

**The Honorable Robert Aderholt**  
**Committee on Appropriations**  
**Subcommittee on Homeland Security**  
*U.S. Immigration and Customs Enforcement FY 2012 Budget*  
**Opening Statement**  
**1:00 PM | Thursday | March 9, 2012 | 2359 RHOB**

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This afternoon we welcome John Morton, Director of U.S. Immigration and Customs Enforcement (or ICE), as we consider the President's Fiscal Year 2013 Budget Request. Director, we thank you for your cooperation in rescheduling the hearing for today.

I am sure it was difficult for you a couple weeks ago – on the same day you were commemorating the death of Agent Jaime Zapata, who made the ultimate sacrifice in the line of duty, you had to face another tragic event in Long Beach. Our sincere thoughts and prayers are with the ICE family during this difficult time.

But as I just said to the Coast Guard who is mourning the loss of a helicopter crew, we do not let tragedy define us...we carry on...

So, turning to the focus for today...we have many concerns with the budget request to discuss. Last year, I noted the progress that ICE has made as an organization in its relatively short history. Unfortunately, this year, I cannot echo that sentiment.

Hiding behind the excuse of "limited resources," the current Administration has sought to diminish and degrade ICE's immigration enforcement mission through abuse of prosecutorial discretion, micro-management of frontline operations, and interference in immigration proceedings.

While our current fiscal crisis dictates that we all think and prioritize, it is not an excuse to ignore the law. And immigration law matters – to our national security, to our public safety, and to all of the men and women who come to the U.S. lawfully in search of the freedoms and opportunities our great Nation still provides.

The 9/11 Commission Report repeatedly notes the importance of immigration enforcement to national security – and the weaknesses in our immigration system that contributed to our inability to defend against the 9/11 attacks. Specifically, the Report states that before September 11<sup>th</sup>, 2001, we had "an immigration system not able to deliver on its basic commitments, much less support counterterrorism."

This Subcommittee took those words to heart. On a bi-partisan basis over the past 9 years, we have bolstered ICE's capabilities to enforce our Nation's immigration laws. As the Secretary acknowledged in her testimony a few weeks ago, Congress has funded every request for ICE since its creation. In fact, this Subcommittee has provided *increases* above the requests to ensure strong support of frontline operations, such as for Secure Communities and to maintain detention bed spaces. Last year, ICE was funded for 34,000 beds, its highest level in history.

Despite the heated discourse in the country over immigration enforcement and reform, this Subcommittee has not been bogged down in the politics. Instead, we have focused on the resources needed to enforce the letter of the law and meet ICE's vital missions. In short, the appropriations process should not be the forum for immigration reform.

This Administration, however, *has* politicized ICE's operations and budget. From last year's policy memos expanding the use of prosecutorial discretion, to the delay in Secure Communities deployment in Alabama, to the eighteen 287(g) denials that were sent to State and local law enforcement three weeks ago. These actions constitute an abuse of the law that this Subcommittee cannot tolerate.

Turning to the fiscal year 2013 request, we see more of the same disturbing trend: including proposed cuts to detention bed space by -1,200 beds and reducing the 287(g) program by -25%, as well as contradicting claims about the appropriate use of Alternatives to Detention.

Further reducing the beds ICE can afford, ICE announced new detention standards. These standards provide full service, on-demand health care benefits for detainees and other niceties at an unknown, though likely significant, cost increase. While I strongly support ICE's efforts to ensure *appropriate* facilities and *appropriate* health care for detainees, I question the necessity of these new standards.

I appreciate you appearing before us today and thank you in advance for your candor in explaining ICE's budget request for fiscal year 2013.

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