

FY18 Appropriations Border Security Wins

1. 65 new immigration judge teams and associated performance goals.

“The Committee recommends \$504,500,000 for the Executive Office for Immigration Review (EOIR), of which \$4,000,000 is derived by transfer from fee collections. With the funding provided in the Act, EOIR shall continue ongoing programs, and hire and deploy at least 100 additional Immigration Judge (IJ) teams, with a goal of fielding 484 IJ teams nationwide by 2019. Funding is provided above the request to annualize costs associated with the new teams funded in fiscal year 2017 and continue enhancements provided in fiscal year 2017 for information technology and facilities. The recommendation sustains the current legal orientation program and related assistance, such as the information desk pilot. 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 and onboarding 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. The Committee directs this 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 for immigration violations to ensure their court appearance. The Committee continues its direction from fiscal year 2017 that the Department should establish a goal that 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. The Committee directs EOIR to continue to provide monthly reports on performance, IJ hiring and visa overstays as specified in the fiscal year 2017 Appropriations Act.”

2. National Guard – Border Security

“Enforcement of border security.-Recognizing the need to bolster resources for the enforcement of border security, the Committee instructs the Army National Guard and the Air National Guard to implement public-private partnerships with state and local governments, to design, and construct facilities adjacent to our southwestern border that will support National Guard activities and house and support assets used by Customs and Border Protection and other law enforcement agencies for the terrestrial, maritime, and aerial surveillance of those borders, to include aircraft hangars suitable for unmanned aerial systems, and report back to the Committee not later than 180 days after the enactment of this Act.”

3. Control Carrizo Cane

“The Committee directs CBP to provide an update, within 60 days after the date of enactment of this Act, on its integrated strategy for controlling Carrizo cane along the Rio Grande in Texas. The update should include the current status and results of bio-control activities; an inventory of border acreage that requires control of Carrizo cane to support Border Patrol operations; the percentage of such acreage that is routinely controlled through bio-control agents, mechanical topping, or a combination of the two; the annual cost of such control activities; goals for increasing the acreage on which Carrizo cane is routinely controlled; additional funding required to achieve such goals; challenges to achieving such goals; and related efforts to collaborate with the Science and Technology Directorate, the U.S. Department of Agriculture, the Texas State Soil and Water Conservation Board, and the Government of Mexico.”

4. Improve CBP Air and Marine Support

“The Committee notes that the Acting Commissioner recently directed the formation of a CBP working group to identify deficiencies and opportunities for improvement in the ability of AMO to satisfy air and marine support requirements for the Border Patrol and other departmental components. The Committee encourages the working group to ensure that it also considers the need for AMO support in critical source and transit zones. CBP is directed to provide regular updates on the schedule and progress of the working group, and to brief the Committee on the recommendations it makes to the Acting Commissioner. Until AMO is capable of fulfilling support requirements for the Border Patrol, the Committee urges CBP to continue to request air surveillance support from DoD through Operation Phalanx.”

5. Streamline Hiring for DHS

“The Committee directs DHS to take the following actions to help improve its hiring processes:

- a) Conduct any necessary polygraph examinations as early as possible in the personnel security process in order to avoid unnecessary background investigation, medical clearance, and other hiring-related expenses;
- b) Reevaluate current polygraph disqualifiers;
- c) Reevaluate fitness factors to improve consistency across the Department, as appropriate, and better promote current reciprocity in acceptance of existing security clearances.
- d) Waive polygraph requirements for local and state law enforcement applicants who have served for at least three years with no break in service, have statutory powers to arrest or apprehend a person in violation of the law, are not currently under investigation or previously found to have engaged in criminal activity or serious misconduct, and have successfully completed a polygraph as a condition of employment with their current law enforcement agency.

- e) Waive polygraph requirements for federal law enforcement officers who have served for no less than three years with no break in service; have the authority to make arrests, conduct investigations, bear firearms, and serve warrants; are not currently under investigation or previously found to have engaged in criminal activity or serious misconduct; and hold a current/in-scope Tier 4 background investigation or Tier 5 single-scope background investigation as a condition of employment with their current law enforcement agency.
- f) Waive polygraph requirements for transitioning members of the Armed Forces, veteran, or members of the Reserves or National Guard who have served at least four years in the Armed Forces; have held a security clearance within the past five years; have undergone a current/in-scope Tier 4 background investigation or Tier 5 single-scope background investigation in the past five years; have received or are eligible to receive an honorable discharge; and have not engaged in criminal activity or serious misconduct under the Uniform Code of Military Justice.
- g) Require all departments to share polygraph results for the purposes of facilitating the onboarding of personnel between component agencies.
- h) Allow CBP the authority to establish social media accounts specifically for hiring and recruiting.
- i) Work with OPM, DoD, and FBI to carry out the requested Authorities listed in the February 17, 2017, memorandum titled “Request for Approval: Executive Order Hiring Surge Plan”.

6. Ensuring family unity is a primary factor in CBP and ICE processing decisions

“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.”

7. ATF – preventing gun trafficking at border

“NIBIN. – The Committee is encouraged by the promise of improved crime gun intelligence and information sharing, and expects funding provided in this bill will aid in interdicting crime guns and preventing gun trafficking through the NIBIN. The Committee encourages ATF to establish a NIBIN presence on the Southwest Border.”