



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 24, 2019
(House)

STATEMENT OF ADMINISTRATION POLICY

H.R. 3239 - Humanitarian Standards for Individuals in Customs and Border Protection Custody Act

(Rep. Ruiz, D-CA, and 160 cosponsors)

The Administration opposes House passage of H.R. 3239 as currently written due to its significant legislative shortcomings. The bill purports to establish humanitarian standards for individuals in U.S. Customs and Border Protection (CBP) custody by establishing minimum standards of healthcare, hygiene, food, and shelter. As written, however, the bill would go far beyond establishing humanitarian standards for short-term detention, and would require the Department of Homeland Security (DHS) to provide comprehensive healthcare services in short-term detention facilities. The Administration is committed to the humane treatment of migrants within its custody, including at CBP short-term facilities. If fully implemented, however, the bill would require a complete overhaul of CBP facilities, increase staffing requirements beyond currently funded levels, and significantly increase the amount of time migrants spend in short-term CBP custody. These results are not in the best interests of either migrants or the United States.

The Federal Government currently takes extensive measures to ensure the humane treatment of migrants within its custody. Short-term detention by CBP is governed by the *National Standards on Transport, Escort, Detention, and Search (TEDS)*, which sets forth comprehensive, publicly available standards for CBP facilities. In accordance with TEDS, CBP treats at-risk populations, including children, UACs, pregnant individuals, and those with mental, physical, or developmental disabilities, with dignity, respect, and special concern for their particular vulnerabilities. CBP also fulfills the requirements set forth by TEDS to examine migrants for any sign of injury, illness, or health concern. CBP also conducts medical screenings of aliens entering its facilities.

The health screenings that H.R. 3239 would require over and above what CBP already provides would divert critical time and resources away from individuals who need care and impose tremendous burdens on CBP personnel and resources. They would require significant time to complete and require extensive testing, regardless of claims or the appearance of injury or illness. As a result, the bill would significantly increase aliens' time in CBP custody, which is not in the best interest of the aliens, as CBP facilities are not designed for long-term detention. The bill would also require CBP to hire or contract for additional medical professionals, mental health and other specialists, and chaperones. CBP is a law enforcement, national security organization and is not funded, equipped, or staffed to provide the level of medical care required by this bill. In order to alleviate pressures on CBP capacity, funding should be provided for additional long-term detention capacity with Immigration and Customs Enforcement (ICE) and

with respect to the care and custody of unaccompanied alien children, the Department of Health and Human Services (HHS). Added capacity at these agencies would far better serve the bill's apparent purpose of improving the medical care provided to migrants while further advancing their interests by facilitating their expeditious removal from short-term detention.

Additionally, the bill would require a wholesale reconfiguration of CBP's short-term detention facilities by requiring that space be available for medical staff and other facilities adjustments. Notably, the bill would require CBP to maintain facility occupancy ceilings even during surge periods, which would undermine full enforcement of our immigration laws. The bill would also require CBP to make changes to its facilities that would be inconsistent with, and potentially even impede, its law enforcement mission. Taken together, various provisions of the bill would require extensive and costly facility renovations or expansions to many CBP facilities along the United States southern border – without providing any funding to bring the facilities into compliance.

The Congress earlier this month passed a \$4.6 billion humanitarian border supplemental that provided much needed emergency resources and support to DHS, HHS, and the Departments of Justice and Defense. Many of these resources are being deployed to ensure alien children and families receive the care and attention they deserve and are treated fairly and humanely while in Federal custody. Further, both DHS and HHS have instituted and maintain rigorous accounting of those in Federal custody, which is reflected in publicly available and periodically updated reports.

The Administration supports legislation that would assist CBP, ICE, and HHS in meeting the humanitarian needs of those in their custody. However, as written, H.R. 3239 would place onerous requirements on CBP, while possibly hindering its law enforcement mission and diverting scarce resources away from migrants in need of care. The Administration looks forward to working with the Congress on reforms that improve conditions for migrants in CBP custody without exacerbating the challenges CBP faces in managing the surge of migrants across the United States southern border.

If H.R. 3239 were presented to the President in its current form, his advisors would recommend that he veto it.

* * * * *