In addition to its extensive research work, the Marshall Foundation provides educational opportunities for college students and future military leaders. The Marshall Undergraduate Scholars program sends college history students to the Marshall Foundation to conduct primary research in the library’s archives. The Marshall Army ROTC Award Seminar also provides the top ROTC cadet at each college in the United States the opportunity to participate in a national security conference with fellow award recipients and current military leaders. The Marshall-Arnold Air Force ROTC Award Seminar provides a similar opportunity to top senior cadets at each college with an Air Force ROTC program.

Two years ago, the Marshall Foundation began the Marshall Legacy Series—this multiyear series of exhibits, lectures, and events to showcase General Marshall’s contributions during the 20th century, and connects these contributions to today’s world.

This is just a snapshot of the important work the Marshall Foundation conducts to honor and preserve the legacy of General Marshall. I am honored to have such a distinguished institution in my district, the Sixth Congressional District of Virginia.

General Marshall once said: “Sincerity, integrity, and tolerance are, to my mind, the first requirements of many to a fine, strong character.”

I applaud the Marshall Foundation’s work in sharing Marshall’s vision and character with a new generation of Americans. I urge passage of this resolution to honor one of America’s most sincere and distinguished public servants by congressionally designating the museum and library in Lexington, Virginia, as the National George C. Marshall Museum and Library.

Mr. SCOTT of Virginia. Mr. Speaker, I thank my Virginia colleagues for their leadership, and I urge my colleagues to support the resolution.

Mr. BRAT. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I am pleased we are advancing a bipartisan proposal today, one that means a great deal to the people in my home State of Virginia, to designate the George C. Marshall Museum and Library as the National George C. Marshall Museum and Library. We do this to honor a great American hero and his enduring legacy.

Mr. Speaker, I urge my colleagues to support this resolution, and I yield back the balance of my time.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANTI-BORDER CORRUPTION REAUTHORIZATION ACT OF 2017

Mr. McCaul. Mr. Speaker, pursuant to House Resolution 374, I call up the bill (H.R. 2213) to amend the Anti-Border Corruption Act of 2010 to authorize certain polygraph waiver authority, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to House Resolution 374, the amendment in the nature of a substitute recommended by the Committee on Homeland Security, printed in the bill, shall be considered as adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anti-Border Corruption Reauthorization Act of 2017”.

SEC. 2. HIRING FLEXIBILITY.

Section 3 of the Anti-Border Corruption Act of 2010 (Public Law 111-376, 6 U.S.C. 241) is amended by striking subsection (b) and inserting the following new subsections:

“(b) WAIVER AUTHORITY.—The Commissioner of U.S. Customs and Border Protection may waive the application of subsection (a)(1) in the following circumstances:

“(1) In the case of a current, full-time law enforcement officer employed by a State or local law enforcement agency, if such officer—

“(A) has served as a law enforcement officer for not fewer than three years with no break in service;

“(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension;

“(C) is not currently under investigation, has not been dismissed from a law enforcement officer position under a background investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

“(D) has, within the past ten years, successfully completed a polygraph examination as a condition of employment with such officer’s current law enforcement agency.

“(2) In the case of a current, full-time law enforcement officer employed by a Federal law enforcement agency, if such officer—

“(A) has served as a law enforcement officer for not fewer than three years with no break in service;

“(B) authority to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

“(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under a background investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

“(D) holds a current Tier 4 background investigation or current Tier 5 background investigation.

“(3) In the case of an individual who is a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

“(A) has served in the Armed Forces for not fewer than three years;

“(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret / Sensi-

The anti-Border Investigation or current Tier 5 background investigation;

“(C) is not currently under investigation, has not been dismissed from a law enforcement officer position under a background investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

“(D) is not currently under investigation, has not been dismissed from a law enforcement officer position under a background investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

“(E) was not granted any waivers to obtain the clearance referred to subparagraph (B);

“(F) TERMINATION OF AUTHORITY.—

The authority to issue a waiver under subsection (b) shall terminate on the date that is five years after the date of the enactment of the Anti-Border Corruption Reauthorization Act of 2017.’’.

SEC. 3. SUPPLEMENTAL COMMISSIONER AUTHORITY AND DEFINITIONS.

(a) SUPPLEMENTAL COMMISSIONER AUTHORITY.—Section 4 of the Anti-Border Corruption Act of 2010 (Public Law 111-376) is amended to read as follows:

“SEC. 4. SUPPLEMENTAL COMMISSIONER AUTHORITY.

“(a) NON-EXEMPTION.—An individual who receives a waiver under subsection (b) of section 3 is not exempt from any requirement relating to suitability for employment.

“(b) BACKGROUND INVESTIGATIONS.—Any individual who receives a waiver under subsection (b) of section 3 who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

“(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver under subsection (b) of section 3 if information is discovered prior to the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment.

“(d) REVIEW.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new section:

“SEC. 5. REPORTING.

“Not later than one year after the date of the enactment of this section and every year for the next four years thereafter, the Commissioner of U.S. Customs and Border Protection shall provide the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security of the Senate information on the number, disaggregated with respect to each of paragraphs (1), (2), and (3) of subsection (b) of section 3, of waivers requested, granted, and denied, and the reasons for such denial, and the final outcome of the application for employment.

“(b) REPORT.—The Anti-Border Corruption Act of 2010 is amended by adding at the end the following new section:

“SEC. 6. DEFINITIONS.

“‘In this Act:

“(1) LAW ENFORCEMENT OFFICER.—The term ‘law enforcement officer’ has the meaning given
As a former Federal prosecutor and the chief of counterterrorism and national security in the U.S. Attorney’s Office in Texas, I have seen how people take advantage of our Nation’s open borders. Over time, those who are determined to come here illegally become more brazen. They are too many of those we are here to stop. It is obvious that we need a new approach.

When it comes to strengthening our borders, additional funds and new technology will be necessary. However, our borders are more secure when the courageous men and women who serve as Border Patrol agents and Customs and Border Protection officers. These patriots put their lives on the line every single day to protect us while also safeguarding our economic relationships that boost America’s jobs and grow American businesses.

However, we are almost 1,800 Border Patrol agents and 1,000 CBP officers short of having the force that we need to keep our borders secure. Our forces are stretched thin and our efforts to recruit additional officers and agents have slowed due to strict requirements for new applicants. Currently, it takes an average of 113 applicants to hire just one Border Patrol agent. This is a major problem that must be addressed.

This legislation offers a solution by providing the CBP Commissioner with the flexibility to hire State and local law enforcement officers who have already served for 3 years without a break in service, are not under investigation or have been found guilty of misconduct, and have previously passed a law enforcement polygraph exam.

It also provides the CBP Commissioner with the authority to hire members and veterans of the armed services who have held security clearances and who have already completed a robust background check.

To put it simply, this bill will make it easier for some of America’s finest law enforcement officers and soldiers to help protect our borders.

As drugs continue to creep into our neighborhoods and wreak havoc on our communities and terrorists advance their plans to attack our country and disrupt our way of life, we must make sure we have an adequate force to protect our borders.

This needs to be a priority. This should be a bipartisan issue. In fact, Mr. Speaker, this bill passed unanimously out of my committee. Members from both parties should come together, as they did at the committee level, as Mr. VELA did, and support this effort.

American families deserve to know that we are doing everything we can to keep our homeland safe. This legislation gives us a chance to do just that. I would like to thank my colleagues and chairwoman of the Subcommittee on Border and Maritime Security, Congresswoman MCSALLY from Arizona, for all of her hard work on this bill. As a Representative from a district along our Southern border, she fully understands more than any Member the seriousness of this issue.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. VELA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017.

Mr. Speaker, I urge my colleagues to support this bill. I also thank Chairwoman McCaul and Chairwoman MCSALLY for their work on this bill.
Ranking Member THOMPSON offered an amendment in committee to require CBP to report to Congress how many of these waivers are requested, granted, and denied; the reasons for these denials; as well as whether these applicants are ultimately hired or not.

Additionally, it requires CBP to inform Congress on the number of applicants who are granted a waiver but undergo a polygraph examination anyway based on information discovered during their background investigation. Congress must remain vigilant about how the waiver authority is used, and this amendment will ensure we have the information to do so.

Mr. Speaker, in short, the men and women on the front lines of CBP need our help. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. McCAUL. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Arizona (Ms. MCSALLY), the sponsor of the bill and the chairwoman of the Subcommittee on Border and Maritime Security.

Ms. MCSALLY. Mr. Speaker, I rise today in strong support of my bill, H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017.

U.S. Customs and Border Protection has two key missions: securing the border and facilitating cross-border commerce that powers the Nation’s economic growth. In order to accomplish those missions, they need enough agents and officers to be able to make arrests, interdict drug loads, screen cargo from countries of concern, or move legitimate commerce and passengers through an air, land, and sea port of entry.

U.S. Border Patrol agents and CBP officers are, at the end of the day, the most important border security and trade resource we have. Unfortunately, they are in short supply these days, which has created a national security and economic vulnerability that this Congress must address.

CBP is critically understaffed and remains well below its congressionally mandated staffing levels by more than 1,000 CBP officers and 1,800 border patrol agents. The manpower shortage is getting worse. We are losing ground every single month, and there is no end in sight as we continue to lose experienced agents and officers through attrition without the ability to efficiently hire new ones. For example, CBP has invested $200 million in a port of entry infrastructure in Arizona, alone, over the last 8 years, but there is simply not enough staff to open every lane that is available.

I want to emphasize this point: officers and agent shortages did not happen overnight. The U.S. Border Patrol has not met its congressionally mandated hiring projections for fiscal years 2013, 2014, and 2015, and CBP has been losing officers to our ports since early in fiscal year 2016.

At the current hiring rate, approximately 113 applicants go through the process in order to hire a single officer or agent. That means CBP needs to have hundreds of thousands of people apply just to meet their current needs. We need more manpower to properly secure our borders. CBP agents at our Nation’s airports who arrive from overseas, and facilitate cross-border commerce that powers our economy.

There are several underlying issues that are responsible for these current staffing numbers, it takes more than 292 days for these 12 distinct steps, on average, to hire a new officer or agent. And even with the newer expedited system that is supposed to condense these steps into just six days, it still takes an average of 160 days to complete the process. Very few people can wait somewhere between 6 months to a year for a job. We are losing very experienced and already vetted applicants.

Several years ago, the committee began working directly with the previous administration to find solutions to these staffing problems and the hiring process. The bill under consideration today represents the fruits of that bipartisan work and, as a result, was passed out of the Homeland Security Committee unanimously last month.

My bill allows the Commissioner of CBP to waive the polygraph requirement for current State and local law enforcement officers who have already passed a polygraph examination. Federal law enforcement officers who have already passed a stringent background investigation, and veterans with at least 3 consecutive years in the military who have held a security clearance and passed a background check.

These exemptions are purely discretionary, not mandatory. If there is something in an applicant’s history or background that causes CBP concern, they can still use the polygraph exam to resolve those questions.

These small changes will provide CBP with immediate relief so they are able to quickly, yet judiciously, hire officers and agents from a pool of qualified applicants who already maintain the public’s trust and put their lives on the line for our security and our safety on a daily basis.

I want to make my position very clear: Everyone who applies to be a CBP officer or Border Patrol agent should be thoroughly vetted to ensure there are no integrity issues in their background and they are not at risk for corruption. That is how the current system operates, and nothing in this bill would change that. That is why Congress required polygraph examinations and stringent background checks for agents in the first place.

I fully support the use of polygraph examinations to screen out people who may be involved with drug trafficking organizations, or carry a gun, but we can and should make these very narrow, sensible, and straightforward allowances to permit CBP to hire those who have already been vetted and proven by their service in uniform that they are suitable to become agents and officers.

The National Treasury Employees Union, who represent the officers who are stationed at the ports of entry; the Non Commissioned Officers Association, who represent many of our veteran agents; the Fraternal Order of Police; the Border Trade Alliance; the U.S. Chamber of Commerce; and the Department of Homeland Security all support this bill. Indeed, this is a rare bill that has united both management and labor.

I include these letters of support in the Record.

DEAR REPRESENTATIVE: On behalf of the Customs and Border Protection (CBP) Officer-Associated Treasury Employees Union (NTEU), I ask you to vote YES on H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017. This legislation would expand the applicant pool for vacant CBP Officer positions by allowing CBP to waive polygraph requirements for certain categories of job applicants.

NTEU continues to have significant concerns about the slow pace of hiring at CBP. We are struggling to fill 2,000 Officer positions that Congress authorized in 2014. A major impediment to fulfilling CBP’s hiring goal is that CBP is the only federal agency with a congressional mandate that all frontline officer applicants receive a polygraph test. Two out of three applicants fail its polygraph—about 65 percent—more than double the average rate of eight law enforcement agencies according to data provided to the Associated Press. The eight law enforcement agencies that supplied this information showed an average failure rate of 35 percent. As an example, the U.S. Drug Enforcement Administration failed 36 percent of applicants in the past two years.

NTEU does not seek to reduce the standards used by CBP in the hiring process, but believes that there is a problem with how the polygraph is currently administered. We have asked CBP to review its current polygraph policy to understand why CBP is failing applicants at a much higher rate than individuals applying to work at other federal law enforcement agencies. H.R. 2213 expands the authority to waive polygraph examinations for certain veterans and law enforcement officers, while also safeguarding CBP’s right to administer the polygraph for these exempted applicants if a need arises.

Improving the current polygraph program should help in expediting the CBP Officer hiring process so that the existing 1,400 vacancies can be filled allowing CBP to move towards filling 3,900 Vacant CBP Officer positions. H.R. 2213 is an amendment to the Broad Access to Workforce Staffing Model. NTEU also recommends that CBP allow immediate polygraph re-testing opportunities to those with a No Opinion or Inconclusive result, including those with a No Opinion Counter Measure finding.

NTEU asks you to vote YES on H.R. 2213.

Sincerely,

ANTHONY M. REARDON,
National President.
Thank you for your attention and for your efforts to help secure our borders and enable transitioning Veterans to find meaningful employment.

Respectfully,

Jon Ostrowski,  
BMCS (ret.) U.S. Coast Guard, Executive Director, NCOA.

NATIONAL FRATERNAL ORDER OF POLICE,  

Hon. PAUL D. RYAN,  
Speaker of the House, House of Representatives,  
Washington, DC.

Hon. KEVIN O. MCCARTHY,  
Majority Leader, House of Representatives,  
Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

Hon. STEVY H. HOYER,  
Minority Whip, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER AND REPRESENTATIVES:  
Fill its positions without compromise; I am writing on behalf of the members of the Fraternal Order of Police to advise you of our support for H.R. 2213, the 'Anti-Border Corruption Reauthorization Act,' and to urge the House to pass it.

The pace of hiring at the Customs and Border Protection (CBP) is critical to realizing cross-border trade while ensuring our ports are secure. Adequate port staffing is critical to realizing trade securely and efficiently. The reforms contained in your legislation are important as we seek new ways to attract talented, qualified individuals into CBP's ranks with as few redundant, bureaucratic hurdles as possible, while still strengthening border security and ensuring the highest level of confidence in new recruits.

The Border Trade Alliance is proud to support your legislation and we commend you for working in a bipartisan effort. We are committed to making a final determination regarding an applicant's suitability for employment or an employee's continued employment.

Sincerely,

RUSSELL L. JONES,  
Chairman,  
BRITTON CLARKE,  
President.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,  

Hon. MICHAEL McCaul,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

Hon. BENNIE THOMPSON,  
Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCCaul AND RANKING MEMBER THOMPSON: The U.S. Chamber of Commerce supports H.R. 2213, the 'Anti-Border Corruption Reauthorization Act,' and to urge the House to pass it.

The Border Trade Alliance is proud to support your legislation and we commend you for working in a bipartisan effort. We are committed to making a final determination regarding an applicant's suitability for employment or an employee's continued employment.

Sincerely,

CHUCK CANTERBURY,  
National President.

BORDER TRADE ALLIANCE,  

Hon. MARTHA McSALLY,  
Washington, DC.

DEAR REPRESENTATIVE McSALLY: The Border Trade Alliance (BTA) supports your legislation, H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017, which contains important reforms to the polygraph examination process employed in the recruitment of Customs and Border Protection officers.

For over 30 years, the BTA has sought to support public policies that encourage robust cross-border trade while ensuring our ports of entry have the resources necessary to operate smoothly and efficiently. Adequate port staffing is critical to realizing those goals.

We share your belief that CBP's ability to recruit new officers into its ranks is hamstrung by a polygraph screening that is overly burdensome and not properly aligned with the needs of today's CBP.

CBP's failure to meet Congress' calls for hiring 2,000 new officers must be addressed swiftly, or our borders will continue to be characterized by long delays and congestion.

Our will wisely seeks to streamline the recruitment process by waiving the existing polygraph examination process for current state or local law enforcement officers in good standing if they have already completed a polygraph examination as part of their employment or, in the case of federal law enforcement officials, have already completed a Tier 4 or 5 background investigation. In the case of members of the military or Veterans, your bill allows the polygraph exam to be waived for individuals who have received high level security clearances.

Finally, your legislation contains an added level of security by permitting CBP to administer a polygraph exam in those cases where a background investigation indicates a polygraph examination is necessary to make a final determination regarding an applicant's suitability for employment or an employee's continued employment.

The reforms contained in your legislation are important as we seek new ways to attract talented, qualified individuals into CBP's ranks with as few redundant, bureaucratic hurdles as possible, while still strengthening border security and ensuring the highest level of confidence in new recruits.

The Border Trade Alliance is proud to support your legislation and we commend you for working in a bipartisan effort. We are committed to making a final determination regarding an applicant's suitability for employment or an employee's continued employment.

Sincerely,

NEIL L. BRADLEY.
I would like to thank Chairman McCaul and Ranking Member Thompson, and especially my ranking member, Mr. Vela, for his support and work with us on this important bill.

Mr. Vela. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. LoFgren).

Mr. LoFgren. Mr. Speaker, I do not at all question the intentions of the proponents of this bill. I understand that the entire rationale is to expedite hiring because of the vast number of vacancies. I do, however, question the wisdom of this approach.

I think it is worth noting that, currently, two-thirds of the applicants for CBP fail the polygraph test; and that is important not as a barrier, but because that polygraph test reveals misconduct that makes them ineligible.

Now, the current Department of Homeland Security inspector general, John Roth, has expressed strong reservations about polygraph changes, the waivers, and, specifically, about these bills. He indicates that we need to identify other ways to make hiring more efficient “without sacrificing integrity and effectiveness.” The DHS OIG is currently auditing the CBP polygraph program, as is the GAO.

If you take a look at the bill, it allows for exemptions of the polygraph to certain categories of people, one of which is law enforcement officers who have undergone background investigation as a condition of employment within the past 10 years. Well, you know, there was actually a Freedom of Information request on who flunked the polygraph tests in the CBP, and what has come out is that people who fall into this exemption admitted conduct that would make them ineligible, including child pornography, smuggling of drugs, theft.

It is fine to say that this would only be used when you knew that there was a problem with that argument is sometimes you don’t find out what the problem is until you subject the applicant to a polygraph or they know that they are about to be subjected to a polygraph, in which case, they own up.

So the Border Patrol is to be honored; they do a great job for us. But we know that the Sinaloa drug cartel is trying to recruit applicants. The last thing we need is for them to succeed, for our sake as well as for our brave men and women in the Border Patrol.

Mr. McCaul. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. Higgins).

Mr. Higgins of Louisiana. Mr. Speaker, today I rise in support of H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017.

Mr. Speaker, this bill is about standing up for Border Patrol cops. Border Patrol is woefully understaffed. This bill addresses this serious issue. In order to stand strong against jihadist terror and cartel organized crime, we
must have an adequate number of boots on the ground.

Mr. Speaker, I served my community for many, many years as a street cop. I know exactly what it is to work patrol under dangerous, exhausting conditions. My Border Patrol brothers and sisters of the thin blue line are stretched too thin.

Hear my words: These are high caliber law enforcement professionals, but they are well below the staffing levels mandated by Congress. This bill is not about lowering standards, as some critics claim. To the contrary, this bill allows for a commonsense approach to hire experienced, highly qualified patriots to fill the ranks of our front lines. This bill allows reasonable degrees of discretion that streamline the vetting and hiring process at Customs and Border Patrol.

I would like to thank Chairwoman McSally for introducing this bill, and I urge my colleagues to support the law enforcement community and vote in favor of this important legislation.

Mr. VELA. Mr. Speaker, I yield 1 1/2 minutes to the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM).

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I had the benefit, of course, of hearing my colleague, Congresswoman LOPFRENG, and I appreciate my colleagues on the other side because, agreed, we all want there to be the right level of national security protections at the border, but we want to make sure that we are maximizing those opportunities and recognize that there has been an issue of being able to address the shortage of officers. But to address a workforce shortage by minimizing the very requirements that not only preserve our national security and protect the men and women at our border, I would agree, is not the way that we should be proceeding.

Mr. Speaker, in fact, I rise in opposition to the Anti-Border Corruption Reauthorization Act. As a Member from a border State that heavily trades with Mexico, I certainly understand the value of having sufficient customs officials manning our ports of entry and agents protecting our border; but eliminating the critical polygraph requirements for certain CBP candidates would make our southern border more vulnerable and that we should, instead, identify ways to make hiring more efficient without sacrificing integrity and effectiveness.

Mr. Speaker, in fact, I live in a community that the FBI has now identified as one of the most dangerous cities in the country, Albuquerque, New Mexico, primarily because of the drug cartels.

The drug trade in our city and in our State is significant, so we understand having sufficient officers.

While I strongly oppose this bill, I am committed to working with my colleagues and CBP to identify solutions that won’t jeopardize national security.

Mr. McCaul. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ARRINGTON).

Mr. ARRINGTON. Mr. Speaker, in the preamble of the Constitution, our Founding Fathers explained a more perfect Union. The Federal Government to do a few things, and to do them well. At the top of the list is the Federal Government’s responsibility to provide for the common defense and secure our freedom.

There is no freedom without security. These concepts, these pillars upon which this great Nation was founded, must be proactively protected every day by men and women across this Nation. A select few of those men and women wake up every morning to patrol and protect our sovereign Nation’s border in the face of drug smuggling, human trafficking, and violent criminal activity.

They work to safeguard our Nation, enforce the rule of law, and promote free and trade through our ports of entry. Yet the previous administration’s policy left our Border Patrol and Customs operations hamstrung and significantly understaffed.

As someone who represents the border State, I have seen and experienced those vulnerabilities firsthand.

To say that our Border Patrol and Customs operations are woefully understaffed is woefully understated. We are almost 3,000 officers and agents short of the minimum that is mandated by Congress. One reason for this understaffing is the unreasonable and protracted hiring processes.

In 2015, it could take more than 460 days, on average, and 11 separate steps to hire a new officer or agent. This is absolutely absurd, even by government standards, and it must be fixed. That is why today I am proud to cosponsor H.R. 2213. This legislation provides a more commonsense and expedient process for hiring border personnel.

We also need enough Customs officers to foster efficient trade for a robust economy. A recent study found that every batch of 33 CBP officers hired could lead to an increase in GDP of $60 million and an employment gain of over 1,000 jobs. For too long, the Federal Government has abdicated its chief responsibility of securing our borders and protecting our citizens. We must put the safety and security of the American people first and give our Border Patrol and the CBP the staff they need to do their job.

Mr. Speaker, therefore, I urge my colleagues to support H.R. 2213, and I applaud Chairman McCaul, Ranking Member VELA, and Representative McSALLY for their leadership on this critical issue.

Mr. VELA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GONZALES).

Mr. GONZALES of Texas. Mr. Speaker, I rise in support of H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017.

This legislation aims to address a staffing issue that has plagued the United States Customs and Border Patrol for many years.

H.R. 2213 would add the option to waive the polygraph test for a select few individuals who have already successfully taken and passed a similar polygraph test in the past. These individuals are veterans, members of our Armed Forces, or law enforcement officers with clean records and years of honorable service.

A veteran with secret clearance and an honorable discharge, 3 years of service, and a tier 5 background check is someone I would hold in high regard and exempt from an unnecessary polygraph.

I would not be in favor of this bill if it included changes to the polygraph test to the general public. This is a special group—our veterans and our law enforcement.

This legislation would not change the United States Customs and Border Patrol requirements for background checks or interviews. Customs and Border Patrol would still have their candidates undergo the regular battery of tests and checks.

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This legislation would not change the United States Customs and Border Patrol requirements for background checks or interviews. Customs and Border Patrol would still have their candidates undergo the regular battery of tests and checks. Customs and Border Patrol would still ask a candidate who waived the polygraph under these proposed changes to take the examination.

This bill will not lower the standards for entry. Rather, the flexibility it provides would prevent potential bottlenecks in the hiring pipelines and eliminate redundancy.
Meanwhile, we have got skilled law enforcement people applying, skilled former veterans with high clearances who are applying for these jobs and being stymied by the lack of polygraph operators available to do it.

This is a right choice of setting a priority for those people who have served, proving their worth, and are asking to be part of the defense of our national borders. I support this wholeheartedly. I support Chairwoman MCSALLY’s concept here. It is great. It starts in the right way of doing things in the Federal Government—if a new way of doing things is the right way, we ought to be doing it. Nobody is going to keep from checking on people. You can still make them take a polygraph if you run across something you don’t like. But it is a good idea whose time has come. Let’s be modern Americans and have new ideas and make those new ideas work.

I commend everyone here in support of this. I am proud to be a cosponsor of this bill, and I think, for a change, government is making a good start at new ideas.

Mr. GUTIERREZ. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I will not mince words. Anyone who votes for this bill is voting to support and implement Donald Trump’s views on immigration, his desire to militarize our southern border, and his fantasy of a mass deportation force. You cannot spin it any other way.

If we want to lower the standards for screening and hiring CBP officers, eliminate checks that could weed out candidates with criminal histories or criminal intentions, and water down the integrity of this important national security source, this bill is for you.

But if you care about border security and the integrity of the officers, you should join me in voting against the bill.

To me and a lot of other people watching this debate, this is about something else. Remember that man descending the golden escalators at Trump Tower announcing his campaign for President by saying Mexicans who come to the U.S. are rapists, drug dealers, and murderers? Remember him?

Do you want to turn into his vision of immigrants as a brown horde intent on doing America harm?

If you are onboard with this, you are also onboard with building a wall, onboard with billions to be spent on deporting moms and dads who have lived here for decades; going after DREAMers as the Trump administration is doing today, deporting DREAMers from the United States of America. Where do you want to draw the line on the Trump deportation agenda? I say draw the line right here, right now, and don’t give another inch. There are many ways to secure the Nation, but watering down the hiring standards of our men and women in uniform should not be one of them. Let’s secure the border. Let’s have them have the same test at the border that you have a DEA agent, FBI agent, Secret Service agent. What are we going to do? Not have them take polygraph tests? That is going to turn America sad. I doubt it.

Mr. MCCAUl. Mr. Speaker, I reserve the balance of my time.

Mr. VELA. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. VELA).

Mr. CUELLAR. Mr. Speaker, I want to thank Representative VELA for yielding time to me and also Chairman MCCAUl and the folks who have been working on this particular bill. CBP currently has a staffing deficit of 3,000 individuals for the uniform components, that is the U.S. Border Patrol, Office of Field Operations, Air and Marine Operations, which jeopardizes our national and our economic security.

This legislation does not cover ICE. CBP, Border Patrol, and Air and Marine. Nobody else. This has nothing to do with deportation.

Long before President Trump became a candidate for the office, Congress authorized CBP to hire an additional 2,000 officers. That was about 4 years ago. Chairman CARTER, MICHAEL, MCCAUl, we authorized 2,000 officers. Up to now, Mr. Speaker, we have not been able to hire those 2,000 officers because of the polygraph requirement.

In fact, 65 percent of those individuals who applied for CBP are rejected, which is twice the amount that you have for other Federal officers, FBI, DEA, when they take their polygraph. I am talking about polygraph exams. Again, this does not cover ICE. What this bill actually does, it will strengthen CBP’s efforts to secure our border by filling those positions. I represent Laredo, the largest inland port, 14,000 traders a day. They have been delayed because we don’t have enough CBP officers, and we need to get them.

What this bill does, it does not lower the standards. I emphasize, it does not lower the standards. It streamlines the background investigation for a limited number of veterans, military officers, law enforcement. If you are a local law enforcement and you take a polygraph exam, then you can ask for this waiver. Or if you are a service member or a veteran with the highest background investigation, you can get a waiver. Or if you are current Federal law enforcement with the highest background exam, you can get a waiver. But, again, if somebody finds out those vetted individuals still need to take a polygraph, then you would take it.

Finally, the last thing to conclude is, Members, this is not the first time we have gotten a waiver.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VELA. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. CUELLAR. If you look at the National Defense Authorization polygraph waiver language, CBP has already gotten requests for waivers. In fact, it has already been done. This is not the first time that we are doing this. It is already the law. It doesn’t bring down the standards. It allows us to have more men and women at the border. This is why I ask you to support this legislation.

Mr. MCCAUl. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time to close.

Mr. VELA. Mr. Speaker, I have no further speakers, and I yield myself the balance of my time.

Mr. Speaker, H.R. 2213, the Anti-Border Corruption Reauthorization Act of 2017, aims to bring some relief to the tremendous staffing shortages at our ports of entry by providing CBP with limited authority to waive its polygraph requirement on a case-by-case basis for certain veterans and State and local law enforcement officers in its hiring process.

H.R. 2213 is endorsed by the NTEU, the union that represents frontline CBP officers.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. MCCAUl. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in concluding this debate, it is important to note this bill is a bipartisan effort, passing unanimously out of my committee. It is supported by Ranking Member THOMPSON, Congressman VELA, and we thank you for that, and others. Again, it passed unanimously.

I was pleased to see also a Dear Colleague letter sent by my Democratic counterparts on the Homeland Security Committee urging the passage of this bill. This only further underscores the bipartisan nature of this effort.

It is also supported, Mr. Speaker, by the U.S. Chamber of Commerce, the Border Trade Alliance, the CBP officers’ union, and the Fraternal Order of Police, among others.

The issue is very clear. Not passing this bill will continue to keep American families at risk from dangers of human traffickers, drug smugglers, and international terrorists. Right now, we simply don’t have an adequate number of Border Patrol agents and CBP officers to safeguard our Nation’s border. We need to fix that. That is what this legislation does. It will allow us to bolster our forces with talented law enforcement officials and military personnel who have been previously vetted and have already demonstrated their commitment and patriotism to their fellow Americans.

As I have stated before, while new infrastructure and technology will be important in protecting this Nation, the brave men and women who confront the enemies to our homeland are our greatest assets.

Once again, I thank Congresswoman MCSALLY, Ranking Members VELA and
Thompson, and all those who supported this bill. It will help strengthen our borders.

Mr. Speaker, I yield back the balance of my time.

Mr. DeFazio. Mr. Speaker, I will be unable to vote on H.R. 2213, the Anti-Border Corruption Reauthorization Act. If I would be present, I would vote against the bill.

While this bill purports to fast track the hiring of Customs and Border Patrol (CBP) agents in order to ensure our national security, it would do so at the expense of rigorous hiring processes and allows potential vulnerabilities in the country’s largest law enforcement agency. H.R. 2213 would allow certain CBP applicants to bypass polygraph testing.

In 2010 Congress passed the Anti-Border Corruption Act, which mandated CBP applicants pass a polygraph test as part of their hiring process. This bill was an essential step after an influx of corruption cases were revealed within the agency—ranging from drug trafficking to accepting bribes. Decreasing hiring standards as proposed by H.R. 2213 would do exactly what the Anti-Border Corruption Act of 2010 fixed.

Instead of finding common-sense ways to expedite the hiring process without compromising the integrity of the agency, H.R. 2213 ignores problems in an attempt to keep President Trump’s campaign promises of quickly increasing border patrol agents.

I am absolutely committed to regaining control of our country’s borders and have continually fought to restrict individuals who would do our citizens harm—both through terrorist attacks or drug smuggling—from entering the United States. This ill-conceived legislation does nothing to ensure increased border security.

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT NO. 1 OFFERED BY MS. MICHELLE LUJAN GRISHAM OF NEW MEXICO

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, after line 4, insert the following:

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the later of the dates on which the Inspector General of the Department of Homeland Security completes an assessment of the population of individuals who could receive waivers under section 3(b) of the Anti-Border Corruption Act of 2010, as amended by this Act, and submits to Congress a report on such evaluation and pilot program.

I urge my colleagues to join me in supporting this amendment to ensure we do not create unnecessary risks to the security of our border.

The independent inspector said that the polygraphs had stopped dozens of applicants who have admitted to participation in human trafficking, defrauding the government, and have links with cartels intent to infiltrate CBP.

There has been, actually, a release from the Freedom of Information Act of people who would be eligible for the exemption who admitted, under the polygraph, to sexual assault, to child pornography, to taking classified information from Afghanistan, to taking classified information from Iraq, a sheriff’s employee who engaged in theft, and a police officer who was a smuggler. The Border Patrol cannot afford this.

I think the gentlewoman’s amendment actually preserves what we want, and I would highly recommend that we approve it.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. McCaul. Mr. Speaker, I claim the time in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.
Mr. McCaul. Mr. Speaker, I rise in opposition to the Lujan Grisham amendment.

Let me say, first, that the Secretary of Homeland Security testified before my committee this morning, a decorated four-star general serving in Iraq and Afghanistan, General Joseph Votel. This man knows the border. Secretary Kelly supports this legislation.

I find it a bit offensive that decorated veterans who have already received clearances somehow would present a threat to the security of the United States, so I reject that argument.

This amendment strikes me as an unnecessary and harmful delaying tactic. If the CBP Commissioner wishes to request a polygraph examination for any federal employees -- CBP officers, Border Patrol agents, or otherwise -- the Commissioner could do so in a classified setting. Thus, I stand opposed to the amendment.

Mr. McCaul. Mr. Speaker, on that I stand opposed to the amendment offered by the gentlewoman from New Mexico (Ms. Michelle Lujan Grisham). The question is on the amendment offered by the gentlewoman from New Mexico (Ms. Michelle Lujan Grisham).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McCaul. Mr. Speaker, I rise to a question of the privileges of the House that was previously noticed.

The Speaker pro tempore. The Clerk reads as follows:

Expressing the sense of the House of Representatives that the President shall immediately release his tax return information to Congress and the American people; whereas, in the ‘IRS‘ system of checks and balances, Congress has a responsibility to hold the Executive Branch of government to a fair and equal standard of transparency ensuring the public interest is placed first; whereas, in the United States’ system of government to a fair and equal standard of transparency ensuring the public interest is placed first; whereas, the American people have the right to know whether or not their President is operating under conflicts of interest related to international affairs, tax reform, government contracts, or otherwise; Now, therefore, be it:

Resolved, That the House of Representatives shall immediately release the President’s financial statements.

Whereas, the President’s tax returns would show us whether he has foreign bank accounts and how much profit he receives from his ownership in myriad partnerships; whereas, Donald Trump, his top officials and campaign aides, have been subject to a request from the Trump Organization to produce documents related to Russian influence in the 2016 elections.

Whereas, the President’s tax returns would show whether he has foreign bank accounts and how much profit he receives from his ownership in myriad partnerships; whereas, Donald Trump, his top officials and campaign aides, have been subject to a request from the Trump Organization to produce documents related to Russian influence in the 2016 elections.

Whereas, the Emoluments Clause was intended by the framers to prevent the President from receiving gifts or emoluments from foreign governments. The authority to request the President’s tax returns under Section 6036 of the tax code; whereas, the Joint Committee on Taxation reviewed the tax returns of President Richard Nixon in 1974 and made the information public;

Whereas, the Charter of the ways and means committee, Joint Committee on Taxation, and Senate Finance Committee have the authority to request the President’s tax returns under Section 6036 of the tax code; whereas, the Joint Committee on Taxation reviewed the tax returns of President Richard Nixon in 1974 and made the information public; whereas, the Ways and Means Committee used IRC 6103 authority in 2014 to make public the confidential tax information of 51 taxpayers; whereas, Director Comey has testified that tax returns are a common tool in investigations because they can show income and motives; whereas, the American people have the right to know whether or not their President is operating under conflicts of interest related to international affairs, tax reform, government contracts, or otherwise; now, therefore, be it:

Resolved, That the House of Representatives shall immediately release the President’s tax return information to the public; whereas, the tax returns provide an important baseline for investors including, whether the President paid taxes, ownership interests, charitable donations made, and whether tax deductions have been exploited; whereas, the President’s tax returns could help those investigating Russian influence in the 2016 election understand the President’s financial ties to the Russian Federation and Russian citizens, including debts owed and whether he shares any partnership interests, equity interests, joint ventures or licensing agreements with Russia or Russians; whereas, the President recently fired Federal Bureau of Investigation Director James Comey, under whose leadership the FBI was investigating whether the Trump campaign colluded with Russia to influence the 2016 election.

Whereas, President Trump reportedly staked to Russian officials during a White House meeting that he fired Director Comey to ease pressure on the ongoing investigation of Russia’s influence in the 2016 election; whereas, Senate Russia investigators have requested information from the Treasury Department’s criminal investigation division, the Financial Crimes Enforcement Network, or FinCEN, which handles cases of money laundering; whereas the resolution presents a question of the privileges of the House?

Mr. Capuano. Yes, Mr. Speaker, I would like to agree.

The Speaker pro tempore. The gentleman is recognized on the question of order.