



THE REPUBLICAN
STUDY COMMITTEE

LIBERTY. OPPORTUNITY. SECURITY.
MARK WALKER, CHAIRMAN

H.R. 2213 — Anti-Border Corruption Reauthorization Act of 2017 (Rep. McSally, R-AZ)

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FLOOR SCHEDULE:

Scheduled for consideration on June 7, 2017 under a structured [rule](#).

TOPLINE SUMMARY:

[H.R. 2213](#) would allow the Commissioner of U.S. Customs and Border Protection (CBP) to waive polygraph requirements for some CBP applicants.

COST:

A Congressional Budget Office (CBO) [estimates](#) that the report would have no significant effect on the agency's spending.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 2213 would allow the Commissioner of U.S. Customs and Border Protection (CBP) to waive polygraph requirements for CBP applicants who: (1) is a current state or local law enforcement officer in good standing, with at least three years' experience, and who has completed a polygraph within the last ten years; (2) a federal law enforcement officer in good standing with a current [tier 4 or 5 background investigation](#); or (3) a veteran with at least three years' service who held a secret, top secret, or top secret/SCI security clearance.

The commissioner's waiver authority would expire five years after the date of enactment. The commissioner would be authorized to administer a polygraph to any individual eligible for a waiver at his discretion and any individual granted a waiver who holds a tier 4 background investigation would be required to complete a tier 5 background investigation.

AMENDMENTS:

1. [Lujan Grisham \(D-NM\)](#) – Would delay the effective date for the provisions of the underlying bill to the later of the date on which: (1) the Commissioner of CPB has conducted and evaluation and pilot program of the Test for Espionage, Sabotage, and Corruption, the DHS Inspector General has certified such pilot program and evaluation, and the commissioner

submits a report to Congress on this pilot program; or (2) the DHS Inspector General completes a risk assessment of the population of individuals who could receive waivers under the bill and certifies to Congress that providing such waivers would not endanger national security.

COMMITTEE ACTION:

H.R. 2281 was introduced on April 27, 2017 and was referred to the House Committee on Homeland Security, which has not acted on the bill.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the bill's sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States. Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof."