

# Congress of the United States

## House of Representatives

Washington, D.C. 20515

November 4, 2022

The Honorable Gene L. Dodaro  
Comptroller General  
U.S. Government Accountability Office  
441 G Street N.W.  
Washington, DC 20548

Dear Comptroller General Dodaro:

We are writing to request that the U.S. Government Accountability Office (GAO) conduct a review of U.S. Customs and Border Protection's (CBP) activities, policies, and procedures regarding the handling of personal property belonging to individuals in its custody.

As GAO reported in September 2022, individuals typically come into CBP short-term custody after being apprehended by Border Patrol agents or being deemed inadmissible to the U.S. at a port of entry by a CBP officer.<sup>1</sup> CBP retains custody of individuals at short-term holding facilities in a secure hold room or cell to complete processing and determine the next appropriate course of action. Such actions could include a transfer of custody to another agency, removal from the country, permission to voluntarily return, or conditional release pending the outcome of removal proceedings.

In October 2015, CBP issued its National Standards on Transport, Escort, Detention and Search (TEDS), which established minimum standards for the short-term custody of individuals held by CBP components in holding facilities nationwide. These standards govern how CBP—including U.S. Border Patrol—should care for individuals in short-term custody, including standards for handling their personal property. For example, TEDS states that all individuals' personal property discovered during apprehension or processing and not deemed to be contraband will be safeguarded, itemized, and documented in the appropriate electronic system of record.

Media outlets and other organizations have reported concerns about Border Patrol agents confiscating asylum seekers' religious headwear as well as not returning or improperly discarding personal property belonging to apprehended individuals along the southwest border.

In light of these concerns, we request that GAO address the following questions:

1. How does Border Patrol collect, store, transfer, and return the personal property of individuals apprehended along the southwest border?

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<sup>1</sup> U.S. Government Accountability Office, *Southwest Border: CBP Oversees Short-Term Custody Standards, but Border Patrol Could Better Monitor Care of At-Risk Individuals*, GAO-22-015321 (Washington, D.C.: September 28, 2022).

2. To what extent does Border Patrol oversee how agents handle personal property of individuals in custody, including items of religious significance?
3. What complaint mechanisms or other processes does DHS or Border Patrol have in place to address allegations of agents mishandling, discarding, or not returning the personal property of apprehended individuals?

We look forward to working with you and your staff.

Sincerely,



Bennie G. Thompson  
Chairman  
Committee on Homeland Security



Nanette Diaz Barragán  
Chairwoman  
Subcommittee on Border Security,  
Facilitations, & Operations



Raúl M. Grijalva  
Member of Congress



Joaquin Castro  
Member of Congress