

**Statement of
Michael J. Garcia
Assistant Secretary
U.S. Immigration and Customs Enforcement
Department of Homeland Security**

**Before the
House Appropriations Committee
Subcommittee on Homeland Security**

**FY 2005 Budget Request for the
U.S. Immigration and Customs Enforcement**

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Introduction

Good morning Chairman Rogers, Mr. Sabo, and distinguished Members of the Subcommittee. It is a pleasure to be with you today to discuss the President's Fiscal Year 2005 budget request for the Department of Homeland Security's (DHS) U.S. Immigration and Customs Enforcement (ICE). This \$4.011 billion request reflects the vital role ICE plays in the Department's overall mission of ensuring the security of the American people and our way of life.

A little more than one year ago ICE was formed by combining the investigative and intelligence arms of the former Immigration and Naturalization Service (INS) and the U.S. Customs Service, including Air and Marine Operations, as well as the Federal Protective Service and the Federal Air Marshal Service. By integrating these once-fragmented resources, the Department of Homeland Security not only created the second-largest investigative agency in the Federal government, but it also created a dynamic and innovative new law enforcement organization uniquely and exclusively focused on homeland security – specifically border security, air security, and economic security.

The primary mission of ICE and the Department of Homeland Security is to detect and address vulnerabilities in our national security – whether those vulnerabilities expose our financial systems to exploitation or our borders to infiltration. With its enhanced ability to investigate immigration and customs violation--for example our ability to target human smuggling alongside of narcotics, weapons, and other forms of smuggling and

follow the illicit money trail wherever it may lead--ICE is in a unique position to enforce our homeland security missions in ways never before possible.

Earlier this month the dedicated men and women of ICE joined me in celebration of our one-year anniversary and our many accomplishments within the past year. This, of course, could not have been accomplished without the support of Congress and the FY 2004 Appropriations. Our accomplishments this year are many but I will only highlight a few:

Targeting Child Sex Predators Worldwide – Operation Predator fuses the authorities and resources of virtually every ICE component into a comprehensive campaign against child sex offenders. To date, Operation Predator has produced unprecedented results with the arrest of more than 2,057 child sex predators nationwide.

Protecting U.S. Economic Security – Since last March, ICE financial investigations have yielded more than 1,330 arrests and seized \$154 million in assets. In July, ICE launched Cornerstone, a comprehensive initiative that forms a new partnership with the financial, commercial and trade sectors to identify and mitigate U.S. economic vulnerabilities.

Tracking down Arms, Money, and Artifacts in Iraq – ICE deployed the first-ever civilian team of agents to Iraq in support of Operation Iraqi Freedom. The agents secured 75 silkworm missiles in Iraq that could have been used against coalition forces. They recovered \$32 million in cash withdrawn by Saddam Hussein's son just before the war and recovered 39,400 manuscripts and more than 1,000 treasures looted from the Iraqi National Museum.

Dismantling Violent Human Smuggling Organizations – Last fall, we launched ICE Storm, a comprehensive initiative to combat violent human smuggling organizations

along the Southwest border – with a particular focus on Arizona. In its first 180 days, ICE Storm resulted in more than 700 criminal and administrative arrests, 90 indictments and the seizure of 46 assault weapons and nearly \$2 million. Local police credited ICE Storm with a more than 30 percent drop in homicides in the Phoenix area in the last quarter of 2003, compared to the same period the previous year.

Enhancing Civil Aviation Security – The ICE Federal Air Marshal Service (FAMS) became a distinct ICE division in November 2003. ICE agents are being cross-trained as air marshals, giving ICE FAMS a cadre of trained agents in times of need. ICE also signed an agreement with the U.S. Secret Service that increases flight coverage. Since 9/11, ICE FAMS have provided security to thousands of flights and flown more than 600,000 miles. Their efforts have helped keep the U.S. civil aviation sector free of terrorism since 9/11.

Apprehending and Removing Criminal Aliens from the U.S. – Since March 1, 2003, ICE’s Detention and Removal Office (DRO) has removed more than 52,684 criminal aliens and 40,802 non-criminal aliens. DRO detains more than 230,000 aliens each year. ICE’s DRO has more than 18 fugitive absconder teams across the nation and created a “Most Wanted” list of the most dangerous criminal aliens. In the first two weeks, ICE captured or confirmed the removal of all 10 of the original 10 “Most Wanted.”

Improving Security at U.S. Federal Facilities – The transfer of the Federal Protective Service to ICE has provided FPS with access to information never before at its disposal, enabling it to perform its mission more effectively. ICE FPS secures more than 8,800 federally owned and leased facilities. In Fiscal Year 2003, ICE FPS seized or stopped the entry of more than 108,800 weapons and other items. During the same period, ICE FPS officers made more than 2,800 arrests and covered more than 2,100 demonstrations.

Securing Critical Airspace in the U.S., While Protecting Land and Sea Borders – ICE’s Air and Marine Operations (AMO) division has dramatically increased its role in homeland security missions while maintaining its traditional drug interdiction and law enforcement efforts. AMO created a permanent National Capital Region branch that provides 24/7 airspace security coverage over the Washington, DC area. AMO provided airspace security coverage during “Orange Alert” threats and events like the State of the Union address and Super Bowl. All the while, AMO assets were involved in drug and alien smuggling operations that seized more than 76,000 pounds of cocaine, 335,000 pounds of marijuana, and arrested more than 980 individuals.

Harnessing Intelligence to Further Enforcement Efforts – ICE’s Intelligence Division integrated the intelligence components of the former Immigration and Naturalization Service and the U.S. Customs Service into a robust force that supports the enforcement needs of all ICE operational divisions. ICE Intelligence vetted roughly 60,000 commercial airline passengers and crewmembers through a multi-stage process during the “Orange Alert” terror threat level during December 2003 and January 2004 period.

ICE continues to pursue its homeland security mission by building upon the traditional missions, resources, authorities and expertise of the legacy agencies it inherited. ICE is bringing new approaches to traditional areas of law enforcement and creating enforcement programs in response to its homeland security mission. The President’s FY 2005 Budget will continue to strengthen ICE’s efforts to protect the homeland through its unique investigative and enforcement tools.

Budget Request for FY 2005

The proposed FY 2005 budget—a plan to enhance the Department’s commitment to securing the homeland—is designed to build upon the strong foundation I have described. The President’s FY 2005 Budget request seeks \$4.011 billion for ICE, \$302 million more than FY 2004, which represents an increase of 8 percent. This request for ICE includes resources to support border, air and economic security activities. These funds will also reduce infrastructure vulnerability, promoting safe and secure federal properties for both employees and visitors. The remaining budget discussion will cover the major program areas: *Investigations, Detention and Removal Operations, Air and Marine Operations, Federal Protective Service and the Federal Air Marshal Service*, as well as our requested FY 2005 budget enhancements.

The Office of Investigations budget request includes \$1.046 billion for the investigations and intelligence programs. These resources will advance national security and homeland defense against terrorist cells and their supporters in the United States through enhanced cooperation and integration with other Federal law enforcement agencies and the intelligence community. The Investigations program protects our homeland by, among other things, dismantling terrorist financing networks, by identifying and remediating vulnerabilities in the financial system that could be exploited by terrorist organizations, preventing the importation of weapons of mass destruction and other instruments of terror into the United States, disrupting narcotics smuggling and money laundering organizations, enforcing embargoes, trade agreements, and sanctions imposed by the U.S. government against foreign countries, and safeguarding children

against exploitation through crimes involving pornography, sex tourism, and forced child labor.

The President's FY 2005 Budget request seeks \$78 million in total enhancements for the Investigations Program. This includes:

- \$23 million/200 FTE for Worksite Enforcement. Consistent with the goals of the President's proposed new temporary worker program to match willing foreign working workers with willing U.S. employers, enforcement of immigration laws against companies that break the law and hire illegal workers will increase. This increase will more than double the level of resources devoted to traditional worksite enforcement.
- \$16 million/65 FTE for Compliance Teams. As part of its overall immigration enforcement strategy, ICE will continue to analyze data generated through the Student and Exchange Visitor Information System and US-VISIT program in an effort to detect individuals who are in violation of the Nation's immigration laws. This enhancement will increase funding for ICE's SEVIS and US-VISIT compliance efforts by over 150 percent.
- \$14 million/90 FTE for International Affairs. Pursuant to Section 428 of the Homeland Security Act of 2002 and the Memorandum of Understanding between the Departments of Homeland Security and State, ICE's FY 2005 budget includes an increase of \$10 million to support a new Visa Security Unit (VSU). The VSU and DHS staff stationed at overseas posts, including Saudi Arabia, will work

cooperatively with U.S. Consular Officials to promote homeland security in the Visa process. In addition, an increase of \$4 million is requested to replace funding previously provided through the Immigration Examinations Fee Account.

- \$25 million to support Benefit Fraud. Immigration fraud poses a threat to national security and public safety because it enables terrorists, criminals, and illegal aliens to gain entry and remain in the United States and diverts resources and benefits from legitimate claimants. In cooperation with the U.S. Citizenship and Immigration Service (USCIS), ICE's goal is to detect, combat, and deter immigration fraud through aggressive, focused, and comprehensive investigations. This enhancement will provide stable funding to ICE's benefits fraud program by replacing funding previously provided through the Immigration Examinations Fee Account.

The President's FY 2005 budget requests \$1.209 billion for detention and removal activities, which represents an increase of \$125 million from FY 2004. Although this is an increase for the detention and removal program, we project a decrease in revenue collected in the Breached Bond/Detention Fund. Consistent with ICE's 10-year Detention and Removal Strategic Plan, these resources will be used to enhance public safety and national security by ensuring the departure from the United States of removable aliens.

The funding will also help ICE meet its detention needs. Since 1994, the average daily population of detainees has grown to more than 20,000, from less than 6,000. This rapid growth was a result of expanded enforcement capabilities and changes in detention

requirements resulting from the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The FY 2005 budget request will support the use of state and local detention facilities, the eight Service Processing Centers, the seven contract detention facilities, and joint DHS/Bureau of Prison facilities to detain those aliens subject to removal.

Our overall objective, however, is the removal of aliens unlawfully present in the United States, not their detention. In FY 2003, ICE removed more than 140,000 individuals including 76,000 criminal aliens.

ICE is also committed to aggressively tracking, apprehending, and removing fugitive aliens, those who have violated U.S. immigration law, been ordered deported by an immigration judge, then fled before the order could be carried out. This budget request will allow ICE to continue its efforts to fulfill that commitment through the Fugitive Operations Initiative.

The President's FY 2005 Budget request seeks \$108.2 million in total enhancements for the Detention and Removals Program. This includes:

- \$30 million/140 FTE for the Institutional Removal Program (IRP). The IRP is designed to ensure that aliens convicted of crimes in the U.S. are identified, processed, and, where possible, removed prior to their release from a correctional institution. This enhancement will further ICE's plans to expand the program

nationally to all Federal, State, and local institutions that house criminal aliens, while ensuring more efficient processing and case management.

- \$50 million/118 FTE for Fugitive Operations. The resources requested are to continue the implementation of the National Fugitive Operations Program (NFOP), established in 2002, which seeks to eliminate the existing backlog and growth of the fugitive alien population over the next six years.
- \$11 million/30 FTE for Alternatives to Detention. This initiative provides the resources to establish additional non-traditional family and female detention settings and establish community supervision operations. This will provide effective supervision of persons released into the community during immigration proceedings or while awaiting removal in certain circumstances while reducing costs and ensuring compliance.
- \$5 million/14 FTE for detention bed space. An increase in bed space to accommodate the higher volume of apprehended criminal aliens. With this additional funding, ICE will enhance its ability to remove illegal alien--particularly those convicted of crimes while in the United States.
- \$6.2 million for Caribbean Region Interdiction. Pursuant to Executive Order, the Department of Defense, Homeland Security and State share responsibility for responding to the migration of undocumented aliens in this region. The resources requested will support the Department's share of the cost of housing migrants as they await determination of any immigration claims.
- \$6 million/40 FTE for the Legal Program Backlog Elimination. During FY 2001 and FY 2002, the Legal Program saw an average increase of 19,200 cases in the backlog

of matters in Immigration Court. To keep pace with the increased number of cases, additional attorneys and support staff are required. This enhancement will provide a funding increase of more than 20 percent to ICE's backlog elimination program.

The FY 2005 President's budget also seeks \$373 million in Air and Marine Operations (AMO) appropriations. AMO maintains a fleet of 133 aircraft and 82 vessels to protect the Nation and the American people against the terrorist threat and the smuggling of narcotics and other contraband. Aircraft are also used in support of ICE's combined investigation work.

An essential element of these deployments is the work carried out by the Air and Marine Operation Center (AMOC), located in Riverside, California. This state-of-the-art center is linked to a wide array of civilian and military radar sites, aerostats, airborne reconnaissance aircraft and other detection assets, which provide 24-hour, seamless radar surveillance throughout the continental United States, Puerto Rico, the Caribbean, and beyond. AMOC allows ICE to identify, track, and support the interdiction and apprehension of those who attempt to enter U.S. airspace with illegal drugs or terrorist objectives.

The President's FY 2005 Budget request seeks \$40.5 million in total enhancements for Air and Marine Operations. This includes:

- \$28 million for Increased P-3 Flight Hours. P-3 aircraft are critical to interdiction operations in the source and transit zones as they provide vital radar coverage in regions where mountainous terrain, expansive jungles and large bodies of water limit the effectiveness of ground-based radar. This request will increase P-3 flight hours from 200 to 600 per month.
- \$12.5 million for Long Range Radar. Primary Long Range Radar provides position information (geographic/altitude) of airborne objects and flight data information to civil aviation, defense, and law enforcement agencies. ICE uses the radar to receive data for drug interdiction efforts along the southern border.

The FY 2005 budget request includes \$478 million in reimbursable authority for the activities of the Federal Protective Service (FPS). The FPS provides for the security and related law-enforcement functions at more than 8,800 federal facilities/buildings across the nation. These funds will support several initiatives designed to protect Federal facilities from terrorist attacks, including a nationwide K-9 bomb detection program and another aimed at improving our capability to respond to weapons of mass destruction. FPS will also be able to improve its communication capabilities and enhance its intelligence sharing processes.

The FY 2005 budget request includes \$613 million in Federal Air Marshals Service appropriations¹. The FAMS transferred from the Transportation Security

¹ The President's Budget reflects a transfer of \$10 million from the Federal Air Marshals Service (FAMS) program to Science and Technology (S&T) for research and development. This consolidation of research and development funding in S&T will provide for greater oversight of research and development activities in the Department and enhance service to FAMS. This funding will be devoted to FAMS air-to-ground

Administration (TSA) to ICE in November 2003. This movement of the FAMS to ICE will significantly increase the number of federal law enforcement agents to deploy during times of increased threats to aircraft ultimately providing a surge capacity during increased threat periods or in the event of terrorist attack. To date, 85 ICE agents have gone through FAMS training and we anticipate training up to (number removed for security reasons) by the end of the fiscal year. This cross-training creates a “surge capacity” to effectively deal with specific threats related to aviation security. And, on February 25, 2004, ICE and the U.S. Secret Service entered into an agreement that will bolster U.S. aviation security by providing a “force multiplier” to ICE’s FAMS. Under the terms of the agreement, the Secret Service will provide the ICE FAMS with travel information for armed personnel traveling on U.S. commercial flights during their normal course of business and will enable the ICE FAMS the flexibility to deploy their Federal Air Marshals to a wider range of flights, while providing greater flexibility to conduct FAMS missions at maximum levels based on its concept of operations.

Conclusion

The FY 2005 budget request for the ICE supports the President’s National Strategy for Homeland Security, the framework for accomplishing our complex mission to protect the homeland, and ICE’s mission to enforce immigration and customs law, locate and remove aliens unlawfully present in the United States, protect jobs for those who are legally eligible to work, maintain a nationwide anti-smuggling program, enforce

communications project.

laws against money-laundering and child pornography, and protect Federal property and air security.

While many challenges lie ahead, we continue to build and foster a premier law enforcement agency from the powerful tools and authorities we have been given. The men and women of ICE stand ready to continue to build a successful organization for the present and future. The FY 2005 budget request provides the resources to enable ICE to manage its responsibilities and continue its work to secure the homeland to protect and serve the American people.

I look forward to continuing to work with you to accomplish these objectives while continuing to manage a world class law enforcement organization to protect this Nation against anyone who would do it harm. We are committed to preventing terrorist attacks and reducing systemic vulnerabilities that threaten the security of the country.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I would be happy to answer any questions you may have at this time.