

Rep. Cuellar Supports Detention Oversight & Immigration Judges

Provides Humanitarian Resources and Juvenile Protections

Rep. Cuellar has secured funding to support the hiring of 515 additional immigration judges (IJs) and provide additional support staff and associated facilities since 2016.

Fiscal Year 2022 Appropriations Provisions

1. **[REP. CUELLAR SECURED]** *Report Language:* “Includes \$210,000,000 for 100 additional Immigration Judge Teams & 100 additional Judicial Law Clerks (JLCs).”

2. **REP. CUELLAR SECURED]** *Report Language:* “Migrant Care.-To address deficiencies in CBP's guidance and associated implementation plans for ensuring the humane care of migrants in custody, not later than 90 days after the date of enactment of this Act, the Commissioner, in coordination with the CMO, shall modify the existing guidance to include the following:
 - (1) Initial Health Screening.-Health screening shall include an interview, questionnaire, and physical exam, including a measurement of vital signs and an age-appropriate assessment of signs, symptoms, or risks, including for communicable diseases, mental health conditions, or traumatic experiences.
 - (2) High-Priority Populations.-The initial health screening shall take place within six hours of being detained for individuals requiring prompt medical attention or who exhibit signs of acute or potentially severe physical or mental illness; have an acute or chronic physical or mental disability or illness; pregnant women; children; and elderly individuals.
 - (3) Medical Equipment and Personnel.-Each location to which detainees are first transported after an initial encounter shall have the necessary equipment and trained personnel to conduct the initial health screening, prevent the spread of communicable diseases, provide basic over-the-counter medications appropriate for all age groups, and provide basic mental health interventions for children or other vulnerable individuals. Detainees shall not be deprived of the use of any medication required to manage a chronic illness.
 - (4) Access to Water and Food.-CBP shall ensure that detainees have access to not less than one gallon of water per person per day; three meals per day totaling not fewer than 2,000 calories per day for adults; food with age-appropriate calorie content for children under the age of twelve; and accommodations for any dietary needs or restrictions. Additionally, protocols should be developed that guide the nutritional content of age appropriate food made available to children under the age of 5, with a special emphasis on infants.
 - (5) Holding Facility Standards.-Within 60 days of the date of enactment of this Act, CBP shall ensure that each facility at which an individual is detained is well lit and well ventilated, with humidity and temperature kept at comfortable levels (between 68 and 74 degrees Fahrenheit); has noise levels that are safe and conducive for sleeping between the hours of 10:00 in the evening and 6:00 in the morning; provides each person clean, temperature-appropriate clothing and bedding; and places no detainee in a room, for any period of time, in which the number of individuals exceeds the maximum occupancy level as determined by the appropriate building code, fire marshal, or other appropriate authority.
 - (6) Consumables.-CBP shall maintain a sufficient supply of sleeping mats, toothbrushes, toothpaste, feminine hygiene products, other personal hygiene supplies, and diapers for holding facilities, and make each available upon request; ensure that showers are available to individuals held in custody for longer than 48 hours; and provide clean, age and gender-appropriate clothing to individuals with wet or soiled clothing.
 - (7) Child Care .-CBP is directed to ensure that children have access to a trusted adult by providing unlimited phone access for this purpose. CBP is also encouraged to provide repeated process information

and orientation for children through videos and 24-hour accessibility to information.

3. **[REP. CUELLAR SECURED]** \$475,000,000 for ICE Alternatives to Detention. (Increase of \$34,878,000 from FY21: \$440,122,000)
4. **[REP. CUELLAR SECURED]** *Report Language:* “Case Management and Community Support Services.-To expand the focus of case management programs beyond compliance with immigration proceedings and to increase participation in these services, the Committee directs DHS to coordinate with the Department of Health and Human Services (HHS) to provide an analysis of existing programs, including existing case management services funded through U.S. Immigration and Customs Enforcement and the recently funded Alternatives to Detention Case Management Pilot Program to be designed and overseen by CRCL that will provide these services through Federal Emergency Management Agency (FEMA)-administered grants to community-based organizations. Further, DHS and HHS shall explore the feasibility of funding and managing case management services currently offered by DHS through agencies or offices within HHS that serve similar populations.”
5. **[REP. CUELLAR SECURED]** *Report Language:* “Joint Migrant Processing Centers.-The Committee recommends \$170,000,000 above the request for the CRSO for integrated, joint migrant processing centers (JMPCJ. The CRSO, in conjunction with CBP, ICE, and USCIS, shall work with the Office of Strategy, Policy, and Plans, the Office of the General Counsel, the Office of the Undersecretary for Management, the Office for Civil Rights and Civil Liberties; and the Office of the Immigration Detention Ombudsman, along with interagency partners such as HHS and the Department of Justice, to develop requirements for establishing JMPCs. CRSO shall act as the executive agent for the design and construction of such centers, which shall appropriately shelter unaccompanied children, family units, and single adults as they undergo processing required under the immigration laws, including adherence to Flores settlement requirements; enhance the coordination among federal agencies and between such agencies and nonprofit organizations or local jurisdictions that provide shelter and support to migrants following their release from DHS custody; and minimize the time migrants spend in DHS custody, Not later than 90 days after the date of enactment of this Act, the USM shall brief the Committee on joint requirements and plans for the design and construction of JMPCs, including their planned locations, estimated costs, and schedule for becoming operational. The total amount provided includes the reappropriation of \$90,000,000 rescinded in the bill from prior-year appropriations to CBP for joint processing centers in the Rio Grande Valley in Texas and Yuma, Arizona. The total also includes \$30,000,000 that was proposed in the budget request through the CBP PC&I account for a new migrant processing center in Del Rio, Texas.
6. **[REP. CUELLAR SECURED]** *Report Language:*” Case Management and Community Support Services.-To expand the focus of case management programs beyond compliance with immigration proceedings and to increase participation in these services, the Committee directs DHS to coordinate with the Department of Health and Human Services (HHS) to provide an analysis of existing programs, including existing case management services funded through U.S. Immigration and Customs Enforcement and the recently funded Alternatives to Detention Case Management Pilot Program to be designed and overseen by CRCL that will provide these services through Federal Emergency Management Agency (FEMA)-administered grants to community-based organizations. Further, DHS and HHS shall explore the feasibility of funding and managing case management services currently offered by DHS through agencies or offices within HHS that serve similar populations.

7. **[REP. CUELLAR SECURED]** *Report Language:* “Performance Measures.-The Committee directs all agencies funded by this Act to comply with title 31 of the United States Code, including the development of their organizational priority goals and outcomes such as performance outcome measures, output measures, efficiency measures¹ and customer service measures. The Department is directed to report back to the Committees on these efforts within 60 days of the date of enactment of this Act.
8. **[REP. CUELLAR SECURED]** *Report Language:* “Humanitarian Response at the Border.-The Committee is aware that the Department has a Surge Force mechanism in place to deploy volunteer DHS personnel for emergency and disaster response around the country, as well as to help respond to migrant surges at the southern border. The Committee directs the DHS Chief Medical Officer (CMO) to collaborate with the Department of Health and Human Services Office of Refugee Resettlement (HHS ORR) and relevant stakeholders to develop a combined Humanitarian Response Operating Plan for responding to future migrant surges, particularly those involving large numbers of families or unaccompanied children. The plan should include:
- (1) an assessment of the capabilities and capacity of DHS, HHS, and relevant stakeholders to provide the specialized services necessary to prioritize the welfare of children and families while in government custody and help avoid unnecessary delays in releasing families together on Alternatives to Detention with case management and releasing w/accompanied children to appropriate sponsors;
 - (2) mechanisms for participating federal agencies to deploy personnel from across the government to the southern border as necessary during migration surges, in coordination with affected state and local jurisdictions and national and local nongovernment humanitarian organizations, along with an estimate of the funding requirements associated with such deployment; and
 - (3) mechanisms for including personnel who are licensed to provide trauma-informed care, case management, and child welfare and plans for training other participating personnel in these areas, including estimates of the funding requirements for initial and recurrent training.

In developing the plan, the DHS CMO and HHS ORR should also consult with child welfare experts and organizations to incorporate best practices into the plan. The Committee directs the DHS CMO and HHS ORR to submit the plan to the Committee within 180 days of the date of enactment of this Act and to update the plan annually to reflect new information and lessons learned. (Report Pages 10-11).

Asylum Processing at Ports of Entry.-The Committee directs the Commissioner to engage a federally funded research and development center (FFRDC) to conduct an analysis of the asylum processing capacity and capacity requirements at land ports of entry along the U.S.-Mexico Border. The analysis should address the infrastructure, staffing, and other resource requirements needed to ensure the safe, humane, and orderly processing of single adults and families who present at ports of entry and make a lawful claim of fear or asylum, along with the processing of unaccompanied children prior to transfer to HHS ORR. In carrying out its analysis, the FFRDC shall consult with federal agency stakeholders, including ORR; the Department of Justice Executive Office for Immigration Review, CBP, ICE, USCIS, and CRCL. In addition, the FFRDC shall consult with community stakeholders, including non-profit immigration and civil rights advocacy organizations. The Committee recommends \$500,000 above the request to support this effort.

9. **[REP. CUELLAR SECURED]** *Report Language:* “Reporting Requirements.-CBP shall continue to follow the directives in the explanatory statement accompanying Public Law 116-6 related to the following, according to the previously directed timeframes unless otherwise specified:
- (1) CBP-wide capability gaps;
 - (2) Border Patrol Workforce Staffing Model;
 - (3) Combined table of CBP interdictions of currency and major categories of drugs;

- (4) The number of detainees held by CBP for more than 48 and 72 hours, respectively;
- (5) Allegations related to employee corruption;
- (6) Use of force abuses;
- (7) Checkpoint, transportation check, and roving patrol stop operations, to include a timeline for full compliance with reporting directives;
- (8) Search and rescue efforts for fiscal year 2021;
- (9) Land Port of Entry Infrastructure Capital Investment Plan, to be provided to the Committee not later than 30 days after the submission of the President's budget request for fiscal year 2023; and
- (10) Staffing gains and losses.

Additionally, CBP shall continue to follow the directives in House Report 116-180 related to the following, according to the previously directed timeframes unless otherwise specified:

- (1) High Speed Pursuits, to include the use of immobilization devices beginning not later than 90 days after the date of enactment of this Act;
- (2) U.S. Citizens Held in CBP Custody;
- (3) In-Custody Time for Unaccompanied Children; and
- (4) Polygraph Waivers.

CBP shall follow the directives in the explanatory statement accompanying Public Law 116-260 related to the following:

- (1) Body-worn cameras;
- (2) Border searches and electronics;
- (3) Expansion of Arizona and New Mexico border zone travel;
- (4) Holding facility length of stay;
- (5) LPOE hours of operations;
- (6) Queue management at POEs and data on asylum seekers; and
- (7) Recruitment, hiring and retention.

Fiscal Year 2021 Appropriations Provisions

1. **[REP. CUELLAR SECURED]** *Report Language:* “The recommendation also supports a level of funding that will allow for the continued hiring of immigration judges and teams.
2. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “Case Management Services. The Committee is concerned by the significant delay in ICE’s execution of funding provided in fiscal years 2019 and 2020 for case management services. The recommendation therefore realigns and increases funding for case management services to be executed by nonprofit organizations and local communities through a FEMA grant program. Not later than 30 days after the date of enactment of this Act, ICE, in collaboration with CRCL and the Office of Privacy, is directed to develop a process to ensure that any individual released from its custody on parole, bond, or into the ATD program and anyone enrolled in the ATD program as of the date of enactment of this Act:
 - (1) is made aware of these case management services; and
 - (2) has an opportunity to consent to having their contact information and relevant case file information provided to any such grantee for the purpose of receiving such services.

ICE shall provide Information describing this process to FEMA, the national board responsible for administering the grant program, and each grant recipient. The Committee directs ICE, CRCL, and the Office of Privacy to jointly brief the Committee on this process prior to its execution.”

3. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “Detainee Access to Legal, Medical, and Mental Health Services. - ICE should not enter into, expand, or renew a contract with any entity to operate an immigration detention facility unless it is located fewer than 100 miles from:

- (1) a Level IV (or lower) designated trauma center; and
- (2) at least one government-listed, legal aid resource on the Executive Office for Immigration Review (EOIR) “List of Pro Bono Legal Service Providers” from which the Director has received confirmation that it is able to provide legal services to detainees at the facility.

ICE is directed to continue adhering to the requirements in House Report 116–9 regarding legal resources available to detainees and shall ensure that such information is provided in a language in which the detainee is proficient or is made fully accessible to the detainee through the use of interpreter services.

The Committee directs ICE to publish on a public facing website, not later than 30 days after the date of the close of the fiscal year, a description of the medical and mental health staffing—delineated by position and qualification—at each detention facility with a capacity to house at least 50 ICE detainees, along with the average daily population of each facility. The report should indicate the hours of availability of in-person, specialized medical service typically available during the week; whether any positions were unfilled for more than one month of the previous year; and the average detainee wait time for seeing a medical professional. ICE shall also include in the report the number of individuals taken into ICE custody with a serious medical or mental health condition, including pregnant women, and their average and median lengths of time in ICE custody. The Committee urges ICE to reinstate the policies in its August 2016 directive on the Identification and Monitoring of Pregnant Detainees that was superseded by its December 2017 update.

The Committee directs ICE to ensure that each family detention center has on-site at least one medical professional qualified to provide pediatric care for every 200 children in residence. In addition, at least one such medical professional should be on-site or on-call for every 100 children detained in the facility. The Committee further directs ICE to ensure that each family detention center makes available at least one mental health professional specializing in pediatric care. The Committee urges ICE to explore working with nonprofit organizations for the provision of mental health services of those in its custody.”

4. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “Family Unity. - ICE must ensure that criminal and civil immigration charging decisions and immigration custody decisions carefully consider and prioritize family unity as a primary factor and must, consistent with assessments of the best interest of the child, ensure first and foremost that any arrest in the interior of the United States does not result in prolonged separation of family members from one another. This directive should be followed regardless of whether family members were together at the time of apprehension or are subjects of an enforcement action.

If, in the course of an arrest in the interior of the United States, DHS separates a minor child from a parent, primary caregiver, or close relative who is caring for or traveling with that child, DHS personnel must ensure that each such person is asked about and has opportunities to report family separation incidents; to verify the status, location, and disposition of family members; and to regularly communicate with one another. DHS shall advise adults of arrangements made for the child’s care and record tracking information about both separated adults and children in all relevant DHS databases.”

5. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “The recommendation includes \$2,000,000 for EOIR’s portion of the development of the Unified Immigration Portal with the Department of Homeland Security (DHS) as well as increased funding for EOIR’s Information Technology (IT) modernization efforts, as requested. The recommendation also supports a level of funding that will allow for the continued hiring of immigration judges and teams. While the Committee recognizes EOIR has not requested any additional increase from its authorized position level from fiscal year 2020, EOIR is currently well below this level and the Committee is concerned that proposed funding increases are for positions who will not be on board in fiscal year 2021.”

6. **[REP. CUELLAR SECURED]** *Report Language:* “Immigration Efficiency. - EOIR is encouraged to collaborate with the Department of Homeland Security (DHS) to explore efficiencies with regard to the co-location of DHS and DOJ components with immigration related responsibilities, including immigration courts, DHS asylum officers, medical care practitioners, and both CBP and Immigration and Customs Enforcement (ICE) immigration officers.”
7. **[REP. CUELLAR SECURED]** *Report Language:* “Immigration judges. - The Committee directs EOIR to continue to hire the most qualified immigration judges and BIA members from a diverse pool of candidates to ensure the adjudication process is impartial and consistent with due process. The Committee is disturbed by recent reports of politicized hiring processes for immigration judges. The Committee directs EOIR to continue to submit monthly reports on performance and immigration judge hiring as directed in the fiscal year 2020 Explanatory Statement and is directed to include additional information on the status of hiring other positions that make up the immigration judge teams such as attorneys and paralegals. Finally, the Committee is concerned about a recent Department of Justice petition sent to the Federal Labor Relations Authority requesting the decertification of the National Association of Immigration Judges. The Committee recognizes the importance of our nation’s immigration judges and their ability to unionize.”
8. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “Alternatives to Detention (ATD) Program. The Committee is concerned that many individuals enrolled in ICE’s ATD program will be terminated from the program before their cases are fully re-solved. Getting timely resolution of these cases is complicated by the historic volume of pending cases on EOIR’s non-detained docket schedule. The Committee recognizes the ATD program is managed by ICE, and that EOIR currently lacks information about who is enrolled. However, the Committee also recognizes that the longer an individual remains on ATD while their case is pending before EOIR, the more expensive the ATD program is per enrollee, and the less effective the ATD program is. Prioritizing ATD enrollees’ cases as if they were on the detained docket could potentially increase the effectiveness of the program, lower the cost per enrollee, and support more individuals in the program overall. The Committee directs EOIR, in coordination with ICE, to develop an analysis of alternatives to improve the timeliness of resolving cases before EOIR for individuals in the ATD program, and further to consider as one such alternative the classification of ATD enrollees as part of the detained docket for purposes of case prioritization. EOIR is directed to brief the Committee on their findings not later than 180 days after the date of enactment of this Act.”
9. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “\$110,000,000 for Alternatives to Detention Case Management, to remain available until expended: Provided, That such funding shall be awarded to nonprofit organizations and local governments and administered by a National Board for the purposes of providing case management services to any consenting individual enrolled into the U.S. Immigration and Customs Enforcement Alternatives to Detention program, including but not limited to: mental health services; human and sex trafficking screening; legal orientation programs; cultural orientation programs; connections to social services; and for individuals who will be removed, reintegration services: Provided further, That not to exceed 3.5 percent shall be for total administrative costs.”

Fiscal Year 2020 Appropriations Provisions

1. **[REP. CUELLAR SECURED]** *Report Language:* “The recommendation will support the hiring of up to 100 additional immigration judges (IJs) and provide additional support staff and associated facilities.”
2. **[REP. CUELLAR SECURED]** *Report Language:* “The explanatory statement accompanying Public Law 116-6 directed CBP to brief the Committees on progress in establishing permanent plans, standards, and protocols to protect the health, safety, and wellbeing of migrants in its custody. The Committee looks forward to receiving that briefing, which is now overdue. In addition, CBP shall continue to update the Committee quarterly on progress made in finalizing and implementing such plans, protocols, and

standards, which should be in compliance with the relevant recommendations in the Policy Statement of the American Academy of Pediatrics entitled, "Detention of Immigrant Children."

3. **[REP. CUELLAR SECURED]** *Report Language:* "\$10,000,000 for 200 Border Patrol Operational Support Positions" (entry level administrative positions to perform duties related to short-term detention care, transportation, processing and escort of detainees in USBP custody, during the administrative process)."
4. **[REP. CUELLAR HELPED SECURE]** *Report Language:* "ICE is directed to continue ensuring access to "know your rights" presentations, as described in House Report 116-9."
5. **[REP. CUELLAR HELPED SECURE]** *Report Language:* "CBP shall continue to follow the directives in the explanatory statement accompanying Public Law 116- 6 related to the following, including the previously directed timeframes unless otherwise specified: (1) CBP-wide capability gaps; (2) Border Patrol Workforce Staffing Model; (3) Combined table of CBP interdictions of currency and major categories of drugs; (4) The number of detainees held by CBP for more than 48 and 72 hours, respectively; (5) Allegations related to employee corruption; (6) Use of force abuses; (7) Checkpoint, transportation check, and roving patrol stop operations; (8) Border Patrol and AMO aviation working group; (9) Search and rescue efforts for fiscal year 2019; (10) Deaths in custody and not in custody; (11) POE infrastructure capital investment projects, not later than 180 days after the date of enactment of this Act; and (12) Staffing gains and losses."
6. **[REP. CUELLAR HELPED SECURE]** *Report Language:* "The recommendation includes an additional \$64,000,000 over fiscal year 2019 to continue to grow the ATD program, of which \$20,000,000 is for the Family Case Management Program (FCMP). ICE is directed to continue to provide performance reports to the Committee on the ATD program, as described in House Report 116-9."

Also included is \$4,000,000 above the request to fund an independent review and analysis of the ATD program, to include the FCMP. The review shall include recommendations for improvements or alternatives to increase the overall effectiveness of the program; improve the cost efficiency and sustainability of the program; ensure appropriate alignment of functions to be performed by government officials, non-profit organizations, and/or the private sector; and address any gaps in services provided. The Committee directs the review and analysis be informed by discussions with government officials, current program operators, non-governmental immigration policy stakeholders, and current participants in the program and by reviewing similar programs in other countries. The results of this review and analysis shall be briefed to the Committee not later than 180 days after the date of enactment of this Act. ICE is directed to continue ensuring access to "know your rights" presentations, as described in House Report 116-9."

Fiscal Year 2019 Appropriations Provisions

1. **[REP. CUELLAR SECURED]** *Report Language:* "The recommendation will support the hiring of up to 50 additional immigration judges (IJs) and provide additional support staff and associated facilities."
2. **[REP. CUELLAR HELPED SECURE]** *Report Language:* "The Department is directed to provide a report to the Committee, not later than 30 days after the date of enactment of this Act, on its policies related to the separation of minor children from their parents or legal guardians while in DHS custody. The report should discuss policies in effect both prior and subsequent to the implementation of Executive Order 13841, and shall include a description of any guidance to field personnel on implementation of such policies; a description of the process for reuniting families that are separated as a result of the prosecution of an adult family member; data on the number of separations during fiscal year 2018 as a result of the prosecution of a parent or legal guardian due to medical necessity, in the interest of the immediate safety of the child, or due to fraudulent family relationship or guardianship claims; a description of how DHS

determines the validity of family relationship or guardianship claims; and an assessment of how that process could be improved, including the feasibility of using rapid-DNA testing with appropriate privacy protections.

DHS is directed to ensure, when appropriate and feasible, that separated family units are reunited and transferred together prior to removal, release from CBP custody, or transfer to ICE custody. ICE is expected to ensure that individuals being transferred from CBP to ICE custody, in ICE custody, or under ICE supervision have opportunities to report family separations and to verify the status, location, and disposition of family members, and to regularly communicate with one another by phone or video conference.

Recent developments in contactless fingerprinting enable rapid capture of fingerprints that can be shared interoperably with legacy fingerprinting systems. The Committee directs the Department to provide, within 60 days of the date of enactment of this Act, a briefing on the cost and feasibility of using a contactless fingerprint technology as part of the exit tracking system, including a comparison of those costs to other options for gathering the same type of biometric information.

ICE shall continue to report and/or make public the following, as detailed in House Report 115-239, and shall follow the previously directed timeframes unless otherwise specified:

- Semi-annual update on UACs who age out while in ORR custody.
- Secure Communities report.
- Requirements related to detention facility inspections; death in custody reporting, with subsequent reporting to be released within 90 days of the initial report unless additional time is required for redacting personally identifiable information; access to facilities; detainee locator information; changes to the current detention facility category and inspection framework; and compliance with the 2011 Performance Based National Detention Standards (PBNDS 2011) and Prison Rape Elimination act requirements.”

3. **[REP. CUELLAR HELPED SECURE]** *Bill Language:* “None of the funds made available by this Act may be used to prevent a Member of the United States Congress from entering, for the purpose of conducting oversight, any facility in the United States used for the purposes of detaining or otherwise housing foreign national minors, or to require Members of the United States Congress to coordinate through a Congressional entity for their entry into, for the purpose of conducting oversight, any facility in the United States used for purposes of detaining or otherwise housing foreign national minors, or to make any temporary modification at any such facility that in any way alters what is observed by a visiting Member of the United States Congress, compared to what would be observed in the absence of such modification.”
4. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “The increase above the request is for increased unannounced inspections of immigration detention facilities and CBP holding processing facilities. ICE shall continue to publish the results of detention facility inspections and other reports related to custody operations activities on its public website. As the OIG continues to conduct unannounced inspections of detention facilities, the Committee encourages the OIG to pay particular attention to the health needs of detainees.

Within 30 days of the date of enactment of this Act, the Inspector General shall report to the Committee on the implementation of and any interagency coordination associated with the previous policy of separating migrant families, the Executive Order issued on June 20, 2018 entitled “Affording Congress an Opportunity to Address Family Separation,” and efforts made to reunify families separated under the previous family separation policy.”

The Committee directs ICE’s Office of Detention Oversight to conduct unannounced inspections of all ICE family residential centers at least twice per year, with the results of each inspection promptly published on ICE’s website.”

5. **[REP. CUELLAR SECURED]** *Report Language:* “The committee recommends \$630,000,000 for the Executive Office for Immigration Review (EOIR), of which \$4,000,000 is from immigration examination fees. The recommendation is \$125,500,000 above fiscal year 2018 and \$66,593,000 above the request. The recommendation will support a total of 584 Immigration Judge teams, 100 more than funded in fiscal year 2018. Funding is also provided to annualize costs associated with the new teams funded in fiscal year 2018, provide additional law clerks to assist Immigration Judges and reduce case processing time, and upgrade information technology and facilities. The recommendation includes funding to sustain the current Legal Orientation Program and related assistance, such as the information desk pilot, at no less than current levels. The recommendation does not include any funding to establish or fund a legal representation program.

EOIR performance—For several years the Committee has been concerned with the slow pace of hiring Immigration Judges and the unacceptable amount of time it takes to resolve immigration cases. The Committee understands that the Department is working to accelerate the hiring process and is deploying additional resources to those areas with the highest workload such as the Southwest Border. Committee directs this effort to continue and that the Department coordinate with the Department of Homeland Security (DHS) to develop metrics, practices, and pilot programs to institute rapid court proceedings at holding facilities along the Southwest Border where individuals are detained at immigration violations to ensure their court appearance. The Committee notes with approval that EOIR has set new prioritization standards and court-based performance measures, as the Committees on Appropriations had directed. The Committee looks forward to seeing those efforts bear fruit in the form of more timely adjudication and reduced backlog, while ensuring due process is observed. The Committee directs EOIR to continue reporting monthly on performance and Immigration Judge hiring in the manner and level of detail as provided in fiscal year 2018. Such reports should also include information on the number of cases where visa overstay is the sole or primary factor for adjudication.”

6. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “The Committee understands that EOIR is considering approaches that could result in savings in time and resources, such as modifying the procedure for Immigration Judges to issue oral decisions, which currently may involve lengthy and detailed recitations of legal authorities and case analysis. Other potential approaches to streamlining operations include use of preliminary hearings or similar approaches to screening cases to address frivolous filings and reduce court time required to process them. The Committee encourages EOIR to actively explore and, if appropriate, pilot approaches that hold promise of improving the efficiency of the EOIR court system.”
7. **[REP. CUELLAR SECURED]** *Report Language:* “The Committee encourages the Department to utilize its authority to accept donations from the private sector, nongovernmental organizations, and other groups independent of the federal government, including medical goods and services, school supplies, toys, clothing, and any other items intended to promote the wellbeing of alien children in the custody of CBP.”
8. **[REP. CUELLAR SECURED]** *Report Language:* “Not later than 30 days after the last day of each calendar quarter (beginning with the first calendar quarter beginning on or after the date of the enactment of this Act), the Secretary shall submit to Congress a report on, with respect to children who were separated from their parents or legal guardians by the Department of Homeland Security and subsequently classified as unaccompanied alien children and transferred to the custody of the HHS’ Office of Refugee Resettlement—

- 1) The number of children so separated;
- 2) The length of any such separation;

- 3) The status of any efforts undertaken by the Secretary to reunify such children with a parent or legal guardian; and
 - 4) The number of any such reunifications.”
9. **[REP. CUELLAR SECURED]** *Report Language:* “The Committee expects the Office of Refugee Resettlement (ORR) to maintain strict oversight of all ORR-funded care provider facilities and to report and correct violations of Federal, State, or local codes related to standards of childcare or the wellbeing of children. The Committee directs ORR, within 90 days of the enactment of this Act, to submit a report to the Committee detailing the number and nature of facility violations, and the steps it is taking to work with grantees to address and prevent such infractions.”
 10. **[REP. CUELLAR HELPED SECURE]** *Programmatic Amount:* \$213,142,000 for Alternatives to Detention (\$26 million increase from FY18).

Fiscal Year 2018 Appropriations Provisions

1. **[REP. CUELLAR SECURED]** *Report Language:* “The recommendation will support the hiring of up to 100 additional immigration judges (IJs) and provide additional support staff and associated facilities.”
2. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “The Committee is concerned by reports of the separation of some family units after apprehension by CBP or prior to crossing the border. CBP should ensure that processing decisions consider family unity as a primary factor and, to the greatest extent possible, that separated family units are reunited prior to removal, release from CBP custody, or transfer to ICE or Office of Refugee Resettlement (ORR) custody.

The Committee is aware of concerns that CBP activities and policies may sometimes lack public transparency and may be subject to inadequate data collection and reporting. The Committee directs CBP to reiterate its commitment to a policy of “maximum disclosure, minimum delay” in releasing information to the media and public; continue to post all policies and guidelines that may be of interest to the public on the agency’s website; and continue—or expand as practicable—data collection that more effectively detects and deters abuse, strengthens accountability, and ensures effective use of limited resources. Beginning within 60 days after the date of enactment of this Act, CBP shall report to the Committee on the numbers of detainees currently held by CBP for more than 48 and 72 hours, respectively. This reporting should be updated monthly and include a list of all CBP facilities used for holding detainees, including the average daily population and daily population at the time of publication.”

3. **[REP. CUELLAR HELPED SECURE]** *Bill Language:* “Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading “Federal Emergency Management Agency—Federal Assistance” for grants under paragraph (1) in this Act, or under the heading “Federal Emergency Management Agency—State and Local Programs” in Public Law 114–4, division F of Public Law 113–76, or division D of Public Law 113–6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred between January 1, 2014, and December 31, 2014, or during the award period of performance.”
4. **[REP. CUELLAR SECURED]** *Report Language:* “The Department shall accelerate its recruitment, background investigation, and placement of IJ teams, and brief the Committees not later than 30 days after enactment of this Act on its plan to deploy or reassign IJ teams to the highest priority locations. The briefing shall cover training standards for new IJs, and continuing IJ training and education.

EOIR shall submit monthly reports detailing the status of its hiring and deployment of IJ teams in the format and level of detail provided in fiscal year 2017. The reports should include the performance and operating information at the level of detail provided in fiscal year 2017, to include median days pending for both detained and non-detained cases, and should include statistics on cases where visa overstay is a relevant factor. To the extent EOIR has adopted new performance measures related to the efficient and timely completion of cases and motions, statistics reflecting those measures should be included in the report.”

5. **[REP. CUELLAR HELPED SECURE]** *Programmatic Amount:* \$187,205,000 for Alternatives to Detention (\$4 million increase from FY17).

Fiscal Year 2017 Appropriations Provisions

1. **[REP. CUELLAR SECURED]** *Report Language:* “The recommendation will support the hiring of up to 10 additional immigration judges (IJs) and provide additional support staff and associated facilities.”
2. **[REP. CUELLAR SECURED]** *Report Language:* “Assuring immigration regulation helps optimize strong enforcement.—The Committee is concerned with the pace of hiring and onboarding Immigration Judges funded in fiscal years 2015 and 2016, and expects the Department to accelerate the recruitment, background investigation and placement of IJ teams to areas that have the highest workload. The Committee is alarmed that despite the increased resources provided to EOIR in fiscal years 2015 and 2016, the median days pending for a detained immigration case is 71 days and the median days pending for a non-detained case is 665 days. While the Committee understands that factors outside the control of Immigration Judges can affect case length, these median case times are unacceptable. The Committee directs EOIR to establish a goal that by the end of the fiscal year 2017 the median days pending of detained cases be no longer than 60 days, and the median length for non-detained cases be no longer than 365 days. To monitor the progress in this effort, the Committee directs EOIR to continue to provide monthly reporting on EOIR performance and IJ hiring as specified in the statement accompanying the fiscal year 2016 Omnibus Appropriation Act.”
3. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “The Committee is concerned by reports of the separation of some family units after apprehension by CBP. ICE is expected to ensure that individuals being transferred from CBP to ICE custody, in ICE custody, or under ICE supervision have opportunities to report family separation incidents and to verify the status, location, and disposition of family members. ICE should also ensure that field officers are appropriately trained on the requirements of ICE’s Parental Interest Directive and on mechanisms to reunite family units.

The Committee has included language under the OIG heading directing updates on its ongoing review of ICE and CBP detention facilities, including unannounced inspections. The Committee notes that ICE is working collaboratively with OCRCL to improve detention facility conditions, standards, inspections, and healthcare services; provide guidance on the use of segregation; improve disability accommodations; and ensure the safety and well-being of vulnerable populations. The Committee expects ICE to continue working with OCRCL to proactively improve detention facility conditions and oversight.

Within 30 days of the date of enactment of this Act, and semiannually thereafter, ICE shall provide an update on its oversight of family detention facilities, including recommendations for improvements made by the Advisory Committee on Family Residential Centers or as a result of ICE’s community liaison initiative.

Within 45 days after the date of enactment of this Act, ICE shall report on its progress in implementing the 2011 Prison Based National Detention Standards (PBNDS) and requirements related to the Prison Rape Elimination Act (PREA), including a list of facilities that are not yet in compliance; a schedule for bringing facilities into compliance; and current year and estimated future year costs associated with

compliance. The Committee expects ICE to refrain from entering into new contracts or IGSA's that do not require adherence to the PREA and 2011 PBNDS standards. In addition, the Committee again encourages ICE to consider collaborating with the National PREA Resource Center, which is supported by the Department of Justice, to help facilitate PREA compliance.

House Report 114-215 directed ICE to brief the Committee on its policies and practices for ensuring the safety of vulnerable populations in immigration detention facilities, along with recommendations for further improvements to better protect these detainees. The Committee looks forward to receiving this overdue briefing as soon as possible.”

4. **[REP. CUELLAR HELPED SECURE]** *Bill Language:* “Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading “Federal Emergency Management Agency, State and Local Programs” in division F of Public Law 113 76 or division D of Public Law 113–6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred between January 1, 2014 and December 31, 2014 or during the award period of performance.”
5. **[REP. CUELLAR HELPED SECURE]** *Programmatic Amount:* \$183,275,000 for Alternatives to Detention (\$58 million above FY16).

Fiscal Year 2016 Appropriations Provisions

1. **[REP. CUELLAR SECURED]** *Report Language:* “The recommendation will support the hiring of up to 55 additional immigration judges (IJs) and provide additional support staff and associated facilities.”
2. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “With regard to those family units who are detained, the Committee is concerned by reports that ICE has not provided appropriate food, water, and medical care to families, as well as reports about inappropriate and demeaning treatment of detainees by contract guards at such facilities. Within 15 days of enactment, and monthly thereafter, ICE is directed to update the Committee on family detention oversight activities of the ICE coordinator for family detention policy and the Office of Detention Oversight, including oversight of mechanisms for receiving and resolving complaints and responding to requests for medical care; providing all relevant and required information to detainees related to the removal process and their rights in detention; and for providing appropriate training and oversight for contract detention staff, including oversight related to staff qualifications. These updates shall also include data regarding family units in detention who are removed from the United States directly from detention; detained for longer than 30 days and longer than 60 days; issued a bond that has not been posted; and released on bond, recognizance, and parole, including data on compliance of those released with requirements for immigration court appearances. In addition, the updates should include descriptions and data on requests for medical care and response times; the average and median lengths of stay in family detention; the average, median and range for bond amounts, and improvements made as a result of recommendations by the family detention Advisory Committee or as a result of stakeholder outreach.”
3. **[REP. CUELLAR HELPED SECURE]** *Bill Language:* “Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading “Federal Emergency Management Agency, State and Local Programs” in division F of Public Law 113 76 or division D of Public Law 113–6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States,

provided that such costs were incurred between January 1, 2014 and December 31, 2014 or during the award period of performance.”

4. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “ICE is directed to provide the Committee a statistical analysis for each type of alien supervision (electronic, GPS, and family case management) and category of enrollee (single adult/head of a family unit) to determine the effectiveness of the program with regards to compliance and removal and to better understand what characteristics uniquely support removal outcomes.”
5. **[REP. CUELLAR HELPED SECURE]** *Programmatic Amount:* \$125,883,000 for Alternatives to Detention (\$30 million above FY15).

Fiscal Year 2015 Appropriations Provisions

1. **[REP. CUELLAR HELPED SECURE]** *Report Language:* “A new provision is included making costs of providing humanitarian relief to unaccompanied alien children and to alien adults and their minor children an eligible use for certain Homeland Security grants to Southwest border recipients for fiscal years 2013 and 2014. State and local costs to include the costs of personnel, overtime and travel related to enhancing border security are already eligible expenses under the major Homeland Security grant programs; however, costs associated with the immediate care and transportation of UAC and families that were incurred by state and local jurisdictions would otherwise not be eligible. The influx of UAC and families that came across the Southwest border overwhelmed Federal resources and put a burden on state and local jurisdictions, particularly small counties along the border. This created not only a humanitarian crisis but also a greater vulnerability to terrorism and other security risks to our Nation.”
2. **[REP. CUELLAR HELPED SECURE]** *Bill Language:* “Notwithstanding any other provision of law, grants awarded to States along the Southwest Border of the United States under sections 2003 or 2004 of the Homeland Security Act of 2002 (6 U.S.C. 604 and 605) using funds provided under the heading “Federal Emergency Management Agency, State and Local Programs” in division F of Public Law 113 76 or division D of Public Law 113–6 may be used by recipients or sub-recipients for costs, or reimbursement of costs, related to providing humanitarian relief to unaccompanied alien children and alien adults accompanied by an alien minor where they are encountered after entering the United States, provided that such costs were incurred during the award period of performance.”
3. **[REP. CUELLAR HELPED SECURE]** *Programmatic Amount:* \$94,000,000 for Alternatives to Detention.