



MARCH 13, 2014

# BUDGET HEARING - UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON  
HOMELAND SECURITY

ONE HUNDRED THIRTEENTH CONGRESS, SECOND SESSION

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Chairman, Subcommittee on Homeland Security

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Deputy Director, U.S. Immigration and Customs Enforcement,  
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**Thomas Homan** [\[view pdf\]](#)

Executive Associate Director, Enforcement and Removal Operations,  
U.S. Immigration and Customs Enforcement

**Peter T. Edge** [\[view pdf\]](#)

Deputy Associate Director, Homeland Security Investigations,  
U.S. Immigration and Customs Enforcement

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The Honorable John Carter  
Committee on Appropriations  
Subcommittee on Homeland Security

Opening Statement:

Witnesses:  
Deputy Director Ragsdale  
Executive Associate Director Homan  
Deputy Executive Associate Director Edge

10:00 AM | Thursday | March 13, 2014 | 2362-A RHOB

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Hearing is called to order –

I'm pleased to welcome our panel this morning, which is made up of three exceptional professionals who have almost 75 years of law enforcement experience between them:

- Dan Ragsdale, ICE's Acting Director;
- Tom Homan, Executive Associate Director, Enforcement and Removal Operations; and
- Pete Edge, Deputy Executive Associate Director, Homeland Security Investigations (HSI).

Before we begin, I want to thank you and all of your agents, officers, and investigative teams for your service. This subcommittee knows your efforts are essential to keep our nation safe, and we are grateful.

Our job today is to learn whether the President's budget request enables you to do your jobs taking down transnational criminal organizations, combating illegal cross border activity, and enforcing immigration laws.

Gentlemen, I'm going to be blunt. As Chairman of this subcommittee, I must be convinced the budget supports your operations. Unfortunately, from what I have reviewed so far, cuts to operational accounts aren't justified by facts, analysis, or data.

For example, I'm not convinced the detention bed request is sufficient to detain Level 1, 2, and 3 criminals, fugitives, and criminal aliens being released from prison.

I'm worried the cut to HSI salaries means fewer investigative hours, and continued imbalance between the need for special agents and a team of wire-tap specialists, intel analysts, and assistants.

It upsets me that politically motivated policies and directives are creating an invitational posture at the border... and that this open invitation causes human suffering and law enforcement nightmares. I get even more irritated when those policies and directives undermine legitimate budgetary needs. Bottom line -- ICE is not an organization that should be politicized. Its law enforcement mission is just too important.

Here are some cold, hard facts. From October through December, the Border Patrol apprehended 66,928 people in the Rio Grande Valley, a place we Texans call “the Valley.” Of the total, 49,815 were “Other-Than-Mexicans” and 18,555 were juveniles.

When these folks were apprehended, they met ICE’s mandatory detention criteria because they were “recent illegal entrants” but, needless to say, they weren’t all placed in detention beds.

What I’d like for you to provide for the record, is what happened to them once they were processed by CBP and turned over to ICE.

- Of the 66,928 people, how many were actually placed in detention? What happened to the people ICE didn’t detain?
- How many were removed, remain in detention, were placed in alternatives to detention, or claimed credible fear and are waiting for immigration hearings?
- Of the 18,555 children, how many were delivered to family members living legally or illegally in the United States, and how many children continue to wait in shelters because they couldn’t be reunited with family members?

With statistics like this, it is hard to believe the President’s budget supports ICE’s operational requirements. I’m concerned that CBP and ICE are stretched beyond their capacity. Public safety is at risk. We can only hope that criminals and terrorists – who are most certainly exploiting the gaps – won’t be successful in their unlawful and treacherous endeavors.

Gentlemen, all too often this debate ends up focusing on stories of good, hard-working people who make this dangerous journey to take care of their families. But what do we know about the criminal organizations that brought these migrants into the United States? What other illegal activity do they conduct? How are they networked inside our borders? Is the human trafficking business providing the capital they need to develop cyber pornography, sell drugs, or sell the very kids they’re transporting? These are the criminals ICE goes after...this is the evil ICE confronts...and you deserve a robust budget to do it effectively.

In closing, I know you mean well. But I’d be irresponsible if I didn’t ask whether the very policies and directives creating this massive migration of people are contributing to an environment that supports criminal activity. This is my biggest frustration and constant worry.

Gentlemen, we have a common goal – to keep the homeland as safe as possible. We are counting on you to give us the facts and the benefit of your professional judgment.

Before we get to your testimony, however, I’ll turn the floor over to my distinguished colleague from North Carolina and the subcommittee’s ranking member, Mr. Price.

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# U.S. Immigration and Customs Enforcement

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**STATEMENT**

**OF**

**DANIEL H. RAGSDALE  
DEPUTY DIRECTOR  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY**

**THOMAS HOMAN  
EXECUTIVE ASSOCIATE DIRECTOR  
ENFORCEMENT AND REMOVAL OPERATIONS  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

**AND**

**PETER T. EDGE  
DEPUTY ASSOCIATE DIRECTOR  
HOMELAND SECURITY INVESTIGATIONS  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY**

**BEFORE THE**

**U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON HOMELAND SECURITY**

**THURSDAY, MARCH 13, 2014 -- 10 a.m.**

## INTRODUCTION

Chairman Carter, Ranking Member Price, and distinguished Members of the Subcommittee:

Thank you for the opportunity to appear before you today to present the President's Fiscal Year (FY) 2015 budget request for U.S. Immigration and Customs Enforcement (ICE). I look forward to discussing our priorities for the upcoming fiscal year and our efforts to ensure the most efficient and effective use of our resources in carrying out our mission.

I would like to begin by expressing my thanks for this Committee's strong support for ICE. In FY 2013, we arrested 40,218 criminals and removed 216,810 criminal aliens. The President's FY 2015 budget request continues support to key law enforcement programs and ensures that ICE operates with maximum efficiency in its core operational programs.

Created in 2003, through a merger of the U.S. Customs Service and the Immigration and Naturalization Service, today ICE has more than 19,000 employees in all 50 states, the District of Columbia, and 48 foreign countries. We are the principal investigative arm of the U.S. Department of Homeland Security (DHS). ICE promotes homeland security and public safety through broad criminal and civil enforcement of approximately 400 federal laws governing border control, customs, trade, and immigration.

The agency carries out its mission through three principal operating components: Homeland Security Investigations (HSI), Enforcement and Removal Operations (ERO), and Management and Administration (M&A). Additionally, the Office of Detention and Policy Planning leads ICE's efforts to overhaul the current immigration detention system, the Office of the Principal Legal Advisor (OPLA) leads ICE's legal operations, and the Office of Professional Responsibility (OPR) investigates allegations of criminal misconduct at ICE and U.S. Customs and Border Protection (CBP)

ERO enforces civil immigration laws in a manner to best promote public safety, border security, and the integrity of the immigration system. To protect public safety and national security, ICE prioritizes the removal of criminal aliens and those who pose a threat to our communities. ERO's core functions are executed by a team of 5,900 deportation officers and immigration enforcement

agents that operate in nearly every jurisdiction of the United States. Our detention operations consist of ICE-owned Service Processing Centers, as well as facilities ICE utilizes through Intergovernmental Service Agreements and dedicated contracts. These facilities operate under performance based standards to ensure the best treatment and care for detainees in our system.

HSI's 6,400 criminal investigators conduct criminal investigations to protect the United States against terrorist and other criminal organizations that threaten public safety and national security and bring to justice those seeking to exploit our customs and immigration laws worldwide. HSI uses its legal authorities to investigate immigration and customs violations, including export enforcement, human rights violations, narcotics, weapons and contraband smuggling, financial crimes, cybercrimes, human trafficking and smuggling, child exploitation, intellectual property violations, transnational gangs, and immigration benefit fraud.

OPLA's 900 attorneys represent the United States in exclusion, deportation, bond, and removal proceedings before the Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR). OPLA attorneys prioritize the litigation of removal hearings that involve criminal aliens, terrorists, and human rights abusers, as well as other priorities for enforcement. OPLA also provides critical legal advice to ICE's law enforcement components that focus on criminal and administrative customs and immigration offenses.

M&A provides a full-range of mission and operational support for ICE's program offices. M&A manages ICE's financial and human resources, information technology, sensitive property, and other assets. M&A ensures collaboration with internal and external stakeholders to increase ICE's ability to attract and retain a diverse workforce. M&A also processes Freedom of Information Act (FOIA) requests, provides firearms and tactical training to special agents and officers, trains new and existing ICE employees, and procures goods and services for the agency.

### **FISCAL YEAR 2015 BUDGET REQUEST**

ICE's FY 2015 budget request totals \$5.359 billion in discretionary funding and mandatory fee authority, supporting ICE's enforcement mission while identifying efficiencies and cost saving measures that allow ICE to sustain its frontline operations during these difficult economic times.

The President's FY 2015 budget request supports immigration enforcement operations and criminal investigations and the removal of criminal and other priority aliens. First, the budget request funds 30,539 detention beds at the projected FY 2015 bed rate of \$119. This funding level of beds will allow ICE to detain the current mandatory population, as well as the higher-risk, non-mandatory detainees. ICE will work to realize continued efficiencies in detention operations to achieve this bed rate level. The budget also proposes that \$45 million of Custody Operations funding be available for five years to pilot a plan to obtain more favorable pricing for detention beds through the use of multi-year contracts. If approved, this change would empower ICE to negotiate more advantageous contract terms and realize efficiencies not possible under the current one-year funding. This budget also supports expanded use of the Alternatives to Detention (ATD) program as a cost-effective alternative to traditional detention that makes detention bed space available for those aliens posing the greatest risk to public safety or national security. ICE will continue to focus on the most serious criminals and continue to achieve record- criminal removal levels at a reduced cost under this proposed budget.

Second, the budget funds TECS modernization at \$21 million to complete deployment of Core Case Management functionality, allowing ICE to avoid an annual legacy Operations and Maintenance cost of \$28 million for the legacy TECS system by the end of FY 2015. Third, it proposes \$20 million in targeted, achievable efficiency reductions for IT contractor conversions and contract staff reductions of \$18.3 million at SPC facilities to bring the staff-to-detainee ratio in line with national detention standards.

ICE's FY 2015 budget request, will permit the agency to continue its three primary operational missions in alignment with the DHS Quadrennial Homeland Security Review report: preventing terrorism and enhancing security; securing and managing our borders; and enforcing and administering our immigration laws.

#### **PREVENTING TERRORISM, ENHANCING SECURITY, AND SECURING OUR BORDERS**

As the largest investigative arm of DHS, ICE enhances national and border security by interrupting the illicit flow of money, merchandise, and contraband that supports terrorist and criminal organizations. Last year, ICE's criminal investigators initiated 126,425 new investigations and made over 40,218 criminal arrests. ICE seized \$1.3 billion in currency and other monetary instruments and



1.6 million pounds of narcotics and other dangerous drugs. In addition, ICE agents and officers responded to 1.4 million inquiries and calls for assistance from other federal, state, and local law enforcement agencies through ICE's Law Enforcement Support Center (LESC).

ICE leads efforts in national security investigations through five interconnected programs that prevent criminals and terrorists from using our nation's immigration system to gain entry to the United States. This includes investigating criminal and terrorist organizations and their actors; preventing criminal and terrorist organizations from acquiring and trafficking weapons and sensitive technology; and identifying and removing war criminals and human rights abusers from the United States.

The President's FY 2015 budget request supports ICE continued investigative efforts in the upcoming fiscal year. Specifically, the budget will support ICE's continued efforts against illicit finance by expanding the Bulk Cash Smuggling Center to a task force model that includes law enforcement partners; expand our intellectual property efforts by expanding investigatory support and leveraging enforcement operations with state and local law enforcement agencies; focus on U.S./Mexico cross-border threats and global illicit pathways, including contraband smuggling, arms trafficking, money laundering, bulk cash smuggling, human smuggling and trafficking, to include special interest aliens, and transnational gangs; and continue our ability to use IT solutions to increase ICE's efficiency in screening, vetting, and recording visa applications. ICE aims to increase screening capabilities by enhancing the existing PATRIOT technology to cover all visa issuing posts worldwide. This modernization effort will enable all ICE Attaché offices to perform visa security operations.

#### *Human Trafficking and Human Smuggling Investigations*

ICE's Office of Intelligence Human Trafficking Unit develops intelligence and identifies potential human trafficking investigative targets. Last year, ICE initiated 1,025 human trafficking investigations and made more than 1,877 criminal arrests. ICE continued its "Hidden in Plain Sight" campaign with the airing of a human trafficking public service announcement on 24 English language radio stations and 19 Spanish language stations.

A significant number of human trafficking victims are children. Last year, ICE identified or provided assistance to approximately 919 victims of child sexual exploitation.

### *Cyber Crime Investigations*

The President's request continues support for the Cyber Crimes Center (C3), which leads ICE's efforts to identify, disrupt, and dismantle criminal organizations engaged in criminal activity facilitated by the use of computers, electronic media, or cyberspace. C3 trains, guides, and assists ICE's 11 regional forensic laboratories, and more than 250 Computer Forensics Agents (CFAs) assigned to field offices located throughout the world.

In FY 2015, C3 will continue to participate as the U.S. Representative of the Virtual Global Taskforce, which is an international alliance of law enforcement agencies and private industry sector partners working together to prevent and deter online child sexual exploitation.

### *Counter Proliferation Investigations*

ICE leads the U.S. Government's efforts to prevent the illegal acquisition of U.S. military products and sensitive technology. Last year, the Counter Proliferation Investigations (CPI) Program was responsible for 511 criminal arrests and 54 administrative arrests. Our prior year efforts in this area supported 494 indictments and 414 convictions of individuals and entities involved in violating U.S. export law in cases resulting from ICE law enforcement actions. The CPI Program was also responsible for 1,253 seizures of sensitive controlled commodities that were being illegally exported from the United States.

### *Joint Efforts with Law Enforcement Partners*

ICE's participation on the Joint Terrorism Task Forces (JTTFs) and the utilization of unique immigration and cross-border trade authorities to identify, deter, disrupt, and dismantle terrorist and other criminal organizations has continuously proven to play a critical role in the U.S. effort to combat threats posed to the homeland. ICE is the second largest federal contributor to the JTTF and currently dedicates over 300 HSI Special Agents to the task forces nationwide. As a result of counterterrorism-related investigative efforts last year, HSI Special Agents assigned to the JTTF

were responsible for 212 administrative arrests, 161 criminal arrests, 117 criminal indictments, 125 criminal convictions and 171 seizures relating to ongoing counterterrorism investigations. In support of ICE's work in this area, ICE played a critical role in the April 15, 2013 Boston Marathon bombing response and investigation.

### *Intellectual Property Rights*

ICE's National Intellectual Property Rights Coordination Center (IPR Center) leads efforts to stop global intellectual property rights (IPR) violations that threaten our economic stability, impact the competitiveness of U.S. industry, endanger public health and safety, and contribute to predatory and unfair trade practices.

Last year, ICE initiated 1,361 IPR investigations and made 693 arrests, and seized over \$248 million in merchandise and property that resulted in 411 indictments and 465 convictions from current and prior year investigations. In FY 2015 and beyond, the IPR Center will increase its focus both domestically and internationally on strengthening bilateral partnerships, developing multilateral initiatives, building capacity, and conducting further outreach to industry.

### *Border Enforcement and Security*

ICE strengthens border security through the efforts of its Border Enforcement Security Task Forces (BESTs). The 2015 budget request supports 35 BEST units working jointly with CBP, as well as other federal, state, local, tribal, and foreign law enforcement agencies along the southern border, northern border, and at major seaports to identify, disrupt, and dismantle criminal organizations that pose significant threats to border security. These ICE-led task forces are located in 16 states and Puerto Rico with approximately 1,000 members from 100 law enforcement agencies. Last year, BEST investigators collectively initiated more than 2,594 cases, made approximately 2,964 criminal arrests, and contributed to 1,603 indictments and 1,247 convictions. BEST units seized more than 206,000 pounds of narcotics and other dangerous drugs, 1,369 weapons, and approximately \$26.9 million in U.S. currency and monetary instruments.

## ENFORCING AND ADMINISTERING OUR IMMIGRATION LAWS

ERO's 5,900 deportation officers and immigration enforcement agents enforce our Nation's immigration laws by identifying and apprehending priority aliens, detaining these individuals when necessary, and removing them from the United States. To protect public safety and national security, ICE prioritizes the removal of individuals who pose a danger to national security or a risk to public safety, including aliens convicted of crimes, with particular emphasis on violent criminals, felons, and repeat offenders.

In FY 2013, ERO removed 368,644 individuals, of which 98 percent fell into one of ICE's immigration enforcement priorities (criminal aliens, repeat immigration violators, and recent border crossers). Of these removals, 59 percent (216,810) were convicted criminal aliens, which is an 89 percent increase in the removal of criminal aliens since FY 2008. This includes 74,159 Level 1 criminal aliens (aliens convicted of crimes such as homicide, rape, and kidnapping). ERO effected 235,093 priority border removals in FY 2013, of which 106,695 were criminal aliens (nearly half of the 216,810 convicted criminal alien total). There were approximately 1.8 million aliens managed on ICE's non-detained docket at the end of FY 2013. This includes 48 percent with a final order of removal. There are over 329,000 convicted criminals and over 1.4 million non-criminal immigration violators on ICE's non-detained docket. In FY 2013, ERO completed the deployment of Secure Communities to all 3,181 U.S. jurisdictions in 50 states, 5 territories, and the District of Columbia.

ICE also continued to focus on smart enforcement initiatives including deferred action on childhood arrivals (DACA), which has allowed ICE to focus more resources on criminal aliens. Additionally, in FY 2013, ERO, in coordination with OPLA, adjudicated 6,166 requests for prosecutorial discretion and granted 3,557 of those requests.

### *Detention Bed Mandate*

This budget reduces the number of immigration detention beds from 34,000 to 30,539 at a bed rate of \$119 per day. This level of beds will allow ICE to detain the current mandatory population, as well as the highest-risk, non-mandatory detainees. ICE will ensure the most cost-effective use of our appropriated funding by focusing costly detention capabilities on priority and mandatory detainees, while placing lower-risk, non-mandatory individuals in lower cost alternatives to detention programs.

### *Alternatives to Detention*

This budget supports the expanded use of the Alternatives to Detention (ATD) program. ATD is a cost-effective alternative to traditional detention that makes detention bed space available for those aliens posing the greatest risk to public safety or national security. For FY 2015, the budget request includes an enhancement of \$2.6 million to increase the total number of participants enrolled in the program, utilizing bed space for aliens who pose the greatest risk.

### *Fugitive Operation Teams*

A key component of ICE's strategy in targeting fugitive and criminal aliens is the deployment of specially trained Fugitive Operations Teams (FOTs). Last year, ICE's 129 FOTs were responsible for 31,222 arrests, 23,504 of which were criminal aliens.

The President's request includes an enhancement of \$1.8 million for the National Fugitive Operations Program. This will provide funding to expand information sharing efforts with other law enforcement agencies to identify public safety threats, including persons known to be engaged in crimes such as assault, homicide, kidnapping, and child abuse.

### *Detention Reform*

In recent years, ICE has taken significant steps toward detention reform at our facilities. In FY 2010, ICE realized \$30 million in cost savings by closing high-dollar facilities and replacing contractors with federal employees, including hiring full time equivalent staff to perform the function of Detention Service Monitors (DSMs). These DSMs replace more costly contractor staff and will monitor the facilities in compliance with ICE detention standards. ICE's FY 2015 budget request includes \$45 million in multi-year funding for a pilot program to continue the work of maximizing contract efficiencies and savings.

ICE also requested \$1.4 million in detention reform outreach. These funds will provide training and stakeholder outreach related to the Prison Rape Elimination Act and subsequent applicable guidance, the application of Performance Based National Detention Standards at detention facilities, the use of segregation and applicable guidance, and other critical detention reform initiatives.

## ENSURING FISCAL AND MANAGEMENT EFFICIENCY

ICE's M&A office provides the full-range of mission and operational support to ICE, including financial management, law enforcement training, and policy management. In FY 2013, M&A designed specialized law enforcement training programs for ERO officers and HSI special agents, drafted the ICE Strategic Plan, contributed towards DHS's first unqualified clean audit opinion, established a civil rights division, completed 135 facilities projects to provide the ICE workforce with more efficient and modern facilities, and realigned agency project management resources to streamline project delivery.

M&A's Balanced Workforce Strategy office reviewed 198 contracts and realized savings of \$33.7 million by reducing 218 contractor positions that were determined to be redundant or duplicative using contract termination, conversions, and/or de-scoping. These measures have reduced the overall cost of management functions across ICE.

### *Freedom of Information Act*

Within M&A, ICE's Freedom of Information Act (FOIA) office processed over 30,800 FOIA requests, disclosed more than 1.1 million pages of documents, and began posting documents to the ICE FOIA electronic reading room last year to support enhanced public access to these documents.

To support our FOIA operations, the President's request includes \$964,000 to provide for 12 additional personnel supporting ICE's timely disclosure of public records. The additional personnel will allow ICE to eliminate its FOIA backlog, as well as process the projected caseload in FY 2015.

### *Automation Modernization*

The President's request continues the modernization of ICE's information technology and systems infrastructure for two program initiatives: TECS Modernization and the Consolidated ICE Financial Solution. The request includes an increase of \$26 million to sustain ICE's efforts to improve interoperability with DHS and other federal law enforcement partners, and modernize the financial management system that supports ICE and five other DHS components.

Last year, ICE also began acquisition planning activities to support migration of ICE financial data from its current legacy system to a Shared Service Provider. Activities undertaken by ICE in support of this initiative included issuing a Request for Information, meeting with federal Shared Service Providers, and conducting an Analysis of Alternatives. The President's request funds financial systems modernization at \$5 million to fully staff the oversight efforts associated with the transition.

### CONCLUSION

Thank you again for the opportunity to testify today and for your ongoing support of ICE and its mission. I would be pleased to answer any questions you have at this time.