



ICE Notification of Non-Performance-Based National Detention Standards 2011 Detention Contract (Webb County)

April 2, 2018

Fiscal Year 2018 Report to Congress



**Homeland
Security**

Under Secretary for Management

Message from the Under Secretary for Management

April 2, 2018

I am pleased to present the following report, “ICE Notification of Non-Performance-Based National Detention Standards 2011 Detention Contract” for Webb County, which has been prepared by U.S. Immigration and Customs Enforcement (ICE).

This report was compiled pursuant to the Joint Explanatory Statement accompanying the Fiscal Year 2017 Department of Homeland Security Appropriations Act (P.L. 115-31).

Pursuant to congressional guidelines, this report is being provided to the following Members of Congress:

The Honorable John R. Carter
Chairman, House Appropriations Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable John Boozman
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

Inquiries related to this report may be directed to me at (202) 447-3400 or to the Department’s Acting Chief Financial Officer, Stacy Marcott, at (202) 447-5751.

Sincerely,



Claire M. Grady
Under Secretary for Management





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I. Background

This notification has been compiled in response to the Joint Explanatory Statement accompanying the Fiscal Year 2017 Department of Homeland Security (DHS) Appropriations Act (P.L. 115-31), which states:

U.S. Immigration and Customs Enforcement (ICE) shall refrain from entering into new contracts or other agreements, or changing or significantly modifying existing contracts or other agreements, to detain individuals unless such contracts or agreements meet or exceed the Performance Based National Detention Standards (PBNDS) 2011, as revised in 2016 and which were in effect on January 1, 2017, unless the Secretary submits a report to the Committees on Appropriations of the Senate and the House of Representatives at least 30 days in advance justifying the rationale for requiring changed standards.

II. Notification

The purpose of this report is to provide Congress with the required 30-day notification that U.S. Immigration and Customs Enforcement (ICE) plans to enter into an intergovernmental service agreement (IGSA) with the County of Webb, Texas, for the use of up to 400 detention beds at the Laredo Processing Center, located at 4702 East Saunders Street, Laredo, Texas. ICE has housed detainees at the Laredo Processing Center since April 1, 2005, under a U.S. Marshals Service (USMS) intergovernmental agreement. The USMS agreement expired on February 28, 2018; therefore, ICE plans to establish its own IGSA with Webb County in order to sustain current operations.

The Laredo Processing Center, operated by CoreCivic, is one of ICE's primary detention facilities within its San Antonio Field Office. The facility housed an average of 300 detainees per day over the past 10 years. It was last inspected in June 2017 under the ICE National Detention Standards (NDS), released in 2000, and received an acceptable rating with no deficiencies found.

Under the existing USMS agreement, ICE houses detainees at a man-day rate of \$59.79. To continue operations under NDS in the new IGSA, Webb County has offered ICE a proposed man-day rate of \$65.82 for the 400 beds. The new agreement will require full compliance with DHS Final Rule, 6 CFR Part 115, *Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities*, also known as the DHS Prison Rape Elimination Act (PREA) Standards (March 7, 2014).

For the facility to implement minimum Performance-Based National Detention Standards (PBNDS) 2011 requirements, which will require additional staff, renovations, and other changes, Webb County proposes an additional man-day cost of \$10.87. This is \$16.90 above what ICE currently pays for NDS beds at the facility. At current population levels, this implementation would cost ICE an additional \$1.3 million annually or \$2 million above the current annual cost.

Based on the FY 2018 enacted budget, ICE does not have sufficient funding allocated toward detention operations to allow for this additional cost. FY 2018 funding was at a level below ICE's current detained population, and therefore ICE must minimize the financial impact of any new contracts and prioritize cost-efficient detention space. ICE intends to select Webb County's lower-cost proposal to continue housing detainees at the Laredo Processing Center in accordance with NDS.

If funding is allocated in FY 2019 to support the additional costs of implementing PBNDS 2011, ICE likely will work with the county and facility operator to adopt the newer standards.

III. Summary

An IGSA between ICE and Webb County will allow the San Antonio Field Office to continue detention operations at the Laredo Processing Center upon expiration of the current USMS agreement.

Following this notification, ICE will proceed with negotiations for an IGSA with Webb County for up to 400 detention beds operated under NDS 2000 and DHS PREA.