

# Immigration Detention Bed Quota Timeline

Spring 2014

## What is the immigration detention bed quota?

U.S. Immigration and Customs Enforcement (ICE), the interior enforcement agency of the **U.S. Department of Homeland Security (DHS)**, detains an average of **34,000 men, women and children daily—nearly half a million people annually**—in a network of more than 250 county jails, privately-run contracted facilities, and federal facilities. This costs taxpayers more than \$2 billion each year.<sup>1</sup> 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 developments influenced by the National Immigrant Justice Center (NIJC) and nationwide partners to eliminate it.

<p><b>May 2014</b></p>	<p>Rep. Adam Smith (D-WA) introduces the <a href="#">Accountability in Immigration Detention Act</a> of 2014, which aims to improve national standards and living conditions in detention centers. 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.”<sup>2</sup></p> <p>The <i>Los Angeles Times</i> published an editorial titled, “<a href="#">Dump the Immigrant Detainee Quota</a>.”<sup>3</sup></p>
<p><b>April 2014</b></p>	<p>The Office of Management and Budget (OMB) <a href="#">states in writing</a> 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.”<sup>4</sup></p>
<p><b>March 2014</b></p>	<p>The President’s <a href="#">2015 proposed budget</a><sup>5</sup> advocates for 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.”<sup>6</sup> Although the proposed budget deletes language from the FY 2014 budget that required DHS to maintain at least 34,000 detention beds, the <a href="#">DHS Budget-In-Brief</a> explains that its request for \$1.3 billion is to fund 30,539 detention beds.<sup>7</sup> The <a href="#">DHS Congressional Budget Justification</a><sup>8</sup> 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.” <a href="#">DHS Secretary Jeh Johnson explained</a> 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.”<sup>9</sup></p>

<p><b>February 2014</b></p>	<p>Representatives Deutch (D-FL) and Foster (D-IL), along with 26 other members of Congress, deliver a letter to the 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.”<sup>10</sup></p> <p>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 <a href="#">concerns</a>.<sup>11</sup></p>
<p><b>January 2014</b></p>	<p>Advocates organize “Eliminate the Quota” sign-on letters to <a href="#">Congress</a><sup>12</sup> (Members of the Senate and House Appropriations Committees) and the <a href="#">White House</a><sup>13</sup> signed by 136 non-governmental organizations (NGOs).</p> <p>Representatives. Bill Foster (D-IL) and Ted Deutch (D-FL) introduce an <a href="#">amendment</a> to eliminate the bed quota in the FY 2014 omnibus appropriations bill.<sup>14</sup> Since the bill is voted on in a closed rule, votes on amendments are not permitted.<sup>15</sup> The final <a href="#">Consolidated Appropriations Act of 2014</a> states that DHS “shall maintain a level of not less than 34,000 detention beds.”<sup>16</sup></p>
<p><b>Sept. - Nov. 2013</b></p>	<p>There is a flurry of <a href="#">media coverage</a> over the bed quota, including 10 prominent media stories in <a href="#">Bloomberg</a>, <a href="#">Washington Post</a>, <a href="#">Univision</a>, <a href="#">Marketplace</a>, <a href="#">The Hill</a>, <a href="#">MSNBC</a>, <a href="#">NPR</a>, and the <a href="#">Houston Chronicle</a>.<sup>17</sup></p> <p><i>Bloomberg</i> published an editorial entitled “<a href="#">The Madness of U.S. Immigration Policy</a>.”<sup>18</sup></p>
<p><b>September 2013</b></p>	<p>65 House Democrats send a <a href="#">letter</a> to President Obama urging elimination of the bed quota from future budget requests.<sup>19</sup></p>
<p><b>June 2013</b></p>	<p>The House <a href="#">votes</a> on the first-ever <a href="#">amendment</a> (HR 2217)<sup>20</sup> to eliminate the bed quota from the <a href="#">FY 14 DHS appropriations bill</a>.<sup>21</sup> The amendment is sponsored by Reps. Bill Foster (D-IL) and Ted Deutch (D-FL) and receives the support of 190 Members, including 8 Republicans.<sup>22</sup></p> <p>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.<sup>23</sup></p>
<p><b>April 2013</b></p>	<p>The president releases his proposed <a href="#">FY 2014 Budget</a>, promoting the expansion of alternatives to detention programs in order to “ensure the most cost-effective use of federal dollars.”<sup>24</sup> 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.<sup>25</sup></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.”<sup>26</sup></p>
<p><b>March 2013</b></p>	<p>Congress passes a <a href="#">second continuing resolution</a> 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.”<sup>27</sup></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.<sup>28</sup> 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.”<sup>29</sup></p>

<b>February 2013</b>	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. <sup>30</sup>
<b>September 2012</b>	Congress fails to pass the appropriations bills for FY 2013 and instead passes a <a href="#">six-month continuing resolution</a> that maintains FY 2012 funding levels for detention. <sup>31</sup>
<b>February 2012</b>	The president's proposed <a href="#">FY 2013 budget</a> <sup>32</sup> slightly reduces requested detention spending to 32,800 beds. The <a href="#">DHS appropriations bill</a> passed by the House maintains 34,000 beds, <sup>33</sup> while the <a href="#">DHS appropriations bill</a> introduced but not passed by the Senate includes 33,400 beds. <sup>34</sup>
<b>2011</b>	The president requests to maintain a level of 33,400 detention beds in the FY 2012 budget. <sup>35</sup> Congress does not pass the DHS appropriations bill for FY 2012, and instead passes the <a href="#">Consolidated Appropriations Act of 2012</a> , raising the level to 34,000. <sup>36</sup>
<b>2010</b>	President Obama's proposed budget for FY 2011 matches the same level of funding for 33,400 detention beds as FY 2010 congressional appropriations. <sup>37</sup> The <a href="#">DHS Appropriations Act of 2011</a> <sup>38</sup> includes the same language as the DHS Appropriations Act of 2010, 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.
<b>2009</b>	Senator Robert Byrd (D-WV), chair of the Senate Appropriations Committee, introduces the bed quota into the <a href="#">DHS Appropriations Act of 2010</a> , <b>where language mandating that DHS "maintain a level of not less than 33,400 detention beds" is first included.</b> <sup>39</sup>
<b>2006</b>	During the signing <sup>40</sup> of the <a href="#">DHS Appropriations Act for 2007</a> , 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. <sup>41</sup>
<b>2004</b>	The <a href="#">Intelligence Reform and Terrorism Prevention Act of 2004</a> directs DHS to increase the immigration detention capacity by at least 8,000 beds each year from fiscal years (FY) 2006 to 2010. <sup>42</sup>

## Endnotes

<sup>1</sup> "Consolidated Appropriations Act of 2014." 113 (H.R. 3547), P.L. 113-76, <http://www.gpo.gov/fdsys/pkg/BILLS-113hr3547enr/pdf/BILLS-113hr3547enr.pdf>, pp. 247.

<sup>2</sup> "Accountability in Immigration Detention Act of 2014," Sec. 4(a), available at: [http://adamsmith.house.gov/uploadedfiles/final\\_-\\_accountability\\_in\\_immigration\\_detention\\_act\\_of\\_2014.pdf](http://adamsmith.house.gov/uploadedfiles/final_-_accountability_in_immigration_detention_act_of_2014.pdf).

<sup>3</sup> Times Editorial Board. "Editorial: Dump the Immigrant Detainee Quota." *The Los Angeles Times*. 8 May 2014. Available at: <http://www.latimes.com/opinion/editorials/la-ed-immigrant-detainee-quota-homeland-security-20140509-story.html>.

<sup>4</sup> Available at:

<http://immigrantjustice.org/sites/immigrantjustice.org/files/OMB%20response%20to%20Detention%20Bed%20Letter%20in%20FY15%20budget%20041014.pdf>.

<sup>5</sup> U.S. Office of Management and Budget. *Fiscal Year 2015 Budget of the U.S. Government*. Washington: U.S. G.P.O., 2014. <http://www.gpo.gov/fdsys/pkg/BUDGET-2015-BUD/pdf/BUDGET-2015-BUD.pdf>

<sup>6</sup> U.S. Office of Management and Budget. *Fiscal Year 2015 Budget of the U.S. Government*. Washington: U.S. G.P.O., 2014. <http://www.gpo.gov/fdsys/pkg/BUDGET-2015-BUD/pdf/BUDGET-2015-BUD.pdf>

<sup>7</sup> U.S. Department of Homeland Security. *Budget-in-Brief Fiscal Year 2014*. <https://www.dhs.gov/sites/default/files/publications/FY-2015-BIB.pdf>, pp. 13.

<sup>8</sup> U.S. Department of Homeland Security. *FY 2015 Budget Overview*. <http://www.dhs.gov/sites/default/files/publications/DHS-Congressional-Budget-Justification-FY2015.pdf>.

<sup>9</sup> *President Obama's Fiscal Year 2015 Budget Proposal for the Department of Homeland Security: Hearing before the Appropriations Subcommittee on Homeland Security of the House of Representatives*, 113<sup>th</sup> Cong. 11 Mar. 2014, Available at:

<http://appropriations.house.gov/calendar/eventsingle.aspx?EventID=371296>.

<sup>10</sup> Available at:

[http://immigrantjustice.org/sites/immigrantjustice.org/files/2014\\_02\\_12%20OMB%20re%20Detention%20Bed%20Mandate%20FY15%20Budget%20SIGNED%20LETTER.pdf](http://immigrantjustice.org/sites/immigrantjustice.org/files/2014_02_12%20OMB%20re%20Detention%20Bed%20Mandate%20FY15%20Budget%20SIGNED%20LETTER.pdf)

<sup>11</sup> Office of Congressman Adam Smith. "Smith Expresses Concerns About Hunger Strike, Deportation Policy to DHS Secretary Jeh Johnson" [Press Release], 24 Mar. 2014, available at:

<http://adamsmith.house.gov/news/documentsingle.aspx?DocumentID=373759>.

<sup>12</sup> Available at: [http://immigrantjustice.org/sites/immigrantjustice.org/files/FINAL%20NGO%20sign-on%20bed%20mandate%20-%20Congress%201.24.14\\_1.pdf](http://immigrantjustice.org/sites/immigrantjustice.org/files/FINAL%20NGO%20sign-on%20bed%20mandate%20-%20Congress%201.24.14_1.pdf).

<sup>13</sup> Available at: [http://immigrantjustice.org/sites/immigrantjustice.org/files/FINAL%20NGO%20sign-on%20bed%20mandate%20-%20White%20House%201.24.2014\\_1.pdf](http://immigrantjustice.org/sites/immigrantjustice.org/files/FINAL%20NGO%20sign-on%20bed%20mandate%20-%20White%20House%201.24.2014_1.pdf).

<sup>14</sup> Amendment to Rules Committee Print 113-32 to the Consolidated Appropriations Act of 2014, Offered by Congressman Ted Deutch, [http://amendments-rules.house.gov/amendments/DEUTCH\\_039\\_xml114141444434443.pdf](http://amendments-rules.house.gov/amendments/DEUTCH_039_xml114141444434443.pdf).

<sup>15</sup> Wasson, E. "Republican Leaders Start Selling Omnibus." *The Hill*. Jan. 14, 2014. <http://thehill.com/blogs/on-the-money/appropriations/195364-gop-leaders-starts-selling-omnibus-to-members>.

<sup>16</sup> "Consolidated Appropriations Act of 2014." 113 (H.R. 3547), P.L. 113-76, <http://www.gpo.gov/fdsys/pkg/BILLS-113hr3547enr/pdf/BILLS-113hr3547enr.pdf>, pp. 247.

<sup>17</sup> Available at: <http://immigrantjustice.org/sites/immigrantjustice.org/files/Media%20C>

<sup>18</sup> The Editors. "The Madness of U.S. Immigration Policy, Continued." *Bloomberg*. 26 Sept. 2013. Available at:

<http://www.bloombergview.com/articles/2013-09-26/the-madness-of-u-s-immigration-policy-continued>.

<sup>19</sup> Available at: [http://teddeutch.house.gov/uploadedfiles/deutch\\_foster\\_detention\\_letter.pdf](http://teddeutch.house.gov/uploadedfiles/deutch_foster_detention_letter.pdf)

<sup>20</sup> H. Amdt. 107, 113<sup>th</sup> Congress, June 5, 2013, <http://beta.congress.gov/crec/2013/06/05/CREC-2013-06-05-pt1-PgH3110-4.pdf>, pp. H3142.

<sup>21</sup> "Department of Homeland Security Appropriations Act, 2014." (H.R. 2217) <http://www.gpo.gov/fdsys/pkg/CRPT-113hrpt91/pdf/CRPT-113hrpt91.pdf>

<sup>22</sup> U.S. Office of the Clerk: House of Representatives. 5 June 2013. <http://clerk.house.gov/evs/2013/roll198.xml>

<sup>23</sup> Available at: <http://immigrantjustice.org/sites/immigrantjustice.org/files/Sign%20On%20Letter%20-%20Support%20Approps%20Amdt%20to%20End%20Bed%20Mandate%202013%2006%2005%20FINAL.pdf>

<sup>24</sup> U.S. Office of Management and Budget. *Fiscal Year 2014 Budget of the U.S. Government*. Washington: U.S. G.P.O., 2013.

<http://www.gpo.gov/fdsys/pkg/BUDGET-2014-BUD/pdf/BUDGET-2014-BUD.pdf>

<sup>25</sup> U.S. Department of Homeland Security. *Budget-in-Brief Fiscal Year 2014*.

[https://www.dhs.gov/sites/default/files/publications/MGMT/FY%202014%20BIB%20-%20FINAL%20-508%20Formatted%20\(4\).pdf](https://www.dhs.gov/sites/default/files/publications/MGMT/FY%202014%20BIB%20-%20FINAL%20-508%20Formatted%20(4).pdf), pp. 130.

<sup>26</sup> *President Obama's Fiscal 2014 Budget Proposal for the Homeland Security Department: Hearing before the Appropriations Subcommittee on Homeland Security of the House of Representatives*. 113<sup>th</sup> Cong. 13 (2013).

[http://www.micevhill.com/attachments/immigration\\_documents/hosted\\_documents/113th\\_congress/TranscriptOfHouseAppropriationsSubcommitteeHearingOnFY14DHSAppropriations.pdf](http://www.micevhill.com/attachments/immigration_documents/hosted_documents/113th_congress/TranscriptOfHouseAppropriationsSubcommitteeHearingOnFY14DHSAppropriations.pdf).

<sup>27</sup> "Consolidated and Further Continuing Appropriations Act, 2013." 113 (H.R. 933), P.L. 113-6, <http://www.gpo.gov/fdsys/pkg/BILLS-113hr933enr/pdf/BILLS-113hr933enr.pdf>, pp. 150.

<sup>28</sup> Bernstein Murray, R. "House Budget Bill Attempts to Thwart Congress's Progress on Immigration Detention Reform." *The Hill*. May 30, 2013. <http://thehill.com/blogs/congress-blog/homeland-security/302563-house-budget-bill-attempts-to-thwart-congresss-progress-on-immigration-detention-reform>.

<sup>29</sup> Wessler, S.F. "Alabama Republican Congressman Says Obama 'Overusing' ICE Detention." *Colorlines*. Mar. 19, 2013.

<http://colorlines.com/archives/2013/03/alabama-republican-congressman-says-obama-overusing-ice-detention.html>.

<sup>30</sup> Semple, K. "Mass Release of Immigrants is Tied to Impending Cuts." *New York Times*. Feb. 26, 2013.

[http://www.nytimes.com/2013/02/27/us/immigrants-released-ahead-of-automatic-budget-cuts.html?\\_r=0](http://www.nytimes.com/2013/02/27/us/immigrants-released-ahead-of-automatic-budget-cuts.html?_r=0)

<sup>31</sup> "Continuing Appropriations Resolution, 2013," 112<sup>th</sup> Congress, (H.J. Res. 117), P.L. 112-175, <http://www.gpo.gov/fdsys/pkg/PLAW-112publ175/html/PLAW-112publ175.htm>

<sup>32</sup> U.S. Department of Homeland Security. *FY 2013 Budget in Brief*. <http://www.dhs.gov/xlibrary/assets/mgmt/dhs-budget-in-brief-fy2013.pdf>.

<sup>33</sup> "Department of Homeland Security Appropriations Act, 2012." 112<sup>th</sup> Congress (H.R. 2017), <http://www.gpo.gov/fdsys/pkg/BILLS-112hr2017eh/pdf/BILLS-112hr2017eh.pdf>, pp. 19.

<sup>34</sup> "Department of Homeland Security Appropriations Bill, 2012." 112<sup>th</sup> Congress (Senate Report 112-074), <http://www.gpo.gov/fdsys/pkg/CRPT-112srpt74/pdf/CRPT-112srpt74.pdf>, pp. 57.

<sup>35</sup> U.S. Department of Homeland Security. *Budget-in-Brief Fiscal Year 2012*. <http://www.dhs.gov/xlibrary/assets/budget-bib-fy2012.pdf>, pp. 10.

<sup>36</sup> "Consolidated Appropriations Act, 2012." 112<sup>th</sup> Congress (H.R. 2055). <http://www.gpo.gov/fdsys/pkg/BILLS-112hr2055enr/pdf/BILLS-112hr2055enr.pdf>

<sup>37</sup> President Obama's Proposed FY 2011 Budget for the Department of Homeland Security, Feb. 1, 2010. <http://www.gpo.gov/fdsys/pkg/BUDGET-2011-APP/pdf/BUDGET-2011-APP-1-12.pdf>, pp. 530.

<sup>38</sup> "Department of Homeland Security Appropriations Act, 2011." 112 (H.R. 3081), P.L. 111-242, <http://www.gpo.gov/fdsys/pkg/PLAW-111publ242/pdf/PLAW-111publ242.pdf>, pp. 8.

<sup>39</sup> "Department of Homeland Security Appropriations Act, 2010." 111 (H.R. 2892) <http://www.gpo.gov/fdsys/pkg/BILLS-111hr2892enr/pdf/BILLS-111hr2892enr.pdf>.

<sup>40</sup> "President Bush Signs Department of Homeland Security Appropriations Act." Address. The Camelback Inn, Scottsdale. White House Archives, 4 Oct. 2006. <http://georgewbush-whitehouse.archives.gov/news/releases/2006/10/20061004-2.html>.

<sup>41</sup> "Department of Homeland Security Appropriations Act, 2007." 109 (H.R. 5441) <http://www.gpo.gov/fdsys/pkg/BILLS-109hr5441enr/pdf/BILLS-109hr5441enr.pdf>.

<sup>42</sup> "Intelligence Reform and Terrorism Prevention Act of 2004." 108 (H.R. 5441), P.L. 108-458, Dec. 17, 2004. <http://www.intelligence.senate.gov/laws/pl108-458.pdf>, pp. 98.