



Congress of the United States
House of Representatives
Washington, DC 20515-3605

June 14, 2024

Commissioner Troy Miller
Senior Official Performing the Duties of the Commissioner
1300 Pennsylvania Avenue, N.W.
Washington, DC 20229

Dear Commissioner Miller,

We write concerning U.S. Customs and Border Protection's (CBP) hiring process, particularly this agency's administration of polygraph tests to applicants. We have received troubling information that the polygraph test may be hindering CBP's application process and needlessly delaying the time it takes to recruit new CBP agents.

The United States is facing an unprecedented crisis at our borders and more CBP agents are needed as surge after surge of illegal aliens crossing the border into San Diego from the mouth of the Rio Grande, in addition to the increasing numbers of those who are illegally crossing our northern border. The Biden administration so far has seen over 9 million border encounters nationwide both at and between our ports of entry.¹ On top of the aliens encountered during the first three years of the Biden administration, the number of gotaways, aliens who successfully evaded the U.S. Border Patrol disappeared into the interior without any screening or vetting, surpassed 1.8 million as of February, 2024.² Over 650,000 pounds of fentanyl have been seized since fiscal year 2021.³ Human Trafficking remains on the rise with an 84 percent increase in the number of prosecutions from 2011 to 2020.⁴ To assist with these challenges, CBP needs the

¹ "Nationwide Encounters." U.S. Customs and Border Protection, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>. Accessed 1 April 2024.

² Shaw, Adam, et al. "Thousands of 'special Interest Aliens' from Middle East Countries Stopped at Southern Border since 2021: Data." *Fox News*, FOX News Network, 10 Oct. 2023, www.foxnews.com/politics/thousands-special-interest-aliens-middle-east-countries-stopped-southern-border-2021-data. Accessed 27 Mar. 2024.

³ "Drug Seizure Statistics." *U.S. Customs and Border Protection*, www.cbp.gov/newsroom/stats/drug-seizure-statistics. Accessed 27 Mar. 2024.

⁴ "Human Trafficking Data Collection Activities, 2022." *Bureau of Justice Statistics*, bjs.ojp.gov/library/publications/human-trafficking-data-collection-activities-2022. Accessed 27 Mar. 2024.

manpower to respond to the humanitarian crises occurring at the Southwest border to prevent illegal entry. Unfortunately, it has come to our attention that recruiting agents and deploying them to the border is being needlessly delayed due to the time it takes for the CBP to administer the polygraph exam as well as the waiting period to retake the test.

Ensuring that CBP can effectively and efficiently recruit agents is critical to maintaining operational control of the border. According to CBP's website, the polygraph exam should take an estimated time of four hours; however, we have heard that these exams routinely go well beyond this timeframe.⁵ Because of this, what should be a routine polygraph exam turns into a multi-day affair for candidates that travel great distances away from their family and livelihood. These extended exams place a great burden on candidates, especially those that may need to retake the exam.

Additionally, we have also heard that CBP applicants frequently have to wait two years before being able to retake the polygraph exam.⁶ These delays ultimately stall the amount of personnel available. The current number of U.S. Border Patrol agents is approximately 19,000, and 22,000 agents were funded in the most recent FY24 appropriation bill (P.L. 118-47). This funding is counterproductive and CBP cannot recruit enough agents due to their practices surrounding the polygraph exam.⁷ This leaves a huge vacancy of enforcement along our Southwest and northern borders.

It is important that CBP consistently adheres to its testing guidelines and has a process to expeditiously hire much needed agents. To that end we kindly request the answers to these questions no later than September 6th, 2024.

1. How many applicants does CBP receive annually?
2. Does CBP track how long it takes each applicant to complete a polygraph exam and whether it is their first attempt or a retake?
3. As of 2024, what is the average length of time it takes CBP to administer a polygraph exam?

⁵ "Hiring Process Deep Dive Video Series: The Polygraph Exam." *U.S. Customs and Border Protection*, www.cbp.gov/newsroom/video-gallery/video-library/hiring-process-deep-dive-video-series-polygraph-exam. Accessed 27 Mar. 2024.

⁶ 17, Katie Helbling / Apr. "Candidate Fails a CPB Poly: Is This the End of Their Cleared Career?" *ClearanceJobs*, 18 Apr. 2021, news.clearancejobs.com/2021/04/17/candidate-fails-a-cpb-poly-is-this-the-end-of-their-cleared-career/. Accessed 27 Mar. 2024.

⁷ *Division C-Department of Homeland Security ...*, docs.house.gov/billsthisweek/20240318/Division%20C%20Homeland.pdf. Accessed 1 Apr. 2024.

4. From 2020 to 2024, how many applicants have failed the polygraph exam and how many are waiting to retake the exam?
 - a. How many applicants have passed the exam on their first try within this time frame?
 - b. How many applicants have failed the exam within this time frame?
 - c. Of the applicants that failed the exam, how many were allowed to retake the exam? And how many ended up retaking the exam?
5. What is the average length of time an applicant waits before they retake the exam?
6. What steps is CBP currently taking to eliminate unnecessary delays in the application process?

God Bless,



Michael Cloud
Member of Congress



Dan Crenshaw
Member of Congress



Eli Crane
Member of Congress



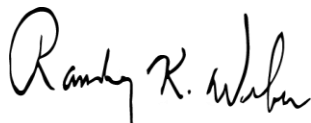
Byron Donalds
Member of Congress



Monica De La Cruz
Member of Congress



Andy Biggs
Member of Congress



Randy Weber
Member of Congress



Brian Babin, D.D.S.
Member of Congress

A handwritten signature in black ink, appearing to read "Michael Waltz". The signature is fluid and cursive, with the first name "Michael" written in a smaller, more compact script than the last name "Waltz".

Michael Waltz
Member of Congress