the warmth of a home, just hundreds of other people in the same situation that they are in. It is very painful.

If I had the power to change things and do it right and protect children, believe me that I would. I thank God for giving me a heart that is noble but weak. It is very painful to see what children are going through and to want to do something and not be able to.

I want to thank you with all of my heart and I want God to bless each and every one of you by name. Thank you for the opportunity to be here and to be able to offer my testimony. I trust in God that you will have the power to change things and make a difference so that children and mothers will not have to suffer. It's a terrible

thing. You have no idea the pain, what the pain is that this means to not have her here with me.

So my infinite thanks to you. And if there's anything that I can do to make a difference, I will. Thank you.

Mr. RASKIN. Ms. Juarez, thank you for your testimony. Words cannot express the sympathy that we feel toward you. Words cannot express our sorrow at hearing your story. And words cannot express our gratitude to you for having the strength to come forward to tell about these horrific events that have taken place.

If you're okay taking a few questions, I just have one or two, and then I'll turn to the ranking member to see if he has any and if any other members of the committee have anything that they want to ask you.

In fact, let me start with you, Mr. Roy. We've gone over with the witness and I'm happy to donate the lion's share of my time to the witness' presentation. Do you have anything you'd like to ask?

Mr. ROY. Ms. Juarez, I would just reiterate the statement of the chairman and the statement that I tried to open with, that—you said it—[speaking Spanish]. There are no words. And I am very thankful for your faith and for your blessing upon us and for your courage in being here, and thank you for being here.

Mr. RASKIN. You know, Ms. Juarez, our country is a Nation of immigrants. Except for the descendants of slaves and the Native Americans, all of us are here as immigrants or the descendants of immigrants. And our ancestors, our parents, our grandparents saw America as a land of hope and dreams and opportunity.

And I know that you can't talk specifically about what you left behind in Guatemala for legal reasons, and your lawyers have advised you not to get into the detail there, but I wonder if you would talk to us about what America represented to you, what moved you to try to get to America with Mariee when you came.

Ms. JUAREZ. Yes, of course. As you said, the United States is the land of opportunity, work, important doctors, and in my country, you know, they say the American Dream. So my wish and the purpose of bringing my child here was to move forward with her, to have her grow, and to be able to give her all of the things that I would not be able to give her in my country, because this is a country of freedom and opportunities.

We had so many wishes and dreams when we came here, you can't imagine. But now it will definitely make that difference that the U.S. represents. It represents that dream and opportunity and work and freedom above everything else.

Mr. RASKIN. Thank you.

I'm going to call on Mrs. Maloney from New York.

And, members, you know, we're in sort of a modified five-minute rule. Obviously, the witness has been through a lot, but if there's one or two questions you'd like to ask, I think that that works out well.

Mrs. MALONEY.

Mrs. MALONEY. Thank you, Mr. Chairman.

And thank you, Ms. Juarez.

This was very difficult, to hear your testimony, and I know it was even more difficult to give your testimony. So why are you here in what is such an obviously painful experience for you to re-

member the horror of what your Mariee went through? Why are you here?

Ms. JUAREZ. I'm here today because I want to tell all people of all the world in all countries, especially in the United States, that we need to make a change and make a difference to actually care and protect kids more.

ICE detention centers are terrible, inadequate places to lock children up, I am sorry to say, as if they were animals. It is difficult to have to say that. But I repeat that I'm here because I want to make a difference, to help more children, in the name and in the memory of Mariee. And if it's possible to make that difference and to make that change, believe me, I want that to happen.

Mrs. MALONEY. You described——

Mr. RASKIN. Mrs. Maloney, forgive me. I've learned that votes are about to be called in a moment. Would you be willing to cede to some other member so everybody could ask a question? Would that be okay? And I'll just recognize them.

I saw, Ms. Tlaib, you had your hand, if you would like to ask a question.

Ms. Wasserman Schultz, Ms. Ocasio-Cortez, Ms. Pressley.

Ms. TLAIB. Thank you, Chairman.

Ms. Juarez, thank you so much for being here.

I wanted to ask, it's so important because you in many ways experienced something that we saw ourselves in many ways when we went to El Paso, but you referred to it as the icebox. You also talked about your daughter not getting access to care and so forth.

Would you talk a little bit more about the conditions that you and your daughter were in? I think it would be really helpful for my colleagues to understand how it felt. You know, sometimes you don't think about this, but the food.

When I went there, people were just like sleeping, just constantly laying down, and the children were jumping on top of the body. You know, the kids were energetic and jumping around. They were all, again, in the same facility. I think it's really important to talk about your experience while you were in our care.

Ms. JUAREZ. Sure. When I was admitted into the ICE detention facility we spent a very cold night that entire early morning sleeping on concrete with what they—this gray thing. They said it was a blanket, but it's—so-called blanket—but it's not that for me.

The food was not appropriate for a child. It didn't have the proper nutrients for the health of a child nor the proper hygienic situation. It looks like the food went through many hands, and that could be many more germs then that could make a child sick or an adult sick. And children don't really have the natural defenses to be able to ward off any kind of serious illnesses.

In my experience with Mariee, she was a happy, healthy child, thank God, when we were back in our country. She didn't suffer any serious illnesses until we got here into the United States. But in the detention facility there were hundreds of people who were sick, children and adults. And it was very difficult to see that. It was very difficult to see hundreds of people standing in line trying to be seen for medical consults.

And what happened to me and many other people is that we had to go back and be turned away without receiving that kind of help.

And that to me seems like the most negligent thing, and that what would be necessary is greater attention and supervision to the health of children, which should be the priority.

Mr. RASKIN. Thank you.

For one question, Mr. Clay, and then Ms. Wasserman Schultz.

Mr. CLAY. Thank you, Mr. Chairman. Let me make a statement and then ask one question.

You know, this disgraceful detention policy starts at the top, starts with President Trump, Stephen Miller, who initiated this policy. DHS implements it. You know, we as Americans should be ashamed of what has transpired at these detention centers. And if you are not, you have lost your soul and compassion for others.

Let me just ask one question. In your testimony, Ms. Juarez, you noted that you begged a nurse to examine Mariee's lungs after she had been coughing for over two weeks. Did the nurse give you a reason for not examining Mariee's lungs?

Ms. JUAREZ. I was never given an explanation of why they didn't do more serious tests. Actually, one night we were in my room and we were going to go eat, and so I was trying to wake her up. And I shook her, wake up, we're going to go eat, and she didn't react.

So obviously, as a mother, my reaction was to, you know, try to wake her up to go eat and to worry very much when she wouldn't wake up. And so I begged, after that point I begged that we be getting an appointment, because it was not able to—we weren't able to see a doctor without having an appointment.

So when we finally were seen, what they did was take her temperature and give her ice cream. And they told me that that would help with her fever. But I think that was worse for her lungs. In my country, when a child is sick, you cover them up, but not here. They give her a popsicle, which I think made her lungs sicker, but they said it was good for her fever. It actually made me wonder about the professionalism.

And actually even I took her to see a doctor and she was vomiting in front of the doctor and they still wouldn't do any more serious tests with her. And I was just—I was saying, you know, whatever it takes, you can take me handcuffed if you want to, but I really wanted them to have her see a specialist, because it seemed that whatever she had was something more serious. You can tell just by the sadness in her eyes, and it was a very painful thing to experience.

Mr. RASKIN. Okay. So we're going to go to Ms. Wasserman Schultz, we're going to go to Mr. Roy, we're going to go to Ms. Pressley and Ms. Ocasio-Cortez, and I think that will take us to the end.

So, Ms. Wasserman Schultz, you are recognized for a question.

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

Senora Juarez.

[speaking Spanish].

My question is focused on the medical record that makes it appear that your daughter was actually seen by a medical professional on March 25, 2018.

First, no one warned you that your daughter may be too sick to travel? It says on the medical record that she was cleared for travel. Is that correct?

Ms. JUAREZ. Yes.

Ms. WASSERMAN SCHULTZ. And just to be clear, on the date of this medical record, which is on the screen, Mariee did not actually see a doctor, correct?

Ms. JUAREZ. Yes, correct.

Ms. WASSERMAN SCHULTZ. And so there was no medical evaluation of your daughter that actually happened on your last day in the facility, which was the day that this medical record was produced?

Ms. JUAREZ. No, not at all.

Ms. WASSERMAN SCHULTZ. So, Mr. Chairman, what my concern is, is that if ICE medical records of migrants like Senora Juarez can be fabricated, which it appears that this one may have been, how many more fraudulent medical records might be out there?

I mean, she's testifying here under oath. We have to get to the bottom of this and ensure that the medical records that are being produced by ICE are accurate and that they're not just making them up to cover up their neglect. It's unacceptable.

Mr. RASKIN. Thank you very much, Ms. Wasserman Schultz.

Mr. Roy.

Mr. ROY. Ms. Juarez

[speaking Spanish].

Ms. JUAREZ. Of course. After everything that happened in my country, I don't want to go back. I don't have my family here. I'm here now and my dream is to move forward, to work, to study, to learn, so that in the future when I am a mother again I could teach them everything that I fought so hard for and everything that I have struggled to study and learn along the way.

Mr. RASKIN. Thank you.

Ms. Pressley.

Ms. PRESSLEY. Thank you, Mr. Chair.

Ms. Juarez, I just wanted to state for the record that you did nothing wrong and you certainly did nothing to deserve this. Seeking asylum is a human right and you did what any mother or parent would have done for their child. You sacrificed everything for your safety and the safety of your baby. You left everything you knew for the chance of a better life.

You said that you have a noble but weak heart. You underestimate your strength. And in this moment, you are embodying every American ideal that we espoused that we do, and I thank you for that.

It is unfortunate that our country is no longer standing by its promise of being a beacon of hope and haven for those like you seeking asylum. Instead, this administration has criminalized families and is now operating a fundamentally flawed system that is systemically separating families and engaging in human rights abuses on U.S. soil.

So all I want to say to you from the bottom of my heart, as a mom, as an American, and as a human being, is that I am sorry. I am so very sorry that we have failed you.

And I also want to say that I will never forget what you shared with us today even if I'm tempted to or want to because it is painful and traumatic and shameful, but I refuse to forget. We will not forget you or Mariee. We will not look away.

Thank you.
Mr. RASKIN. Thank you, Ms. Pressley.
Ms. Ocasio-Cortez.
Ms. OCASIO-CORTEZ. Thank you, Mr. Chair.
Gracias, Senora Juarez
[speaking Spanish].
Ms. JUAREZ. No.
Ms. OCASIO-CORTEZ.
[Speaking Spanish.]
Ms. JUAREZ. No.
Ms. OCASIO-CORTEZ.
[Speaking Spanish.]
Ms. JUAREZ.
[Speaking Spanish.]
Mr. RASKIN. Excuse me just for a moment. Let's translate unless [speaking Spanish], but I think probably not. So if you could translate the last exchange then.

The Interpreter. To the first question, about whether there is safe and sanitary conditions as mandated under U.S. law, in her opinion the answer was no.

To the second question, about whether or not there was a culture of cruelty that she saw under ICE conditions, I guess I can get into the answer of that so far, which was that when I was in detention, when I was in the cage and we had a phone interview with immigration and ICE officials, they asked me why I was here.

Ms. JUAREZ.
[Speaking Spanish.]
Ms. OCASIO-CORTEZ. I'll let her translate quickly, but
[speaking Spanish].
Ms. JUAREZ.
[Speaking Spanish].
Ms. OCASIO-CORTEZ.
[Speaking Spanish].
Ms. JUAREZ. No.
Ms. OCASIO-CORTEZ. Gracias.

Ms. JUAREZ. As to the question as to being on the telephone during the interview of why I was here and what I had come for, and I responded that I had come here, you know, I was talking about my child's future, but they wouldn't let me talk and they said, you know, this country is for Americans, Trump is my President, and we can take your little girl away from you and lock you in jail. And I just started to cry, because I really didn't have any words to respond to that. And that situation, to me, that is mistreatment.

To the question of were you called crude names, personally, no, but it was the nastiness of the words that were the strong words that were used to me like what, like just calling me an immigrant, but not really letting me respond when they used strong words toward me and to really be able to give them any kind of appropriate response.

To the question of did you feel safe, no.

Ms. OCASIO-CORTEZ. And, Mr. Chair, I just think it's extremely important that this is noted, that this is not an issue—you know, there are debates about money and resources. That's for another day. But what is being pointed to here is a culture of cruelty.

To have a CBP officer tell a migrant woman escaping unspeakable horrors in her home country and tell them this country is for Americans and to threaten separating her from her daughter, to threaten a human rights violation, is extraordinarily concerning and at a bare minimum grounds for serious investigation by this committee and other entities.

Thank you.

Mr. RASKIN. And that's what we're doing. So thank you very much, Ms. Ocasio-Cortez.

Were there any other members who had any other questions that they wanted to ask?

Ms. Kelly, did you have anything or no?

Ms. KELLY. Not really a question. The questions have been asked.

But just to give my sympathy and sorry and hope in your quest that this will never happen again to anybody else. But thank you for sharing.

Mr. RASKIN. Ms. Juarez, your story has broken the heart of America, but your courage gives us a second chance to get it right. So we want to thank you what you've done, and you have friends and admirers on this committee for coming forward.

We are going to recess for the purpose of voting. We will resume with the second panel immediately after votes.

[Recess.]

Mr. RASKIN. Good afternoon. The committee will reconvene.

I want to thank all of our extraordinary witnesses who have come to be with us today: Michael Breen, who's president and CEO of Human Rights First—thank you for coming—Hope Frye, who is the executive director of Project Lifeline; Clara Long, the deputy Washington director for Human Rights Watch; Dr. Carlos Gutierrez, who is a pediatrician in private practice; and Ronald Vitiello, who is the former chief of U.S. Border Patrol and the former acting director of ICE.

I will begin by swearing all of you in. Please rise and raise your right hand, if you would. Thank you.

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

Let the record show that all of the witnesses answered in the affirmative. Thank you. Please be seated.

Please speak into the microphone. Your written statements will be made part of the record, without objection.

And with that, Mr. Breen, you are now recognized to give an oral presentation of your testimony.

STATEMENT OF MICHAEL BREEN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, HUMAN RIGHTS FIRST

Mr. BREEN. Mr. Chairman, thank you, and thank you for holding this important hearing and for the opportunity to be here today.

For over 40 years, Human Rights First has representing asylum seekers in the American legal system. We helped draft the Refugee Act of 1980. Today, we have clients in needless detention, clients who have been forced back to Mexico under the MPP policy, who are struggling with access to counsel, who are deliberately deprived of their medication, and who have been accused of no crime.

There is no reason why there needs to be a burgeoning human rights crisis at the border or the human rights and due process violations we are seeing every day. This is the predictable result of deliberate policy and gross incompetence by the administration. There are better answers. There are tons of better answers.

My written testimony submitted to this committee, along with numerous reports and recommendations by Human Rights First and others, lay out a clear path forward that respects human rights and safeguards our Nation, and I hope we can talk about those things.

But right now, I would like to try and keep a promise I made yesterday in Juarez, in El Paso, before I came back to my own daughter, to other parents. In overcrowded rooms filled very far away from this one, including a church sanctuary converted into a shelter for over 100 people, I promised other parents trying to get back to their kids, parents who, like Ms. Juarez, spoke of their continued belief in the United States of America and their abiding faith in God. I promised them that I would do my best to make their voices heard here today.

The 18-or 19-year-old girl who stood up in a crowded immigration court looked a judge in the eye with all the courage she could muster and asked him to get her back to her daughter. She'd survived a rape at age 13, and when she reached the border to seek asylum, she didn't have the proper paperwork so she was separated from her five-year-old child.

And then she was sent to CBP detention, the so-called ice boxes, for 50 days, when guidelines say three, three days, 50 days, then taken to Juarez, dropped off, and told to fend for herself until after her hearing. The judge was powerless to do anything but ask the government's representative and attorney from DHS to make a note of it.

Since there is still no system in place for keeping track of separated families and making sure they get back together, who knows what good that note will do.

The many refugee families I met with in Juarez, including a woman who had requested asylum with her partner and their two children, they were taken to that now infamous makeshift camp under the bridge. After about three days in terrible conditions, her five-year-old was too weak to stand. She told me she begged an officer for help. Help me, she said, my child is dying. And she told me the officer replied, and I quote, well, are they dead yet? Then shut up and stop crying.

She said that she and others called the television crews outside the fence for help and were soon sent to a tent camp in the desert she described as even worse. There they were told the conditions were punishment for trying to talk to the media, and that if they tried it again, things would get even worse.

Finally, her daughter collapsed and lost consciousness. At that point, she and her daughter were taken to the hospital and treated for severe dehydration. When they got back to the camp, her partner and her other child had been moved to another facility. That was the last time she saw them. Then she too was left in Mexico to fend for herself and her child, where I met her, in a place where

kidnapping, assault, and rape of asylum seekers is an everyday occurrence.

I could go on and on. This is no longer just about the integrity of our borders. This is about the integrity of our Nation.

Mr. Chairman, I want to say one other thing. I know what it means to wear the American flag on my shoulder when I go to work every day. I'm a proud member of a law enforcement family. I served as an Army officer myself. And through my years of training and of service, it was drilled into me again and again that when you wear that flag, you carry with you the honor and the values of this entire Nation, that your conduct defines the ideals and the meaning of that flag in the eyes of the world.

In two wars, I saw men and women alongside me make unbelievable sacrifices to uphold those values and those ideals. Thousands and thousands of us held that line. Thousands and thousands continue to try to do that right now. It's not so that the Congress of the United States will stand by while American officials are ordered to conduct a policy of deliberate cruelty against children, stand by while men and women wearing that flag are ordered to pull children younger than my own daughter out of their parents' arms and then knowingly deliver defenseless families into the arms of criminal gangs to suffer kidnapping, assault, and rape.

This is not the America it was the honor of my life to serve. I cannot believe it is the America this Congress wishes to leave, and I cannot believe that this is the legacy that any of you want for your public service. But unless you act, it will be.

Thank you.

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

Ms. Long, you are recognized for five minutes.

STATEMENT OF CLARA LONG, DEPUTY WASHINGTON DIRECTOR, HUMAN RIGHTS WATCH

Ms. LONG. On behalf of Human Rights Watch, I want to thank this Subcommittee on Civil Rights and Civil Liberties for the opportunity to testify at today's hearing.

Human Rights Watch is a nonprofit, independent organization that investigates allegations of human rights violations in more than 90 countries around the world, including in the United States.

I am the acting deputy Washington director and a senior researcher on immigration at Human Rights Watch, and I have over a decade of experience covering border and immigration issues. Since 2016, I have served as a detention monitor and consultant with the Flores Settlement legal team, visiting children detained in the Brownsville, Texas, Casa Padre facility; the now-closed tent facility in Tornillo, Texas; in Homestead, Florida; and those held in Border Patrol stations in California, Arizona, and most recently, Texas.

From June 17 to June 19 of this year, I was part of a monitoring team that interviewed children in Border Patrol stations in the El Paso area about their protections under the Flores Agreement, which is a decades' old, as you know, class-action settlement obligating the U.S. Government to release migrant children expeditiously and to adhere to certain detention standards.

What we found was outrageous. Our interviews with nearly 70 children in the El Paso sector revealed that the U.S. Border Patrol is holding many children, including some who are much too young to take care of themselves, in overcrowded border jails for weeks at a time without contact with family members, regular access to showers, clean clothes, or toothbrushes. Many were sleeping on hard floors. Many were sick. Many, including children as young as two or three, were separated from adult caretakers without any provisions for their care besides that provided by unrelated older children also being held in detention.

On my first day in the Clint Border Patrol Station, I spoke with an 11-year-old boy who was caring for his three-year-old brother. They had been fending for themselves in a cinderblock cell with dozens of other children for three weeks. When I met them, the little one was quiet. He had matted hair, a hacking cough, muddy pants, and eyes that were fluttering closed. As we spoke, he fell asleep on two office chairs drawn together. "I'm the one who takes care of him here. No one helps me take care of him," his brother told me.

My son is almost three, and sometimes when I'm with him these days, I find it difficult not to think of the excruciating moment when I had to send those two alone back to their cell.

Like these boys, nearly all the children I met in Border Patrol detention were visibly dirty, mucus or mud stained. They were nearly all wearing the same clothes that they had worn when they crossed the border. They told us they were not given regular access to soap or toothbrushes. They were given access to showers only once or twice in a period of weeks, if at all. Unsurprisingly, infectious disease appeared widespread.

"I went into the flu cell for seven days. I had a fever in there and I was shaking. Some of the other kids were vomiting. They all had fevers. No one was taking care of the kids with the flu. We were not allowed to leave the flu cell ever," a 14-year-old girl told me.

We and others have been raising the alarm about deplorable hygiene practices, abuse, and mistreatment in Border Patrol detention for some time. What was unprecedented in these visits is that the agency is now needlessly subjecting children to crowded, inhumane conditions for lengthy periods far beyond the 72-hour limit required by U.S. law, compounding potential harm.

"Sometimes when we ask, we are told we will be here for months," said one 14-year-old girl, who said she had already been in Clint for three weeks. Despite these prolonged lengths of stay, we found no evidence that anyone had made any attempts to reunite children with their family members in the United States. Indeed, many of the children we spoke with had been separated from their families and were deeply traumatized as a result.

"The officers took my dear grandmother away. We have not seen her since that moment. Thinking about this makes me cry at times," the words of a 12-year-old girl detained alone at Clint with her eight-and four-year-old sisters.

These abuses are not happening in a vacuum but in the context of a concerted effort by this administration to punish and deter asylum seekers, including by returning thousands of families to

Mexico to dangerous conditions and severe injustice. No one should support child abuse as immigration policy.

Congress should exercise strenuous oversight to ensure children are quickly released from detention and guarantee their safety and well-being while detained. Families belong together and free. Children should be allowed to remain with adult family members, when that's in their best interest, and be promptly released, with appropriate support, to ensure they appear for immigration proceedings. Issuing CBP and its parent agency DHS a blank check to expand the system for detaining children will only increase the permanent harm already being suffered.

Thank you.

Mr. RASKIN. Thank you very much, Ms. Long.

Ms. Frye.

STATEMENT OF HOPE FRYE, EXECUTIVE DIRECTOR, PROJECT LIFELINE

Ms. FRYE. Chairman Raskin, members of the subcommittee, thank you for this opportunity to testify before you. I'm an attorney with more than 40 years experience practicing immigration law.

Mr. RASKIN. Please put your mic on.

Ms. FRYE. Oh, sorry. Okay?

I coordinate and lead monitoring visits to CBP, ORR, and ICE facilities on behalf of Flores counsel. I selected the attorneys and was team lead on a Flores monitoring visit to the Rio Grande Valley Border Patrol Stations from June 10 through 14.

While public attention is focused on hideous conditions at the Clint CBP Station in El Paso, the situation at border facilities in the RGV are substantially the same. What distinguishes the RGV sector is the 2017 Federal court decision that found them in violation of Flores for failing to provide adequate food, adequate access to drinking water, adequate hygiene, and adequate sleeping conditions, and by keeping the temperatures too cold.

They have had two years to remedy these failures. What have they done? Nothing. Children in the RGV are still going hungry. They're given nonnutritious food and not enough of that. Pureed food necessary for infants six to 12 months is completely missing. When there are bottles and formula, there's no way to wash the bottles, so they become contaminated. Some of the babies were breastfed. Their moms complained they got inadequate water to assure milk production.

The children we saw were filthy, wearing the same wet and muddy clothes in which they traveled. Many were covered in mucus and vomit. Babies had soiled diapers. The children smelled foul.

No child had warm clothes, despite the extreme cold in the holding areas. Babies were in onesies with no sweater, jacket, or socks. Some children had showered but many had not, like the 17-year-old mother with a 10-month old son had been held more than 20 days without showering.

It's outrageous that these conditions still exist. The government is not only flouting the rule of law, it's terrorizing the children.

Influenza killed a boy in the RGV three weeks before our arrival. We found nearly every one of the children we met sick with the flu,

differing only in the severity of their symptoms. I met a 16-year-old girl and her eight-month-old daughter. The baby was extremely ill, lethargic, with a deep, continuous raspy cough. She'd had a mild cold when they arrived, but CBP took the baby's medicine and clothes. Despite the raging flu, for which the entire facility had been under recent quarantine, the baby had not received any medical attention.

After rigorous advocacy by the Flores counsel, we were allowed to bring a pediatrician into the Ursula facility. After the pediatrician's visit was announced, five infants, whom we had seen before, were taken to the hospital to the natal intensive care unit.

We began our CBP visit on Monday. On Wednesday night, I got sick. I had a fever, 102.5, vomiting, diarrhea. I developed this deep, racking, continuous cough, the same cough many of the children had.

At 4 a.m. on Friday, I called 9–1–1. The ER doctor ordered me admitted to the hospital. I had influenza A. I caught it from the children. I was put in isolation, given IV fluids and medicine. They began respiratory therapy every three hours. I had a five-day course of Tamiflu.

Contrast this with the children. We had the same disease, but they had to plead for medical attention. If they got it, they were probably given something for the fever and some, but not all, were maybe given a few doses of Tamiflu. Most were returned to the packed cages in the same freezing rooms to sleep on the concrete and to transmit the flu to other children held with them.

It's child abuse, pure and simple, like the case of the premature newborn baby I'll call Baby K. After traveling from Guatemala, her mom, just 17, had an emergency C-section in Mexico. Baby K was born a month premature. As is the case with every migrant with whom we spoke, mom was forced to throw away her things. This included her backpack containing Baby K's warm clothes.

They had been in detention seven days when we met, kept in a freezing cold, crowded cage without soap, a toothbrush, a shower, or clean clothes. Baby K was nonresponsive and looked at risk of dying. Immediately after encountering Baby K and mom, I brought the senior-most attorney for the government to see them. She was obviously disturbed and took the information necessary to gain release to an ORR shelter. Despite this and massive other intervention, it took the government over 2 days to transfer Baby K and mom to ORR custody.

The administration would have us believe that the number of arriving children is delaying release from CBP and creating the subsequent need to warehouse children in unregulated, influx facilities like Homestead. But the real culprits are the policy that slow the rate of release from ORR shelters by imposing restrictive and unnecessary requirements for the vetting of family sponsors.

Rather than providing funds to detain additional children, Congress should be working to ensure their expeditious release to their families who are far better suited to care for these children than a government that is causing them so much harm.

Thank you, Mr. Chairman.

Mr. RASKIN. Thank you very much for your testimony.

Dr. Gutierrez.

STATEMENT OF DR. CARLOS A. GUTIERREZ, M.D., F.A.A.P., PEDIATRICS, PRIVATE PRACTICE

Dr. GUTIERREZ. Thank you very much, Chairman Raskin and Ranking Member Mr. Roy. Thank you subcommittee members, congressional subcommittee members, for the opportunity to speak to you concerning the medical aspects of what I am faced with as a private pediatrician in El Paso, Texas.

I am, as you might say, in the front lines of taking care of these men, women, and children. As a pediatrician, we don't have any age limits because we have to take care of adults as well.

Let me tell you, I got involved with doing this in the year 2014 when we had a lot of the Central American refugees arrive on our borders. And at that time, the Border Patrol was kind enough to ask for our help, the community, the community physicians. And they asked us if we would be present on arrival when the refugees would be arriving at the Border Patrol detention facilities.

We were glad to help. There were about 20 of us who were on call every day. We provided excellent care. As soon as they would arrive from the buses, things went smoothly, not one death.

Fast forward to the year—last October, we had the same situation where we began having a lot of refugees arrive on our border city. And being naive, I thought, well, okay, let's do it the way we did last time. We did a great job taking care of the medical needs of the refugees.

I approached individuals who I thought would be able to give us permission and told them that we had between 50 and 100 physicians, pediatricians, adult doctors, OB-GYNs, pharmacists, dentists. We were ready to step in and do whatever we could to take care of their needs. We were told, thanks, but no thanks. We do not need your help. And I was flabbergasted. I says, how the heck could—can they say that?

And I mean I tried. I tried. We went through our Congressman, Congressman O'Rourke, later on through Congresswoman Veronica Escobar, to no avail. We were not allowed to gain access to the Border Patrol detention facilities.

Our feeling as a doctor, as a pediatrician especially, is that if we could get there right as soon as they could—they would arrive to the centers, we could really make a difference and prevent a lot of catastrophes like what we heard today in some of the past deaths.

We pediatricians have trained in taking care of kids for three to five years, just in kids. We know how to pick up subtle signs that would indicate that, oh, man, this kid is going to get pretty sick. Because a child is not a small adult. A child is a child, a pediatric patient who can be running around and playing with 103, 104 fever, and within half hour can just crash on you. And if you don't know how to pick up those subtle signs, you're in for a bad outcome.

And I've got to tell you that this is not the fault of the Border Patrol, because Border Patrol or ICE, they're not trained to take care of things like that. They may be able to have individuals like EMTs, like individuals who can maybe take a blood pressure, take a temperature, but you need a doctor right there. You need especially a pediatrician to prevent some of the catastrophes that have happened in the last couple of years.

Let me tell you, I had a child that was—they called me on that had been released from the shelter. And this two-year-old, 105 fever, listless like a rag doll. I looked at her and immediately called our ambulance from our children's hospital to pick her up. She ended up having bilateral pneumonia. I talked to the mom, and she said she asked for help but no medical help was available.

And day in and day out, I see these patients and I ask, did you get any medical help there? And in my experience, they either receive little or no medical care at all. And what really Ps me off is that if we're not allowed to get into those medical—into the refugee centers to take care of things right on, at least let whoever is taking care of those patients communicate with us on the outside.

You would—I think it's—you know, it would be hard for you to fathom, but they—whoever is taking care of these individuals in the Border Patrol facilities are not allowed to communicate with us. What's their excuse? Oh, we have to respect the privacy of the refugee. That's a crock, you know that? That is just not right.

You know, that's not the way real medicine is practiced. Real medicine is to where a doctor, if they have to refer somebody to another specialist, they can communicate. They are not allowed, if there's even anybody at those detention centers taking care of the medical needs.

Not only that, the medicines are taken away from them. Whether they have a history of seizures, high blood pressure, asthma, diabetes, they are taken away and they are not given back to them. So when they arrive to our facility at the shelters that we work at, they—parents tell us that my son was on this, this, this. Well, gosh, we have to guess what kind of medicine they're on and start all over and at least get them through until they go to their final destination.

This is not right. At the very least I hope you who have the power to do this can make an immediate change. First of all, ideally, I would love for you to allow us in the community access to those shelters. We could make a tremendous difference. And you know what? It's pro bono. You don't have to sign a contract with anybody. This is pro bono.

Second, if you're not going to be able to allow us to get into those facilities, then let whoever is in there take—give us—you know, give us information, be able to give us information. Hey, we have somebody with chickenpox, with measles or whatever, so that we can be aware of what we're expecting. That would be so, so beautiful.

This is not a right-wing, this is not a left-wing issue. This is not a Democrat or Republican issue. This is a human being issue, and this is something that is so basic to our country, to human beings. We need to take care of these individuals the way we would take care of our own children. They deserve the love and the respect that every one of you receive.

Thank you.

Mr. RASKIN. Thank you, Dr. Gutierrez.

Mr. Vitiello, you are recognized for five minutes.

STATEMENT OF RONALD D. VITIELLO, FORMER CHIEF, U.S. BORDER PATROL, FORMER ACTING DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT

Mr. VITIELLO. Chairman Raskin, Ranking Member Roy, distinguished members of the subcommittee, thank you for the opportunity to testify regarding our current crisis on the southwest border.

Let me start by offering my condolences to Ms. Juarez on the death of Mariee. I'm sorry for her loss. We must change conditions that encourage people to bring or send their children to the border.

I began my career in 1985 as a Border Patrol agent in Laredo, Texas. It was a very different time and a different border. Law enforcement knew well the threats of drug and alien smuggling. Border communities that welcomed me and agents were the ones most concerned about border security.

Let me describe a typical scenario of what I participated in as it is occurring in some form on the border today. In most of my career of the illegal traffic and smuggling were people from Mexico. When arrested, people from Mexico without a criminal history are offered a voluntary return, which in most cases occurs within hours of their arrest.

After the arrest, the person is taken to a Border Patrol station. They are interviewed. Their biographic and biometrics are recorded, and they are safely returned to Mexico. When someone from other than Mexico or Canada is arrested at the border, they are similarly detained, interviewed, biometrics and biographical records are taken in order to create a file which is used to place them in removal proceedings.

The individual is then transferred into ICE custody. While in ICE detention, they are placed on the immigration court docket. Within a few weeks, their case is heard, perhaps alongside an asylum claim. The court reviews their circumstances and renders a decision. Those ordered deported are held and repatriated in collaboration with their home country.

When an unaccompanied child is encountered at the border, the process is the same at CBP, interview, file creation, but instead of ICE custody, the child is referred to Health and Human Services, HHS. The HHS oversees grantees who operate shelters for these children. At the shelters, they are cared for holistically until such time as they can be placed with family members in the U.S.

When families are encountered at the border, they face a similar CBP process. They are interviewed, a file is created, and they are eventually released. So far this year, CBP apprehended 500,000 families and children. Most of them were released into the United States. That's an average of nearly 2,000 people caught and released every day this fiscal year. This catch-and-release scenario is adding the equivalent population of Atlanta, Georgia, to the United States so far this year.

The catch-and-release problem is incentivizing more people to leave home for a treacherous journey that subjects them to unscrupulous smugglers, criminal cartels, and foreign corrupt officials. Once released in the U.S., some of them are in the margins of our society. In 2016 and 2017, 28 murders took place at the hands of MS–13 on Long Island, New York. This crisis forced state, local,

and Federal officials, including ICE, to focus on the problem comprehensively.

After removing and arresting thousands of illegal gang members, the murder rate dropped 90 percent. One-third of the felony arrests that ICE made in this crackdown were gangsters who entered the U.S. illegally as children. The border security crisis and conditions at the border will only improve if the flow is reduced.

I know this is the case because in 2014, under President Obama's leadership, we faced a similar surge of children and families at the border. The President declared it an emergency and directed agencies to make every effort to address it. The conditions were bad and the system was overwhelmed.

The 2014 surge was less than one-fourth as big as today's surge. Border Patrol and ICE were given additional resources and used those resources to improve conditions. Effectively, those resources ended catch and release for families. For most of 2015, the surge at the border ended. Why? Because DHS began repatriating those families that did not qualify as asylees.

Without the release incentive, other would-be illegal crossers elect to stay home. We cannot expect to control the border if three-fourths of those arrested are released.

What I have learned is there's not one thing that can fix what is occurring now. I urge Congress to give DHS and its components authority and capability to end this crisis.

First, pass legislation that fixes Flores. The surest way to reduce the flow is to change the incentives. Allow DHS to hold families in custody during immigration proceedings. If families are held in custody for their due process and removed after a deportation order, others will stay home.

Second, fully fund the required resources to fully implement the historic Migrant Protection Protocol, port courts, and facilities for migrants waiting in Mexico to quickly have a hearing and adjudicate their cases.

Third, pass legislation that allows for UACs to be treated under the law the same way we treat Mexican and Canadian UACs.

Fourth, reduce the rhetoric that blames U.S. officials for faithfully enforcing the laws that are on the books. The agents and officers of DHS took an oath to follow the law. UACs must be processed and turned over to HHS so they can be placed in shelter care. Families must be placed in proceedings before release.

Fifth, fully fund the Border Security Improvement Plan designed to provide the necessary personnel, technology, and infrastructure to substantially meet the expectation of the American people for a secure border.

Sixth, pass legislation that sanctions state and local jurisdictions for failing to cooperate with immigration enforcement.

Seventh, fully staff and fund the Immigration and Customs Enforcement, ICE, agency. If we believe in immigration is a benefit to our country, enforcement must be funded.

Each of these items are required to fully address the problem of an uncontrolled border and restore integrity to our immigration system.

I appreciate the opportunity to inform this Congress and stand ready to assist with expertise as needed. Thank you.

Mr. RASKIN. Thank you very much for your testimony. I appreciate it.

And, Dr. Gutierrez, let me start with you. What exactly is the access that doctors and physicians outside of the system have to kids and families that are presently in the custody of the detention centers?

Dr. GUTIERREZ. Since we are not allowed into the border detention—Border Patrol detention facilities, our group of physicians, there's a core group of us, about six or seven of us who are responsible for the day-to-day care of the refugees. And so once they are released, the individuals are released from Border Patrol facilities, they are sent to shelters around the city. There's about 25 to 30 shelters in El Paso. And we are call—we are responsible for a certain number of these shelters.

When they arrive to the shelters, we physicians are called. We go over there and make our daily rounds. We check on the patients, and the most—the sickest ones, we take care of their needs right away. I mean, we—there's no way we can see all of them and—but we'll—at least we pick up the sickest ones and we act on them as best we can.

And in our experience, some of the sick—real sick ones, frankly, should have been picked up way before where they were housed.

Mr. RASKIN. Thank you.

Mr. Breen, I'd like to ask you, if you could galvanize public and congressional attention to focus on it and we could get one thing done at this point to improve conditions, what would you do? And I want to ask that of all the witnesses here.

Mr. BREEN. Sure. We know that when families are represented by counsel who seek asylum, the appearance rate in court is 99 percent. We should end unnecessary detention. We should move to a case management system, which DHS itself prototyped and then ended in 2017, very successfully. And we should end the Migrant Protection Protocol.

If you will allow, Mr. Chairman, I'd like to read you something very briefly, very briefly.

Mr. RASKIN. Okay.

Mr. BREEN. Violent crime such as murder, armed robbery, carjacking, kidnapping, extortion, and sexual assault is common. Gang activity, including gun battles and blockades, is widespread. Armed criminal groups target public and private passenger buses, as well as private automobiles, traveling, often taking passengers hostage and demanding ransom payments. Federal and state security forces have limited capability to respond to violence in many parts of the state.

Mr. Chairman, that is the State Department's assessment of the section of Mexico near Nuevo Laredo where DHS is currently dropping off asylum seekers to fend for themselves on a daily basis. MPP is a human rights violation. It needs to end immediately.

Mr. RASKIN. Thank you very much.

Ms. Long, same question to you. If there is something that we could do immediately to try to restore some order and safety to this situation, what would you advise us to do?

Ms. LONG. Well, I'll endorse Mr. Breen's call to end the Migrant Protection Protocols. But I'll also say that the most—the easiest

way to ensure that children do not suffer harm and that more children do not die in custody is to invest in release and reunification, to invest in keeping families together, ensuring that adult family members stay with children, when that is in the child's best interest, which it is in most cases, to ensure that the person who is making the decision about whether that is in the child's best interest is not a Border Patrol agent who is not qualified to make that decision, but is instead someone who has professional experience in child welfare.

You know, one of the things that, you know, we were concerned about, about the supplemental bill, was the fact that there is an overinvestment in increasing detention space but an underinvestment in increasing resources dedicated to release and to reunification.

Mr. RASKIN. Very good.

Ms. Frye, same question to you.

Ms. FRYE. Well, of course, I endorse what both of my colleagues said. And I want to drill down a little bit on what Clara said, because I agree that while the cruelty starts at CBP, the real clog in the pipeline is at ORR and has to do with release.

This entire situation—and, of course, we need the protections of Flores at CBP. We need to look at that, and I don't think that's a money issue. I think that's a release issue. But we need to turn ORR from a detention agency to a release protocol agency.

We need to look at the system of for-profit contractors that we employ publicly to house for prolonged periods children, migrant children, to see do they have robust programs for release or are they deincentivized to do that by the per-head, per-night, per-bed money that they get.

So I think—like Clara, I think focusing on release and the many ways that there are affirmatively to do that is where to start.

Mr. RASKIN. Okay. Very good. And I want to just give our two other witnesses a chance to respond.

Dr. Gutierrez.

Dr. GUTIERREZ. Yes, sir. There's two organizations that have submitted their recommendations, basically what I would be telling you right now. The American Academy of Pediatrics and the National Hispanic Medical Association have both stated that there is an abundance of pediatricians, doctors that are willing to step in, step up to the plate, and provide care right in their facilities.

But what I would love to see is, first of all, in a dream world, I would love for you all to take action to allow us entrance into the facilities so that we can take care of the medical issues right away.

And second, if you're not going to allow us in, please have whoever is taking care of those individuals, please let them communicate with us with what's going on there, so we know when to expect a very sick individual, so we know how to be prepared, best prepared to care for that individual.

The other thing is, if you're going to take away their medicines, at the very least give us a list when they—we receive them of the medications they've been on so that we're not guessing, and, for all we know, we might give them the wrong medicine and do more harm than good. So I would hope that you all can act and act soon on those things.

Mr. RASKIN. Thank you so much.

Mr. Vitiello.

Mr. VITIELLO. As I said in my testimony, there needs to be a change in the way the law is operationalized. If we do not reduce this flow, these conditions will continue to exist as they are now. When your capacity for short-term detention, which is only designed for a 12-hour stay, right, they've made lots of modifications to all these locations. But if you don't reduce the flow, you're going to continue to get the same thing that we've seen for the last seven, eight months. It's bad and it's getting worse.

The supplemental funding will assist in ameliorating some of the conditions that have been spoken about here today, but next spring, we're going to be exactly in the same place we are now if the law does not change.

Mr. RASKIN. Thank you.

Mr. Roy, you're recognized for your five minutes.

Mr. ROY. Mr. Chairman, I think we're going to go first to Mr. Meadows.

Mr. RASKIN. Okay. Mr. Meadows, you are recognized.

Mr. MEADOWS. Thank you, Mr. Chairman.

It's good to see you again. I miss you, and I thank you for your expertise, because I know that, from my standpoint, you've always shot straight with me, and you've told me the things I didn't want to hear and also the things that perhaps I needed to hear. And so I want to just thank you for your expertise.

Dr. Gutierrez, I am really intrigued, and so what I'd ask you to do, one of the things I've thought about is sometimes access with privacy, you understand that as a physician probably more, you know, so than anybody else in terms of patients and the right to privacy.

So maybe what we can do, and I'm looking for some of my Democratic colleagues, maybe on a telemedicine, if we're talking about short-term, 12 hours or less, working on that. So if you'll get with this committee, I'm willing to work with some of my Democratic colleagues to hopefully make sure that pediatricians are addressing some of the health concerns.

And with that, I'll yield back the balance of my time to the ranking member, Mr. Roy.

Dr. GUTIERREZ. Can I just answer real quick? Telemedicine is good, but this is not going to cut it for what we're asking, because telemedicine, you're trying to take a picture of an individual, they can have a horrible rash——

Mr. MEADOWS. Yes, listen, I live in the mountains so we're hours from healthcare a lot of times. So I get that. What I'm saying is, is some of the obstacles we have, I'm willing to work with you.

Dr. GUTIERREZ. Yes.

Mr. MEADOWS. Let's have some of that and we'll see what we can do.

And I'll yield back.

Dr. GUTIERREZ. Thank you.

Mr. ROY. Well, I thank the gentleman from North Carolina.

Thanks, Doctor, for that.

Mr. Vitiello, let me just ask a couple of questions. Could you paint a picture again about a little bit of the scale of the numbers

we're talking about, right? I mean, compare what facilities are designed for by CBP along the border wherever you want to in terms of the Texas, you know, by sector, but what are the CBP facilities designed to do, and how many people are they supposed to house, and what are we dealing with now, that order of magnitude?

Mr. VITIELLO. So they spoke today about the facility, the McAllen Border Patrol Station. It's completely overwhelmed. It's one of the newest——

Mr. ROY. Right.

Mr. VITIELLO [continuing]. facilities that's online. It was designed for taking people into custody for a short time. Most of the traffic back in the day was adult males from Mexico, so they were with us for a very short time.

It's designed for the book-in procedure, to take the biometrics, to take the biographics, and then move people down the line. But because of the crisis in 2014, we were forced to adapt that facility. That's why Ursula was stood up. Ursula was stood up for the flow in 2014, which is a fraction of what it is today.

And so even in the best of times, when you're 400 percent over capacity, you're not going to be able to give conditions and have people safe in that scenario in any way. And so these facilities were designed for that book-in procedure. They're not designed to hold large numbers of families and children.

Now, the Border Patrol and CBP have adapted the best way they can. But with this kind of flow, they're just overwhelmed.

Mr. ROY. So really quickly, the picture that we're putting up right now, which was from, again, from 2014, which I would again remind my colleagues it was used as a picture to talk about kids in cages for marketing this hearing with respect to current conditions, but okay.

This is what was happening in 2014. That was in response to the unaccompanied alien children crisis of that time, right, the children riding on the top of train cars, and in the response by Secretary Johnson and the Obama Administration on what do we do, right. We don't have any facilities. Now we've got all these kids. Now what do we do with them? They're unaccompanied. What do we do with them?

So you talk a little bit about the facilities and the problem of dealing with children who are not with parents and ensuring that they're safe, that we don't—we've got to be careful who we give them to. Can you talk a little bit about those two things?

Mr. VITIELLO. That's correct. By law, under the way the law treats unaccompanied alien children, they must be turned over to HHS for placement with family in the United States. That facility is a converted warehouse that we adapted for the crisis that was occurring in 2014, again, which was much smaller than what we face today.

The other thing that Jeh Johnson did under the Obama Administration that ICE helped him with was establish these family residential centers. And I get it, people don't want to do immigration detention. But when they did establish a family residential center, first in Artesia and then now in Karnes and Dilley, the traffic dried up. People stopped coming to the border with their children.

Mr. ROY. Are you aware—I've been told, and I want to see if this would meet your understanding or knowledge. I've been told that, for the most part, if you look at the roughly 700,000 individuals who have been apprehended—now, that's not talking about those who are not apprehended—those who have been apprehended coming between the ports of entry or being dealt with at the ports of entry, of that 700,000, roughly half are family units, and that for the most part, those family units are being caught and released, and relatively quickly today because of the numbers that we're dealing with.

And that it's roughly 60,000 or so that are unaccompanied alien children, and then the rest are single adults. And one of the problems, of course, is keeping single adults from the children, especially those single adults who are falsely claiming to be the parents of those children.

Can you talk me through a little bit of that, and then I'll—I'm out of time.

Mr. VITIELLO. Yes. So the Department has been successful in addressing the single adult population. They're taken into custody at CBP. They're processed as quickly as possible, obviously prioritize the children and families first, but eventually we get to the processing of single adults.

They're handed over to ICE for detention. And while they're in detention, they're on the detained docket, which means they get to an immigration hearing quickly. When they get relief, we welcome them to the United States. When they don't get relief, they're quickly repatriated with cooperation of the countries that they're from.

Mr. ROY. Thank you.

Mr. RASKIN. Thank you very much, Mr. Roy.

Ms. Kelly, you're recognized for five minutes.

Ms. KELLY. Thank you, Mr. Chair.

Mr. Vitiello, when you listen to Dr. Gutierrez, would that be helpful to you if pediatricians in the community could come in? If there was some way we could work that out, do you think that's a good idea?

Mr. VITIELLO. Well, in this role, I can't speak for the Department or the—or CBP, but in 2014, it was helpful. In the supplemental request that just got authorized by this Congress and signed by the President, there is money for CBP to put on more contract medical staff.

In the beginning of this crisis, we started with using support from the Coast Guard and our own ability—CBP's own ability to contract. So it sounds like a commonsense idea. I'm not opposed to the idea, but there are restrictions about people's privacy when they're in the custody of the government with—you know, through the privacy scenario that they're in, their medical care, that has to be worked out. I think it's a commonsense idea that's worth pursuing.

Ms. KELLY. And I'm sure with the witness we just had, she would have appreciated that greatly.

Also, the other thing is, since you have an increase of children and, you know, what you were just talking about, are the officers getting any more training, or how are they doing? I mean, they're

parents and uncles and aunts, they have kids and that kind of thing. What—it sounds like they're overworked and——

Mr. VITIELLO. They're absolutely overwhelmed. The Border Patrol agents that I know and care about, and their families, are compassionate, resilient people, but they're in a situation that they didn't choose to be in. They're overwhelmed by this particular mission.

According to the recent testimony of Chief Provost, 40 percent of our work force are assigned to the care and custody of families and children and people who are in custody. That means that 40 percent less deployed agents along the border.

They didn't sign up to do this mission, and you've heard today that they're particularly trying as hard as they can. I think they're doing the best they can under the situation that they're in. But they have to be demoralized. The ones that have been in a while, what I recognize is there's no help coming. If we don't change the way the law works, this flow will continue, and it will continue until something changes.

Ms. KELLY. So I'm assuming that you will say the negative things that we're hearing, that's a small percentage of the officers?

Mr. VITIELLO. The negative things as it relates to their behavior and misconduct, yes, that's not my experience of the culture of the Border Patrol. These are hardworking men and women who took the same oath that you did to protect this country, and that's what they're most interested in. They're put upon in a situation that's extraordinary in the history of the border, and this isn't something that they choose to be a part of.

Ms. KELLY. Yes, Dr. Gutierrez.

Dr. GUTIERREZ. I just want to add that the American Academy of Pediatrics has offered at least two to three times the ability to provide training to the Border Patrol individuals, the workers, on pediatrics, on basic pediatric illnesses, and to this day it has not happened. They have not accepted any of that help.

Ms. KELLY. I'm looking at you, Mr. Breen. It seems like you've wanted to say a few more things. I want to give you that opportunity.

Mr. BREEN. Thank you. I would just say that I saw this myself in Iraq as a solider. I've done refugee work in places like Syria, Lebanon, Jordan.

When you ask a law enforcement or military organization to do something for which it was not trained or equipped and which cuts against the personal and collective integrity of the people in that organization, you get disastrous impacts on the culture and you start to see the things we are seeing with CBP. That is an entirely predictable result.

When you ask an organization that is set up for 12-hour detention to handle long-term detention of children, to forcibly separate children from their parents, that dehumanizes the agents, and they, in turn, start to dehumanize other people.

I am proud to have served as a U.S. Army officer. I can tell you that happened to parts of the U.S. Army when they were asked to do things they were not trained to do. This is an entirely predictable result of terrible policy decisions, and the Government of the

United States should not be placing these men and women in that position. It's outrageous.

Thank you.

Ms. KELLY. Thank you. I agree.

And, Ms. Long, it is my understanding that you've been interactive with detainees that needed medication, including a set of 11-year-old twins with epilepsy. Can you talk about that?

Ms. LONG. Correct. One of the children or the sets of children I spoke with in Clint was a pair of 11-year-old twins who were stoic and extremely upset that they had been separated from a 19-year-old sister who had all of their parents' information. And they told me: I'm worried that I'm never going to connect with my parents again.

We got on Facebook. We sent messages to various family members. Someone finally responded, and we connected them with their father. When they started talking with their father, tears just started running down their faces, because they had been held for 13 days alone in a cell.

They had epilepsy. One of them was having a severe allergic reaction all over his body, something that can be the result of reaction to the wrong epilepsy medication.

They are still detained now in ORR custody. They've gotten out of CBP custody. But I'm thinking of them every single day, because they're still in the system.

Ms. KELLY. Thank you.

I know I'm out of time, but this is such a dark stain on our history every day as we are putting people through this. And I understand what you're saying, people feel overworked. But this is a human crisis and people are losing their lives. That is absolutely ridiculous. And when you think about the Statute of Liberty and what that says, we are certainly not following that.

Mr. RASKIN. Thank you, Ms. Kelly.

Mr. Cloud is recognized for five minutes.

Mr. CLOUD. Thank you all for being here today.

Mr. Vitiello, you mentioned that the situation at the border has changed. The resources we have at the border were basically set up when we were having single adult males come from Mexico. Could you briefly explain what's changed? Why are we seeing a difference now?

Mr. VITIELLO. Well, I think conditions and the economic picture in Mexico changed. In the 2010 or so timeframe, we started seeing more people from the Northern Triangle coming up to our border.

The demographics in those three countries is much younger than Mexico. They are unstable. There is lack of opportunity. And the policy and the way the law is operationalized sort of incentivizes people to come here.

If they come here, they're—we talked about these conditions. But when they come here, essentially they are being released by U.S. authorities, and they're sent to all the cities and towns in the United States. And so that's a much better life for them, for most of them, not all of them. We talk about some of the folks that are on the margin that get preyed upon the same gangs they fled home for.

But that's the policy that we have here. It's a catch-and-release policy. And every time in my career when we've suspended the activity of catch and release—we did it in 2007 for Secretary Chertoff, we did it in 2014 for Secretary Johnson, and we're not doing it now, so we're getting more of the same misery and chaos that we're seeing on our border.

Mr. CLOUD. So a lot of this misery is being caused by the magnet that we've created. Is that fair to say?

Mr. VITIELLO. There are push-and-pull factors, and the way the law is operationalized, people are getting released and they're getting set up for a hearing. And the data that the Justice Department has now on the rocket docket for families suggests that many of them will not avail themselves of an asylum opportunity or an immigration hearing.

Mr. CLOUD. Right. Well, Mr. Breen mentioned that this, what we're seeing today, is entirely predictable results, and I have to agree. There are many of us months, even a year ago calling for action on this humanitarian crisis while for months the opposition called it a manufactured crisis.

I'm concerned about that, because I'm from south Texas. We've known that this is an issue for years. In 2006, a tractor-trailer with 19 migrants was discovered 10 minutes from my home in Victoria. When they opened it up, all 19 migrants, including a five-year-old boy, were dead in the back of a pickup truck in the sweltering heat of Texas.

And so we know that this is—I live at what is the pinnacle point of what is called the fatal funnel, where cartels use those major two highways to traffic humans, to traffic drugs, to do their illicit activity to get it into the states and then throughout the states.

And so what's really disheartening about this situation is we've sat here for months and months and months and months and watched this metastasize into the tragedy it is today while doing nothing about it.

I appreciate the tears. I appreciate the concern for children. But I think it's a far greater compassion to be able to have the wisdom and foresight to look into the situation and prevent it from happening in the first place.

I was sworn in a year ago today. And the frustrating thing about this place is how much political theater is—so little action—so much time—so little time is spent on actually finding solutions to solve problems and so much time is spent on political theater meant to posture for the next election, because we'd rather run on an issue than solve a problem.

And so this is something that this House, this Congress should have been acting on for months and months and months now to deal with this situation, but instead we're putting ourselves in a position to aid and abet the cartels who are profiting off this situation and providing little results.

So anyway, that leads me to this point. I was down there about a month ago, and we went there with a couple other members from the oversight committee and we did a couple things. We visited an unaccompanied minor facility that housed a couple hundred young ladies. About 40 percent of them had been sexually abused along the journey, according to the staffers who worked there.

One story, which is kind of humorous but points to the situation, is there was a family that showed up that had a child with them, and the child needed to go to the restroom. And so they asked the child just upon arriving at this facility, "Would you like me to show you where the restroom is?" And he's like, "Oh, I already know," because he had been there several times.

There is an issue with recycling children going on in this situation. And we have Customs and Border Patrol—who, by the way, about 30 percent of them are veterans—doing the best they can to deal with this situation.

Mr. Vitiello, could you speak to the issue of recycled children and our need to protect children as they come across and what we need to do to do that?

Mr. VITIELLO. So this is part of the difficulty with the incentive. If you bring a child to the border and you make officials believe that it's your child, then they're going to take you in custody, they're going to process you, and they're going to release you with that child. That's the situation that we're in.

And when ICE and CBP dedicated resources to try to figure out what was going on, they recognized that there is a significant percentage of families who are pretending to be related when they are, in fact, not. ICE made a case, at least one case while I was there, where they uncovered corrupt officials in Guatemala who were issuing residency documents and birth certificates, if you will, from that country that fabricated the family relationship that these families had.

So this is a big problem. The word is out. People know that if they send or bring their child that their end result is to be released in the U.S.

Mr. CLOUD. I believe the number is 4,800 family units have falsely presented this year.

Mr. VITIELLO. That sound right.

Mr. CLOUD. Thank you. I yield back.

Mr. RASKIN. Thank you very much.

Ms. Ocasio-Cortez, you are recognized.

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

And before I start, I think there's an important cultural context that may be missed in this conversation about unaccompanied children.

One is that in Latino families and in Latino communities—not just Latino communities, mind you, I understand this applies in many other cultural contexts as well—is that what gets defined as family is different than what usually or traditionally gets defined as family in the United States.

When I was a child, my parents would often send me to Puerto Rico during the summers and I would live with my aunts and my uncles and my cousins. My cousins were raised with me as my siblings. I would call them brother, sister. My aunts and my uncles were raised as secondary parents. In fact, the actual word comadre or compadre means co-mother, co-parent.

And this is the cultural context with which children are coming to the border with their loved ones. They are being taken, they arrive, and then they are being called unaccompanied children when, in fact, they are accompanied. They are accompanied by their

grandmothers. They are accompanied by older siblings. They are accompanied by cousins.

And just because that person that is coming with them, their guardian, is not their biological mother or father, then they are being accused of human trafficking and they are being accused and called an unaccompanied child. But they are experiencing the same trauma that any child would be experiencing if they were ripped from their own mother or father.

Ms. Long, do you find that that's in agreement with your experience?

Ms. LONG. I am in complete agreement with how you have summarized that situation.

And I also want to add that CBP currently maintains no records to trace those families. And so when someone is separated from, say, their tia who's raised them maybe for their whole lives, there is no way for the agency to then trace those family relationships and put those families back together.

Ms. OCASIO-CORTEZ. And I myself have been in a similar situation in that I have nieces and nephews. And there is an already unspoken understanding that if anything were to happen—so I call them my nieces and nephews, and they're technically second or third cousins or whatever, however other folks would call that. That if something, God forbid, were ever to happen to my cousins, I would take those children as my children. My nieces and nephews would be taken as my son or daughter.

So quickly moving forward, under the Trump administration at least six children have died in U.S. custody. I have their names up here: Darlyn Cristabel Cordova-Valle, age 10; Jakelin Caal Maquin, age seven; Felipe Gomez Alonzo, age eight; Juan de Leon Gutierrez, age 16; Wilmer Josue Ramirez Vasquez, age two; Carlos Gregorio Hernandez Vasquez, age 16.

Those are just the ones that we know of. We didn't even hear of Darlyn's death until eight months after she died. And this is not including the children like Mariee, who we heard about earlier, who fell gravely ill due to the neglect and lack of sanitation inside DHS custody, but they died only after being released from detention facilities. So her death doesn't, quote/unquote, count.

In the 10 years prior to that, there were no similar deaths, zero, of migrant children in U.S. custody. This is a new phenomenon under the Trump administration.

Ms. Frye, how many migrant children are similarly falling ill and dying but are not being counted as a death in CBP custody?

Ms. FRYE. Congresswoman, I don't know the number. I have no idea of the number. You'd have to ask the government.

But I can verify for you the reasons why this is happening now so much, it's so much a greater incidence, and that goes back to the question of release. When you don't promptly release children, they go to ORR and they're held there. They're not released. The mechanism isn't working. The requirements under the TVPRA and under Flores for prompt, expeditious release are ignored.

Then you get a backup in these unsanitary places where you pack kids in a kind of a congregant care. The WHO says to prevent the spread of disease, wash your hands. There's no soap and water.

So we make a situation there by the way we detain kids, because they can't go upstream because they aren't being released, that is conducive to illness. And I think that's part of the reason. In the family facilities, we just aren't providing care with doctors.

Ms. OCASIO-CORTEZ. Ms. Long, very quickly, is there any policy that you know of that requires ICE to count pregnant women and women who are pregnant, record them?

Ms. LONG. Not that I know of, no.

Ms. OCASIO-CORTEZ. So we don't even know how many of these women—there's no requirement to even acknowledge, count, or record a woman who is pregnant in custody. And we know of at least 28 miscarriages, at least.

Ms. FRYE. Congresswoman, that is also true of children. And we saw at the RGD girls who were pregnant who weren't being given any medical care, and nobody seemed to even care that they were pregnant. And that's really serious.

Mr. RASKIN. Thank you. The gentlelady's time has expired.

Mr. VITIELLO. Could I just add that when females are taken into ICE custody and they're contemplating being detained, that they're all given a pregnancy exam. And so soon after they're—within the first 24 hours they're in ICE custody, medical practitioners are aware of their pregnancy.

Mr. RASKIN. Thank you. The gentlelady's time has expired.

Mrs. Miller, you are recognized.

Mrs. MILLER. Thank you, Mr. Chairman.

You know, just a few months ago the leadership was accusing President Trump of exaggerating that there was a crisis on the border. In fact, minority—majority at that time—Minority Leader Schumer stated that this President just used the backdrop of the Oval Office to manufacture a crisis, stoke fear, and divert attention from the turmoil of the administration. And it's shocking to me that it has taken this long for my colleagues to finally address that there is a crisis.

In 2019, we've had more than 593,000 illegal aliens apprehended at our southern border. From October 2018 to May 2019, we've had 23,944 unaccompanied alien children attempt to cross the border. I'm glad that we finally realize the situation that we're in and that we can now move forward and look for solutions. It's not time for political games. It's time to act swiftly to get this crisis in hand.

Mr. Vitiello, how long is a typical trip from the Northern Triangle to the southern border of the United States? How long does it take?

Mr. VITIELLO. It could be weeks that people travel through Mexico.

Mrs. MILLER. Approximately how many children will arrive at a facility on a given day?

Mr. VITIELLO. The data that I saw most recently in the press was that two-thirds of the groups coming to the border every day. So two-thirds of 2,000.

Mrs. MILLER. Are many of the children who arrive in need of medical care? And, if so, what are the issues that you're seeing that they have?

Mr. VITIELLO. It's a difficult journey. You know, it's difficult for them to sleep on the journey. They're not fed as well. They're in

the hands of smugglers, people that don't care about them as individuals, that care about them as a commodity. And so when they get to the border, they're often very sick.

Early days, when I was still in CBP, scabies, lice, respiratory infections, fevers, et cetera, all the things we've heard about here today, that's part and parcel of what comes to the border every day.

Mrs. MILLER. So infectious problems?

Mr. VITIELLO. Correct.

Mrs. MILLER. OK. How many children are treated for the ailments that they have? And are the results from the trip or are they the results because they are here?

Mr. VITIELLO. Well, CBP does its best. When I was still in government, we spent thousands and thousands of hours, millions and millions of dollars taking people from CBP custody into the hospital and safeguard them and bring them back. So there's many, many hours and many, many dollars spent on this particular problem.

Mrs. MILLER. Is there soap and water?

Mr. VITIELLO. There is.

Mrs. MILLER. Several news organizations have alleged that pregnant migrant women are not properly cared for once they cross the border. Can you explain how those pregnant migrants are processed and handled? I know you mentioned them.

Mr. VITIELLO. So you can imagine a facility that's 400 percent over capacity. So they could be in custody with CBP for some time before they're interviewed by an agent or an officer. And so the agent and officer won't know unless they ask or maybe that individual won't tell them.

When they're in detention with ICE, in ICE custody, the single adults that do make it into ICE detention, they're quickly assessed medically within the first days of their stay in detention, and part of that assessment is a pregnancy test.

Mrs. MILLER. So within a week?

Mr. VITIELLO. Yes. Sooner in most cases.

Mrs. MILLER. Can you tell the difference between the testing between ICE and CBP?

Mr. VITIELLO. Well, CBP doesn't do pregnancy tests. The mission at CBP at the border is to move that individual downstream as quickly as possible. So if it's a family, they get released. If it's a child, then they get referred to HHS as quickly as possible. If they're a single adult, they get referred to ICE for detention.

Mrs. MILLER. So you would assess their ability to process as appropriate for the migrants that are pregnant?

Mr. VITIELLO. No, this is an extraordinary circumstance. There's 500,000 people so far that have come to our border this year.

Mrs. MILLER. Okay. In CBP holding facilities and ICE detention facilities, what types of onsite services are provided to the pregnant migrants and their children?

Mr. VITIELLO. So the ICE detention has the full range of medical care, law libraries, safe and sanitary conditions that's designed for a long-term stay. So everything you would find in a modern facility.

At CBP, they've adapted as best as they can, but these locations and these facilities were not designed to hold large numbers of young people or families and children alone.

Mrs. MILLER. What resources do you believe would help CBP to do its job effectively, given the number of migrants that are here?

Mr. VITIELLO. Well, they'll continue to make these modifications. They're going to add floor space to these locations where they're seeing the large influxes of children and families. But I don't believe that that's going to get them out of the situation that's being discussed here today. Without a change in the law, these people are going to continue to come to our border in the conditions that they come in.

Mrs. MILLER. Thank you.

Mr. RASKIN. The gentlelady yields back. Thank you very much.

Before I yield to Ms. Pressley, I want to enter six statements into the record: a statement from the American Medical Association noting that the CBP facilities we've been discussing are not appropriate places for children or pregnant women; the statement expressing concern about detention center conditions from Amy Kahn, a clinical psychologist and trauma expert who has provided psychotherapy to the recently arrived immigrants; a statement from Carol Martin, executive director of Trauma Recovery, EMDR Humanitarian Assistance Programs, a nonprofit working on treatment of psychology trauma; a statement from Church World Service, a religious-based humanitarian group with refugee resettlement offices in 17 states, opposing any undermining of current legal protections for immigrant children; a statement from the National Association of Pediatric Nurse Practitioners, whose members work to provide care for refugee children; and finally, a statement from Myra Jones-Taylor, the chief policy officer for Zero to Three, a nonprofit advocating on behalf of babies and toddlers.

Without any objection, I will admit them into the record.

Mr. RASKIN. And I recognize Ms. Pressley for five minutes.

Ms. PRESSLEY. Thank you, Mr. Chairman.

A couple of my questions were asked and answered, so I'm going to skip around here a little bit.

Mr. Vitiello, you indicated that CBP agents are simply following the letter of the law, so to speak. I'm just curious, because I happen to think the law's a cruel and inhumane one.

And, Mr. Breen, I hope you'll elaborate further on the general culture, dehumanizing culture for all parties involved.

But I'm just curious, in that oath that CBP agents take, does it offer anything about humanity? And we know that they're not getting the training on the medical side in order to get the indicators of children that are in distress. Is there any sort of antibias training or cultural competency or trauma-informed training, which I think would be beneficial whether you were talking about 72 hours or the 60-plus days many are currently being detained.

Mr. VITIELLO. They do receive cultural training. That's part of the indoctrination. When they come back from the Border Patrol Academy, there is curriculum specifically designed for that.

In the 2014 crisis, we developed a curriculum for agents to take as it relates to the crisis that was underway then, how to speak to children in a more accommodating way, how to get to their needs quicker. So that training is part of what agents experience.

When you talk about the family members and what the law requires, we talk about adult family that weren't moms and dads.

Congress could help us here, right? They could change the law to relieve the liability from CBP so that if someone is traveling with an adult relative, they can be held together and kept together, because they're not a mom or a dad.

Ms. PRESSLEY. I appreciate that. Thank you. I'm going to reclaim my time. I just want to get a couple more questions in. But thank you so much.

One other thing just for the purposes of the record. Is there anything in that oath that speaks to the humanity and how CBP agents should be treating those that they're charged with their care and custody?

Mr. VITIELLO. Congresswoman, the oath is the same one that you take. It's an oath to the Constitution and the people of the United States.

Ms. PRESSLEY. Okay. All right. Very good.

CBP is the country's largest law enforcement agency but with the least amount of transparency and accountability. The same agencies that claim that they did not have the resources to provide basic necessities, toothpaste and blankets for children, continue to find the resources to detain thousands of additional migrants.

And, in fact, it was recently reported that three new ICE facilities have opened throughout Louisiana and Mississippi in the last month. And since 2000, the number of Border Patrol agents has increased from about 9,000 to 19,500 agents. Since 2006, CBP's budget has more than doubled, going from $7.1 billion to $6.7 billion.

And, again, we continue to see these abuses persist, which would lead me to surmise that this is not about capacity and everything to do with culture and a callousness and a corruptness and a chaos.

Mr. Breen, does that sound right to you?

Mr. BREEN. It does. Money alone is not going to solve this problem, there's no doubt about it. Oversight is necessary.

I'd make a couple of quick points, if I may.

Congressmen earlier mentioned that they felt that U.S. policy was aiding and abetting criminal cartels. I have to agree, and I would point to two policies.

The first is metering at points of entry. So yesterday in Juarez I spoke with a mother of an eight-month-old child. She had tried to present herself at a port of entry, follow the law, follow the rules and say, I seek asylum in the United States. She was told to take a number and wait her turn. They're taking about 10 or 15 people a day on that bridge. She is holding number 17,000-plus.

She is in Juarez, because the U.S. Government has seen fit under the obscenely named migrant protection protocols that she should sit in Juarez, where these cartels have absolute access to her and her family.

Now, do you think she is better off? Do you think we are aiding and abetting the cartels by having her sit in Juarez where they can actively prey on her or by placing her in a case management program in the United States where ICE itself has run a family case management program pilot in which there was 99 percent—99 percent—attendance for ICE check-ins and appointments and 100 percent attendance at court hearings?

Ms. PRESSLEY. And pardon me, Mr. Breen. And also that program was much cheaper——

Mr. BREEN. Absolutely.

Ms. PRESSLEY [continuing]. than locking up children and families. It was costing $36 per family compared to $319 per person——

Mr. BREEN. Absolutely.

Ms. PRESSLEY [continuing]. at a family detention center.

Mr. BREEN. Absolutely.

I would make one other point on the culture if I could, and I apologize for taking so much time.

Ms. PRESSLEY. Please, I hope you'll elaborate.

Mr. BREEN. Mr. Vitiello has used the common term "catch and release" multiple times in this hearing. I'll make a couple observations.

These are human beings, not trout. Presenting yourself at a port of entry to seek asylum is exercising your right under international law. You have not been caught; you have volunteered yourself. And being released implies that you will escape or attempt to escape when, again, on case management, 100 percent of these people showed up at their hearings.

Everyone I have spoken to is trying to figure out how to follow the ever-changing bizarre rules this administration is creating on the fly. They're all trying to do the right thing. So I think this language matters. Thank you.

Ms. PRESSLEY. Absolutely. Thank you, Mr. Breen.

Ms. Ocasio-Cortez.

[Presiding.] Thank you. The gentlelady's time has expired.

The chair now recognizes the gentleman from Wisconsin, Mr. Grothman.

Mr. GROTHMAN. Thank you.

Mr. Vitiello, I'd like to ask you a few questions.

I was down on the border twice myself this year, once the Tucson sector and once the Laredo sector, and was horrified at the situation. I know the Border Patrol down there was so frustrated hearing politicians call this a manufactured crisis, because they lived the crisis every day and they knew it wasn't manufactured.

I know this hearing focuses on children dying, but I heard in the Tucson sector alone about 250 people are dehydrated to death coming into this country. I don't know how many in the other sectors. And I also heard in the Laredo sector these drownings in the Rio Grande are not unusual.

And it frustrates me that so many people, however, do try to come in this country when we don't necessarily want them.

Now, I was just looking at map a second ago in Guatemala. If you wanted to leave in Guatemala, if you felt you were in danger there, I believe there are eight countries you could walk to quicker than the United States. Nevertheless, people apparently continue to keep trying to come to the United States.

What can we do to prevent that? Because to me, as long as we continue to have people come here from all around the world—and it's growing more all the time—we're going to continue to have people dehydrate to death in the Arizona desert, we're going to continue to have people drown in the Rio Grande, and we're going to have the wonderful but overworked Border Patrol trying to deal with this flood of people.

What can we do to stop this flood of people who I don't think should be here?

Mr. VITIELLO. Throughout my career and at several important timelines, in 2007 and 2014, we were facing similar surges, although the magnitude of the one we're in now is much bigger than anything I've ever seen. It's extraordinary.

But when we put the policies in place where people can be held in detention until the pendency of their immigration hearing, then they are either given relief under the INA or they're repatriated with the cooperation of the country that they came from.

Mr. GROTHMAN. Under current law, as I understand it, if somebody here and says—asks for asylum—and everybody I know feels that the vast majority of these claims are unnecessary. You don't have to go through tons of other countries to get to the United States if you're so concerned there's danger at home.

What they told us, they're releasing them inland and they give them a hearing three to five years out. In other words, in essence, you just show up, ask for asylum, you get in the United States.

Is that system contributing to people continuing to come here?

Mr. VITIELLO. Right. It's a completely rational act for people to come here, knowing that they're going to be released and they're going to be out in this economy.

In September, the Department of Justice, at the urging of the Department of Homeland Security, asked DHS to put a rocket docket together in 10 locations across the country for immigration proceedings for families to be heard quicker.

When you're in detention, you're on a rocket docket. You're going to be—you're going to see the judge quickly. When you're on the nondetained docket, in some of these big cities it will be years before you get to a merits hearing.

So DOJ in September put together that rocket docket in those 10 locations. Before I left government, they had heard 3,500 of those cases. Most of those cases, most of those 3,500 cases, those individuals were ordered in absentia, because they never appeared for their asylum claim or their immigration proceeding.

I subsequently notified those 3,500 people and asked them to come in on an order of supervision so that they could then get back into the court cycle. Thousands of those people, again, did not show up.

And so that has happened. Thousands more have had their hearing since then. And so there's a large population who have come to the border recently who claimed asylum, were released from CBP or ICE custody, and then failed to pursue their claim in court.

Mr. GROTHMAN. What percent do you think wind up not in court if you just had to take a stab at it?

Mr. VITIELLO. In April, that percentage was 90 percent no show rate, ninety percent——

Mr. GROTHMAN. Ninety percent no show?

Mr. VITIELLO. Ninety percent ordered in absentia by the judge.

Mr. GROTHMAN. And here we're trying to get more judges and we beg and beg and we can't get more judges here to make sure we find out right away what's going on. No wonder people are trying to come here and overflooding our poor Border Patrol.

Any other suggestions you have to prevent people—and maybe you want to comment, too, because this hearing is supposed to be about the kids. Two hundred and fifty people dying a year, about 250, in the Arizona desert in the Tucson sector alone, because people won't build a wall because they want the current system to continue.

Mr. BREEN. Congressman, I'm sorry. If I may, but the appearance rate among families represented by counsel is 99.9 percent, 99.9 percent of families represented by counsel appear. The newest TRAC immigration report says 81 percent of recently released families apprehended at the border attend their court hearings.

Mr. GROTHMAN. Of those people released under the current system that's three to five years out, Mr. Vitiello, what percentage of people after hanging around for three to five years wind up showing at their hearing, do you believe?

Mr. VITIELLO. Well, the rocket docket speaks for itself. From September to April, 3,500 cases were heard, and 90 percent of them were ordered in absentia, which means they did not appear.

Mr. GROTHMAN. Obviously, there's a big disagreement there. Thank you.

Ms. OCASIO-CORTEZ. Mr. Breen, sorry, you seemed to have wanted to respond to that.

Mr. BREEN. Sure. I think, yes, if you rocket docket people, the less due process and information you provide to people and the less access to counsel people, that they're less likely to show up in court. Yes, absolutely, of course they are.

So the answer is not let's deprive people of due process. Again, ICE's own case management process, they ran this pilot and then canceled it inexplicably in 2017, and it worked. It saved taxpayer dollars and the appearance rate, again, was close to 100 percent.

Instead, we're detaining people who have been accused of no crime whatsoever and then we're listening to a narrative that says we don't have the capacity and the resources to detain them.

Ms. OCASIO-CORTEZ. Thank you.

Ms. LONG. May I also say quickly, Representative?

Ms. OCASIO-CORTEZ. Briefly, yes.

Ms. LONG. Very briefly. It turns out that the immigration court system is also under government control. And this body could be taking actions to change that three to five-year delay, investing in the court system, investing in due process, investing in representation, which makes that court system much more efficient and more fair.

Ms. OCASIO-CORTEZ. I see. Thank you, Ms. Long.

The chair now recognizes the gentlelady from Michigan, Ms. Tlaib.

Ms. TLAIB. Thank you so much, Chairwoman.

And I want to thank all of you so much for being here. As a former immigration attorney, I can tell you the system has completely deteriorated, broken down. We should have been changing it 20 years ago.

If you have an issue with asylum, and some of us even currently do, and it does take too long, because there are people that actually want a decision right away. And having their lives literally on hold

because they haven't had a decision is really impractical for their lives. And they get so rooted here waiting three to five years.

You think they want to. They don't. I have clients, and I've worked in the pro bono area for years, and I'm telling you, my heart breaks, y'all. Honestly, the horrific suffering of these vulnerable immigrant children and families, seeing what I saw in El Paso.

But what is even more upsetting is realizing that the Trump administration's cruelty toward migrants—and I'm going to just call them families, families and children—isn't just a bug in the system. It's the entire point. It's an ideology.

Last week President Trump tweeted: If illegal immigrants—it's his words—are unhappy with conditions in the quickly built or refitted detention centers, just tell them not to come. All problems solved, exclamation point.

He seems to be admitting that detention conditions are terrible and that was intentional to deter migrants from coming.

Mr. Breen, would you agree with that assessment?

Mr. BREEN. Absolutely not. If you and your children are trapped in a burning building, it does not matter how miserable I make it on the street. You're going to do whatever you can do to get out of that burning building with your kids. Deterrence is a completely ineffective policy. All it does is ramp up human suffering.

Ms. TLAIB. But that's exactly what he's trying to do. He thinks this is going to deter folks from coming. That's the whole point of the policy.

And I can tell you, I talked to three incredibly I think sincere CBP agents. I mean, these Border Patrol agents took me aside, not in front of the others, because the model is honor first. So there's this culture you don't tell on each other. But three of them took me aside. One specifically said: Stop throwing money at this. The issue is separation. That I wasn't even trained to separate a two-year-old from their mother, I wasn't trained to be a medical care worker. I wasn't trained to be a social worker, is what one agent told me.

And the other agent said: Do you understand, like everybody's blaming us, but this is what was handed to us, is the separation policy.

Ms. Frye, do you believe the cruelty is intentional?

Ms. FRYE. Absolutely.

Ms. TLAIB. Ms. Long, do you agree that all the problems will be solved if we tell asylum seekers not to come?

Ms. LONG. You know, as a poet has said, no one puts their child in a boat if the water is not—you know, if the water's not safer than land. And that is, indeed, what people, when you talk to them, the people who are going through this cruel system, they are saying: I had to leave. There was no option for me.

And can I just say one thing, Representative? You know, there has been concern raised about trafficking of children in this hearing. And that is why I feel skeptical that that concern is real unless policymakers are ready to invest in having decisions made and assessments made——

Ms. TLAIB. Oh, I know, absolutely.

Ms. LONG [continuing]. by people who are actually qualified to make those assessments.

Ms. TLAIB. I know. Ms. Long, we're here. They have every power to introduce legislation to actually tackle some human trafficking issues that we all know do exist and we all want to be able to address it.

But I want to pull up a slide of one of the children's drawings that has been in one of the cages, detention centers, camps, whatever you refer to.

Ms. Long, as a mother, if my child drew this, I would be horrified. Is this normal behavior? Should we be worried when we see children drawing pictures like this?

Ms. LONG. The American Academy of Pediatricians has warned against the long-term consequences of child detention, even child detention that occurs over short periods of time. This image is an image that shows, I think, what that looks like, what that feels like to a child. It's incredibly traumatizing and it could have lifelong impacts.

Ms. TLAIB. The increase in immigration detention reflects only one thing: that this administration's use for prolonged incarceration of asylum seekers in massive operations, rounding up of long-term community members who pose no safety risk. Relying on incarceration is the primary focus of immigration law currently, and it's a policy choice by this administration.

I want you to know it hasn't always been this way. In the 1980's, I want to tell you, in the 1980's, when numbers on the border were even higher than they are today, the use of detention for immigration purposes was very unusual. In the 1990's detention averages hovered like around 5,000, less than one-tenth of where we are today.

There is a better way, and some of my colleagues talked about this. Instead, we could look at guidance on international agencies, evidence-based approaches showing that community-supported programs that allow asylum seekers to live in the community while their cases are processed is actually cheaper and more effective. And more importantly, it would put an end to the suffering of children.

Thank you, Madam Speaker, I yield the rest of my time.

Ms. OCASIO-CORTEZ. Thank you so much. The gentlelady yields.

The chair now recognizes the gentleman from Ohio, Mr. Jordan.

Mr. JORDAN. I thank the chair.

Mr. Breen, I'm not that familiar with the pilot program you talked about. In that program, does the asylum seeker determine, make the determination if they want to be in the program and get access to counsel?

Mr. BREEN. No. My understanding is that the way it works is that the program—and we have a study on this that I'm happy to provide you—but that the program essentially used professional social workers to provide education to individuals, family service plans, and other case management support.

So this was a pilot to see that ICE performed, is my understanding, to see whether providing that, which is much less expensive—it was also done through private contractors, by the way—providing that was more effective at getting people to show up for court than detaining them until they showed up.

And, again, to detain a family, it's about $300 a day in taxpayer money. This program was about $12 a day per individual in taxpayer dollars. We would recommend repeating this program at scale with nongovernmental organizations.

Mr. JORDAN. You used a 99 percent figure. What was that in relation to?

Mr. BREEN. That is attendance for ICE check-ins and appointments.

Mr. JORDAN. For those who have counsel, I thought you said.

Mr. BREEN. No, those were the participants in this program.

Mr. JORDAN. In this program. But when they come to their court date, their court appearance, do they have counsel with them?

Mr. BREEN. Most do. Some don't. But that's 100 percent attendance at court hearings, again. And this is, again, professional social workers providing an individualized case management approach.

Mr. JORDAN. Does the asylum seeker make the choice on the front end to be in the program?

Mr. BREEN. I actually don't know the answer to that question.

Mr. JORDAN. Well, you'd think they would. You're not forcing people to be in the program, right?

Mr. BREEN. ICE decides. In the case of the pilot, ICE decided who went into the program.

Mr. JORDAN. My point is, you had one stat that said 99 percent show up. Mr. Vitiello said hardly any of them show up. And I guess the point would be that there's probably a little self-selection going on there.

Mr. BREEN. No, Congressman. ICE made the determination about who was in that program and who wasn't, not the asylum seekers.

Mr. JORDAN. They just picked them——

Mr. BREEN. That is correct.

Mr. JORDAN [continuing]. and they had to be in the program?

Mr. BREEN. That is correct.

Mr. JORDAN. They were forced to be in the program?

Mr. BREEN. That is correct.

Mr. JORDAN. Okay. All right. Well, that's interesting. But my guess is if you——

Mr. BREEN. My point, Congressman——

Mr. JORDAN. If you make a decision you're going to show up, you're probably going to want a lawyer if you show up. If you make a decision you're not going to show up, you probably don't want a lawyer because you're not going to show up.

Mr. BREEN. But that's not how it works. Again, this was a program to determine which was the most cost-effective taxpayer expense and the most effective way to get people to show up for court. And it turns out this is a hell of a lot more effective than detention, and cheaper.

Mr. JORDAN. All right. I'm more than willing to look at it.

Mr. Vitiello, can you comment on that?

Mr. VITIELLO. I would just say that in the 2019 funding bill, the one that was signed after the shutdown, has resources for ICE to restart this program in some form or fashion.

The sample that we're talking about is a very small sample. It's less than 2,000 people. Lots of incentive to be in the program, lots

of social services around the individual as they're in the United States waiting for their hearing.

So it doesn't surprise me that the compliance rate was high. But very few people that were in that program, less than 2,000, I think a handful of them got removed. The rest are still here.

Mr. JORDAN. Okay. And how many of those 2,000 were legitimate asylum seekers? Do we know?

Mr. VITIELLO. That's a matter of the courts.

Mr. JORDAN. My guess is the percentage would be about the same. But what I've been told is like 85, 90 percent of people seeking asylum are not legitimate asylum seekers under our law. Is that accurate?

Mr. VITIELLO. Well, there is a wide disparity between the number of people who are authorized for credible fear screening and then going through the process, then eventually gain asylum. There's a big difference. Almost everybody gets a credible fear screening——

Mr. JORDAN. Right, I understand that.

Mr. VITIELLO. And the number of asylees are very small by the time they make it all the way through.

Mr. BREEN. The process we're describing, these court appearances are specifically to adjudicate who has a legitimate asylum claim.

Mr. JORDAN. No, I get that. I understand that. But I'm actually——

Mr. BREEN. So it's impossible to say outside that process.

Mr. JORDAN. I asked you questions earlier. I'm actually talking to Mr. Vitiello now.

Mr. Vitiello, I'm just curious about another unrelated or different subject, different area. The folks who present themselves at the border and are actually—you know, the 144,000 that happened in the month of May alone, do we know how many of them have—what percentage of them have family here or what percentage are just first time? Do we know how that—do most of them have family? That would be my assumption, but I just don't know.

Mr. VITIELLO. Yes, I think typically they do. I mean, they're coming for a reason. If they don't have family, they soon will have people following them behind. That's typically the way immigration takes place, right? There's the Diaspora in the United States that people are connecting to.

Mr. JORDAN. Right. Okay. Okay. Sorry, I expected to give more time to the ranking member, but you got 30 seconds and then your five minutes.

Mr. ROY. I'm going to ask the chairman, is it just me at this point?

Ms. OCASIO-CORTEZ. Yes.

Mr. ROY. Okay. All right. Well, I'll take the 30 seconds and then my time and go.

First of all, thank you all for being around here so late in the day. Obviously, it went long. We've been in this room all day. But thank you all for doing that.

Just following up real quick on what Ranking Member Jordan just talked about. I guess my question is, I don't know all the data here in terms of who's in the pilot and who's not. My concern has

been in all of this is that—and I think, Mr. Vitiello, you kind of referenced this before—is the magnet, right, the pressure, right?

We've got Northern Triangle problems, right? Desire to come to America, great. No disagreement on having an ability for that to occur and no disagreement on figuring out how to have an asylum process where people seeking asylum can seek asylum in the safest way possible, right?

The question comes is when we're allowing that to be an enormous magnet, based on cartel profiting, which I think there is generally no disagreement that cartels are profiting on the back of moving people from the Northern Triangle to the United States, might be some disagreements on the amount and it's hard to know for sure, but a significant amount of profit, my concern gets to the point of that what, Mr. Vitiello, you were saying before and Mr. Jordan referenced.

When they get through to immigration judges, okay, so you get past the credible fear screening, you get through the process and you get to the immigration judge, roughly right now 12 percent are being found to have a legitimate asylum claim. Now, that is the data that I am aware of.

Mr. Vitiello, does that marry up with your understanding?

Mr. VITIELLO. I know the percentage is much lower than the actual flow of people that are coming to the border, right. Lots of people get a credible fear screening because they ask for it, and that's the way the law works. That threshold is very low. But many of them then do not go on to get asylum.

Mr. ROY. And the reason I ask that is, is what I'd like to know is I'd like to know the answer to that, right? We're asking DHS that question. That's something from an oversight perspective I'd like to know the answer to. Because if that number is like 90 percent, then that's a very different reality than if it's 10 or 12 percent, right?

I'm being told it's 10 or 12 percent. So if I go with that as my logic and I'm going, holy cow, we've got this massive attraction, understandably, and we're allowing cartels to profit and drive people across our border, then we're going through a whole process, then getting to the end and saying 12 percent are qualifying for asylum under the traditional understanding of what our asylum laws represent.

Now, that's for persecuted individuals and so forth as opposed to, hey, your economy is bad or it's dangerous and so forth. This is what I'm trying to get at.

Mr. Vitiello, can you put a little bit more of understanding as we close out here on the extent to which the Reynosa faction of the Gulf Cartel, the Cartel del Noreste Los Zetas are profiting and moving people across the border for profit, people?

Mr. VITIELLO. So there's a couple of things there. It's my experience on the south side of the border the cartels control territory. Just like a street corner in a big city, a drug cartel will control the retail sales. At the border, the cartel controls the traffic and who uses particular parcels of land and there is a tax for anyone that moves through those territories. And so at the immediate border, people are making money off the backs of these people as they're crossing the border, no matter where they cross.

The other thing that's happening is in Mexico people are forced to pay bribes. Smugglers are forced to pay tax to whatever cartel controls the territory that they operate in. And then the smugglers themselves are making money in the home countries of where these people are, because they promise or they actually pay criminal organizations for the trip up.

Mr. ROY. Let me address one other issue, and that is something that my colleague from New York addressed earlier, because I think it's a reasonable point that she raised about cultural distinctions and people who show up at the border who might be claiming family members and they're not or they're distant or whatever, right? They're not necessarily a parent.

My question is, though, is it not a reality, whatever the numbers are of that being a legitimate problem, is it not a reality that we have people that are definitively not family members that are using children as a passport to come to the United States?

Mr. VITIELLO.

Mr. VITIELLO. Yes, that is true. I will forward for your team up here some media that CBP put out on—I don't know the date here—but it, in fact, talks about ICE's surge to the border to try to identify how many families were actually legitimate. They did some pilot DNA testing and they found out there was a significant percentage of people who were manufacturing their relationships in order to get into custody and then quickly be released, because they had children with them.

Mr. ROY. And is there intelligence indicating that, in fact, they wouldn't, to my colleague's point, be a nonblood relative who is claiming to be a parent, culturally or otherwise? Is there indication that cartels or other bad actors or people for profit are moving people across, falsely claiming to be a parent or guardian?

Mr. VITIELLO. Yes. So I think it's an accurate depiction, the analysis that sometimes the adult relative is not a parent but, in fact, are family, but that's not how they qualify for release under the law. If they're not an adult parent then they can't be released to that other relative.

So the Congress could act here to expand the definition of adult relative to include the sibling or the aunt or the grandmother.

Mr. ROY. I appreciate, Mr. Vitiello, your testimony.

And I would yield back to the chairman.

Mr. RASKIN.

[Presiding.] Thank you very much, Mr. Roy.

And we thought it was almost over, but we have a late entry from Mr. Gomez, who's a member of the committee.

Mr. ROY. Saving us from the clutches of going to dinner.

Mr. RASKIN. There we go.

So you are recognized for five minutes, Mr. Gomez.

Mr. GOMEZ. Thank you, Mr. Chairman.

Before I go on to my remarks, Ms. Long, you were shaking your head. I wanted to see if you wanted to address that.

Ms. LONG. Thank you so much.

I just want to take issue with how Mr. Vitiello has characterized U.S. law. There is no law that requires the United States to separate nonparent families at the border. In fact, this is part of the administration's policy to punish children and families.

There are a variety of policy options that could be employed here, even maintaining the designation as unaccompanied child under the TVPRA, but then providing a screening by a qualified child welfare professional, who could determine what the best interest of the child was in that context and release them under that—you know, after that screening to proceed with their immigration cases in the United States.

Mr. GOMEZ. Thank you for clarifying that.

One of the things I want to kind of talk about—I'm just going to free flow a little bit—is that I like to remind people how this zero tolerance policy started. Remember that—I believe it was Jeff Sessions that said that it was to be a deterrent for families to come up here. If you come up here, your kids are going to be taken from you, and, thereby, don't come.

Yes, they claim that there's no zero tolerance policy, but what they decided to do is go from a civil administrative procedure to a criminal. Basically, everybody that comes here that goes between the points of entry, that they are in violation and, thereby, ripping the kids away from the adult that they're with.

That in itself is the policy of family separation. The mess that we've seen at the border has been predictable, because a lot of the ideas are not based on sound policy and rationale, but based on politics. How can I seem as tough as possible even though that they're not going to truly solve the problems?

This President claimed that he was the only one that could fix all our issues. Well, he's proven that he's the only one that can make them even worse than they were before he started.

So I want to make sure that people remember that, that this is something that we've seen.

I want to get to some questions regarding the border station in Clint, Texas. People have seen it. It's become infamous about the chaotic scene.

Ms. Long, you visited and interviewed children at the Clint facility, correct?

Ms. LONG. Correct.

Mr. GOMEZ. How long were you there and how many children did you talk to?

Ms. LONG. I was there from June 17 to June 19, and I personally spoke with about 16 children in the El Paso sector as a whole. I spent the day of June 18 in the El Paso Station 1 and the Santa Teresa Border Patrol Station and the 17th and the 19th in Clint.

Mr. GOMEZ. Thank you.

The New York Times recently reported that the, quote, "stench of the children's dirty clothing was so strong it spread to the agents' own clothing," end quote.

Ms. Long, is that description consistent with your experience?

Ms. LONG. That is.

Mr. GOMEZ. Can you describe what else struck you the most about the conditions of Clint or other border stations you visited?

Ms. LONG. The children were scared. They were hungry. They told us that they had no one to take care of them and their selves. They were being held incommunicado from family members who we began to contact. When we contacted their, you know, in some

cases their parents, the parents were desperate, had had no idea where their children were.

Under the Flores agreement we do not have the right to inspect the facilities, but what we heard again and again from over 50 interviews with children detained at the facility was consistent: Children were denied access to showers, access to toothbrushes, sleeping on the floor.

Mr. GOMEZ. On Sunday, Acting DHS Secretary McAleenan was asked about allegations of inadequate food, water, and sanitation at Clint. He responded by saying, quote: "Unsubstantiated allegations last week regarding a single Border Patrol facility in Clint Station in Texas created a sensation." That's balanced somewhat since several media outlets toured the Clint station and saw the actual conditions there, a clean and well-managed facility and well-equipped process," end quote.

Ms. Long, do you agree with the Secretary that the allegations at Clint were unsubstantiated?

Ms. LONG. I would ask the Secretary whether he is—you know, whether he believes his own Department's Office of Inspector General and its inspections of other facilities in the area, whether the—why after we raised the alarm at conditions at Clint the agency was able to immediately transfer the majority of the children into the Office of Refugee Resettlement custody even before a supplemental funding bill was approved.

Mr. GOMEZ. Ms. Long, my interpretation is this, that they don't do the right thing unless a light is shone onto these facilities. And once it is, then all of a sudden they start abiding by the laws, doing the right thing.

I spent the night at the border in California with refugees that were seeking asylum. I know what some of their conditions and some of what they're dealing with. So unless we find a way to really focus on that, to bring more attention, it's going to continue.

Mr. Chairman, I know I'm out of time, but there has been a lot of discussions about some of the culture within Customs and Border Patrol, and I wanted to submit for the record a ProPublica piece, "Inside the Secret Border Patrol Facebook Group Where Agents Joke About Migrant Deaths and Post [Sexist Memes]"——

Mr. RASKIN. Without objection.

Mr. RASKIN. Thank you very much, Mr. Gomez.

Mr. GOMEZ. Thank you, Mr. Chairman.

Mr. RASKIN. The gentleman's time has expired.

And we recognize finally Mrs. Maloney for five minutes.

Mrs. MALONEY. First of all, I want to thank you, Mr. Chairman, really, for your attention to this, and to all of the panelists.

And I want to ask some questions about the treatment of pregnant women at the border. But really, I'd like to ask each of you to comment on where we stand. As you know, we just voted $4.7 billion to go to the border. Many of us had humanitarian concerns and humanitarian requirements and oversight and accountability requirements.

This was refused to be part of the bill by Leader McConnell. So it came back to the House. And we knew it was going to the border, but many of us voted against it because these conditions were not added to it.

And I'd like to just go down the line, starting with you, Mr. Breen, on what you think we can concretely do through laws to clean this mess up? This is not America. It's a horror show. I can't believe the stories that we're reading.

So what do you think? We're now legislating the amendments that we tried to put in that were stripped out. But I'd like to hear from you, because you're on the front lines every day addressing this problem. I want to thank you for your work. And I want to hear, if you were a legislator what would you be working on to make this better for America, for migrants, for everyone?

Mr. BREEN. Thank you, Congresswoman.

I have to say I agree that money alone will certainly not solve this problem. There are a number of policy choices that have been made here that are making things considerably worse, not better.

There are a number of very specific recommendations in my submitted written testimony and in the report. In the interest of time, I'll just kind of quickly summarize. There is a lot that Congress can do.

One is to end the unnecessary and unjust detention of asylum seekers for the duration of their proceedings. We are detaining all kinds of people who have been accused of no crime and who are overwhelmingly likely to show up in court, given the opportunity and access to counsel.

I think we should be legislating access to custody and bond hearings for all asylum seekers. There's, again, no reason to be detaining a lot of these people at taxpayers' expense.

Conduct intensive oversight of Trump administration violations of U.S. asylum laws at the border. That includes detention. It also includes the migrant—perversely named migrant protection protocols that deliver people back into horrific conditions on the border, where they are preyed on by cartels, as Mr. Roy said.

We should be providing oversight and legislative compliance with the Flores settlement agreement and with other policies and legal obligations that limit the number of days children and adult migrants are to be held in CBP facilities.

Upgrade the immigration adjudication system. Continue to fund humanitarian needs of arriving refugees. And we should be supporting regional solutions through legislation and oversight. Cutting aid to the Central Triangle at the moment that this crisis is occurring is the exact opposite of wise policy.

I could go on, but I'll let others.

Mrs. MALONEY. Okay. Ms. Long.

Ms. LONG. Thank you very much. In the interest of time, I'll try to focus on recommendations that differ from the good ones that Mr. Breen has put on the table.

First, I want to emphasize the closed nature of CBP facilities like the one at Clint that I visited several weeks ago and like the ones in the Rio Grande Valley that Hope has visited previously.

Congress should urgently push CBP to develop an access policy, allow independent monitors in those facilities, allow independent doctors in those facilities, ensure that they do not remain black sites where children can be held incommunicado for weeks.

Mrs. MALONEY. Now, let me just throw out real quick. A lot of people want to help. They want to donate. We have Doctors With-

out Borders going around the world to help people. They want to go to the border and help and volunteer, and they are cutoff from helping.

You know, this toothpaste, I mean, I could call—I would send the toothpaste and toothbrushes down. Everybody would. But they're blocking donations.

You know, I think if they're not going to give blankets and toothpaste and other things, we can give it. The private sector can give it. Congress can personally give it. But they block even that help coming in.

How do we break through that?

Ms. LONG. It's actually a great segue. You know, there are communities along the border—Dr. Gutierrez is part of one of them—that are providing excellent models of humanitarian response for arrivals of asylum seekers. The Annunciation House in El Paso, the Sacred Heart Church in McAllen, these are among many others, shelters that are taking migrants now when they get out of CBP custody, providing them with medical care, clean clothes, hot food, a bit of respite.

That is the model that the United States should be exploring when it comes to the reception of asylum seekers at the border.

Mr. RASKIN. The gentlelady's time has expired. Thank you very much.

Mrs. MALONEY. If you want to submit it in writing, I'd love to see it. Thank you.

Mr. RASKIN. I know Mr. Roy is seeking one minute just to address this question of charitable donations, and he has some legislation related to that.

Mr. ROY. Yes. So I would just like to add that I, too, believe that we ought to make sure there are no barriers between the American people and anybody who wants to be able to provide services and help in any way. That's why I introduced a bill I'm happy to talk to my colleagues about allowing—that would get the Antideficiency Act out of the way or make it so that materials can be delivered.

We ought to certainly look at potentially expanding that, as I think Congressman Meadows was referencing earlier, to make sure if doctors want to provide their services pro bono, we should have those conversations as well. I certainly believe that wholeheartedly.

I would just add one little thing, the thing on the toothpaste. I mean, the rooms I've seen down there, my chief of staff was in Clint over the weekend, and there were rooms full of those materials. There's some discrepancy on the information, what is or is not true, but we should remove all barriers.

And it does—I see the looks—it does matter. I mean, because you have Border Patrol who are working hard every day to do the right thing, and I think the witnesses would agree with that. Some may not. That's fine. We can have that debate and that's what oversight is for. But it is important to recognize the hard work, the lives being saved by Border Patrol and law enforcement every day.

So thank you.

Mr. RASKIN. And I want to thank the ranking member. I want to thank vice chair, Ms. Ocasio-Cortez, Mrs. Maloney. I want to thank Mr. Jordan. And you're on for five minutes.

Mr. JORDAN. No, no, no. I just want to sneak in. I've already had my four minutes and 30 seconds.

Mr. RASKIN. Okay.

Mr. JORDAN. But if I could get an extra 30.

Mr. RASKIN. Okay.

Mr. JORDAN. I just have a quick question for Mr. Breen.

I'm just curious, Mr. Breen, what do you think the number is of folks who are in the country in some illegal capacity, whether they're overstays, visa overstays, or they're asylum seekers who didn't show up for their court date, or they got across the border?

And this is not any type of gotcha. I'm just kind of curious what the panel thinks, because we hear 11 million all the time, but we've seen this influx over the last couple years. I'm just curious what you think the overall number is.

Mr. BREEN. Congressman, my response to that is to say that—I mean, I'm a lawyer by training, as many in this room are. I believe in the American justice system. I believe in the rule of law.

We have a system to adjudicate that question. As an asylum seeker, do they qualify for asylum under U.S. law? And I think we ought to make it as easy as we possibly can for an individual who wants to make that claim and exercise that legal right to do so under the system of justice that we have.

So there's been a lot of discussion here about how many people in the system are legitimate or illegitimate asylum seekers. We have a system to adjudicate that. That system is under-resourced. It is backlogged.

Mr. JORDAN. I agree with that.

Mr. BREEN. And there are a number of policies in place right now that are, intentionally or not, the consequences are to make it much slower.

Mr. JORDAN. And I don't want to prolong a long day. We've all been here since 10 this morning. And I'm not trying to get into a debate. I'm just actually curious what people who are in this field and study this from both sides, maybe all sides of the political spectrum, what you think the number is, because I don't know that we know.

We also—actually, it's a slightly different issue—but we got this question about asking that question on the Census. It seems to me the easiest way to figure it out. But I'm just curious what you all think it is.

Mr. BREEN. I'll defer to others if they want to give you an answer on that.

Mr. JORDAN. Thank you, Mr. Chairman.

Mr. RASKIN. We'll pick it up another day, and we're definitely not going to get into the Census before we close here.

But I wanted to thank you, Mr. Jordan, for hanging in, Ms. Ocasio-Cortez, vice chair of the committee, the ranking member, Mr. Roy.

I want to thank all of our wonderful witnesses today. It's been an emotional roller coaster. We saw extraordinary testimony from Ms. Juarez, which I think has shocked the conscience of the country.

You all have offered us tremendous factual information, great analytical frameworks for understanding this, and some terrific ideas

going forward. We've taken scrupulous notes on it, and don't think that it disappears into the ether. We're going to followup on all of the great ideas that you have suggested to us today.

And we've seen a great bipartisan discussion. Let's hope we can move together across the aisle to confront this situation.

Mr. ROY. I want to just thank the chairman for his indulgence and flexibility in working together to make this long day work as well as it can. Thank you.

Mr. RASKIN. Thank you, Mr. Roy.

And thanks to all of you.

Without objection, all members will have five legislative days within which to submit additional written questions for the witnesses to the chair, which I will forward to the witnesses for their response. I ask our witnesses to please respond as promptly as you can to any further questions.

This hearing is adjourned.

[Whereupon, at 7:06 p.m., the subcommittee was adjourned.]