

114TH CONGRESS  
2D SESSION

# H. R. 6456

To render the amounts authorized to be appropriated for U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement for fiscal years 2018 through 2021 contingent upon the amount appropriated for the Executive Office for Immigration Review for fiscal year 2017.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2016

Mr. VEASEY introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To render the amounts authorized to be appropriated for U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement for fiscal years 2018 through 2021 contingent upon the amount appropriated for the Executive Office for Immigration Review for fiscal year 2017.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End the Backlog Act”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) Over the last decade, the Department of  
4 Homeland Security's immigration enforcement re-  
5 sources have increased drastically.

6 (2) Combined spending for U.S. Customs and  
7 Border Protection and U.S. Immigration and Cus-  
8 toms Enforcement increased 105 percent from fiscal  
9 year 2003 to fiscal year 2016, from \$9,100,000,000  
10 to approximately \$20,100,000,000.

11 (3) Over the last decade, the Executive Office  
12 for Immigration Review's resources have not in-  
13 creased at the same rate as the rates for U.S. Cus-  
14 toms and Border Protection and U.S. Immigration  
15 and Customs Enforcement.

16 (4) Immigration court spending for the Execu-  
17 tive Office of Immigration Review increased 74 per-  
18 cent from fiscal year 2003 to fiscal year 2015, from  
19 \$199,000,000 to \$347,200,000.

20 (5) In comparison to other Federal judges with  
21 similar responsibilities, immigration judges are ex-  
22 pected to process 100 percent more cases with their  
23 current resources.

24 (6) Immigration judges processed and adju-  
25 dicated over 1,400 cases on average in fiscal year

1 2014 in comparison to 1998, during which immigra-  
2 tion judges processed 641 cases.

3 (7) In comparison, Federal judges averaged 566  
4 cases in 2011 and Social Security administrative law  
5 judges processed 544 cases and hearings in 2007.

6 (8) As more immigration cases are filed than  
7 processed, immigration court backlogs have more  
8 than doubled since 2002, with 166,000 cases pro-  
9 cessed during that fiscal year.

10 (9) The Executive Office for Immigration Re-  
11 view reported 521,676 pending immigration cases as  
12 of November 2016.

13 (10) The average removal case as of April 2015  
14 had been pending for 604 days.

15 (11) In July 2016, the Executive Office for Im-  
16 migration Review announced plans for an increase of  
17 122 immigration judges, bringing the total from 277  
18 to 399.

19 (12) A total of 524 judges is required to elimi-  
20 nate the current backlog and adjudicate incoming  
21 cases in a timely manner.

1 **SEC. 3. RENDERING AMOUNTS AUTHORIZED FOR CBP AND**  
2 **ICE FOR CONTINGENT ON AMOUNT APPRO-**  
3 **PRIATED FOR EOIR.**

4 If, for fiscal year 2017, the total amount appro-  
5 priated for the Executive Office for Immigration Review  
6 does not exceed 485,300,000, then, for fiscal year 2018  
7 and each of the 3 succeeding fiscal years, the total amount  
8 authorized to be appropriated for—

9 (1) U.S. Customs and Border Protection is  
10 \$13,219,051; and

11 (2) U.S. Immigration and Customs Enforce-  
12 ment is \$6,151,579.

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