

Opening Statement by Chairman David Price (D-NC)

FY 2011 Budget Hearing for Immigration and Customs Enforcement (ICE)

March 18, 2010

Good afternoon. Today we welcome Assistant Secretary John Morton from U.S. Immigration and Customs Enforcement, or ICE, to discuss his agency's \$5.5 billion request for fiscal year 2011. Overall, the ICE discretionary budget grows by \$87 million, or 1.6 percent in 2011, with proposals that would expand the successful Border Enforcement Security Task Force or BEST program, invest in improved ICE information technology systems, grow ICE's intellectual property rights enforcement center, and hire additional investigatory support personnel. Other key programs, such as Secure Communities and Alternatives to Detention, have no real budgetary increase.

Three years ago when I became Chairman of this Subcommittee, I challenged ICE to prioritize the identification and removal from our country illegal immigrants who have been convicted of serious crimes. Astonishingly, at that time ICE was unable to give the Subcommittee even an estimate of the number of illegal immigrants that might be in penal custody, let alone guarantee that all those convicted of violent crimes would be deported at the end of their sentences. While this problem is still not yet solved, the Subcommittee has provided the resources for ICE to make significant progress finding aliens in penal custody and removing them at the completion of their criminal sentence. ICE's performance statistics bear this out: between 2002 and 2007, ICE increased criminal alien removals by only 7 percent per year even as non-criminal

deportations surged 22 percent annually. In contrast, criminal alien removals increased 12 percent in 2008 and another 19 percent in 2009. Furthermore, the 2011 budget estimates that after full roll-out of the Secure Communities program, 80 percent of ICE detention capacity will be dedicated to criminals awaiting removal from the country. These are real results that show ICE's commitment to target its resources based on threats to our society. And, I would note, these changes have been made while maintaining the Department's "Catch and Return" policy, a key element of maintaining control of our nation's Southwest border.

Another key ICE success over the last year has been a strengthened presence along our nation's Southwest border and the expansion of joint operations with Mexican law enforcement. These efforts have been critical to containing the drug violence that continues to plague our southern neighbor. In April, we will hold a hearing specifically focused on Southwest border activities, so I will reserve further questions about ICE's anti-smuggling, counter-drug, and gang disruption investigations until that time.

During our hearings last year, the Subcommittee heard about improvements ICE had planned for its detention facilities, particularly in detainee medical care. I had hoped that in this hearing we would be applauding the significant progress made since then. Unfortunately, many of the promised solutions to this issue, such as a new electronic medical records system, are still years away from implementation. A study of ICE medical services that this Subcommittee funded in fiscal year 2008 has yet to be completed. Other system reforms advocated in Dr. Dora Schriro's comprehensive analysis of ICE's detention

facilities are being challenged by ICE Field Office Directors as unworkable or inappropriate. Assistant Secretary Morton, we want to know more about how you plan to accelerate progress in this area and when we will begin to see meaningful reform of the ICE detention system.

Another area requiring Subcommittee attention is ICE's international operations, particularly the agency's Visa Security Unit, or VSU program. In last year's House bill, and in the final Appropriations Act, Congress increased funding for VSUs so that ICE could expand its presence overseas and review more visa applications from high-risk countries. Although ICE has identified 46 countries it considers a high risk for terrorist travel or other visa fraud, it has established units in only 12 countries and has just received State Department approval to expand to 3 more in 2010. The 2011 budget proposes no additional Visa Security Units. Assistant Secretary Morton, we will need to discuss this further, both to understand the pace at which ICE is expanding this program and what is delaying the establishment of VSUs in more countries.

Finally, Assistant Secretary Morton, we would like to discuss your plans for the Alternatives to Detention Program, through which ICE keeps track of individuals whose cases are working their way through the immigration court removals process, but who pose no danger to society. It is a successful program, which has an appearance rate of over 90% at final hearings. Also important for this Subcommittee is the fact that it costs much less per day to monitor individuals through this program than to keep them in detention. Every year I have been Chairman of this Subcommittee we have seen to it that the budget for

Alternatives to Detention has increased over the request level – both because the program is cost-effective and because it is more humane than locking up everyone who appeals their status in immigration court . In the last two Appropriations Acts, Congress has required ICE to submit a plan for nation-wide deployment of the Alternatives to Detention program. A draft report was delivered to Subcommittee staff last month, but we have yet to receive an official submission from the Department. Given projections that the majority of immigration detention space will soon be filled with criminal aliens, I am concerned by what appears to be resistance to expanding this important program. Mr. Assistant Secretary, I hope you can clarify ICE’s plans for Alternatives to Detention.

Mr. Morton, we look forward to reviewing these details of your budget, and undoubtedly there will be a wide range of questions about ICE operations. As you are fully aware, the policy area that you are in charge of elicits strong opinions from many corners of American society. But despite the concerns I have raised, I am grateful for the leadership that you have brought to your agency. Like the tough, seasoned prosecutor that you are, you have set clear priorities for ICE, starting with the imperative to keep the American people safe. We look forward to continuing to work with you to help your agency fulfill its mission.

I ask you to summarize your statement with a five minute presentation and we will enter your full written testimony into the hearing record. Before that, however, let me recognize our distinguished Ranking Member from Kentucky, Mr. Rogers, for his opening remarks.