

Congress of the United States
Washington, DC 20515

September 13, 2019

The Honorable Kevin McAleenan
Acting Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Acting Secretary McAleenan:

We write to express our outrage over the appalling treatment of children who are in Customs and Border (CBP) custody at the southern border – and thereby, request responses to the following questions. Among the horrific unsafe and unsanitary conditions in which these children were placed, the deprivation of menstrual hygiene products for detained girls further underscores the utter disregard for the safety and well-being of children.

According to court records, the testimonials¹ of detained children illustrate the clear violations of human rights against these children and by the border facility guards. From throwing food on the ground “as if they were animals” to refusing baby formula for infants; from keeping children in “small metal cages” for punishment to the outright withholding of food or clean water – it is unthinkable anyone would treat these vulnerable children in such a manner.

In particular, one girl who was detained for ten days was never offered a shower, “even though she was on her period and was given only one sanitary pad a day.” Another girl noted “they were each given one sanitary pad per day. Although the guards know they had their periods, they were not offered showers or a change of clothes, even when the other visibly bled through her pants. This girl had no choice but to continue to wear her soiled underwear and pants.”² On top of all the other inhumane violations against children’s well-being, this type of sex-based discrimination is repugnant.

Just last month, the 9th U.S. Circuit Court of Appeals ruled³ that migrant children detained by U.S. immigration authorities must be provided with edible food, clean water, and basic hygiene items. CBP’s own agency-wide policy, titled *National Standards on Transport, Escort, Detention, and Search*, states that “detainees must be provided with basic personal hygiene items” and “detainees using the restroom will have access to toiletry items, such as toilet paper and sanitary napkins.”⁴ Furthermore, included in the Consolidated Appropriations Act of 2019 (P.L. 116-6), \$192,700,000

¹ State of Washington v. Donald Trump, 2:18-cv-MJP https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/motion%20declarations%201-33.pdf

² Ibid.

³ Flores v. Barr, 2:85-cv-04544-DMG-AGR (9th Cir. 2019) <http://cdn.ca9.uscourts.gov/datastore/opinions/2019/08/15/17-56297.pdf>

⁴ U.S. Customs and Border Protection, National Standards on Transport, Escort, Detention, and Search, October 2015, <https://www.cbp.gov/sites/default/files/assets/documents/2017-Sep/CBP%20TEDS%20Policy%20Oct2015.pdf>

was included for CBP for improved medical care, transportation, and consumables to better ensure the health and safety of migrants.

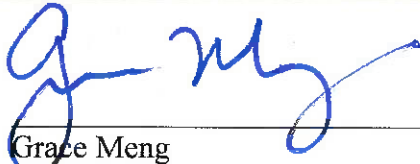
The degrading treatment of migrant children demonstrates CBP's failure to: exercise and abide by its own policy set forth to govern CBP's interaction with detained individuals; abide by the Flores agreement, which sets standard of treatment of minors in the Department's custody; and use appropriated funds as intended by Congress.

We request responses to the following questions:

- 1) Did the Department issue any directives to limit access to menstrual hygiene products to menstruating migrant girls? If not, who made the decision to limit access to menstrual hygiene products to migrant teenage girls?
- 2) What protocol is in place to ensure that migrants' access to sanitary products, particularly menstrual hygiene products, are met?
- 3) What actions will the Department take to ensure that detained children are being provided enough basic necessities as required by the Flores settlement?

Thank you for your attention to this issue. We look forward to your prompt response.

Sincerely,



Grace Meng
Member of Congress



Gwen Moore
Member of Congress



Eleanor Holmes Norton
Member of Congress



Sylvia R. Garcia
Member of Congress



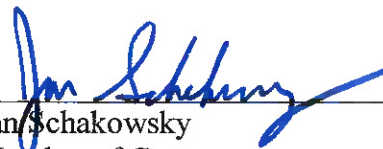
Al Green
Member of Congress



Sean Patrick Maloney
Member of Congress



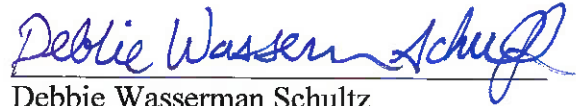
Mark Takano
Member of Congress



Jan Schakowsky
Member of Congress



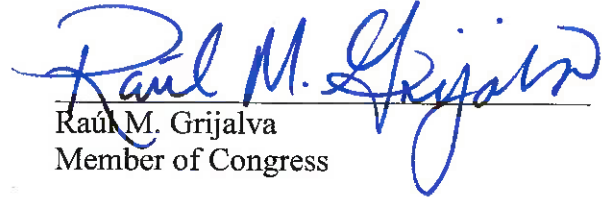
Earl Blumenauer
Member of Congress



Debbie Wasserman Schultz
Member of Congress



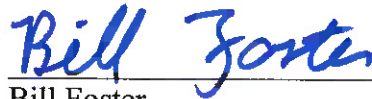
Rashida Tlaib
Member of Congress



Raúl M. Grijalva
Member of Congress



Bonnie Watson Coleman
Member of Congress



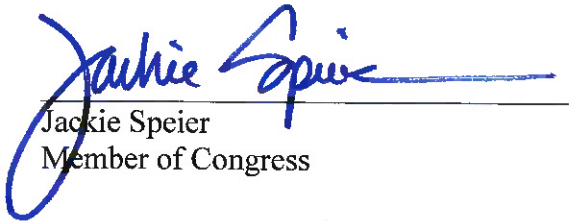
Bill Foster
Member of Congress



Barbara Lee
Member of Congress



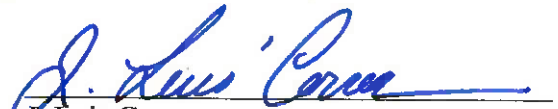
Jennifer Wexton
Member of Congress



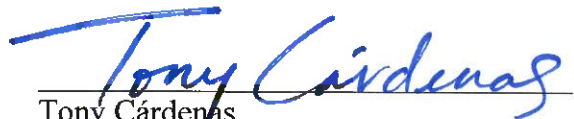
Jackie Speier
Member of Congress



Jesús G. "Chuy" García
Member of Congress



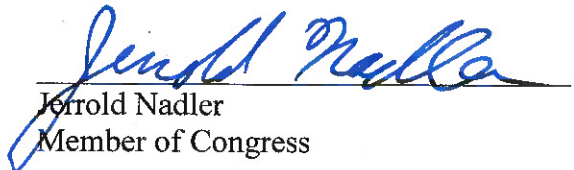
J. Luis Correa
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Tony Cárdenas
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Ro Khanna
Member of Congress



Jerrold Nadler
Member of Congress

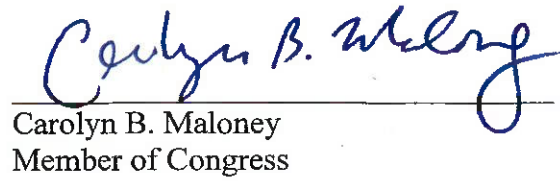


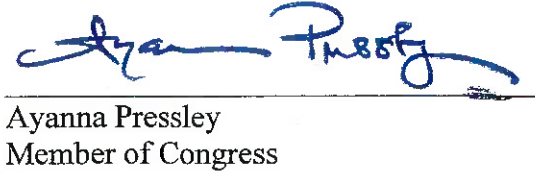
Peter Welch
Member of Congress

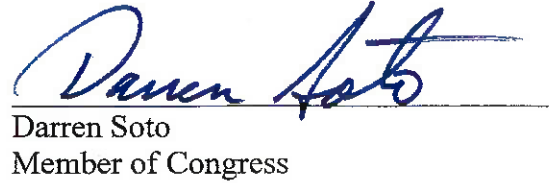


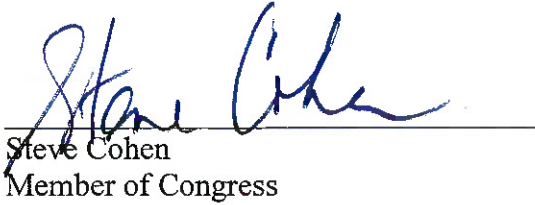
Jamie Raskin
Member of Congress

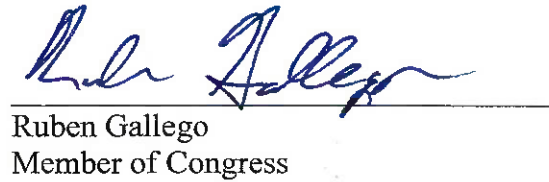

Danny K. Davis
Member of Congress


Carolyn B. Maloney
Member of Congress


Ayanna Pressley
Member of Congress

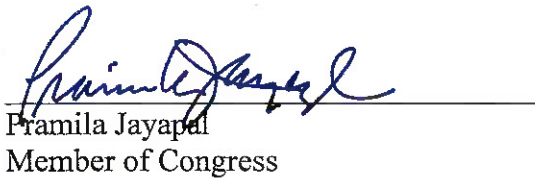

Darren Soto
Member of Congress

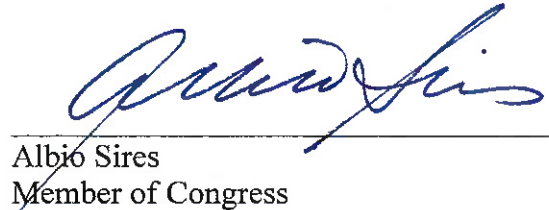

Steve Cohen
Member of Congress


Ruben Gallego
Member of Congress


Scott H. Peters
Member of Congress

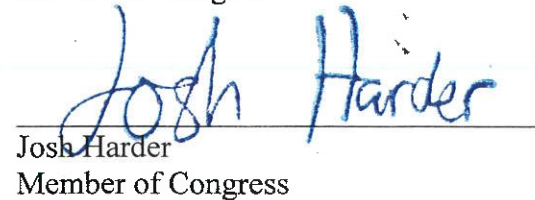

Salud O. Carbajal
Member of Congress


Pramila Jayapal
Member of Congress

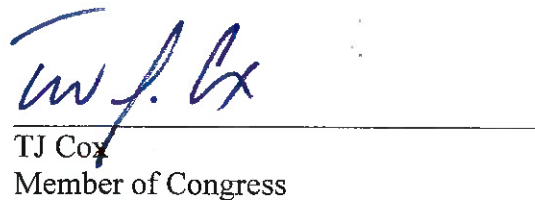

Albio Sires
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TJ Cox
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