

Congress of the United States
Washington, DC 20515

January 13, 2020

The Honorable Chad F. Wolf
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

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

Director Albert Dainton
Office of Management Acquisition
801 I Street, NW
Washington, DC 20536

Dear Acting Secretary Wolf, Acting Director Albence, and Director Dainton:

U.S. Immigration and Customs Enforcement (ICE) is soliciting contracts for three federal detention facilities in Texas. The request is tailored for existing facilities - the South Texas Detention Complex in Pearsall, the T. Don Hutto Residential Center in Taylor, and the Houston Processing Center in Houston. We have serious concerns with the process taken to acquire these contracts, especially the requested time frame of a ten year contract for each detention facility. In light of the solicitation appearing to violate applicable federal procurement laws, the current mismanagement over detention facilities by ICE, as well as the multiple records of abuse, we urge you to immediately suspend the current solicitation for ICE detention centers in Texas until you provide additional information about [Solicitation No. 70CDCR20R0000001](#) issued by ICE on November 21, 2019 for Multi-Texas Contract Detention Facilities.

A key standard of the federal procurement process is the requisite for “full and open” competition, barring specifically defined and narrow circumstances.¹ The intention behind ensuring a competitive bidding process is to promote fairness as well as the responsible expenditure of public funds in the selection of proposals. Yet, the requirements in this solicitation, including the need to be turnkey ready, specific mileage from select sites, and a minimum capacity of 250 people, have been implicitly tailored for CoreCivic and the GEO Group, private prison companies, to maintain their facilities for prolonged periods of time. This is especially troubling as the current operation of these three facilities fails to prove that any of them can provide for immigrants in a humane manner.

In fact, in January 2019, Williamson County elected officials voted to terminate the Intergovernmental Service Agreement (IGSA) with ICE for detention services at the T. Don

¹ 41 U.S.C. § 3301

Hutto Residential Center, following sustained community pressure concerning documented allegations of sexual abuse by a CoreCivic employee². And, last year, ICE detention facilities found 27 confirmed cases of mumps across Texas, with the largest cluster of cases at the South Texas ICE Processing Center.³ Throughout the years, ICE has shown complete negligence over detention centers across the country, and on June 3, 2019, the DHS Office of Inspector General (OIG) issued a report finding detention centers with various violations, including “nooses in detainee cells, improper and overly restrictive segregation, and inadequate detainee medical care.”⁴

We are deeply concerned by the duration of the solicitation, requesting the three detention centers contract with ICE for a ten year period. According to the capacity requirements as listed in Section F.3, these facilities would collectively detain about 3,500 adults. Many of these adults are vulnerable immigrants seeking asylum who have traveled thousands of miles, facing sexual assault, kidnapping, and death. It is worrisome that many of these individuals will now face potential abuse, inadequate medical care, and significant food safety issues, in facilities paid for by the United States government. Considering the rate that ICE provided as the expected cost of adult detention for FY19, this would mean that ICE is committing almost \$160 million for one year of custody operations to just three of its over 200 facilities⁵.

It is our responsibility as members of Congress to hold the government accountable and ensure it manages all its facilities in a humane and fiscally prudent manner. All three facilities ICE is targeting with this solicitation are notorious for a wide range of mistreatment, including various sexual assault cases and the deaths of individuals in custody. As such, we must recognize that the real cost of allowing ICE the opportunity to sustain these facilities for ten more years will be another decade of terror and abuse on our hands, in addition to fiscal mismanagement.

In light of these concerns, we urge you to suspend the current solicitation for ICE detention centers in Texas until you provide the following additional information requested about [Solicitation No. 70CDCR20R0000001](#) issued by ICE on November 21, 2019 for Multi-Texas Contract Detention Facilities:

1. All information, communications, and documentation relating to the current contracts between ICE and CoreCivic regarding the Houston Processing Center and T. Don Hutto Residential Center, as well as ICE and the GEO Group regarding the South Texas Detention Complex and any planned extensions or temporary contracts.

² <https://www.texasobserver.org/williamson-county-votes-to-end-contract-with-detention-facility-holding-separated-mothers/>

³ <https://www.houstonpublicmedia.org/articles/news/2019/02/14/321862/ice-says-there-are-27-confirmed-cases-of-mumps-in-detention-facilities-across-texas/>

⁵ <https://www.ice.gov/features/ERO-2019>

⁵ <https://www.ice.gov/features/ERO-2019>

2. All agency information, policies, communications, and documentation relating to the preparation and publication of pre-solicitation 70CDCR19R00000012 and Solicitation 70CDCR20R0000001 (Multi-Texas Contract Detention Facilities), including any information, communications, and documentation establishing the pre-solicitation and solicitation's requirements.
3. A list of all solicitations, including pre-solicitation and solicitation numbers, issued for Texas detention facilities (including Contract Detention Facilities and Intergovernmental Service Agreements) for FYs 2018, 2019, and 2020, including all entities that submitted proposals for each solicitation, the location for the facilities that they proposed to build or operate, and the awardee for each opportunity.
4. Detailed budget of funds allocated for ICE detention that demonstrates how ICE intends to fund these contracts for each of the next ten years.
5. Notices in the Federal Register issued by ICE regarding categorical exemptions, Record of Environmental Consideration (REC) approved by DHS, Final Environmental Impact Statements (EIS), Final Environmental Assessments (EA), Findings of No Significant Impact (FONSI), and Records of Decision (ROD).
6. A congressional briefing to House and Senate offices that will provide ICE's explanation and justification for soliciting three ten-year contracts in Texas

Sincerely,



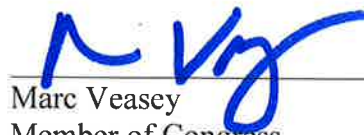
Joaquin Castro
Member of Congress



Veronica Escobar
Member of Congress



Lloyd Doggett
Member of Congress



Marc Veasey
Member of Congress



Sylvia Garcia
Member of Congress



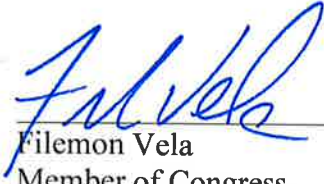
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