

## Hearing Transcript

### House Appropriations Subcommittee on Homeland Security Hearing on President Obama's Fiscal 2017 Budget Request for the Bureau of Immigration and Customs Enforcement

March 17, 2016

CARTER:

Good morning. This subcommittee will come to order.

Director Saldana, thank you for being here. I understand you have your husband with you today. Would you like to introduce him to the panel?

SALDANA:

Thank you very much, Chairman, yes.

My husband unadvisedly wore pink this morning. He's in the pink tie.

CARTER:

Well, he'll get pinched -- you'll get pinched because you're not wearing green.

SALDANA:

He, like...

(UNKNOWN)

(inaudible)

CARTER:

I would volunteer, too.

SALDANA:

But he, like I am, from the great state of Texas.

CARTER:

Yes. Yes, ma'am. Yes, ma'am.

Well, welcome. And you've had about 18 months under your belt now as director of Immigration and Customs Enforcement, known as ICE, and we look forward to hearing from you today, our subcommittee hearing on the department's F.Y. '17 budget request.

I think I've used the word "complex, diverse, and demanding" to describe missions and responsibilities of every agency in the department appeared -- and -- which is -- before we got to ICE. ICE is no exception. To say the job is challenging is an understatement.

ICE is the principal investigative arm of the DHS, responsible for preventing the exploitation of our borders by transnational criminal organizations while simultaneously securing our interior through the enforcement of our nation's immigration laws, apprehending and detaining criminal aliens. ICE agents, whether here or deployed abroad, serve on the front line to safeguard our country. We could not be prouder or more grateful for all they do.

This committee also has a challenging job. It is our responsibility to -- to ensure ICE receives the resources necessary to properly man, train, and equip your organizations, enable it to successfully accomplish the myriad of missions assigned to it.

The fiscal year 2017 budget for ICE is \$5.9 billion in discretionary spending, an increase of \$76 million over fiscal year 2016. Although the budget reflects an almost \$140 million increase in Homeland Security Investigations, unfortunately the administration yet again resorted to budget gimmicks to achieve this increase, decrementing custody operations funding by \$185 million and reducing the number of detention beds by 387 (sic) from the mandated level of 34,000 to 30,913.

This reduction makes no sense. The average adult daily population has steadily remained 33,000 since fiscal year 2015 and shows no sign of retreating. In fact, with more localities cooperating with ICE through the Priority Enforcement Program and the potential lifting of the injunction against the executive order on DAPA, the requirement for detention beds is likely to exceed 34,000.

This is unacceptable and will force Congress to search for offsets in your budget to fund the required number of beds. Today we expect you to provide a thorough explanation for this shortsighted decision.

And before I turn to you, Ms. Saldana, I would like to say that you -- the text that you have submitted will be in the record.

And I'd like to recognize our ranking member, Ms. Roybal-Allard, and -- and congratulate her on the tree that was planted in honor of her father on the Capitol Grounds. I saw that, and red oak's a good tree. And so I'm -- we got them in Texas.

ROYBAL-ALLARD:  
Thank you, Mr. Chairman.

Good morning, Director Saldana, and welcome to this morning's hearing.

Let me begin by saying how pleased I am that the advisory committee for family detention began its work last December. The budget proposes \$57 million for 960 family detention beds, which is a significant reduction below the number of beds funded for the current year.

This is a reflection of how the approach to families has changed over the past several months. As we have discussed, much more still needs to be done, and I am hopeful the advisory committee will play a significant role in addressing the serious issues that still exist.

I was also pleased to learn of your announcement last week about an initiative to hire community relations officers to help improve relations with nonprofit organizations, community groups, local law enforcement agencies, and other stakeholders. My understanding of this initiative is that it will help generate constructive feedback that ICE can use to improve the way it carries out its mission.

I believe there is real opportunity here, and I hope ICE will make the most of it because I continue to have serious concerns about how ICE is carrying out its immigration enforcement activities and detention operations. We have discussed those concerns a -- a -- a number of times, but I have yet to see the kind of progress that I have hoped for.

I am specifically concerned that ICE's enforcement actions have targeted families with young children from Central America who are already traumatized by the violence in their home countries and the dangerous journey they took to escape that violence. It's unclear whether these families were given the opportunity to present themselves for removal, which might have made enforcement actions unnecessary.

Also in question are ICE's tactics, which importantly have involved subterfuge and taking advantage of the fact that most families don't know their rights. These individuals are not criminals. Even a final order of removal doesn't mean they don't deserve to be treated humanely and with respect.

Let me clarify that I am not suggesting ICE should not enforce our immigration laws or never remove anyone from the United States. What I am suggesting is that the current process fails to ensure due process to those seeking asylum -- especially children.

Most of us who were born and raised in this country and speak English would find it difficult if not impossible to navigate our immigration system by ourselves. Just think how impossible it is for a child. Yet more than 50 percent of unaccompanied children have no legal representation.

To make matters worse, a Washington Post story earlier this month reported that a senior immigration judge -- someone who trains other immigration judges -- testified during a federal court deposition that he has taught unaccompanied children as young as 3 and 4 immigration law, and therefore they can adequately represent themselves. That is simply outrageous.

It is true that currently there is no obligation for the federal government to provide legal representation. But we have to ask ourselves a crucial question as to whether due process can really exist without it.

That is why Congresswoman Zoe Lofgren, Luis Gutierrez, and I have introduced the bill Fair Day in Court for Kids. While I realize legal representation may be more of a Department of Justice issue, ICE needs to be sensitive to concerns of due process.

Thank you again for being here, and I look forward to our discussion this morning.

CARTER:

Thank you, Ms. Roybal-Allard.

Before we start with your -- your statement, we're on a time crunch. We are told we're going to call a vote about 10:30, which is 20 minutes from now.

And we'll certainly complete your -- your statement and we'll maybe go to the first question. Then we'll have to take a break and run off, and we'll be back and we'll finish after we get through with that vote.

We'll expect another vote around 12 o'clock, and hopefully we'll be through by the time we have that second vote.

So you are now recognized for your statement, and thank you.

SALDANA:

Good morning, Chairman Carter -- it's good to see you again -- Ranking Member Roybal-Allard, and other distinguished members of this committee. I appreciate the opportunity to represent ICE's F.Y. '17 budget request, and -- and I really do appreciate the continued support you all have provided to our agency.

We are -- we have the same objectives in mind: public safety, border security, treating people who are in our temporary custody with dignity and respect. All of these are values that, of course, I am particularly interested in and do my best to ensure occurs.

This budget for F.Y. '17 is largely in line with the enacted F.Y. '16 budget. It -- it is a sustaining budget, something that'll help us continue what we started in '15, are doing now in '16, and -- and -- and try to accomplish our core missions of immigration enforcement, criminal investigations, and investing in technology that's going to bring us into the 21st century.

The government is a slow and -- can be very slow and burdensome sometimes. I -- I find myself impatient with our progress, particularly in this technology area. But we are moving forward and doing the best we can. And I'll share more details about that as we proceed.

We continue to respond to the influx of families coming across the southwest border. You all have seen the numbers. Certainly the first three months of this fiscal year the number were going in the creasing -- were increasing; the last couple of -- of months it has been declining, but we are always standing ready, monitoring those carefully, and -- and -- and doing our best to stay on top of it and, quite frankly, in some cases trying to stay ahead of it.

We have tremendous cooperative arrangements and working relationships with the governments which are largely involved in this influx: Guatemala, Honduras, El Salvador, and also Mexico. Mexico has been a great partner in assisting us with respect to all this.

I remain committed, sir, to continue my law enforcement efforts that I started as a United States - - assistant United States attorney and then United States attorney to ensure that the immigration laws are enforced effectively and, quite frankly, sensibly. We're focused on undocumented immigrants who are threats to public safety.

Our numbers, I feel, reflect the quality of our efforts as opposed to maybe in some cases the quantity. Of the 235,000-plus removals we had last fiscal year, over 98 percent fell into one of our top three priority enforcement -- enforcement priorities that the secretary laid out in late 2014.

We have a number of challenges. You alluded to that earlier.

This is tough job. The 20,000 women and men of ICE are challenged left and right -- almost literally from left and right. But they continue in their work because their interest is in the safety of our country, and I'm very proud of that fact.

Some of these challenges include court decisions, going both ways. When we believe a decision is wrong we challenge it, and we -- we continue to do that. But we are -- we are not deterred in our overall effort.

We're working with state and local jurisdictions with respect to Priority Enforcement Program. I'm happy to report that I targeted the top 25 jurisdictions which had failed to honor our detainers in '14. I -- I made them a top priority in '15. Seventeen of those 25 have come back to us in some form or fashion to cooperate with us where they hadn't, so I do foresee an increase in some of the demands on our detention system.

Further, we've asked for an additional 100 officers to continue this effort, focusing on the worst of the worst, in the Criminal Alien Program that we have, focusing on criminal aliens. And -- and I trust the committee, if you have any questions, you'll inquire about that, because we believe that's a very important part of what we do.

\$212 (sic) billion we requested for current investigative efforts. HSI, Homeland Security Investigations, our investigative arm, as opposed to ERO, our administrative civil enforcement arm, certainly has had tremendous success. When I see that 239 transnational criminal organizations have been dismantled or disrupted by our efforts, I'm very pleased with that.

I'm pleased with the fact that 3,500 of these involve gang members. We continue focusing on gangs and gang members in our -- in our investigative efforts.

A million pounds of narcotics. We all know the dangers that drugs and in particular methamphetamine and heroin present to our, and we're committed to -- to working with that.

An -- an area near and dear to my heart, human smuggling and trafficking, something I prosecuted as an assistant United States attorney: We've assisted more than 2,300 crime victims, including 384 human trafficking victims and 1,000 -- this is where I -- I give our people gold stars -- 1,000 children that we've saved from further exploitation.

So part of this is the request of \$43 million for our continued efforts and modernization of our technology. You all know. You all are the source of a number of inquiries we get from the Congress, and there about 100, I understand, committees, subcommittee that exercise some form

of jurisdiction over Immigration and Customs Enforcement. We have to respond to those inquiries, and -- and we're working very hard to modernize our technology.

We're going to continue to play a critical role in fulfilling the Department of Homeland Security's national security, counterterrorism, border security, cybersecurity, and public safety mission, and I think the F.Y. '17 budget reflects the resources necessary to support these efforts.

In conclusion, I want to recognize the hard work and talent of our 20,000-strong Immigration and Customs Enforcement, both domestic and foreign. We're in 46 countries, including our VSP program, which is in 20 countries. I'm very proud to represent them.

And I -- I should note here that we have been demanding more and more our -- of our enforcement and removal people, Chairman, with respect to more investigations as opposed to just their traditional civil enforcement, more investigative responsibilities. And I look forward to working with the department, with this committee, with the Congress, and with our labor union representatives to try to correct some issues we continue to have in overtime compensation there.

So I thank you for the opportunity to testify, and I am -- stand ready to answer your questions after your break.

CARTER:

Thank you for your statement. And I'll -- of course it's part of the record.

Director, as I mentioned in my opening statement, the F.Y. '17 budget proposes to cut funding for ICE detention and reduce the number of detention beds from 34,040 to less than 31,000. While the number of families being detained has dropped dramatically, the average adult daily population has been holding steady over 33,000 since the end of F.Y. 2015. Surprisingly, the F.Y. '17 budget request proposes to reduce the number of adult detention beds by 1,327.

Why is DHS proposing to reduce the detention capacity so dramatically when the current trend for adult detention remains 33,000 and will likely increase significantly with the potential court decision on DAPA and the increases in ICE fugitive operations and Criminal Alien Program? And please explain these assumptions used to develop this number, and are they still valid today?

SALDANA:

Thank you for that question, Chairman Carter.

I think you've hit on a -- on an issue that has -- has really obviously gotten my attention. Beds is a -- a large part of our budget, and -- but I want to point out to you, you know that the budget process is a very long one.

We formed our assumptions for this particular number back in 2015, even though it's for the '17 budget, because of, obviously, the process. In the spring of 2015, you'll recall, we had a tremendous decline in apprehensions at the border by CBP. The numbers I've seen are 65-plus, almost close to 70 percent decline in apprehensions.

And -- and we've had a decline -- we had -- we were enjoying a decline in people we were taking into custody. That, to me, actually is -- is good news, not necessarily bad. I know we may have some argument there.

But I -- I am very keenly aware of the situation. You all, much wiser and more experienced than I am in these areas, will make the ultimate decision on what our number should be, but we based it on the assumptions that we were dealing with the time.

You're right. Currently we're at about 33,000. Of course, at the end of fiscal year '15, you all have reminded me very often, our number was 29,000 for the year. So that's why we came in with this 30,000 number.

Also looking at the fact that while we have a number for adults and for families, we appreciate the ability to react to a very volatile situation on the border and perhaps interchange the beds there as the need arises. So I'm looking at it closely.

I can commit to you, if we stay at the number or if you all choose to do something else with it, that we will follow it closely and monitor it -- monitor it daily.

CARTER:

Well, first off, if you -- if you talk to the people who talk to the people that get apprehended -- the -- the Border Patrol -- they will tell you that detention is a deterrent to people coming across the border. If they think they're not going to be detained, more people will come.

Secondly, to base it on the lowest number in three years is not good -- is not good analysis. You don't even have to be a member of the government, you don't even have to be a member of law enforcement and live in the state of Texas to know that when it gets cold less people come across the river and when it gets warm more people come across the river. It's been going on that way for my entire lifetime, and I'm getting pretty old.

So everybody in Texas knows that. That's not -- that's -- no analysis there. Cold weather, it's not as much fun to swim the river as it is in -- in nice spring weather. And we generally see the uptick start in April, May, peak up until it gets too hot, and then it slows down again.

So, I mean, it's -- it's -- without the other problems that have been created with -- with executive orders and other things that we can argue and not argue -- I'm not going to get into that -- but I think it's a -- you made a -- a -- an assumption based upon the best numbers you can find, and that doesn't work because if we run out of detention beds then we're scrambling to -- to shovel money around to -- to get you where you want to be.

If ICE has less capacity to detain the number of criminal aliens, and recent border crossers, repeat offenders, and other high-risk population -- which are required; they are priority detainees -- how can you mitigate that risk?

SALDANA:

Well, the secretary clearly directed us, and I have done in kind, have directed our workforce, that we're not going to release criminals who should be detained just because there aren't enough beds. We are going to do whatever we do, short of perhaps them spending the evening at my home, we're going to do whatever we can to make sure those people are detained.

And -- and let me just say, Chairman, I really do want this -- this -- to communicate this clearly: We don't do detention for deterrent purposes. Detention is specifically outlined in the statute. You have to be an expert in these laws and regulations to -- to -- to be able to maneuver around that.

But we can't use detention as a punishment. Detention is for the specific purpose of taking custody of people who are going to be removed, and to remove them and ensure we can remove them. Those who are not detained, there is a reason for it.

Judge, I am in law enforcement. This is what I do and what I know, and I assure you, if there's anyone that needs to be removed, we're going to remove them. But -- but short of having an order, short -- short of having travel documents, we cannot just remove somebody willy-nilly.

CARTER:

The -- the purpose of incarceration is three-fold. One is punishment. I didn't say punishment.

I said deterrence. Number two is deterrence.

And three is rehabilitation. You served as a criminal attorney. You know. You made that argument in court. I promise you, you have.

SALDANA:

In a criminal context.

CARTER:

In a criminal context, but it's -- this -- this is one of these like juvenile law, that falls into a civil category, but has people who are committing -- some people who are committing acts that fall into the criminal code, OK? So it -- you can't just -- my whole point was if -- if -- if it slows down the flow, that's deterrence, OK?

If somebody coming across says, "I might get put in detention; I'm not going," we haven't had to do any work on that guy. He's staying in Mexico or he's going back to Guatemala.

SALDANA:

I mentioned that we don't operate in a vacuum. We have courts reviewing everything we do. You know we have a decision out of the -- the...

CARTER:

Look, we're not going to get in a discussion about courts.

SALDANA:

But it says we cannot use deterrence.



CARTER:

You can wait five years to get to some courts, OK? So let's don't get off on a tangent on courts.

SALDANA:

I have to follow court orders...

CARTER:

And let me finally say, and then we'll go on to Ms. Roybal-Allard, this is like "Groundhog Day" for us in the Obama administration. We have had a request for a reduction in beds every year since -- and the administration clearly wants to reduce the amount of detention beds. We've had it as low as 25,000 -- reduction down to 25,000 in my memory, and it's probably bounced around in numbers everywhere in that category.

This is not new. This is -- this is every year, just like the movie "Groundhog Day," just bing, and there it is again.

Ms. Roybal-Allard?

ROYBAL-ALLARD:

Secretary Saldana, I would like to clarify something that Secretary Johnson told us when he appeared before the subcommittee in late February. In his response to a question about the potential for the Karnes and Dilley family detention facilities to be issued state operating licenses, the secretary seemed to indicate that simply the issuance of a state license would make the facilities fully compliant with the requirement that children be housed in licensed, non-secure facilities. But the licensing rule promulgated by the Texas Department of Family and Protective Services specifically states that it has no role in determining whether the family detention facilities are secure.

In order to ensure the facilities also comply with the intent of the U.S. district court ruling, what changes will you require to be made of these -- at these facilities so they meet the requirements of a non-secure state child welfare agency?

SALDANA:

We...

CARTER:

Before you -- before you answer, let me -- I want to ask Ms. Roybal-Allard, I didn't see that we are 10 minutes...

ROYBAL-ALLARD:

OK.

CARTER:

... we got 10 minutes left of the vote. I -- we probably talked a little bit longer than we should have. Do you want to give her a chance on...

ROYBAL-ALLARD:

Maybe just that one? Just that one and then we'll -- I have others. OK.

(CROSSTALK)

SALDANA:

Congresswoman, the -- the welfare and well-being of the people in our custody is topmost in our minds of everyone who deals with the detention facilities, be it family or adults. You're right, we're in the middle of this licensing procedure in Texas. Also in Berks, actually, we have a battle going on there in Pennsylvania.

We are constantly monitoring the safety and welfare of those facilities. We're constantly evolving. You know last year I set up that family advisory committee. They were in Dilley and Karnes this very week and reviewed, and I'm very eager to hear back from them with respect to what they saw and what they considered.

We have standards that -- that must be complied with. There are two aspects to the court's order that you're referencing, both the secure part and -- and the secure part I think is the part that you're in part focusing on.

We -- we -- and the court's decision recognizes -- rely -- we -- we can't license our own facilities. The state -- every state, wherever we have a facility, with respect to those questions, has to do so. So that's why we're looking to Texas to see if we can -- if we can get -- continue our license.

I assure you, however, that the safety and welfare of the people in our custody is not determined by the state of Texas. It's determined by our people. And -- and we have people on site; we have people who monitor those people; we have people who monitor the people who monitor, at the I.G.'s office and elsewhere.

So it's a continuing concern of mine, and I keep up with it daily.

CARTER:

Thank you, ma'am, and we'll get back to you after we -- we take a break to go vote.

SALDANA:

If you don't need to, Judge, that's fine too.

CARTER:

No, I'd like to see you later.

(RECESS)

FLEISCHMANN:

Madam Director, we're going to continue on with the hearing. It's my understanding that we're going to have votes called again, another vote series around 12:30 or so.

I believe the ranking member, Ms. Roybal-Allard, is -- is in the middle of her questioning.

ROYBAL-ALLARD:

Director Saldana, I -- I'd like to go back to -- to the -- the issue of the state licensing of Dilley and Karnes. I -- I was not clear with regards to your answer.

Clearly Dilley and Karnes are secure facilities. And simply by having them licensed differently does not change that fact.

So -- so my question really is that once they have received that license, in order for you to be able to place children there does that mean that it will then have to become an unsecure facility, like will the fence be taken down so that it's in accordance with the U.S. district court ruling?

SALDANA:

So let me be sure I -- I do answer your question. I'm -- I'm not sure I still understand it, but the court -- the court itself in Flores is what we're talking about -- recognized that the state determines what is secure and not secure for purposes of meeting the -- that obligation in the overall settlement agreement. The court recognized that.

What I'm saying to you is even if we get the license and they determine it's a non-secure facility, that doesn't end my responsibility and my job. I recognize that.

We will -- but we will have met that on the letter of the law. We will have met that obligation under that. That's my understanding.

ROYBAL-ALLARD:

OK, because my understanding is that the Texas Department of Family Protective Services has specifically stated that it has no role in determining whether the family detention facilities are secure. But we -- we can -- we'll -- we'll talk about this a little bit.

SALDANA:

OK.

ROYBAL-ALLARD:

Well, I'm just concerned. I just want to make sure that simply by changing the -- the court changing the -- the designation of the facility, that then all of a sudden Karnes and Dilley are -- are OK to place these children. Because clearly those are facilities that are not places where children should be at -- at this point, based on what I saw when I visited. So that's my concern.

SALDANA:

And I know we've had that conversation in your offices, or Congresswoman Lofgren's offices. I'm happy to talk more about that with you.

ROYBAL-ALLARD:

OK. And -- and what is the current average length of stay at Karnes, Dilley, and Berks right now? Do you know?

SALDANA:  
It's still holding steady at about 17 days.

ROYBAL-ALLARD:  
And are any families being detained beyond the 20-day period that the district court had established as the upper limit for a reasonable processing time?

SALDANA:  
What the court established on the 20-day is that there's a presumption of reasonableness there. It doesn't require a 20-day stay. It -- it -- it recognizes that there are reasons to detain people, under certain circumstances, for a longer period of time.

So there may be some that -- but the average I think tells you that it is -- it would be probably few and far between.

ROYBAL-ALLARD:  
And -- and do you know what percentage of arriving families now spend at least some time in detention?

SALDANA:  
I have that number somewhere, Congresswoman, but I don't want to just speak out of memory.

ROYBAL-ALLARD:  
OK. Well, you can -- you can...

SALDANA:  
I will provide that later for the record.

ROYBAL-ALLARD:  
... provide that, yes, ma'am.

The F.Y. '17 budget proposes funding for 960 family detention beds, which is a significant reduction from the 2,760 family beds funded for the current year. And I saw that last week you published a request for information for facilities and services provided in an innovative manner and which do not resemble traditional correct practices.

What are ICE's plans for consolidating its family detention facilities? And depending on what you get back from the RFI, is it possible that ICE will stop using Karnes and Dilley as -- for families in F.Y. '17?

SALDANA:

Well, we're pretty much there on the decision on Karnes. We are probably going to convert that into -- our plans are to convert that into an adult male -- perhaps with children -- facility, not family facility, as it now with -- with largely women.

Dilley will continue to exist. We will continue working there.

And although with respect to Berks, the jury is still out. Our license continues there, but the jury is still out as to whether we will be able to win that challenge to -- that's being made right now with respect to our license at Berks.

So this is such a -- an answer that is determined by so many different factors, not the least of which is what's going to be -- what's happening on the border tomorrow or the month after. I know we - - we all recognize the fact that there's a -- there's a season for migration and then there is times when it's a little slower, but that's currently our -- our plan.

ROYBAL-ALLARD:

OK. What is the specific role of the advisory committee for family residential centers, and will it make formal recommendations to ICE on how to improve family detention?

SALDANA:

It is -- it's a -- we've left it intentionally fairly broad. They're not going to be running our family facilities. That's our responsibility.

But they will be, as they did this week, visiting facilities, making recommendations to us. All of this is in a public setting, Congresswoman. Anybody can come visit our meetings when we have them.

And as I say, I expect to hear back from them on their visit this week pretty soon. I'm hopeful that we get some good, solid suggestions.

ROYBAL-ALLARD:

I would look forward to seeing what those suggestions are.

SALDANA:

Thank you. And I was just handed by people who are brilliant that the average is at about 68 percent of families who are actually booked. So 32 percent, more or less, don't ever get booked in to one of our facilities.

CARTER:

Thank you, Ms. Roybal-Allard.

Mr. Fleischmann? And thanks for helping out.

FLEISCHMANN:

Thank you, Mr. Chairman.

Good morning, Director Saldana.

SALDANA:  
Good morning.

FLEISCHMANN:  
Good to see you today.

I have some questions for you regarding the family detention beds.

The cost of beds for family units was \$342.73 in fiscal '16. Yet the budget requested a drop in the average cost to \$161.36. In addition, the request projects a decrease in the number of beds by 1,800 beds.

While I applaud the effort to cut costs in this current fiscal climate, I am concerned as to whether this estimate is achievable. I have three questions.

First, why does the request drop the number of beds so dramatically?

SALDANA:  
As I tried to say earlier and I may not have been clear enough, this -- this was our number back at a time when actually our -- our -- the actions we had taken in enforcement were working, the government of Mexico was helping us with respect to stopping people at our southern border. This were looking fairly steady and even declining, so we based that number on that. That's -- that's why we did that.

But again, I -- I am all -- I am going to be all over this. I will be looking at that very, very frequently.

FLEISCHMANN:  
OK. So then you would agree with me the situation has changed to make that number not feasible?

SALDANA:  
It -- it has changed, sir, and obviously that's -- that's part of what you're going to be doing with respect to looking at that request, I'm sure.

FLEISCHMANN:  
I understand.

Did you consult with industry in developing the cost estimate? If not, how did you develop it and how confident are you that the bed cost can -- can be reduced so significantly?

SALDANA:  
Well, we have -- we have quite a few people who are experts who have been doing this for 20 and 30 years. I cannot answer your question as to whether there was a specific private consultant we used. We certainly use private sources for consultation. In the end the decision is ours.

But let me just point out to you, you may remember that when we had that tremendous influx in 2014 we had to stand up Dilley and turn that on a dime, and as a result we paid dearly for those demands that we made to get the housing in shape, get it available. And we have just released that request for information with respect to trying to get facts that'll help us decide how we're going to save this money.

But we really do anticipate, since we had a lot of front-end costs in the Dilley stand-up, that we will be saving that money and -- and target it -- this number for you.

FLEISCHMANN:  
OK. And I have one final question. Thank you.

What financial management controls does ICE have in place to ensure the service costs don't escalate outside the normal perimeters over time?

SALDANA:  
We have people who are constantly monitoring the contracts that we execute. They're looking at them. There's a family -- there's a detention oversight group within our agency that looks at that.

Our financial people are always on top of that, including our contract management people. They're very smart folks and they keep me in line with respect to managing those costs. So I rely on them and -- and I am -- I'm very confident that what they're telling me is accurate.

FLEISCHMANN:  
Thank you, Madam Director.

And with that, Mr. Chairman, I'll yield back.

CARTER:  
Mr. Price?

PRICE:  
Thank you, Mr. Chairman.

Welcome, Director.

I am glad to see you here and want to focus on a familiar topic but one that I think is at the heart of your mission and -- and -- and at the heart of the policy questions that we need to address. That has to do with -- with priorities you set for immigration enforcement actions.

The department's announced policy is to focus on people who pose a danger to the country -- particularly convicted felons -- for enforcement action. That is a -- a declared priority that I and others have -- have applauded -- widely applauded. In fact, it's been a priority of this subcommittee for -- for many years to -- to -- to facilitate exactly that kind of -- of focus.

Now that was the original intent of the Security Communities Program, which lost some focus, unfortunately, and lost some support of local communities, and -- and -- and therefore was replaced by the administration with precisely this -- this issue in mind of -- of how to -- how to focus on the right people for -- for enforcement, for deportation. And that's where the -- the memo of -- of November 2014 came from, recalibrated DHS policy.

Once again, though, we seem to be in some danger of losing focus or -- or losing clarity about what our priorities are and -- and what -- what this priority one, so-called, includes, and -- and what the -- what the relative weight is that -- that might be given to -- to the different priority one categories. I'm referring to -- to, of course, the -- the November 2014 memo.

And I'm -- I'm raising this issue based on several North Carolina cases. I'm not going to go into the specifics of that, but that's how we learn where some problems lie often is in -- in cases that come to our attention, whether they're anomalous or not.

I mean, we have to ask the questions that I'm going to ask you now. We have -- we have five priority one categories. Four of them I think are clearly within the -- the -- the guidelines or the -- the standards that I earlier articulated: aliens engaged or suspected of terrorism, people apprehended -- people convicted of an -- of an offense in connection with a street gang, aliens connected of an offense classified as a felony, convicted of an aggravated felony.

OK. Those categories, pretty clear.

The fifth one is maybe more -- more spacious and more problematic, just convicted. Seems to be -- to target people who were turned away immediately at the border. All right, so that -- that -- that, too, we understand.

Except when I look at these North Carolina cases I -- I -- I see some that weren't apprehended at the border. They might have been, but they haven't maybe shown up for a hearing, some may have been reentering the country. It's just -- it's just clear that they do not fit that category of -- of dangerous people or -- or convicted felons.

So -- so my question is, what -- what -- what is the policy within these priority one categories, and can you put a percentage on -- on these -- these five components of priority one as to how many of the people you're -- you're -- you're going after fall under each of these categories?

SALDANA:

Thank you, sir. Yes, this is the cornerstone, the foundation of the work we do now in the post-November 20, 2014 memorandum era.

We are razor-focused on criminal aliens. That's absolutely for sure, and I -- I mentioned some of the stats with respect to the fact that in -- in our detained population over 59 percent have a criminal conviction, the highest we've ever had in the history of the agency.

But -- but, sir, it's a two -- it's a -- this is what makes our job interesting. There are two aspects to what we do.



There's definitely the focus on interior enforcement and getting people who do not belong in this country out of here. At the same time, there's the border security aspect.

And while I was not here in November of 2014, I have heard from the secretary personally tell me about all the handwringing, the consultation, the work that went into deciding what part of the priorities is going to be focused on border security. And -- and while we believe all of them are, the part that you're talking about, the -- the recent border entrants, that's where we're trying to stop the flow of people continuing to come into the -- into the country.

Because all our enforcement priorities with respect to criminal aliens and others will not serve us as well if we don't pay attention to stopping the flow. And that's why the date of January 2014 was used to say, "If you can't show us that you were here in the country peacefully, abiding by the laws, before January of 2014, we are -- you are going to be subject to removal."

PRICE:

So this isn't a matter of just turning someone away at the border. This is a matter of fingering for enforcement action anybody who entered after that date no matter where they are in the country.

SALDANA:

That's right. That's right.

PRICE:

All right. So here you're -- here you're breaking up families, you're -- you're -- you're going after people who have no criminal record or criminal intent. It -- it -- it seems like we're back where we were in terms of a -- of a pretty indiscriminate approach.

Anyway, do you have the percentages as to how many people fall in each of these categories?

SALDANA:

Generally speaking, yes. Border entrants, it's about 42 percent, just a little bit over that.

Gang members, a little bit over 1.5 percent. Many of the gang operations we have end up being citizens, unfortunately.

Felons and aggravated felons, about 21 percent. These are the really serious criminals.

And so that's approximately the number up to now. And that's just focusing on -- on -- on those categories.

PRICE:

Mr. Chairman, I know my time is expired. I'll -- I'll return to this. Thank you.

CARTER:

Dr. Harris?

HARRIS:  
Thank you very much.

And thank you, Madam Director, for coming before the subcommittee.

I'm going to follow up a little bit about a letter that you sent to Mr. Grassley over on the Senate side February 11th, and it was in response to a letter he wrote on June 16, 2015 about the release of criminal aliens, and especially looking into some details of the ones who subsequently were arrested for homicide-related crimes. You are aware of the letter you wrote back?

SALDANA:  
(OFF-MIKE)

HARRIS:  
OK. I hope so, because what you have is you have, you know, 120 -- I'm going to get the number -- 124 criminal aliens who were released, who were actually in your custody and released who went on to commit 135 homicide-related crimes. And, you know, I think obviously you have a large task to do, but, you know Americans expect that someone who is here illegally and has a criminal record ought to be looked at really carefully before they're released back into the population.

In fact, in the list -- and -- and, you know, it's on page seven of your letter in response -- you know, two of those people had previous convictions for homicide. So let me get it straight: I mean, there really were two people who were held by -- in detention with previous convictions of homicide who were released to subsequently be arrested for a homicide-related crime.

That right? Is that what your letter implies?

SALDANA:  
If that's the facts of those two cases, yes.

HARRIS:  
Well, it says there are two -- there are two -- two convictions -- I'm sorry, it's two convictions. It could be the same person actually had two convictions of a homicide. I'm not sure if that's better or worse.

SALDANA:  
And I can't tell you to distinguish, but that -- your point is -- I understand your point...

HARRIS:  
So under what circumstances would someone convicted of homicide be released instead of deported? I mean, is this, you know, a person who went to Zadvydas -- the -- let's hope I pronounced that right -- Zadvydas ruling, or is that -- is that...

SALDANA:  
Can't do much better than you, sir. I think it's...

HARRIS:  
Yeah, I know. I...

SALDANA:  
Zadvydas.

CARTER:  
It's Zadvydas.

SALDANA:  
Thank you so much, Judge.

HARRIS:  
Zadvydas, a silent D, huh?

SALDANA:  
Thank you so much, Judge.

Yes. Now, Congressman, you...

HARRIS:  
I mean, because otherwise it would be pursuant to a bond set by the DOJ's Executive Office of Immigration or an -- or something that you all decided.

SALDANA:  
Exactly. Now, this is something -- this is one of the reasons I designated this criminal -- this community relations officers, is because there is so much misunderstanding of what we do and -- and -- and the fact that we are guided by this statute and the regulations.

HARRIS:  
Sure. So -- and -- and I understand that but, you know, we go down the list. I mean, 22 were convicted of assault prior to their -- you know, prior to their detention and release; 14, vehicle theft; 11, robbery; nine, possession of a weapon. I mean, someone convicted of possession of a weapon and they get released?

I'm -- I'm not sure I -- so I'm -- what I'll do, and I'll -- and you don't have to respond. What I'm going to do is I'm going to ask you to follow up, because the senator didn't ask the question that way, is specifically those crimes that -- I mean, homicide's a felony. I mean, there's no question that even under the highest prioritization -- under any prioritization scheme they'd be prioritized - - is just to see if -- if you could give me information if those, in fact, if any of them were related to the discretion that you have. Not the ones where you don't have discretion, where it's, you know, the 180-day detention limitation, things like that.

SALDANA:

And -- and let me just tell you the short answer with respect to last year, fiscal year '15. Is -- is that in -- in...

HARRIS:

It's not -- I -- I think '15 might be in here.

SALDANA:

Yes. So we -- we were at 57 percent there of discretionary cases. That came down from 61 percent in '14. Currently we're at 37 percent.

You know, I set up a committee to make sure that we double and triple check any criminal releases that are discretionary, sir. We -- we do not release criminals unless there is -- we are obligated to under Zadvydas, an immigration court judge has told us to do it.

In those discretionary cases we do it on a case-by-case basis. But I'm happy to delve further into that...

HARRIS:

No, I'd -- I'd appreciate that. And maybe we'll -- we'll have to figure out some solution because, you know, releasing a convicted -- person convicted of homicide back into the community when they're here illegally is -- is just an interesting concept.

With regards to the Secure -- Secure Communities Program being switched over to Priority Enforcement, what has been the -- what's been the response from those jurisdictions that previously were considered sanctuary cities as you converted from one program to the other?

SALDANA:

All right. So if you don't mind, I'm going to stay away from that term because, quite frankly, I don't know if you and I would agree on that definition.

HARRIS:

Well, I -- I live in a sanctuary state, so I -- I -- I understand what the term means.

SALDANA:

So -- so I can tell you that with respect to what I did when we were trying to focus in on this issue and we converted into the Priority Enforcement Program is I asked my staff to identify the top 25 jurisdictions in the country, which at the time were responsible for something like, I don't know, 86 percent of the declined detainees -- our detainees that are being declined.

Let's laser-focus; let's have all hands on deck, including the secretary and the deputy -- not that I directed them to do this; they did it on their own -- but myself and our staff have been out working the field to make sure local law enforcement -- once again, that's my community relations folks that are going to be doing this in the future, but currently my field office directors, everyone is all hands on deck to explain to local jurisdictions these priorities and -- and the Priority Enforcement Program.

Currently, as I think I mentioned earlier, although I might have dreamt this, of those 25 jurisdictions, 17 have come to the -- to the table with cooperation. That is a big impact. And so -- and -- and I haven't given up on the remaining eight because we will continue going back to those jurisdictions and -- and asking them to work with us in a reasonable way.

That's -- our -- our -- our efforts have paid off. I think by that number it shows that.

In the end, we -- I think we have been persuasive because we all are interested. Local law enforcement are not interested in releasing criminals and having people victimized by people in the country illegally.

We all have the public safety concern. And so I think that's carried the day so far, but we're continuing to work with those remaining eight.

HARRIS:  
Thank you very much.

I yield back.

CARTER:  
Mr. Cuellar?

CUELLAR:  
Chairman, thank you so much.

Director, again, thank you for your service. I think you're in a very difficult situation. On one side you have Republicans that think you're not deporting enough; then on the other side you got Democrats who are saying that you're deporting too many out there. So I know it's a difficult situation.

Let me just direct your attention to recruitment and retention of employees, because I -- I think I'm seeing a pattern in homeland where a lot of the agencies are having a hard time. My question is, what are you doing to recruit, retain, and are you streamlining the process? Because it takes a long time to bring people onboard.

SALDANA:  
It does. And let's not forget the training part, even when we have employed them.

We have -- we were very ambitious after the -- the lapse in appropriations last spring of 2015. We were -- as soon as that was lifted we hit the ground running and -- and brought on 800 positions or so...

(UNKNOWN)  
A thousand.

SALDANA:

... a thousand -- for the balance of the six months, furiously working to try to fill some of the positions.

We still have a ways to go because, as you know, December, January, people are retiring. So when we make gains, we sometimes have to take some steps back.

But what I charged our human capital people in particular with is I don't want to hear about delays and things get -- I said, "Let's do this as efficiently and effectively as possible, because we can't do anything unless we have the well-trained, appropriate staff onboard."

As a result -- and -- and by the way, I had my human capital number one person, officer, had been vacant, that position, for some period of time. Thank goodness we have an outstanding woman, Katherine Payne (ph), who is now our human capital officer for the entire country, and she is laser-focused on my directive.

She has -- and -- and part -- much of our staff -- has done several things. One of them is we're now doing like one-stop shopping, where we have gone to like five or six jurisdictions and done fairs where we say, you know, let's do the pre-employment interview; let's -- let's get -- let's start the processing on the background; let's concentrate so you -- we don't have to keep going back and saying, "Now this is the next step." We're taking several steps at one time. That has really gained us things.

We've got additional people focused on background checks, which are vital. We've gotta have them before people come onboard.

As you said, a lot of agencies -- investigating agencies -- are in this box. Secret Service -- just within our departments, Secret Service is trying to find people, Border Patrol is trying to find people. We're all pushing against the same pot of people, so to speak.

But as a result -- and I was just in Georgia to see our FLETC. I don't know if any of you all have visited it, but it is an extraordinary place, the Federal Law Enforcement Training Center. We are all competing for -- for place there, just to get our people trained when they get onboard.

So one of the ideas that came up and we've adopted it is, you know what, get those people onboard. We'll continue working with them to get them trained as early as possible in that tenure, but let's get them onboard.

CUELLAR:  
Thank you.

SALDANA:  
So...

CUELLAR:  
And -- and thank you for doing that, because I know it's -- you hire people and then the attrition rate comes in on that, so I appreciate it.

Let me -- real quickly, I added some language on transparencies of family detention facilities, and I think within 15 days and monthly thereafter you all were supposed to give the information in the committee. Maybe you're getting that. Because I'm one of those Democrats that I believe in immigration reform, but I still want to see law and order at the border. I represent a good section of the border.

So I would ask you all to give us this transparency language detail that we have sent to you.

The last point I want to make is the area that I represent I got two very unique situations. Rio Grande Valley, part of my district, it's from F.Y. '15 to February of this last year family units went up 149 percent, from 11,000 to 27,000 for that same period of time, compared to F.Y. '16. Unaccompanied kids went up 89 percent, from 12,000 to 23,000. The majority -- the Rio Grande went up 90 percent, 133 percent on that.

Then on the Laredo area I have a different type of situation. I have Cubans coming in.

And I know your role is a little bit more limited because of the Cuban Adjustment Act, but just to give you an example, in F.Y. '24 -- I mean F.Y. 2014, 24,000 Cubans came in; 15,000 came through the Port of Laredo. F.Y. 2015, 43,000 came in; 28,000 of the Cubans came in through Laredo. F.Y. '16 up to February 24th, 25,000 -- almost 26,000 -- Cubans came in, and over 18,000 came through the Port of Laredo.

So my district is one of the those that on the southern part I have, you know, the Central American folks coming in, and then in Laredo, my home town, I have Cubans come in. And I know that's more limited on that.

Again, all I would ask is we play defense on the one-yard line. The more we can play defense on their 20-yard line -- and I know y'all have folks working in Central and Mexico and other places - - the more you can do that, the better it is. Because otherwise they get to the border and they come in and they get to stay, quite honestly.

SALDANA:

I understand that. And, of course, everyone here knows that we're in the middle of this transition period with Cuba, but I am quite sure that's going to be one of the top topics in the discussion as we move forward with them.

CUELLAR:

Thank you so much for your service.

CARTER:

I'm going to recognize Mr. Young, but before I do I got a quick question on the hiring situation Mr. Cuellar was talking about.

You're about to go to a polygraph investigation, and one of things that we have heard from like CBP and others is one of the reasons for the delays in their hiring is waiting on polygraphs. So I

don't know if you're aware of that, but that claims to be a delay almost across the entire DHS department, a lack of polygraph operators to get a schedule and get it done.

And you're about to instigate -- to put that into -- into this -- have you thought about that, and have you got any plans to not create something that further delays the hiring of people?

SALDANA:

Well, yes. And -- and -- and we -- and you're right, there is a shortage just generally of polygraph examiners, and everybody is using them, and we were late to this game.

But we are visiting with our colleagues that have already had that experience with respect to polygraphs. We are doing the best we can to try to identify -- because we haven't started this, as - - as I understand. We haven't started the polygraph examinations, but we're doing everything we can to ensure, put in place, you know, get people lined up, get contracts in place to try to find as many people to do these exams for us as possible.

We are -- we are going to stay on that and just make sure it doesn't delay us any further.

CARTER:

Well, it -- it seems to be a problem and I wanted to raise a flag.

Mr. Young?

YOUNG:

Hi, Director Saldana. Thank you for being here today.

As you know, on February 3rd this year my constituent in Iowa, Sarah Root from Council Bluffs, was killed by a drunk driver, Eswin Mejia. Mr. Mejia entered this country illegally, and after posting bail on February 5th he has failed to turn up for mandatory sobriety tests and has not been seen since.

After speaking to Ms. Root's father and learning the facts about the situation, it's clear there are serious mishandlings of Mr. Mejia's case. Specifically, the judge in this case should have more accurately assessed Mr. Mejia's flight risk.

I know that you are aware of this. There was a hearing yesterday where Senator Sasse asked you about this.

Do you believe that this is all just very unjust?

SALDANA:

It's tragic. It's horrific. Again, you know, I'm a prosecutor. I want those people in jail, in prison.

We look at every case on a case-by-case basis. We rely on the professional judgment of our people evaluating risk, because that is what we do every day.



We -- you and I may disagree on looking at the same person, but I am 99.9 percent satisfied with the risk assessments we do. We even have a tool to -- to help us with that.

But I don't want to see a single one of these cases or hear about them. That is at the top of our list of -- of fugitives. We are assisting the local police department and trying to locate him.

YOUNG:  
Eswin Mejia is at the top of your list of fugitives?

SALDANA:  
They're at the top of the list, and we have notified, through our transnational contacts that we have with governments -- I believe he was from Honduras, and we have notified the government there that, "Please be on the lookout for him."

We will find him. We will find him.

YOUNG:  
Do you think he'll show up to his court hearing in 2017?

SALDANA:  
I would not put any money on that, sir, but we are looking for him and we're going to find him, with the assistance of the local police department.

YOUNG:  
Well, you -- you said that this is unjust and, of course, I agree with you. It's tragic.

And you mentioned in your opening statement that one of your priorities is to challenge unjust decisions. Thank you for that.

There are state and federal roles in these kind of cases, but there seems to be a lot of confusion, based on what you read, a little Q&A from yesterday, about what exactly ICE's role is and when do they get involved. Can you elaborate on that?

SALDANA:  
Yes. So we're talking about, essentially, the transfer -- the relationship between local government law enforcement and ourselves when we have a detainer on somebody.

So what we -- we will do is we've got databases that will tell us that somebody has been arrested by a local jurisdiction and that there's some information maybe that this person is in the country illegally. We run that check. Sometimes we're there at the jails; sometimes we're not allowed in the jails. And we'll meet with that person and interview them to confirm, because it's not always the case they are in the country illegally.

And then we -- as I said, every decision we make, from apprehension to bonds to detention decisions, is made on a case-by- case basis. So we're looking at the facts relating to that situation and we decide, "This is a -- a risk. This is a flight risk or this is a risk to public safety."

So we will look at that, make that decision, and then it goes from there. Sometimes when we have to release them or put -- they're put in removal proceedings. But we -- we make that decision on detention while we have information from the local jurisdiction that there is a -- they've been apprehended for a crime.

YOUNG:

Well, yesterday you stated ICE did not follow through on a detainer request made by Omaha police for Mr. Mejia because Ms. Root had not passed away when Mr. Mejia posted bail. Can you elaborate on this? Because certainly she had passed away, because the bail was two days later.

SALDANA:

Sir, if I said that I -- I didn't say that very clearly or very well. I believe what I said was our posting a detainer would not have saved her life. It -- it, unfortunately...

YOUNG:

But it kept him from -- from being released...

(CROSSTALK)

SALDANA:

Yes, it -- it kept him from facing justice immediately. He will face justice, I -- I -- I am very confident. But it did keep him from facing justice.

And that sounds fairly callous. I'm very confident I would not have said that. What I was trying to explain is that at the time that we were looking at it, the facts we were looking at is that we had a serious injury.

And as I say, sir, I -- I don't want to see a single instance of where we have somebody on whom we do not place detainers and they abscond when they have been involved in such a serious situation. We've had conversations and we'll continue to have conversations with our people in our training and everything else to consider that because, quite frankly, the priorities allow it with respect to federal interest cases. And -- and that, to me, if I had been looking at this file I would have considered that heavily.

YOUNG:

I'd like to have some further conversations with you on this and your office.

SALDANA:

I'd be happy to.

YOUNG:

And I know you view this as a tragedy, but others have died in certain -- in similar situations like this. Sarah Root is dead. Eswin Mejia is missing. A family in the community mourns.

And I just don't think that we're doing enough, and I think this committee would stand with you in trying to do more to make sure that these things don't happen again.

SALDANA:

Thank you. We're like-minded in that regard.

YOUNG:

I yield.

CARTER:

We'll end this first round with Mr. Culberson and then start a second round.

CULBERSON:

Thank you, Mr. Chairman.

Director, the secretary of homeland security testified earlier this year that there were a large number of -- or still a -- a number of large jurisdictions that are not participating in the Priority Enforcement Program. And in your testimony this morning you say that, quote, "16 of the top 25 jurisdictions with the largest number of detainers that declined to participate in Secure Communities are now participating in PEP, representing nearly half of the previously declined detainers."

What are the -- it's 16 of the top 25, so which are the -- what nine large jurisdictions are still refusing to participate and are not honoring detainers?

SALDANA:

And as I said, I'm very happy for that progress. And I think the number is more like 68, maybe close to 70 percent now of the detainers are being honored, or -- or some form of...

CULBERSON:

Well, in these 25 -- in these 25 largest jurisdictions...

SALDANA:

Yes.

CULBERSON:

So I'm asking what are the -- you say 16 of 25, so who are the other nine? Is...

SALDANA:

I can share that list with you, Congressman. I really -- I am still working with these jurisdictions. I will share the list with you...

CULBERSON:

I understand. Did you ask one of your folks back there? Somebody can tell you. Who -- who are the nine?

SALDANA:

I will share that list. What I'm hesitant to do, sir...

CULBERSON:

You've got it with you. It's important. I'd like to know who they are, and as...

SALDANA:

And I will provide that to you. I'm not saying I won't.

What I'm saying is shaming somebody is not productive when I'm trying to work very closely with these...

CULBERSON:

I'm -- I'm not looking to shame them. We're looking to solve the problem.

SALDANA:

And I will provide you that list.

CULBERSON:

They're going to honor detainees and they're going to follow federal law, or they're going to lose all their federal grant money. It's that simple. You want federal money? Follow federal law.

I need to know the answer to that question.

SALDANA:

And I will -- I will provide it to you immediately.

CULBERSON:

It's time-sensitive.

SALDANA:

I will provide it to you immediately...

CULBERSON:

And I need the list of those -- or all of them, actually. I want to know who those nine are, but then I'd like to know who those 25 are, and then a list of those that are not honoring detainees. Could you provide that to me within the week?

SALDANA:

That may be a little ambitious because I want it to be accurate, but we will attempt to.

CULBERSON:

Well, I know the list exists. You've already got it. I...

SALDANA:

No, I thought you said -- I'm sorry -- all of them.

CULBERSON:

Yeah, I'd like to know all of them.

SALDANA:

The nine we can give you immediately.

CULBERSON:

OK, great. Thank you. That'd be super. And then I need to know who these -- who the others are, as well.

SALDANA:

Yes, sir.

CULBERSON:

Because it's my responsibility as chairman of the CJS Subcommittee to make certain that -- that jurisdictions don't ask for federal money unless they're complying with federal law. So I need that list right away. Thank you very much.

SALDANA:

Thank you, sir.

CARTER:

Ms. Roybal-Allard?

I guess I'm next.

Thank you.

It shows how much I like you, Lucille.

Director, your budget requests -- you project a significant increase in the number of participants eligible for the Alternatives to Detention Program for F.Y. '17. Since the beginning of this fiscal year, the monthly average for participants in ATD has increased from 34,000 to 43,000. Despite this data, your request maintains the capacity at 53,000.

Given this large increase in such a short period of time and the projection for significant increases, is the request sufficient to meet the projected increases? What happens if 53,000 ATD options are insufficient? Will you then detain more aliens or will you release more aliens?

Obviously not all aliens are -- on the detain docket are enrolled in ATD. What statistics do you have to support the effectiveness of ATD with regard to compliance with hearings and actual removals?

SALDANA:

Let me see if I can remember all your questions. Let me start with the...

CARTER:

I'll -- I'll go back through them for you if you want me to.

SALDANA:

Let me start with the first one, and that is with respect to ATD and how ambitious we are. We're at 44,000 or so now; we're looking at 53,000 overall.

We -- as you know, we're at the beginning of that peak season, we believe, where we may be seeing more people as the weather warms up. We also have that success that we've enjoyed in PEP, which may end up producing more people that we have and that we may end up using ATD for some of them.

With respect to the last question on effectiveness, we have currently a pilot program, a family residential program that -- that talks about -- that -- that has let out a contract to GEO, a contractor, to actually monitor and give us hard statistics on helping these people to make sure they show up for their hearings to the very end when it's time for removal and taking them back into custody if we're -- if we've had to release them.

I believe we will have some good numbers from that pilot study. But in the interim, my understanding is that we've had very good success with ATDs in terms of compliance of people at hearings for that -- for the period of time that they're on release.

CARTER:

What do you anticipate would happen if you exceed 53,000? I mean, based on some recent current events, that could happen.

SALDANA:

It could, sir. That's part of my job is managing and watching the numbers and seeing where we are. Same thing with beds.

We'll keep a close lookout on it and we'll keep the committee informed as to -- as to how things are...

CARTER:

If this happens we gotta find the money.

SALDANA:

I understand, sir.

CARTER:

And effectiveness, you -- do you -- you got a pilot going on that. When do you anticipate some kind of information from that pilot?

SALDANA:

Well, it just started, Congressman, and I think in a few months we will have some results to share with you. Are...

CARTER:

I used to do alternative to detention or incarceration in my county and we got monthly reports on the effectiveness of that. And we didn't have near the numbers you got, I'll -- I'll go along with it, but we had more than our share. And monthly reports make it very -- for people making determinations -- much more effective making decisions if you see whether something's working or not.

SALDANA:

Absolutely.

CARTER:

And the more you make those people report, the more they realize that they've got an obligation. And if you don't -- if you leave them alone and let them roam, they go away.

SALDANA:

Well, that's why we asked for that increase is because we think it is effective.

CARTER:

Thank you.

Ms. Roybal-Allard?

ROYBAL-ALLARD:

OK. Director Saldana, as you know, I and many of my colleagues have been concerned about ICE enforcement actions targeting of families, particularly one that took place at the end of winter -- of the winter holidays in which reportedly ICE agents used deceptive tactics to gain entry into homes.

There are also reports out of the 121 individuals who rounded up, 77 were deported within four days without ever speaking to a lawyer, despite available pro bono legal assistance at the detention center. Multiple women also reported asking to speak to a lawyer and being denied by ICE agents.

While immigrants in civil deportations proceedings have no legal right to counsel, do you believe that the government has at least an obligation to respect the detainee's request to speak to a lawyer? And also, if you could answer as to whether or not ICE targets only individuals who have refused to comply with a removal order, or does it also target individuals who have not had the opportunity to voluntarily surrender themselves to ICE for removal?

SALDANA:

The operation you're talking about, Congresswoman, was very targeted. It started with a large list of individuals who were possible candidates for the operation and ended up a very small list. And in fact, I think the numbers with respect to families was something like, across the country, 77 people that were actually apprehended.

We do not go outside the priorities unless there is, as I said earlier, a federal interest or a good reason to do so. We -- that -- I don't know how much scrubbing we did, but we did it at the headquarters level, we did it at the local level, and we had supervisors reviewing that list. And as I say, it started out much larger than it was.

I have heard some of these same reports. I will assure you that we have run down -- everything we get a specific information on, we have run in down, and all the people involved in that operation were enforcement priorities.

Now, you and I may disagree on whether we should be looking at recent border entrants. But to the extent that they were -- some families may have been involved, they probably fell into that category and -- and that is the answer that we have at ICE, enforcement-wise, to trying to stop the flow of people. Because it makes a tremendous impression to put someone on a plane and return them to their country so that people can say -- see it is not worth the dangerous trip to the United States to come here.

But that issue of whether or not we should include recent border entrants was hotly debated, I understand, and that's where we came down. And -- and it wouldn't have been somebody outside of those -- of those parameters.

You and I have met about specific instances. To the extent you provide us any information on specific examples, we can do that.

But I -- I think I've shared this with you before, Congresswoman -- I -- I mean this: We don't -- we -- we know -- we are professionals at ICE. People may disagree, and they throw allegations at us all the time. Things are reported that are not accurate.

I take every allegation seriously and I ask people to take a second and a third look. You know I have a special adviser, someone who interned with you not that long ago, Liz Cedillo-Pereira, and she assists me in monitoring these situations.

ROYBAL-ALLARD:

Let me -- let me just stop you there, then, and -- and be a little bit more specific in what I'm trying to get at in terms of the allegations about some of these -- multiple women asking to speak to a lawyer and being denied by ICE agents. Have you looked into that allegation?

SALDANA:

Yes. Yes, we have.

ROYBAL-ALLARD:

And you're saying that that is not true.

SALDANA:

Exactly. People are advised of their rights.



But -- but part of the targeting of this operation are people who have been through the process. We did not include anyone in that operation who didn't have a final order of removal; had had due process up one side, down the other; had exhausted their appeals. Not one single person in that operation fell outside of those -- of that specific targeted population.

They -- from the moment they get into the door they are advised of people who provide legal services free. They have phones in which to make those -- free phones in which to make phone calls to their legal representatives. Many of them are represented, and they...

ROYBAL-ALLARD:

I'm running out of time, so I -- I just want to say I think we need to -- to look into this a little bit more. And we don't have the time to do that now, but I just want to make the point that even when a final order of removal is -- is imposed and the time appeal has closed, it doesn't necessarily mean that these individuals have been provided with due process.

And that's the reason that the Board of Immigration Appeals agreed to hear cases of several families taken into custody during the early January enforcement actions even though they had final orders of removal. And the issue is whether an individual really has been given fair access to effective counsel.

I'm over my time and I would like to follow up at a later time with you on -- on this particular issue.

SALDANA:

Certainly.

ROYBAL-ALLARD:

Thank you.

CARTER:

Mr. Culberston?

CULBERSON:

Thank you, Mr. Chairman.

Director, the -- according to your budget submission, ICE removed 235,413 illegal aliens in fiscal year '15. How many illegal aliens did ICE release during that same period?

SALDANA:

Did ICE release?

CULBERSON:

Yes.

SALDANA:

In this is 2015?

CULBERSON:

Yes, fiscal year '15. If you removed 235,000, how many did you release?

SALDANA:

I've got that number, sir. Let me take a look at that.

CULBERSON:

Thank you.

SALDANA:

And we're talking about general release as much as criminal.

CULBERSON:

Fiscal -- fiscal -- yes, fiscal year '15, all releases. How many did you release who were in the country illegally during that same period, fiscal year '15?

SALDANA:

OK.

CULBERSON:

Thank you.

SALDANA:

You know, I'm not finding that real quickly right now.

CULBERSON:

How many did -- and also, if you see it there, how many did you release in fiscal year '16?

SALDANA:

Total removals in 2015 -- this is very -- well -- well you already know it's 235,000.

CULBERSON:

235,000. Right. So how many were released?

SALDANA:

I don't have that number right in front of me. And you know that in '16 we're at 74,630 (ph) so far total removals.

I don't have that number in front of me. I'll have to give that to you in a little bit.

CULBERSON:

That's a very important number.

SALDANA:

Yes, sir.

CULBERSON:

That's the one that concerns us all because it -- it includes -- how many of those people, for example, that were released fit into category one or two of priorities for removal?

SALDANA:

Who have been released?

CULBERSON:

Yeah.

SALDANA:

If we have a reason to detain someone, if the statute provides our ability to detain someone, we're going to detain them. They're not going to be released unless they come within Zadvydas, which is that Supreme Court decision, or an I.J. -- an immigration judge -- has ordered it.

CULBERSON:

OK. Then you'll be able to tell me that, as well, if you would in a follow up.

Your folks are going to provide me with a list of jurisdictions that are not honoring detainers, the list of jurisdictions -- those large ones, the 25 -- and then that list show me the -- those -- there's 16 of the 25 you said that are -- that are now at least participating in PEP, and that's -- and that's good news. But I'd -- I'm also -- and I'll work with Jeremy (ph) back there on this -- thank you, Jeremy (ph) -- on letting me get ahold of that list soon as possible. And then Jeremy (ph) I guess would also provide me with how many -- how many folks were released in '15 and '16?

Thank you.

SALDANA:

Now it's 17, by the way. I don't want to give up that -- that one. Instead of 16 out of 25, it's now at 17. We just added Miami-Dade and -- and another jurisdiction, so it's 17 now.

CULBERSON:

Miami-Dade is -- is honoring -- is participating in the PEP program.

SALDANA:

Yes, as of about a month ago.

CULBERSON:

But Miami-Dade still does not honor detainers.

SALDANA:

I -- I think it's -- it's only notifications, but...

CULBERSON:

What?

SALDANA:  
Notifications. That is that they want to be -- they will notify us before they release someone.

CULBERSON:  
But they will not honor a detainer. They won't hold them.

SALDANA:  
I don't think so.

CULBERSON:  
Miami-Dade will not hold them.

SALDANA:  
That's right.

CULBERSON:  
OK.

What about Chicago -- Cook County? Will Chicago hold people until you come pick them up?

SALDANA:  
That's one of the folks -- the jurisdictions we're still working with. They have not, up to now, agreed to participate in PEP.

CULBERSON:  
Will -- will Cook County hold an individual until ICE comes and picks them up?

SALDANA:  
No.

CULBERSON:  
OK. Will Los Angeles hold an individual until ICE comes and picks them up?

SALDANA:  
They will notify us.

CULBERSON:  
But they -- will Los Angeles hold them until ICE comes and picks them up?

SALDANA:  
Well, they -- they can't hold them beyond the 72 -- 72 hours even under a detainer.

CULBERSON:  
I understand. Will they hold them -- will they hold them at all? Will they honor your detainer?

SALDANA:

Well, in -- at -- in Los Angeles it's...

CULBERSON:

Same -- same question as Miami and Cook County.

SALDANA:

They're far different from Cook County. We have an arrangement, and actually it's even in writing, with them with respect to notifications. So they will hold them for a period of time. As they process them out they give us notice and we come pick them up.

CULBERSON:

But they will not honor a detainer.

SALDANA:

They do not honor detainers.

CULBERSON:

Los Angeles.

SALDANA:

That's correct.

CULBERSON:

OK. Does the -- does San Francisco honor detainers?

SALDANA:

No.

CULBERSON:

Does the -- does the -- what other major jurisdictions come to mind that don't honor detainers?

SALDANA:

Currently Seattle.

CULBERSON:

OK.

SALDANA:

Significant, substantial size, that's all I can recall right now.

CULBERSON:

Doesn't the state of California have a law that forbids the jurisdictions or even the state from honoring detainers?

SALDANA:

It has the Trust Act, sir, which is a legal morass. In my view it's very hard. But yes, part of it is -- is to discourage cooperation.

But -- but obviously since we have a number of jurisdictions in California cooperating with us, we've been able to work with the legal departments of those entities to see if we can either find a way to work within the Trust Act or make some arrangement. And -- and in a number of jurisdictions we've been able to do that, including Los Angeles.

CULBERSON:

The purpose of the Trust Act is to discourage cooperation with federal authorities on immigration status of people held in their...

SALDANA:

I don't think I can opine on the purpose, sir. You'll have to ask the people who passed the law.

CULBERSON:

I'm just confirming what you just said.

Thank you very much, Mr. Chairman. I've gone over my time. Forgive me.

CARTER:

Mr. Price?

PRICE:

Thank you, Mr. Chairman.

Director, I'd like to return to the -- to -- to the question of the Priority Enforcement Program and - - and -- and who actually is prioritized, in -- in terms of immigration enforcement.

Let me -- let me first, though, indicate that an aspect of at least one of these cases that have come to my attention -- and again, I'm trying -- I'm trying to just take cues from those cases. I -- I know we can't adjudicate them here. But there is apparently a company policy that has to do with the -- the places where people are apprehended, sensitive locations that might be involved.

And -- and I am -- am reading here from a statement by Secretary Johnson: When enforcing the immigration laws, our personnel will not, except in emergency circumstances, apprehend an individual at a place of worship, a school, a hospital or a doctor's office, or other sensitive location.

One of -- one of the troubling aspects of one of these cases is that a -- a young man was picked up waiting for a school bus. But -- but is there any reason to doubt that this is and should be and will be a department policy, as the secretary stated here?

SALDANA:

We have it in writing, and I believe it's even posted on our -- which I found kind of unusual -- it's even posted on our website, our sensitive locations policy. We train on it.

PRICE:  
All right.

SALDANA:  
We discuss it. We discuss situations where perhaps -- because it's not all-encompassing. There -- there is a recognition that there may be additional situations where some sensitivity is involved.

And as I say, I have confidence that in 99.9 percent of the -- of the cases we make the right judgments with respect to that.

PRICE:  
All right. I -- I just wanted to confirm that that was, indeed, the policy and that this is a relevant concern to raise about -- about cases that come to our attention.

SALDANA:  
And I just directed, Congressman, my field office directors to be sure to incorporate sensitive locations issues into their meetings with local communities and law enforcement.

PRICE:  
Good.

Now, let me return -- we -- we were rushed when you were going through these priority one categories and giving me percentage figures. The figures I have don't add up, so I want to ask you to revisit that.

You -- you said, I think, that maybe 42 percent category B. That's the one category that is not criminals or -- or people who pose a danger, gang members. You said 42 percent were in that non-criminal category, and that's -- I want to return to that.

But then I -- I don't have the figures on these other categories, I suppose, that add up, or maybe I misunderstood you. Can you -- if you can give them now and then maybe make sure you confirm the numbers for the record.

SALDANA:  
Yes, sir.

PRICE:  
Yes. When we're talking about the -- do you -- do you have -- you -- you said 21 percent, I thought, for both of the felony categories, but maybe I misunderstood.

SALDANA:  
Well, it is 42 percent or recent border entrants, 1.5 percent for gang members, 20.8 percent -- I'm just picking on specific priorities. I think you had mentioned recent border entrants in particular. Aggravated felons and felons, 20.8 percent. And...

PRICE:

In category A, those suspected of terrorism?

SALDANA:

I don't have that percentage in front of me, sir.

PRICE:

Well, it doesn't add up to 100 percent. That's my point.

SALDANA:

Right. And -- and I didn't intend for it to.

PRICE:

OK, so what's -- what -- who is not here who's been apprehended? I mean, what -- are these from priority two or...

SALDANA:

I can give you...

PRICE:

... or other categories...

SALDANA:

I can give you that top-to-bottom if you will allow me to go back to the office and fill that in.

PRICE:

Yes. That's -- that's what I'm saying. If -- if you can give us the -- the final numbers. I -- I think it's highly relevant to -- to our discussion to...

SALDANA:

I will do that.

PRICE:

... to put numbers on this.

And then I guess I'm still left with some -- some uncertainty about -- about who's -- who's prioritized here. And -- and I -- you know, I say that with some regret because I think we all want to get this right. I -- I know you do. We've worked for years to get this right, to prioritize dangerous people, to get our immigration enforcement priorities where they need to be.

And you -- you and your department have devoted considerable time and effort to this, working with Secure Communities, deciding finally it needed to be replaced with a more focused effort. And now I must say there is some -- some similar confusion creeping into this enforcement regime.

And these -- these cases I mentioned do -- maybe they involve people who are entering for a second time. They -- they clearly involve people who are in the interior of the country. Maybe didn't show up for a hearing -- you know, the circumstance is different.



But in any case, these are not dangerous people. They're not dangerous criminals. It -- it escapes me why they should be prioritized.

So I'm -- I'm looking, I suppose, for yet more clarity, both in statement and in actually the way policies are executed, as to where we're -- where we're going with this and -- and -- and what it means to say that it is national policy to give absolute priority to dangerous people when it comes to deportation.

SALDANA:

Two parts, Congressman: the -- the danger, and then the border security part, trying to stop the bleeding at the border.

That's why we chose that January 2014 date. I say we chose it; I wasn't here.

But that was why that date was picked is because recent border entrants, we're trying to send a message that our borders are not open. And so that's why some of those people who are not -- who have no criminal record but who can't show that they've been in the country since before January 2014 are not otherwise in the -- or apprehended at the border, for example, are turned back.

PRICE:

Well, all I can say is that if you're turning people away immediately at the border, that's one thing. We -- we know that you have to do that, and that does send an important message.

I think it's quite another matter when you're pursuing people in the interior of the country who have been here, who are parts of families, they're working, whatever, they've become more or less integrated into communities, and you're singling them out based on the date at which they entered, or -- or what? I mean, it doesn't take too many cases of this sort to send uncertainty and fear and apprehension through the entire community and...

SALDANA:

There should be no uncertainty. It's January of 2014. It's specified in the priorities.

Those people do need to have a concern about being removed. That is what -- that is what we do.

We have settled this issue -- the secretary did when he issued that November 20, 2014 memo. The president is behind this effort because we need to do something about border security and stopping the flow.

I understand we disagree on that particular priority. We seem to agree on -- on -- on criminals and aggravated felons. But that's the policy that has been decided upon and I -- I -- I certainly can see your point of view, sir, but -- but the enforcement is where we're focused on with respect to recent border entrants.

PRICE:

Well, there -- there is a problem here in the way this policy is presented because the -- the -- the basic presentation, which, as I say, I applaud, is that we have our priorities straight; we're going to go after people who pose a threat, and -- and that's -- that's what deportation in the first instance is all about.

But -- but this -- priority one is -- is -- is not just about that, although I think that's the way it's often presented, and so understandably, when -- when people in the communities, in the interior of the country, are being fingered for enforcement action, then it causes great puzzlement because these -- these people don't seem to fit what the declared policy is all about.

SALDANA:

Millions don't fit that priority who arrived here before January of 2014. Millions. We don't go after those millions, but we have, for example in this recent operation, gone after and were able to apprehend 77.

So it is a -- it's a message that the secretary is committed to, and we're going to continue to -- to enforce the law that -- that way. And -- and, sir, I understand your -- your point and that you disagree with that policy, but that's the policy we're guided by.

PRICE:

Thank you, Mr. Chairman.

CARTER:

Well, thank you, Mr. Price.

And, Mr. Cuellar, you'll bat cleanup.

CUELLAR:

Thank you. Thank you so much.

I -- I want to support the -- the chairman on -- on the emphasis to the ATD, the alternatives to detention. And I certainly want to support the president's request for the \$125 million -- almost \$126 million.

Could you just tell us what the cost is to do one of those alternatives compared to a cost of a detention for one individual compared to -- what does it cost to -- to provide the alternative to detention, and what does it cost to have somebody in the detention? I know I've seen those numbers before. You might not have them, but if you can get back to us, I would appreciate it.

SALDANA:

Absolutely will, sir. I -- I know we have those numbers. That's how we constructed the -- the number we had. But I -- it escapes me at this moment.

CUELLAR:

Yeah. If you could just have somebody get back to us.

Probably the other this is I'm -- I'm a big believer -- again, I'm -- I'm on the border. I'm one of those Democrats who believes in law and order and the border even though immigration reform is extremely important to me. But I believe in extending the defense from the one-yard line.

Tell us how -- and I assume you're still doing Operation Coyote?

SALDANA:

Yes.

CUELLAR:

Yes. And I know that was -- has been successful. I've looked at some of the numbers.

Can you just -- this is my last question -- can you just tell us how that's coming along and how you're working with our neighbors to -- to the south, also?

SALDANA:

Absolutely. I'm happy to do that.

So this is Homeland Security Investigations, and we want to break the backs of smuggling organizations, and that's why we've targeted Operation Coyote, Coyote 2.0, and it's just a constant part of our -- of our work.

Those are pretty much like pretty bad people who will -- who will focus on vulnerable people who need -- who feel like they need to come into our country and will do it even illegally. So we have a tremendous network of information, working with the government of Mexico in particular, and also the governments of Central America. Tremendous amount of information, and this is where our TCIUs -- transnational criminal investigation units.

And if I can just tell you, I know you probably know this, but this is using local law enforcement in these governments to -- to assist us with finding these smuggling organizations and prosecuting them either in Mexico or, if they're part of an international operation, bringing them to the United States for prosecution.

We've had good numbers. I think I mentioned overall the numbers with respect to the transnational criminal organizations that we've broken. But it's very much an important part of what HSI does and they do it very well.

Fortunately, we have attaches in Mexico and all three Central American government countries, and they help us immensely in trying to do our domestic operations with respect to smuggling organizations.

CUELLAR:

Right. And I want to thank you, because the more we do outside the U.S. border the better it is, because otherwise we'll get into do we have detention centers, will we not have detention centers, how do we take care of folks, do we do this, do we deport people after this, and immigration,

federal order there, what do we do. And -- and -- and again, the more we can do outside and work with those countries and extend our security, the better it is.

Again, I want to thank the chairman and the ranking woman -- yes. And I want to thank the chairman and the ranking woman for their work.

And I know as we put this budget together we want to thank you and -- and the men and women that work for you.

At this time we'll yield to my good friend from California.

ROYBAL-ALLARD:

Thank you, Congressman, for yielding.

I just wanted to just quickly respond to something that Congressman Culberson was asking. He'd mentioned Los Angeles, as to whether or not Los Angeles was detaining -- would detain folks for you, you know, after the notification, and the answer is no.

It isn't just an issue of "just say no." I just wanted to make the point that in the -- and it's -- it's constitutional issues that are involved. There's some question right now about what constitutes probable cause. That's one reason.

And secondly is, you know, local governments in -- in Los Angeles, our budgets are already stretched, our jails are overcrowded as it is, and to be able to detain someone without any end to it until, you know, ICE gets around to it is problematic.

Also, the fact that when they're being detained by local government, they do not get reimbursed by the federal government. That comes out of the local budget. And that is a big, big issue for the local law enforcement.

So I just wanted to throw that into the -- the mix, in -- in terms of responding to -- to your question. Thank you.

CUELLAR:

Yield back. Well I don't have any time, but I yield back the balance.

Thank you, Mr. Chairman and Ranking Member.

CARTER:

And I'll -- I'll -- having -- under -- under a higher court order, having to oversee overcrowdedness at a jail, those are valid arguments that Ms. Roybal-Allard makes.

CULBERSON:

May I?

CARTER:

Yes.

CULBERSON:

Let me just say I understand -- I understand what you're talking about, that that is -- but that is their local decision. If they choose not to honor detainers, if they choose not to cooperate with ICE, if they choose not to share information with ICE, that is their local decision.

But federal law requires them to share information. Federal law does require them to cooperate with ICE.

And if they choose not to follow federal law, then that's their decision but don't ask for federal money. They're not eligible for federal grant money. That's -- that's an obligation of every federal agency, federal -- local jurisdictions have to comply with federal law to be eligible for federal grant money, and that's my only point.

They can keep their -- if they want to keep their policy where they don't honor detainers they can do so, but don't ask for federal money.

ROYBAL-ALLARD:

L.A. is involved with the PEP program, so they are following...

CULBERSON:

Correct. I'm glad they're honoring -- I'm glad they're working on the PEP program. But they're not cooperating with ICE; they're not honoring detainers as federal law requires, so therefore they are not eligible for federal law enforcement grant money.

They can keep their policy. Just don't ask for federal money.

(CROSSTALK)

CUELLAR:

Mr. Chairman? I'm sorry I gotta change the subject, but I -- I want to follow up on what the chairman mentioned. I'm changing the subject a little bit. I apologize.

On this alternatives, I agree with the chairman about having monthly reporting. And I don't know what your logistics are. Maybe you're doing that.

But if you have monthly reporting on the alternatives, at least we know if somebody's doing what they're supposed to be doing. And you could take it to another level and maybe go to detention if they're not reporting.

I mean, it's a very cost-effective, but we've got to have some sort of performance measures on them. And I don't know if you do, but if we can do it at the local level, I know in -- in -- in Texas we do that -- we've got to be able to report.

And -- and I don't know what the logistics are on a national basis.

SALDANA:

And I will explain it to you more clearly in written form, Congressman, but I know that we do some assessment. And I -- as I say, that's why I said that it -- we are very satisfied that it has been successful on the small scale that we're doing it.

I mean, 25,000, now 53,000, is not that big. But I -- I can get you more detail on that.

CUELLAR:

Well, if we're going to add -- and I don't want to speak for the chairman, but if we're going to add some money to alternatives, we've got to have some accountability, and -- and a monthly -- if it can be done across the country on the local basis, we can certainly do it.

Thank you. Sorry, Mr. Chairman.

CARTER:

All right.

Well, thank you for this day. We almost got out of here at 12 o'clock. We got a little -- little -- little wordy right there at the end.

But we -- we thank you for this, and we'll be in recess.

SALDANA:

Congressman, can I just...

CARTER:

We'll adjourn.

SALDANA:

Can you reopen?

CARTER:

Yes.

SALDANA:

OK. Just for me to say, I -- I gotta tell you, I -- I appreciate every viewpoint that is expressed here. I have a good understanding of some of the issues involved.

I appreciate the courtesies you all extend to me. I've actually been in hearings where people scream and yell at me and it hurts my feelings tremendously, but I have always -- I -- I felt like this was a -- a committee that I can deal with, and I -- I look forward to continuing our relationship.

CARTER:

We're all trying to meet the same goals. Thank you.

SALDANA:  
Thank you, sir.