

Language included in the Fiscal Year 2017 Homeland Security Appropriations Act.

1. Transparency in ICE Detention Centers

“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 IGSAAs 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.”

2. Increase funding for Alternatives to Detention. \$11,608,000 above FY16.

\$125,883,000

3. Report on effectiveness of ATD program

“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.”

4. Report on migrant deaths and Search and Rescue efforts.

“The statement accompanying Division F of Public Law 114–113 included by reference directives from House Report 114–215 requiring CBP to provide a report on its search and rescue efforts during fiscal year 2015 and to brief the Committee on the feasibility and cost effectiveness of using commercially available services, including airships and fixed wing or rotary-wing aircraft to complement border surveillance activities. CBP is directed to comply immediately with these directives. In addition, CBP is directed to provide a report on its Search and Rescue activities during fiscal year 2016 within 60 days of enactment of this Act, as detailed in House Report 114-215. In addition, the report should address, to the extent possible, the cause of death for each migrant and the federal costs related to search and rescue efforts, including any costs related to the identification of deceased individuals; the return or transfer of remains; and the notification of family members.”

From House Report 114-215 (FY16 Bill)

“The Committee commends CBP’s search and rescue efforts, in particular the Border Patrol Search, Trauma, and Rescue (BORSTAR) Unit, and encourages CBP to expand its engagement with State and local counterparts and nongovernmental organizations in providing necessary medical aid and reducing deaths. Within 60 days of the date enactment of this Act, CBP shall provide a report to the Committee on its search and rescue efforts during the prior fiscal year, including the number of deaths by sector and a description of the methodology for counting such deaths; the number of rescue beacons by sector; the frequency of rescue beacon activation; and the number of individuals rescued by the Border Patrol as a result of rescue beacons. In addition, the briefing should address procedures for the identification of deceased individuals, cooperative activities with State and local governments and nonprofit organizations, procedures for responding to rescue beacons, distress calls, and missing persons reports, and plans for reducing border crossings and deaths in remote areas along and near the border.”