



# NATIONAL IMMIGRATION FORUM

## Department of Homeland Security Fiscal Year (FY) 2017 Omnibus Appropriations

The bill passed the U.S. House of Representatives by a 309 to 118 vote and the U.S. Senate by a 79 to 18 vote. President Trump [signed](#) the bill on May 5, 2017.

**FY 2017 Enacted Discretionary Funding for DHS: \$49.284 billion** [FY 2016 Enacted: \$47.828 billion; 3 percent increase].

### Customs and Border Protection (CBP)

**FY 2017 Proposed Discretionary Funding: \$11.415 billion** [FY 2016 Enacted: \$11.277 billion; 1.2 percent increase]

- **U.S. Border Patrol: \$4.168 billion** [FY 2016 Enacted: \$4.147 billion; .5 percent increase]. This item funds the operations of the Border Patrol, which in FY 2016 consisted of approximately 19,828 agents, as well as its assets and support items.
  - The bill does not include a provision from previous years mandating a minimum number of Border Patrol agents. The number mandated in FY 2016 was 21,370. Instead, this bill directs CBP to develop a fully justified workforce staffing model to provide staffing requirements for all borders.
- **Office of Field Operations: \$3.848 billion** [FY 2016 Enacted: \$3.740 billion; 2.9 percent increase]. This item funds operations at all 327 ports of entry (POEs) in the United States and approximately 22,000 OFO officers and agriculture specialists.
  - The bill directs CBP to provide a detailed expenditure plan for a biometric exit program at ports of entry within 90 days of the bill's enactment.
- **Air and Marine Operations: \$820 million** [FY 2016 Enacted: \$821 million; .1 percent decrease]. This item funds Air and Marine Operations' 1,800 federal agents and mission support personnel, 240 aircraft and 300 marine vessels tasked with interdicting unlawful cargo and people without documentation in the air and maritime environments.

### FY 2017 Proposed Supplemental Funding: \$772.213 million

- **Border Fencing: \$341.2 million.** This item funds the replacement of approximately 40 miles of existing primary pedestrian and vehicle border fencing along the Southwest border. The report language specifies that \$146 million of this amount will fund the replacement of 20 miles of existing primary pedestrian fencing, \$146 million will fund the replacement of 20 miles of existing vehicle border fencing and \$49.2 million will fund the replacement of 35 gates for existing barriers.

- **Border Security Technology: \$170.115 million.** This item funds the acquisition and deployment of border security technology, including 18 Remote Video Surveillance Systems and 19 Mobile Video Surveillance Systems in the Rio Grande Valley (RGV) and Laredo (LRT) Sectors, a Tethered Aerostat Radar System and Port of Entry (POE) technology enhancements.
- **Border Road Maintenance and Construction: \$99.8 million.** This item funds 758 miles of border road maintenance and 26 miles of new border road construction.
- **Improve Staff Hiring: \$65.4 million.** This item funds efforts to “improve the hiring processes” for Border Patrol Agents, Customs Officers, and Air and Marine Personnel.
  - CBP is currently required to administer polygraph examinations to all law enforcement applicants prior to their hiring, but the agency is considering adopting a shorter, alternative test. The bill’s report language requires that CBP carry out a trial implementation of the alternative standard for a subset of Border Patrol applicants for no longer than a six month period. After the trial, CBP must submit a report to select committees in Congress describing the trial and its results, including changes in hiring efficiencies and an analysis of risks that would be associated with adopting the alternative standard.

## **Immigration and Customs Enforcement (ICE)**

**FY 2017 Proposed Discretionary Funding: \$6.198 billion** [FY 2016 Enacted: \$5.832 billion; 6.3 percent increase]

- **Enforcement and Removal Operations: \$3.472 billion** [FY 2016 Enacted: \$3.218 billion; 7.9 percent increase].
  - **Custody Operations: \$2.558 billion** [FY 2016 Enacted: \$2.317 billion; 10.4 percent increase]. This item funds detention beds for individuals in removal proceedings. The bill does not include a provision from previous years mandating a minimum number of detention beds. In FY 2016, that number was set at 34,000 beds. Instead, the bill’s report language 1) directs the Government Accountability Office (GAO) to review ICE’s current methodologies for determining detention resource requirements within 180 days of the enactment of this act, 2) requires ICE to brief select Committees in Congress on actions it has taken to improve its contract process for detention beds no later than 30 days after the enactment of this act, 3) directs ICE to provide an update on its oversight of adult and family detention facilities within 30 days after the act’s enactment, and 4) requires ICE to report on its progress in implementing the 2011 Performance-Based National Detention Standards (PBNS), including the 2016 revisions.
  - **Transportation and Removal Program: \$324.236 million** [FY 2016 Enacted: \$313.174 million; 3.5 percent increase].
  - **Criminal Alien Program: \$312.350 million** [FY 2016 Enacted: \$317.177 million; 1.5 percent decrease]. The Criminal Alien Program screens all intakes at more than 4,300 federal, state and local prisons and jails to identify, interview and initiate removal proceedings against noncitizens held in prison.

- **Alternatives to Detention: \$125.883 million** [FY 2016 Enacted: \$114.275 million; 10.2 percent increase]. Alternatives to Detention (ATD) programs provide additional options for individuals for whom detention is neither mandated nor appropriate.
- **Domestic Investigations: \$1.834 billion** [FY 2016 Enacted: \$1.762 billion; 4.1 percent increase]. This item funds ICE's efforts in leading interagency law enforcement task forces and operations, conducting I-9 audits and enforcement investigations and managing ICE's national security work.
- The report language directs ICE to brief select Committees in Congress on the proposed expansion and metrics used to evaluate participation in the 287(g) program within 90 day of the enactment of this act.

### **FY 2017 Proposed Supplemental Funding: \$236.908 million**

- **Enforcement and Removal Operations: \$236.908 million.** This amount augments the \$254 million above FY 2016 provided in the discretionary funding for FY 2017. The total ERO increase over FY 2016 is \$490 million, or 15.3 percent. The increase supports custody and related transportation requirements, along with an increase in the average daily number of participants in the ATD program.
  - **Custody Operations: \$147.870 million.** The total Custody Operations increase over FY 2016 is about \$389 million, or 16.8 percent.
  - **Alternatives to Detention: \$57.392 million.** The total Alternatives to Detention increase over FY 2016 is \$69 million, or 60.4 percent.
  - **Transportation and Removal Program: \$31.646 million.** The total Transportation and Removal Program increase over FY 2016 is \$42.7 million, or 13.6 percent.

### **U.S. Citizenship and Immigration Services (USCIS)**

**FY 2017 Total Spending Authority: \$4.181 billion** [FY 2016 Enacted Authority: \$3.612 billion; 15.8 percent increase]. These include amounts to be collected under fee accounts, as well as \$121 million in discretionary appropriations.

- **E-Verify: \$119.139 million** [FY 2016 Enacted: \$119.671 million; .4 percent decrease]. These discretionary appropriations fund DHS' employment eligibility verification system, which allows employers to check the legal status of their workers.
- **Citizenship and Integration Grant Program: \$10 million** [FY 2016 Enacted: \$10 million; no change]. The bill permits USCIS to obligate \$10 million from user fee revenue to support grants to assist lawful permanent residents (LPRs) who are eligible to become U.S. citizens to start the naturalization process.
- The bill authorizes the USCIS Director to solicit, accept, administer and utilize gifts, including donations of property, that will support activities that promote citizenship and integration, and sets a Treasury account for that purpose.

## **Office of Civil Rights and Civil Liberties (OCRCL)**

**FY 2017 Total Proposed Discretionary Funding: \$22.571 million** [FY 2016 Enacted Authority: \$21.8 million; 3.5 percent increase]. The Office of Civil Rights and Civil Liberties (CRCL) advises and trains DHS leadership on civil rights and civil liberties issues, investigates complaints from the public and manages DHS' equal employment opportunity programs. The office is specifically involved in the oversight of ICE's 287(g) and PEP programs.

## **Office of the Inspector General**

**FY 2017 Total Spending Authority: \$175 million** [FY 2016 Enacted Authority: \$161.488 million; 8.4 percent increase]. The Office of the Inspector General conducts and supervises independent audits, inspections, special reviews and investigations of DHS programs and operations.

## **Additional Bill Language**

- The bill directs the Secretary of Homeland Security to submit to select Committees in Congress a report on visa overstay data for FY 2016 by country no later than 30 days after the enactment of this act (Section 107).
- The bill directs the Secretary of Homeland Security to publish on the department's web site the metrics developed to measure the effectiveness of security between the ports of entry, including methodology and data supporting the resulting measures, no later than 30 days after the enactment of this act (Section 107).
- The bill establishes a new provision to require the Secretary of Homeland Security to certify, within 30 days of the act's enactment and monthly thereafter, whether ICE is properly administering its ERO activities consistent with available budgetary authority (Section 108).
- The bill contains a provision allowing the Secretary of Homeland Security to reprogram and transfer funds within and into ICE ERO to ensure the detention of immigrants "prioritized for removal" without the limitations of time and conditions set in 503(d). As a result, the Secretary of Homeland Security appears to have no limitations to transfer or reprogram any balances from previous appropriation acts to ICE ERO (Section 209).
- The bill permits the Secretary of Homeland Security to increase the total number of H-2B worker visas to no more than the highest number of H-2B worker visas who participated in the H-2B returning worker program in any fiscal year in which returning workers were exempt from such numerical limitation. The temporary expansion of the cap on H2-B worker visas could permit as many as [64,000](#) to [69,000](#) more people to apply for visas, resulting in a cap of up to 130,000 or 135,000 for FY 2017 (Section 543).