

## **Written Statement**

**Representative Diane Black**

Tennessee – Sixth Congressional District

Before the

HOUSE COMMITTEE ON THE JUDICIARY

Hearing on:

Enforcing the President's Constitutional Duty to Faithfully Execute the Laws

February 26, 2014

Thank you Mr. Chairman for asking me to testify here today.

By circumventing our nation's laws, the Obama Administration has ignored its constitutional duties and completely discredited itself, losing good will along the way from Members of Congress.

While this Administration's lawlessness has been most widely noticed with President Obama's implementation of Obamacare, it applies to areas far beyond health care.

For instance, in February 2012, U.S. Immigration and Customs Enforcement appointed a so-called "Public Advocate" to act as a lobbyist for illegal and criminal aliens within the agency. This lobbyist disrupted detention procedures and undermined the hardworking men and women who have dedicated their careers to securing our borders and protecting the American people. In fact, Chris Crane, the President of the National ICE Council -- the ICE employees union -- called this position "nothing but waste, fraud, and abuse."

In response to this outrageous appointment, I introduced an amendment to H.R. 5855, the Department of Homeland Security Appropriations Act of 2013 to defund this position. This amendment passed the House of Representatives by a voice vote and this same language was included in, H.R. 933, the Continuing Resolution that was signed into law by President Obama on March 26, 2013. The clause read: *"None of the funds made available by this Act may be used to provide funding for the position of Public Advocate within U.S. Immigration and Customs Enforcement."*

After we thought the matter had been taken care of by an Act of Congress approved by the President, last August, thanks to information obtained by the watchdog group Judicial Watch, we learned that the "most transparent administration in history" had quietly changed the title of the position to avoid complying with the very law the President had signed. The administration changed the title of "Public Advocate" to "Deputy Assistant Director of Custody Programs and Community Outreach." It was a change in name only: The

administration kept the same person in the position and made no changes to the job itself.

This kind of outrageous shell game is a perfect example of this pen and phone president circumventing the will of Congress to force his own agenda and is exactly why the American people cannot trust this Administration.

Despite the House and Senate passing language to defund this position and stop this waste of precious taxpayer dollars, this Administration and its ICE officials blatantly skirted the law and allowed agency employees to continue their activities as though nothing had changed.

ICE records indicate that for exactly one week, Public Advocate Andrew Lorenzen-Strait served as a "Management and Programs Analyst," only to be given yet another job title on April 1. Since that date, he has served as Deputy Assistant Director for Custody Programs and Community Outreach. This program did not exist prior to March 26, 2013 and since its creation has housed a number of programs and staff members who previously operated within the Office of the Public Advocate.

When reports of this shameless maneuvering began to surface, my office immediately began seeking an explanation from ICE, only to be repeatedly stonewalled. On September 23, 2013, after a month of constant requests for information, sometimes including several calls a day yet given no clear answers for this behavior, I sent a formal letter to then-Acting Director John Sandweg requesting information about ICE's actions following the enactment of H.R. 933.

On December 12, 2013, following months of evasion and failure to respond by ICE, I introduced H.R. 3732, the *Immigration Compliance Enforcement Act*, legislation that would force the agency to comply with the law by shutting down any form of this illegal alien lobbyist.

Specifically, the ICE Act would defund both positions and prohibit the creation of any new position within ICE that would allow the agency to ignore the law and continue its pro-illegal immigration activities.

It is of the utmost importance that ICE be required to comply with the will of the American people as expressed through Congress.

President Obama's flouting of the law cannot be allowed to continue, and if this Administration wants to maintain any credibility with Congress or the American people, they should stop flagrantly ignoring the laws Congress writes and the President signs.

Thank you for your time here today.