

THE
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Department of Homeland Security Secretary Issues EO Implementation Memos

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Legislative Activity

This Week's Hearings:

- On Tuesday, February 28, the House **Homeland Security** Subcommittee on Emergency Preparedness, Response, and Communications has scheduled a hearing titled "The Future of FEMA: Recommendations of Former Administrators." The witnesses will be announced.
- On Tuesday, February 28, the House Homeland Security Subcommittee on Counterterrorism and Intelligence has scheduled a hearing titled "The Future of Counterterrorism: Addressing the Evolving Threat to Domestic Security." The witnesses will be announced.
- On Wednesday, March 1, the House Appropriations Subcommittee on Homeland Security has scheduled a Members' Day hearing.
- On Wednesday, March 1, the Senate Homeland Security and Governmental Affairs Committee has scheduled a hearing titled "The Effects of Border Insecurity and Lax Immigration Enforcement on American Communities." The witnesses will be:
 - Ms. Julie Nordman, Wentzville, Missouri;
 - The Honorable Eric Severson, Sheriff, Waukesha County, State of Wisconsin; and
 - Mr. Ryan Rectenwald, Chief Deputy of Special Operations, Grant County Sheriff's Office, State of Washington.
- On Thursday, March 2, the House Armed Services Subcommittee on Military Personnel has scheduled a hearing titled "Overview of Military Review Board Agencies." The witnesses will be:
 - Francine Blackmon, Deputy Assistant Secretary of the Army (Review Boards);
 - Mark S. Teskey, Director, Air Force Review Boards Agency; and
 - Robert Woods, Assistant General Counsel for the Assistant Secretary of the Navy for Manpower and Reserve Affairs.
- On Thursday, March 2, the House Oversight and Government Reform Committee has scheduled a hearing titled "Transparency at TSA." The witnesses will be announced.

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Executive Branch Activity

Department of Homeland Security Secretary Issues EO Implementation Memos

On January 25, 2017, President Donald Trump signed two Executive Orders (EOs) titled "Enhancing Public Safety in

the Interior of the United States” and “Border Security and Immigration Enforcement Improvements.” The EOs called for the construction of a physical wall along the U.S. southern barrier, the restriction of federal funding to sanctuary jurisdictions, and the hiring of a total of 15,000 additional immigration enforcement officers (5,000 U.S. Customs and Border Patrol (CPB) agents and 10,000 U.S. Immigration and Customs Enforcement (ICE) officers).

On Monday, February 20, Department of Homeland Security (DHS) Secretary John Kelly published memoranda regarding the implementation of both EOs. The memoranda direct DHS personnel to immediately hire additional immigration officers as directed by the EOs, begin planning the design of a barrier along the southern border, enhance DHS detention capabilities, and faithfully execute the enforcement of federal immigration law. The memoranda also provide guidance relating to the prioritization of deportation resources, the development of Congressional budget requests, and expanding the 287(g) Program to enhance immigration enforcement capacity.

However, the memoranda do not discuss the restriction of federal funds for sanctuary jurisdictions as directed by the EO titled “Enhancing Public Safety in the Interior of the United States.”

The implementation memorandum accompanying the “Enhancing Public Safety in the Interior of the United States” EO:

- Directs all DHS personnel to faithfully execute U.S. immigration laws against all removable aliens, with the exception of those protected under President Obama’s Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans (DAPA) programs;
- Directs ICE to hire an additional 10,000 officers subject to available resources, and directs ICE agents to prioritize immigrants consistent with the enforcement guidelines outlined in the EO;
- Replaces the Priority Enforcement Program with the Secure Communities Program;
- Calls for an expansion of the 287(g) program, which deputizes state and local law enforcement officers to enforce federal immigration law;
- Provides full authority to DHS personnel to arrest or apprehend illegal aliens with probable cause; and
- Rescinds Privacy Act protections for non-U.S. citizens and directs the ICE Director to develop a method of reporting statistical data regarding undocumented immigrants apprehended by ICE.

While the memorandum does not define “sanctuary jurisdictions,” it directs ICE to publish a weekly report on non-federal jurisdictions that release undocumented immigrants from their custody. It does not provide guidance for the withholding of federal funds to these jurisdictions.

The implementation memorandum accompanying the “Border Security and Immigration Enforcement Improvements” EO:

- Directs CBP to immediately begin the process of hiring 5,000 additional agents and 500 Air & Marine agents, subject to the availability of resources;
- Directs the expansion of the 287(g) Program by engaging all willing and qualified law enforcement jurisdictions near the southern border;
- Directs immediate planning for the design, construction, and maintenance of a southern border wall. Initial wall construction will focus on locations near El Paso, Texas, Tucson, Arizona, and El Centro, California, where existing infrastructure was found to be no longer effective;
- Directs ICE and CBP to allocate available resources to expand detention capacity near the U.S. southern border;
- Directs the expedited removal of undocumented immigrants apprehended at the southern border, stating that if an immigration officers determines an arriving alien inadmissible to the U.S., they should order the alien removed without further hearing or review unless the alien is an unaccompanied child or intends to apply for asylum; and
- Directs the development of uniform guidance for processing unaccompanied undocumented minors who enter the U.S. Agents encountering unaccompanied alien children are directed to transfer them to the custody of the Office of Refugee Resettlement within the Department of Health and Human Services (HHS) within 72 hours of apprehension.

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