

The Honorable John R. Carter
U.S. Representative (TX-31)
The Honorable Sheila Jackson Lee
U.S. Representative (TX-18)

The Honorable Will Hurd
U.S. Representative (TX-23)
The Texas Congressional Delegation
U.S. House of Representatives

Jerrod Nadler
Chairman, Committee on the Judiciary
Doug Collins
Ranking Member, Committee on the Judiciary
Bennie Thompson
Chairman, Committee on Homeland Security
Mike Rogers
Ranking Member, Committee on Homeland Security

Lindsey Graham
Chairman, Committee on the Judiciary
Dianne Feinstein
Ranking Member, Committee on the Judiciary
Ron Johnson
Chairman, Committee on Homeland Security and Governmental Affairs
Gary Peters
Ranking Member, Committee on Homeland Security and Governmental Affairs

December 5, 2019

Dear Members of Congress,

On September 9, 2019, Immigration and Customs Enforcement (ICE) published a pre-solicitation notice for three 10-year contracts for federal detention facilities within the Enforcement and Removal Office's Houston and San Antonio Areas of Responsibility. On November 21, 2019, ICE then posted the actual [solicitation notice](#). The request is clearly tailored to three 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 write with grave concern about both extending the operation of these facilities with long histories of abuse and the dubious process by which ICE is seeking to acquire these contracts. **As our Congressional representatives, we urge you to use your oversight authorities to investigate ICE's attempt to circumvent procurement law and disregard community opposition to local contract extensions.**

Background

The solicitation for the acquisition of the three contract detention facilities favors existing immigrant detention centers notorious for human rights violations. In 2019, these facilities detained almost 22% of the average daily population (ADP) in Texas. All three are known to have facilitated family separations, as well as a wide range of mistreatment and abuse, including deaths and sexual assault.

1. The Houston Processing Center, currently operated by CoreCivic, has the shameful distinction of being the first private prison ever built in the United States.¹ Since 2003, the Houston Processing Center has reported at least nine deaths in which ICE's own investigations have identified more than a dozen violations of government detention standards with no record of improvement.²
2. T. Don Hutto Residential Center, which detains women, is currently in litigation for not making the contract between ICE and CoreCivic public after Williamson County commissioners voted to terminate it.³ The T. Don Hutto facility is currently operating in secrecy and has blocked community leaders from visitation to prevent any form of documentation. The facility has a long history of abuse including multiple sexual assaults by guards since 2010 and forced labor allegations currently in litigation.^{4,5,6}
3. The South Texas Detention Complex, operated by the GEO Group, has subjected immigrants to indefinite solitary confinement, often as a form of retaliation. In 2018, the South Texas Detention Complex was identified as one of the top 15 immigrant detention centers with the most placements in solitary confinement.⁷

Procurement Process

A key standard of the federal procurement process is the requisite for "full and open" competition, barring specifically defined and narrow circumstances.⁸ 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. Despite this legal requirement, ICE has engaged in deceitful practices to maximize profit and pace of expansion.

In some cases, ICE feigns competition by creating solicitations with requests so specific to its desired target(s) that no other interested party can meaningfully compete. This makes a sham of the federal procurement process. Understanding this pattern allowed us to identify the specific facilities the pre-solicitation notice was directed toward. If ICE is permitted to secure these contracts without consequence, it will be setting a dangerous precedent that will only

¹ *The CCA Story: Our Company History*

<http://www.correctionscorp.com/our-history>

² Lise Olsan, *Houston immigrant detention center has more deaths than most other centers nationwide*, Houston Chronicle (May 15, 2017),

<https://www.houstonchronicle.com/news/houston-texas/houston/article/Houston-immigrant-detention-center-has-more-11148093.php>

³ Rebeca Trejo, *Lawsuit filed over T. Don Hutto Residential Center*, ABC (September 10, 2019),

<https://www.kvue.com/article/news/local/lawsuit-filed-over-t-don-hutto-residential-center/269-89fed076-f8a3-4fb2-9ece-90414caba23a>

⁴ <https://www.courthousenews.com/wp-content/uploads/2018/02/ForcedLabor.pdf>

⁵ http://taylorpress.net/news/article_2d6a933c-ad5a-11df-ac83-001cc4c03286.html

⁶ <https://www.newsweek.com/sexual-abuse-texas-detention-center-immigrant-821240>

⁷ Nick Schwellenbach, Mia Steinle, Katherine Hawkins, Andrea Peterson, *Isolated: ICE confines some detainees with Mental Illness in Solitary for Months*, (August 14, 2019),

<https://www.pogo.org/investigation/2019/08/isolated-ice-confines-some-detainees-with-mental-illness-in-solitary-for-months/>

⁸ 41 U.S.C. § 3301

further benefit the private prison companies that profit from the pain and suffering of our communities.

Our concerns are also rooted in the long-term nature of the requested contracts. The solicitation is expected to award three individual contracts with a 10-year period of performance.⁹ ICE is already overspending the ever-increasing funds that Congress allocates for its detention account and asking to be bailed out each fiscal year. The agency's expectation to have the necessary funding to continue its expansion at will reveals its disregard for Congressional authority. This once more sets a dangerous precedent for a government agency to spend recklessly and operate without accountability. And for our communities, this means 10 more years of terror and abuse - another decade that will further entrench our state, already the leading immigrant incarcerator, in a system of for-profit mass detention.

Detention Expansion Nationwide

In California, after the passage of a law to end the use of private prisons for detention, ICE moved to extend contracts to 15 years for the four private detention centers in order to circumvent the law. Similar to the situation at the Hutto Detention Center in Texas, ICE is ignoring local initiatives in California to curb detention and moving forward with sole source contracts with the largest private prison corporations. This trend towards lengthy sole source contracts is an attempt to massively increase ICE's capacity for immigrant detention.

ICE is also continuing to expand intergovernmental service agreements in states like Louisiana and New Jersey, where efforts for criminal justice reform have led to empty jail beds. Throughout 2019, this clear intent for relentless expansion led to a historic high population of 55,000 people in ICE detention at once, with Texas holding the largest amount of people in immigrant jails per day.

Our state is ground zero for ICE, in direct conflict with our values. We are asking you, as our representatives, to recognize the wide opposition from Texan communities to continuing these contracts. The three detention centers included in the Texas solicitation are sites of abuse that must be held accountable, not handed a decade-long blank check to perpetuate further cruelty.

Given the terms of the solicitation notice and ICE's history of abuse and opacity, we request your strong public opposition to the expansion of all facilities in Texas.

We also urge that you all use your oversight authorities to investigate ICE's clear pattern of circumventing procurement law by requesting the following information from Chad F. Wolf, Acting Secretary of the U.S Department of Homeland Security and Matthew T. Albence, Acting Director of U.S. Immigration and Customs Enforcement:

⁹ Beta.sam.gov, No. 70CDCR19R00000012, <https://beta.sam.gov/opp/a5964966179d3df173032afbde1d339a/view#general>

1. All information, communications, and documentation relating to the current contracts between Houston Processing Center, T. Don Hutto Residential Center, South Texas Detention Complex and ICE and any planned extensions or temporary contracts.
2. All agency information, 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. Legal code that authorizes routine use of contract detention facilities for immigrant detention.
5. Detailed budget of funds allocated for ICE detention that demonstrates how ICE intends to fund these contracts for each of the next 10 years.

Sincerely,

Angry Tias and Abuelas of the Rio Grande Valley

Austin DSA Immigrant Rights Committee

Austin Sanctuary Network

Austin Tan Cerca de la Frontera

Baker Ripley

Bering Memorial UMC

Border Crit Institute

Children's Defense Fund

Coalition to End Child Detention-EI Paso

Daya, Inc.

Detained Migrant Solidarity Committee (DMSC)

Detention Watch Network

Doctors for Camp Closure

Dominican Sisters of Houston

Freedom for Immigrants
Fuerza del Valle Workers Center
Grassroots Leadership
Houston Immigration Legal Services Collaborative
Houston Migrant Outreach Coalition
Immigrant Legal Resource Center
Indivisible Cedar Park
Innovation Law Lab
Interfaith Welcome Coalition
La Union de Pueblo Entero (LUPE)
Labor Justice Committee
Laredo Immigrant Alliance
Mano Amiga
National Association of Social Workers-TX Chapter
National Immigrant Justice Center
Never Again Austin
Organizacion Latina de Trans en Texas
Physicians for Human Rights
Quixote Center
Refugee and Immigrant Center for Education and Legal Services (RAICES)
Sin Huellas
Southern Poverty Law Center
Texas Civil Rights Project
Texas Impact
Texas New Era Center/Jobs With Justice
Texas Organizing Project (TOP)

Texas Religious Action Center for Reform Judaism

Unidad 11

United We Dream

Waco Immigrants Alliance

Worker's Defense Project