



# U.S. Immigration and Customs Enforcement

---

**STATEMENT**

**OF**

**MICHAEL J. GARCIA  
ASSISTANT SECRETARY**

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
DEPARTMENT OF HOMELAND SECURITY**

**BEFORE**

**SENATE APPROPRIATIONS COMMITTEE  
SUBCOMMITTEE ON HOMELAND SECURITY**

**FY 2006 BUDGET REQUEST FOR  
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

**WEDNESDAY, MARCH 2, 2005  
WASHINGTON, DC**

## **INTRODUCTION**

Mr. Chairman, Senator Byrd, and distinguished Members of the Subcommittee. It is my pleasure to be with you today to discuss the President's Fiscal Year (FY) 2006 budget request for U.S. Immigration and Customs Enforcement (ICE), the largest investigative arm of the Department of Homeland Security (DHS). This \$4.36 billion request underscores the vital role that ICE plays in the Department's mission of ensuring the security of the American people.

By integrating these various components in a single agency, ICE is able to more effectively meet the threats of the post-9/11 world, wherever these threats may arise – across our borders, within the nation's interior, in our financial systems, at federal facilities nationwide, in cyberspace, or civil aviation.

With ICE's broad authorities and expertise, we are prepared to counter the threats posed by criminal and terrorist organizations in ways not possible before the creation of the Department of Homeland Security.

## **REVIEW OF ICE ACCOMPLISHMENTS**

In order to provide a better understanding of the President's FY 2006 budget request for ICE, I would first like to provide you with the context in which the request is made.

Specifically, I would like to share with you a few highlights of significant ICE achievements as well as some of the challenges we have faced.

- Prioritizing Removals of Criminal and Fugitive Aliens -- As part of our mission to restore integrity to the nation's immigration system, the Office of Detention and Removal Operations (DRO) removed a record number of illegal aliens from the United States, posting approximately 160,200 such removals. More than half of those were criminal aliens. 7,200 fugitive aliens were removed last fiscal year – an increase of 112 percent over the previous year.
- Protecting U.S. Financial and Trade Systems – The ICE Office of Investigations conducted 7,670 money laundering and other financial investigations in FY 2004, resulting in more than 1,368 arrests, 895 indictments and the seizure of more than \$202 million. These achievements stem from ICE's Cornerstone initiative, in which we direct our expertise in financial, trade, and intellectual property investigations toward shutting down the schemes that criminal or terrorist organizations use to earn, move, and store their assets.
- Checking Illegal Flows of Weapons and Sensitive Technology -- ICE agents conducted more than 2,500 investigations into the illegal export of U.S. arms and technology in FY 2004. These investigations protect national security by keeping sensitive technologies and weapons – whether it's missile components or night vision technology, laser scopes for military rifles or sensitive software – out of the hands of our nation's adversary. In the last year, ICE investigated export violations that would have sent sensitive technology and weapons components to Iran, Iraq, China, and other nations. These investigations not only contribute to

the security of the United States, but they serve to enhance the security of our troops and allies around the globe as well.

- Protecting Children from Sexual Exploitation -- Under Operation Predator, ICE arrested more than 4,900 sexual predators since the program was launched in 2003. We have ensured that 2,100 of those predators were removed from the United States. ICE agents also made the first 11 arrests for child sex tourism, targeting U.S. citizens who attempt to exploit children overseas under the PROTECT Act. Leads developed out of ICE investigations into online child pornography have been provided to foreign law enforcement authorities through ICE's 54 International Attaché offices. These leads have led to the arrest of approximately 850 child pornography subscribers overseas. ICE Attaches also provided expertise and support to their law enforcement counterparts in areas ravaged by the tsunami waves in southeast Asia in December, to ensure that children were not victimized by sexual predators or trafficking networks.
- Targeting Human Smuggling and Trafficking – Another of ICE's top priorities is to dismantle criminal organizations that smuggle and traffic human beings for profit. In FY 2004, ICE arrested more than 1,630 human smugglers. Operation ICE Storm, an initiative we launched in 2003 to target violent human smuggling networks in Arizona, has brought charges against more than 300 defendants and resulted in the seizure of more than \$7 million. This unprecedented seizure of alien smuggling proceeds is a direct result of the combination of our immigration

and customs authorities (particularly customs financial crimes expertise). Law enforcement authorities in Arizona have credited Operation ICE Storm with a dramatic decrease in homicides and other violent crime in the Phoenix metropolitan area.

- Improving Security at Federal Facilities – ICE’s Federal Protective Service (FPS) made 4,426 arrests in FY 2004 – a 58 percent increase over the previous fiscal year. In addition, FPS officers prevented nearly 550,000 prohibited items and weapons from being carried into federal facilities – a fourfold increase over the previous year. FPS officers also responded to 430 bomb threats and more than 875 calls about suspicious packages and other items. All of these achievements are key components of the FPS mission to provide a safe and secure environment for federal workers and the American public.
- Enhancing Security in the Skies – ICE’s Federal Air Marshal Service (FAMS) once again logged millions of miles on tens of thousands of flights in FY 2004, as part of the division’s enhanced mission of providing security in the air since 9/11. All FAMS recruited and deployed since 9/11 have successfully completed advanced training – an important benchmark to ensure professionalism and peak performance.
- Stopping the Flow of Drugs into the United States – ICE plays a leading role in the nation’s war on drugs, with significant results. In FY 2004, ICE agents,

working in cooperation with our partners at other agencies, were involved in the seizure of roughly 3.1 million pounds of illegal drugs in FY 2004 – a 63 percent increase over the previous year. Another key achievement stemming from an ICE investigation was the extradition of one of the leaders of Cali drug cartel from Colombia, as well as the arrest of several leaders of the Norte Valle cartel.

- Providing Support and Assistance to the Law Enforcement Community – ICE’s Law Enforcement Support Center (LESC) responded to more than 603,000 inquiries related to immigration status from Federal, state, and local authorities in FY 2004 – a 12 percent increase over the previous year. In addition, the LESC placed more than 15,000 immigration detainers with police agencies nationwide. These detainers allow ICE to more efficiently remove aliens from the United States once their jail term is expired.

## **CHALLENGES**

I could continue with many, many additional examples. I would like to note that ICE’s accomplishments of the last two years – which I believe are unprecedented in law enforcement – have taken place against a backdrop of significant challenges.

First, we have faced the organizational and logistical challenges inherent in bringing our various divisions together into an integrated whole within the Department of Homeland Security. The challenges of the DHS reorganization have been likened to “trying to change the engine in an airplane in mid-flight.” We have certainly experienced those

challenges at ICE, where we have had to build a new agency almost from the ground up -  
- bringing together divisions from four separate agencies into a single functioning unit,  
and melding the cultures and missions of various units into a unified whole. This process  
was analogous to that of building a new start-up company while performing a large-scale  
merger and acquisition – with the notable difference that we had but a few weeks to  
accomplish our merger, compared to the months, or years, that would be devoted to a  
merger in the private sector. While the reorganization is still ongoing, I am pleased to  
report that the majority of these organizational and logistical challenges have been met  
and addressed, thanks to the commitment, and perseverance of ICE employees.

Another significant challenge that ICE has faced has been budget issues related to  
resource allocations. During the reorganization of the new department, the budgets for  
component agencies – including those for overhead, information technology support,  
legal support, and other administrative functions -- were broken apart in ways that were  
not entirely consistent. As a result, in some cases ICE was paying for services when the  
funds for those services had been allocated to other agencies. When we realized the  
budget issues that would arise from these allocation errors, we took swift action. ICE  
placed a temporary freeze on new hires; we limited expenditures to those deemed  
“mission essential”; and we moved to set clear priorities for funding. We also worked  
with DHS to undertake a budget review to determine what money was appropriately due  
to ICE in return for shared services.

These measures got results. Diligent and conscientious efforts on the part of our employees and field management helped us to realize \$120 million in short-term savings during FY 2004. In addition, ICE identified and recouped more than \$500 million from other agencies in the second half of FY 2004. ICE also bought services from other DHS components as part of the shared services concept such as HR, logistics and fleet management.

We are also in the process of systematically improving financial management throughout the entire agency. Some changes have been implemented, and we expect to implement additional improvements in the coming months. We will update the Congress periodically with details on our reforms in reports requested by the Committees.

While this has been a challenging time for ICE, we have made every effort to communicate the facts to our employees at every opportunity – through such measures as town hall meetings; broadcast messages to all employees; and visits by myself and other members of the agency’s senior leadership to all of our field offices.

Over the past two years ICE employees have refused to be defined by our challenges, but rather by our achievements, which represent the true story of our agency. Our accomplishments represent the abiding commitment of all ICE employees to meeting these challenges head-on and accomplishing the critical mission with which we are charged.



## **BUDGET REQUEST FOR FY 2006**

The proposed FY 2006 budget builds on the foundation of our accomplishments while addressing many of the challenges outlined above. The President's FY 2006 Budget request seeks more than \$4.36 billion for ICE, which represents an increase of 13.5 percent over FY 2005. This budget request will allow ICE to pursue our priority missions – including the apprehension, detention, and removal of illegal aliens; financial and trade investigations; protection of federal infrastructure; and protection of the civil aviation system – with even greater effectiveness. In my testimony, I will address our major program areas -- Investigations, Detention and Removal Operations, the Federal Air Marshal Service, and the Federal Protective Service –as well as issues related to management, administration, and information technology.

### **FY 2006 Enhancements**

The President's FY 2006 budget proposal request for ICE Detention and Removal Operations will enhance public safety and national security by ensuring that those aliens who pose the most critical threats are removed from the United States first – a critical objective in ICE's long-term strategy to restore integrity to the nation's immigration system. In addition, this funding will help ICE to meet its detention needs, which are growing every year as we move to aggressively enforce immigration laws. This funding

will help ICE to continue building on the vigorous enforcement efforts we have developed in the last two years.

Detention and Removal Operations – The DHS Immigration and Customs Enforcement (ICE) FY 2006 President’s budget seeks \$176.0 million in enhancements for Detention and Removal Operations:

- \$90 million/16 Full-Time Employees (FTEs) for Custody Management/Bedspace. In many cases, apprehended aliens must be detained while they go through immigration proceedings and until they are removed. Custody Management provides safe, secure, and humane confinement for these aliens. It also ensures that aliens in ICE custody appear for their immigration hearings, and then for their subsequent removal. This request would provide \$90 million to fund requirements of the Custody Management budget activity, adding 16 FTE and increasing funded bedspace by 1,920 beds. This enhancement will improve detention efforts that ensure public safety and national security.
- \$5.4 million/7 FTEs for the Alternatives to Detention program. The Alternatives to Detention program places low-risk aliens under close supervision, rather than into traditional detention, serving as a cost-effective way to ensure their appearance for an immigration hearing or for removal. ICE’s Intensive Supervision Appearance Program (ISAP) is a community-based case management program that is aimed at improving the appearance rate of aliens at immigration

hearings. This request includes \$5.4 million/7 FTE to expand the ISAP to two additional locations.

- \$8.9 million for Fugitive Operations. Approximately 465,000 aliens have received final orders of removal but are not confirmed to have departed the United States. This request includes \$8.9 million to enhance case management resources that enable the Fugitive Operations program to locate and apprehend fugitive aliens in the United States. This investment will serve to improve the integrity of the immigration enforcement process that is instrumental in deterring the efforts of potential absconders.
- \$5.4 million/19 FTEs for the Institutional Removal Program (IRP). Many removable aliens are currently incarcerated in Federal or state prisons for criminal convictions. If these aliens are released upon completion of their criminal sentence, they are likely to avoid immigration removal proceedings. The IRP ensures that these aliens are not released back into the community before they are removed from the United States. The \$5.4 million requested would provide for Immigration Enforcement Agents to enhance the IRP with staff support needed to facilitate the removal of aliens following completion of criminal sentences.
- \$39.3 million for Interior Repatriation, as part of the Arizona Border Control multi-agency effort. One of the major components of enhanced border control is a focus on border safety through the removal of migrants from the dangers associated with

crossing the border illegally. The United States, in cooperation with the government of Mexico, has focused on the use of every available tool to break the cycle of migrant deaths in the dangerous terrain where human smugglers value profits more than the human life they often sacrifice for personal gain. One of the major tools agreed to by both countries is the use of a voluntary interior repatriation program. The interior repatriation program allows for movement at the U.S. border of Mexican nationals who voluntarily return to selected cities within the interior of Mexico by means of commercial flights. Without this program, a significant number of persons who are apprehended and returned to Mexico at the border seek re-entry through dangerous border terrains, thus repeatedly risking injury or death in the process.

- \$24.0 million for the Office of Detention and Removal. This request provides that the base budget for Detention Removal Operations be adjusted by \$24 million for salary costs and operating expenses. These funds will augment support for increased detention and removal activities to ensure the departure of removable aliens from the U.S. through the fair enforcement of immigration laws.

ICE's Office of Investigations and Office of Intelligence play a vital role in advancing national security and homeland defense through aggressive investigations and cooperation with other agencies to share information on organized criminal activity and terrorist organizations. ICE's investigators have a long history of targeting money laundering networks; narcotics trafficking; criminal financial schemes; counterfeiting and piracy; trade fraud; export violations; and other financial and economic crimes. In

addition, our investigators lead the way in targeting child sexual predators, human traffickers, and child labor violators. Our investigators are also at the forefront of combating immigration violations, including enforcement of immigration laws at worksites and shutting down organizations that provide fraudulent documentation for a price.

Investigations and Intelligence – The ICE FY 2006 President’s budget seeks \$171.7 million in enhancements for Investigations and Intelligence:

- \$43.7 million/346 FTEs for Organized Crime Drug Enforcement Task Force (OCDETF) activities. This increase replaces funding previously received on a reimbursable basis from the Department of Justice (DOJ) for ICE’s participation in the OCDETF program. OCDETF is a Federal drug enforcement program that focuses on the disruption and dismantling of major drug trafficking organizations. OCDETF has been in existence since 1982 and operates under the guidance and oversight of the Attorney General. Employing the resources and expertise of 11 member Federal agencies, along with support from state and local law enforcement agencies, OCDETF has contributed to the successful prosecution and conviction of more than 44,000 members of criminal organizations and resulted in the seizure of cash and property assets totaling more than \$3.0 billion. This enhancement requests no additional FTEs but proposes that 346 positions currently on board be paid by direct appropriation instead of by reimbursable funding.

- \$5.0 million/5 FTEs for Visa Security Program Expansion. The ICE Visa Security Program provides follow-up investigations on visa applicants seeking to enter the United States, for the purpose of denying visas to terrorists, criminals, and persons of special interest. Officers are assigned to posts to perform this law enforcement review of immigrant and nonimmigrant visa applications prior to visa issuance by consular officers of the Department of State. This enhancement would allow ICE to maintain operations initiated in FY 2005 and support one additional Visa Security Unit overseas.
- \$18.0 million/72 FTEs for Temporary Worker Worksite Enforcement. As part of the President's proposed temporary worker program (TWP) to match willing foreign workers with willing U.S. employers, enforcement of immigration laws to ensure compliance is required. The requested resources would fund 143 positions and the required training to conduct employer audits, investigate possible violations, and prepare criminal employer case presentations. This funding more than doubles the resources dedicated to the worksite enforcement effort.
- \$105.0 million for the Office of Investigations. This request includes \$105 million for salary and support costs, including vehicle and other equipment purchases.

Other Enhancements— The ICE FY 2006 President's budget seeks \$14.8 million in

- \$3.5 million/24 FTEs for Legal Proceedings. This enhancement would provide funding for additional attorneys and support staff required to improve the ability of ICE's legal program to complete matters in Immigration Court and help reduce the case backlog.
- \$11.3 million/1 FTE for the Homeland Secure Data Network (HSDN). A total of \$37 million is required for the HSDN to provide for secure classified, computer-to-computer connectivity. The HSDN is expected to streamline and modernize the classified data capabilities of DHS to facilitate high-quality and high-value classified data communication and collaboration within DHS and with other federal agencies and organizations, including the Department of Defense (DoD). Based on modern network and telecommunications designs, the HSDN will optimize both the classified data exchanges between DHS offices, and other networks of classified data such as the Anti-Drug Network (ADNET), Automatic Digital Network (AUTODIN), and Defense Message System (DMS). The HSDN will provide a scalable infrastructure, capable of supporting the growth and evolution of the DHS mission. ICE's allotted portion in support of the network is \$11.3 million. Enhancement request includes one position to serve as a liaison between ICE and DHS.

The Federal Air Marshal Service (FAMS) has been charged with providing security in the skies since 9/11. The President's budget request will help FAMS to continue in that

mission as we continue the evolutionary process of integrating this key Homeland Security division into the agency.

Federal Air Marshal Service (FAMS) – The ICE FY 2006 President’s budget seeks \$9.9 million in enhancements for the Federal Air Marshal Service (FAMS). This enhancement request would allow the FAMS to increase its staffing level to a level that will allow it to meet its mission objective through the risk-based deployment of Federal Air Marshals. In accomplishing this objective, FAMS works closely with DHS and other federal, state and local agencies and private industry to develop, deploy and sustain a comprehensive intelligence-driven approach and response to terrorist and related criminal threats against the United States and its interests. FAMS provides critical support to the DHS mission to prevent terrorist acts within the United States, reduce vulnerability to terrorism, and minimize damage from potential attacks.

## **CONCLUSION**

The President’s FY 2006 budget request for ICE is a solid step forward for the agency. ICE is dedicated to protecting the homeland by enforcing immigration and customs laws; restoring integrity to the immigration system; ensuring the sanctity of our financial and trade systems; protecting Federal property; and ensuring security in the air. That is a broad and diverse mission, but the men and women of ICE are dedicated to building this agency into a model for law enforcement in the 21<sup>st</sup> century. The FY 2006 budget request provides us with the resources that will make this goal a reality as we strive to secure the American homeland and protect the American people.



We look forward to continuing to work with you to accomplish these worthy objectives.

I would like to thank you, Chairman Cochran, Senator Byrd, and Members of the Committee, for the opportunity to testify before you today. I look forward to answering any questions that you may have.