

June 6, 2017

Dear Member of Congress,

We, the undersigned organizations, urge you to oppose the House Anti-Border Corruption Reauthorization Act (H.R.2213) when the bill comes to the floor later this week. H.R. 2213 would eliminate critical polygraph requirements, widely used by federal law enforcement, for some U.S. Customs and Border Protection (CBP) applicants. CBP, an agency with serious corruption and integrity issues, cannot be trusted to take shortcuts by weakening hiring standards—hires that will help President Trump ramp up his deportation force.

The context of H.R. 2213 is important. President Trump has issued a controversial Executive Order mandating an expensive and unnecessary 5,000 agent increase in Border Patrol agents. That would represent a 25 percent increase at a time when border apprehensions continue to go down, a slide that has lasted at least since the turn of the century. Border apprehensions are now running at less than 1/10th of the level they reached in 2000. The President's Executive Order says nothing about bringing on new officers at short-staffed ports of entry, an actual need, and there is nothing in H.R. 2213 that requires new CBP hires to be deployed there.

Watering down CBP hiring standards through polygraph loopholes is dangerous and risks employing CBP officers and agents who jeopardize national security and public safety; compromising the largest law enforcement agency in the country. H.R. 2213 threatens to repeat recent disastrous history when officers/agents hired during a late 2000s CBP surge were frequently found to be corrupt—some working for international drug trafficking organizations—and prone to abuses such as excessive use of force and sexual assault. In response, Congress enacted the Anti-Border Corruption Act of 2010 that mandated polygraphs for all persons applying for CBP law enforcement positions.

Indeed, former head of CBP Internal Affairs James Tomsheck (2006 to 2014) opposes H.R. 2213, warning Congress not to “green-light lower standards for CBP recruits and worsen widespread integrity failures that already plague an agency with the biggest corruption problem in federal law enforcement.” **These concerns were echoed by current DHS Inspector General John Roth who told the New York Times that polygraph changes including the proposed legislation “could put CBP at significant risk.”** Mr. Roth, whose office is currently auditing the CBP polygraph program, said CBP needs to identify other ways to make hiring “more efficient without sacrificing integrity and effectiveness.”

Other federal law enforcement agencies, including the FBI, DEA, ATF, and Secret Service, make

no exceptions for polygraph testing of law-enforcement applicants. However, H.R.2213 would allow CBP to exempt subgroups of federal/state/local law enforcement and certain military and National Guard personnel, despite the fact that some of these applicants have never taken a polygraph exam or one as stringent as the one used in federal law enforcement. Former head of CBP Internal Affairs Tomsheck underscored that "[t]his change is being contemplated without consideration of whether these applicants pass the polygraph at a higher rate: they don't. Nor do these groups present a lesser risk of integrity violations: they have been involved in some of the most serious CBP corruption activity and excessive force incidents."

The polygraph is an integral component of CBP vetting and has prevented corrupt or corruption-prone applicants from being hired and deployed. Current DHS Inspector General John Roth warns that "[w]hile it may sound reasonable to say you could waive requirements from former military personnel because they have passed a polygraph, Border Patrol agents work in a different environment that is not as controlled as the military." Two-thirds of applicants fail the CBP polygraph and hundreds have admitted to serious criminal activity during the screening process. Former CBP head of Internal Affairs Tomsheck confirmed that applicants have revealed engagement with drug cartels and smuggling activities during their polygraph exams.

CBP is facing staggering integrity and professionalism challenges. According to the Government Accountability Office, between 2005-2012 there were 2,170 reported incidents of arrests of CBP personnel for misconduct. That's nearly one CBP officer or agent arrested for misconduct every single day for seven years. Almost 200 current or former CBP employees were arrested or indicted since October 2004 for corruption-related activities, such as the smuggling of immigrants and drugs, of whom 125 had been convicted as of October 2012.

DHS's own CBP Integrity Advisory Panel of outside law enforcement experts concluded in 2015 that "there is data indicating that arrests for corruption of CBP personnel far exceed, on a per capita basis, such arrests at other federal law enforcement agencies." In its final report issued in 2016, the panel recommended that current polygraph testing be **expanded** to include post-employment tests that are best practices at the FBI and agencies in the U.S. intelligence community.

CBP has a horrendous track record of abuse and impunity. Since January 2010, more than 50 people have died in encounters with CBP personnel. Not only have many CBP agents and officers been implicated in excessive use of force incidents, but the rate of sexual misconduct by CBP personnel is also significantly higher than other law enforcement agencies.

CBP undoubtedly faces recruitment and retention problems, although it was just reported that Border Patrol has succeeded in cutting hiring time by two-thirds. Instead of taking short-cuts that would increase corruption and abuse, CBP should focus on improving its accountability and transparency and diversify its applicant pool. Increasing hiring at the expense of the public's trust would create serious national-security vulnerabilities, jeopardize public safety, and degrade the quality of life for border residents. **Please oppose H.R. 2213: it's bad policy that would guarantee more CBP abuses.**

Sincerely,

African American Ministers In Action (AAMIA)
Alianza Americas
Alliance San Diego
American Immigration Lawyers Association
America's Voice Education Fund
Asian Americans Advancing Justice-AAJC
Casa de Esperanza: National Latin@ Network
Center for American Progress
Center for Biological Diversity
Church World Service
Coalición de Derechos Humanos
Columban Center for Advocacy and Outreach
Farmworker Justice
Franciscan Action Network
Franciscans for Justice
Hispanic Federation
Immigrant Legal Resource Center
Justice Peace and Care for Creation Committee
Kids in Need of Defense (KIND)
Kino Border Initiative
La Union del Pueblo Entero
League of United Latin American Citizens
Maryknoll Office for Global Concerns
Muslim Public Affairs Council
National Coalition Against Domestic Violence
National Council of La Raza
National Immigrant Justice Center
National Immigration Law Center

National Network for Immigrant and Refugee Rights
National Network to End Domestic Violence (NNEDV)
NETWORK Lobby for Catholic Social Justice
North County Immigration Task Force
Northern Jaguar Project
San Diego Immigrant Rights Consortium
Scalabrini International Migration Network
Service Employees International Union (SEIU)
Sisters of Mercy of the Americas - Institute Justice Team
Sisters of Saint Francis JPIC Commission
Southern Border Communities Coalition
UURISE - Unitarian Universalist Refugee & Immigrant Services & Education
We Belong Together
Women's Refugee Commission