

Immigration Detention Bed Quota Timeline

December 2015

What is the immigration detention bed quota?

U.S. Immigration and Customs Enforcement (ICE), the interior enforcement agency of the **Department of Homeland Security (DHS)**, **detains an average of 34,000 individuals daily—nearly half a million people annually**—in a network of over 250 county jails, privately-run contract facilities, and federal facilities. This costs taxpayers more than [\\$2 billion](#) each year.¹ Since 2009, congressional appropriations laws have included language on immigration detention beds that is known as the detention bed quota. No other law enforcement agency is subject to a real or perceived quota for its detainees.

The timeline below maps the origins of the bed quota and legislative develops influenced by the National Immigrant Justice Center (NIJC) and nationwide partners to eliminate it.

<p>September 2015</p>	<p>Senator Bernie Sanders (I-VT) introduces the Justice is Not for Sale Act of 2015,² which seeks to end the bed quota among other criminal justice and immigration detention reforms. The bill is the first effort in the U.S. Senate to eliminate the bed quota. In addition, Reps. Raúl Grijalva (D-AZ), Keith Ellison (D-MN), and Bobby Rush (D-IL) introduce the bill³ in the U.S. House of Representatives.</p> <p>Reps. Smith,⁴ Deutch,⁵ Foster, Watson Coleman, Castro, and Polis offer an amendment to remove the detention bed quota from the short-term FY 2016 Continuing Resolution.⁶ The amendment is ultimately rejected.</p>
<p>July 2015</p>	<p>The House Committee on Appropriations passes the DHS Appropriations Act for 2016.⁷ The accompanying Committee report⁸ increases the bed quota to 34,040 average daily detention beds: 31,280 for adults at an estimated cost of \$123.54 per bed and 2,760 family detention beds at an estimated daily cost of \$342.73.</p>
<p>June 2015</p>	<p>The Senate Appropriations Committee passes the DHS Appropriations Bill for 2016. In the accompanying report,⁹ the Committee recommends that funding provide the “resources necessary to maintain 34,000 detention beds” and states its expectation for “ICE to vigorously enforce all immigration laws under its purview.”</p> <p>Rep. Ted Deutch (D-FL) introduces the Protecting Taxpayers and Communities from Local Detention Quotas Act (H.R. 2808). The bill seeks to end the practice of including guaranteed bed minimums in immigration detention contracts. Reps. Bill Foster (D-IL), Lloyd Doggett (D-TX), Grijalva, Jan Schakowsky (D-IL), Adam Smith (D-WA), and Bonnie Watson Coleman (D-NJ) co-sponsor the bill.</p>
<p>May 2015</p>	<p>Democratic presidential candidate Hillary Clinton criticizes the bed quota stating that “People go out and round up people in order to get paid on a per-bed basis. That just makes no sense at all to me. That’s not the way we should be running any detention facility.”¹⁰</p> <p>Rep. Smith reintroduces the Accountability in Immigration Detention Act. Originally introduced in 2014, the bill seeks to end the bed quota in addition to other immigration detention reforms.</p>

	Reps. Suzan DelBene (D-WA), Deutch, Foster, Grijalva, Rick Larsen (D-WA), Jim McDermott (D-WA), Beto O'Rourke (D-TX), and Mike Quigley (D-IL) co-sponsor the bill. ¹¹
April 2015	Rep. John Culberson (R-TX) insists that U.S. Immigration and Customs Enforcement (ICE) must enforce the immigration detention bed quota during a House Appropriations Homeland Security Subcommittee hearing ¹² on ICE's 2016 budget request . ¹³ In her testimony, Sarah R. Saldana, ICE Director, reiterated DHS's position that the bed quota requires DHS to maintain 34,000 beds, not detain 34,000 people per day.
March 2015	The Congressional Progressive Caucus releases their FY 2016 budget alternative called The People's Budget: A Raise for America . ¹⁴ The budget blueprint includes elimination of the bed quota. Reps. Deutch and Foster, along with 60 members of Congress, write a letter to the House Appropriations Committee calling for elimination of the bed quota in FY 2016 appropriations. ¹⁵
January 2015	Reps. Deutch and Foster introduce an amendment ¹⁶ to eliminate the bed quota from the DHS Appropriations Act of 2015 (HR 240). ¹⁷ Reps. Adam Smith, Joaquin Castro (D-TX), Beto O'Rourke (D-TX), and Jared Polis (D-CO) also co-sponsor the amendment, which ultimately is rejected. The House of Representatives pass the DHS Appropriations Act of 2015 (HR 240). ¹⁸ The bill increases Custody Operations funding by \$385 million to maintain the 34,000 bed quota. ¹⁹
December 2014	Reps. Deutch and Foster introduce ²⁰ an amendment ²¹ to eliminate the bed quota from the FY 15 Omnibus Appropriations Bill . ²² Since the bill was considered under a closed rule with no amendments allowed, the amendment did not receive a vote. Although the omnibus funds the federal government through September 30, 2015, DHS is funded on a short-term continuing resolution that expires February 27, 2015. Consequently, Congress will debate DHS funding again early next year.
August 2014	The DHS Office of the Inspector General (OIG) releases a revised report on the February 2013 release of Immigration and Customs Enforcement (ICE) immigration detainees due to sequestration. ²³ In the report, the OIG acknowledges that "The [average daily population (ADP)] congressional mandate requires [Enforcement and Removal Operations (ERO)] to make release decisions based on bed space availability, not whether detention is necessary for public safety or to effect removals." ²⁴ The OIG recommends that ICE needs the authority to determine when individuals should be detained. Without this authority, OIG states that "ICE will continue to make detention decisions based on available funding rather than the most efficient use of detention bed space." ²⁵
June 2014	Rep. Mike Quigley (D-IL) introduces an amendment to eliminate the bed quota during the House Appropriations Committee hearing on June 11 th . Reps. Mike Honda (D-CA), José Serrano (D-NY), and David Valadao (R-CA) all spoke in favor of the amendment . ²⁶ Rep. Valadao's comments marked the first time a Republican directly spoke out in opposition to the bed quota. Ultimately, Rep. Quigley withdrew the amendment; however, no one spoke out in opposition to the amendment.
May 2014	Rep. Adam Smith (D-WA) introduces the Accountability in Immigration Detention Act of 2014, which aims to improve standards and living conditions in detention centers across the country. The legislation eliminates the bed quota, stating that "the number of detention beds maintained shall be determined by the Secretary of Homeland Security and shall be based solely on detention needs." ²⁷ The <i>Los Angeles Times</i> publishes an editorial entitled, " Dump the Immigrant Detainee "

	Quota . ²⁸
April 2014	The OMB states in writing that the fiscal year (FY) 2015 budget request does not include appropriations language requiring ICE to maintain a specified number of beds per day, and instead urges the number of beds utilized to “be based on actual demand, to include those for whom detention is required by law (i.e., mandatory detainees) and higher-priority, non-mandatory individuals. Lower-priority individuals should be placed in alternatives to detention programs.” ²⁹
March 2014	The president’s 2015 proposed budget advocates for the increased use of alternatives to detention and restricting detention to “mandatory and priority individuals, including violent criminals and those who pose a threat to national security.” ³⁰ Although the proposed budget deletes language from the FY 2014 budget that required DHS to maintain at least 34,000 detention beds, the DHS Budget-In-Brief explains that its request for \$1.3 billion is to fund 30,539 detention beds. ³¹ The DHS Congressional Budget Justification ³² explains that the administration seeks removal of the reference to maintenance of 34,000 beds because “[t]he number of beds maintained should be based on actual need.” DHS Secretary Jeh Johnson explained to House appropriators that he views the quota as a requirement to “maintain the capability for 34,000 detainees” and not that DHS “must maintain 34,000 detainees at any one time.” ³³
February 2014	Representatives Deutch (D-FL) and Foster (D-IL), along with 26 other members of Congress, deliver a letter to the Office of Management and Budget (OMB) requesting an end to the bed quota in order to “use detention beds based on actual need and the potential risk posed by individual detainees.” ³⁴ Detainees at the Northwest Detention Center in Tacoma, Washington begin a hunger strike, citing poor detention conditions and capture the attention of Rep. Adam Smith (D-WA), who reaches out to DHS Secretary Johnson about his concerns . ³⁵
January 2014	Advocates organize “Eliminate the Quota” sign-on letters to Congress ³⁶ (Members of the Senate and House Appropriations Committees) and the White House ³⁷ signed by 136 non-governmental organizations (NGOs). Reps. Bill Foster (D-IL) and Ted Deutch (D-FL) introduce an amendment to eliminate the bed quota in the FY 2014 omnibus appropriations bill. ³⁸ Since the bill is voted on in a closed rule, votes on amendments are not permitted. ³⁹ The final Consolidated Appropriations Act of 2014 states that DHS “shall maintain a level of not less than 34,000 detention beds.” ⁴⁰
Sept. - Nov. 2013	Flurry of media coverage over the bed quota, including 10 prominent media stories in Bloomberg , Washington Post , Univision , Marketplace , The Hill , MSNBC , NPR , and the Houston Chronicle . ⁴¹ <i>Bloomberg</i> runs an editorial entitled “ The Madness of U.S. Immigration Policy .” ⁴²
September 2013	65 House Democrats send a letter to President Obama urging elimination of the bed quota from future budget requests. ⁴³
June 2013	The House votes on the first-ever amendment (HR 2217) ⁴⁴ to eliminate the bed quota from the FY 14 DHS appropriations bill . ⁴⁵ The amendment is sponsored by Reps. Bill Foster (D-IL) and Ted Deutch (D-FL) and receives the support of 190 Members, including eight Republicans. ⁴⁶ NGOs deliver a letter signed by 65 organizations to House Speaker John Boehner (R-OH) and House Minority Leader Nancy Pelosi (D-CA) asking them to support the amendment to eliminate the quota. ⁴⁷

<p>April 2013</p>	<p>The president releases his proposed FY 2014 Budget, promoting the expansion of alternatives to detention programs in order to “ensure the most cost-effective use of federal dollars.”⁴⁸ The proposed budget also prioritizes detention resources for priority and mandatory detainees calling for a 6.5 percent reduction in bed space to 31,800.⁴⁹</p> <p>In testimony before the House Appropriations Subcommittee on Homeland Security’s hearing on the president’s FY 2014 budget, DHS Secretary Janet Napolitano calls the bed quota “artificial” and states that “We ought to be managing the actual detention population to risk, not an arbitrary number.”⁵⁰</p>
<p>March 2013</p>	<p>Congress passes a second continuing resolution for the remainder of FY 2013 that increases the bed quota, stating that DHS “shall maintain a level of not less than 34,000 detention beds.”⁵¹</p> <p>The House Judiciary Committee calls a hearing asking ICE to explain the February releases of detainees, providing an unprecedented discussion by both Republicans and Democrats about the overuse of immigration detention and the bed quota itself.⁵² During the hearing, Rep. Spencer Bachus (R-AL) questions ICE’s use of detention, stating “It looks to me maybe there’s an overuse of detention by this administration.”⁵³</p>
<p>February 2013</p>	<p>ICE releases approximately 2,000 detainees over a two-week period to plan for the possibility of sequestration and budget constraints as a result of the six-month continuing resolutions.⁵⁴</p>
<p>September 2012</p>	<p>Congress fails to pass the appropriations bills for FY 2013 and instead passes a six-month continuing resolution that maintains FY 2012 funding levels for detention.⁵⁵</p>
<p>February 2012</p>	<p>The president’s proposed FY 2013 budget⁵⁶ slightly reduces requested detention spending to 32,800 beds. The DHS appropriations bill passed by the House maintains 34,000 beds,⁵⁷ while the DHS appropriations bill introduced but not passed by the Senate includes 33,400 beds.⁵⁸</p>
<p>2011</p>	<p>The president requests to maintain a level of 33,400 detention beds in the FY 2012 budget.⁵⁹</p> <p>Congress does not pass the DHS appropriations bill for FY 2012, and instead passes the Consolidated Appropriations Act of 2012, raising the level up to 34,000.⁶⁰</p>
<p>2010</p>	<p>President Obama’s proposed budget for FY 2011 matches the same level of funding for 33,400 detention beds as FY 2010 congressional appropriations.⁶¹</p> <p>The DHS Appropriations Act of 2011⁶² includes the same language as the DHS Appropriations Act of 2010,⁶³ providing a mandate for 33,400 detention beds. However, Congress does not pass the bill and instead passes a series of continuing resolutions that maintain FY 2010 funding levels.</p>
<p>2009</p>	<p>Senator Robert Byrd (D-WV), chair of the Senate Appropriations Committee, introduces the bed quota into the DHS Appropriations Act of 2010, where language mandating that DHS “maintain a level of not less than 33,400 detention beds” is first included.⁶⁴</p>
<p>2007</p>	<p>The House Committee on Appropriations passes the DHS Appropriations Act for 2008.⁶⁵ In the accompanying report⁶⁶, the Committee provides funding for 28,450 average daily detention beds and states its expectation that “this increase in bed space is sufficient to maintain the ICE practice of repatriating all illegal crossers apprehended at the borders.”</p>
<p>2006</p>	<p>During the signing⁶⁷ of the DHS Appropriations Act for 2007,⁶⁸ President Bush notes that the act “will allow us to add at least 6,700 new beds in detention centers,” providing for a total of 27,500 beds.⁶⁹</p>
<p>2004</p>	<p>The Intelligence Reform and Terrorism Prevention Act of 2004 directs DHS to increase the immigration detention capacity by at least 8,000 beds each year from fiscal years (FY) 2006 to</p>

	2010. ⁷⁰
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Endnotes

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