

**The Nomination of Julie Myers to be Assistant Secretary of Immigration and
Customs Enforcement at the Department of Homeland Security
Senator Joseph Lieberman**

September 12, 2007

Welcome Ms. Myers to this hearing on your nomination to continue as Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE) at the Department of Homeland Security.

As you have experienced first hand, this Committee subjects the nominees who come before it to rigorous scrutiny. During your nomination hearing in 2005, I and several of my colleagues raised concerns about whether you had sufficient experience and managerial ability to lead an agency such as ICE – a big and complicated agency. I ultimately voted against your nomination in Committee because of those concerns. As you know the Senate never acted, but the President gave you a recess appointment.

You have now been Assistant Secretary at ICE for more than a year and a half, and the relevant criterion now becomes whether you have been doing a good enough job running this important agency to have overcome my earlier concerns.

All things considered, based on your performance and on more than 20 interviews conducted by members of Committee staff of people, inside ICE and outside of ICE, who have worked with you, I believe that you have what it takes to get the job done and will therefore vote to confirm your nomination.

I have been impressed by your knowledge of the complicated issues facing ICE. You have provided thoughtful answers to our Committee's policy questions on a range of topics. Some of those who Committee staff interviewed were people who have worked with you during your tenure at ICE, including senior ICE managers, ICE field agents, advocacy groups from outside the government, GAO officials, and representatives of the DHS Inspector General's office.

The reviews of your work from the people who are closest to it are positive. For the most part, the people we have spoken with describe you as a talented executive with a strong work ethic and very good management abilities. You have recruited and empowered experienced and talented senior managers. You have clearly improved ICE's financial situation, bringing on a permanent Chief Financial Officer, reaching out to ICE auditors, and helping engineer a dramatic financial turnaround.

Still, ICE remains an agency with troubles. As the Committee that originated the legislation to create the Department of Homeland Security, we have a stake in seeing ICE realize its full potential and we want to work with you to make sure that happens and that it happens as soon as possible.

So, I want to take just a moment to focus on a few of the agency's ongoing challenges.

Created through an internal reorganization after the new Department of Homeland Security itself was established, ICE was forced to integrate the employees, missions, and cultures of core Customs programs at the Department of Treasury and immigration programs at the Immigration and Naturalization Service (INS).

While various agreements have been drafted to delineate responsibilities between Customs and Border Protection (CBP) and ICE, additional work is needed, we conclude,

to ensure proper communication and improved intelligence- and information-sharing between the two agencies.

Another problem is employee morale, which, according to surveys, remains low. The Partnership for Public Service and American University, in a survey of the *Best Places to Work* in the Federal Government, ranked ICE in the bottom 10 out of 222 federal agencies and sub-agencies rated. ICE ranked 213th on “strategic management” and 218th on “performance based rewards and advancement.” These ratings are based on candid employee surveys. I understand they may reflect in part the dissonance of the merger of component agencies and may predate you. But poor morale remains a concern to this committee.

I am also concerned about the effect ICE’s plan to restructure the Federal Protective Service and dramatically cut law enforcement positions will have on the security of federal employees and buildings.

ICE’s responsibility for apprehending, detaining, and deporting undocumented immigrants is a very important mission. With approximately 12 million undocumented immigrants in the country with only 27,500 detention beds, there is a real necessity to reserve beds for those who pose the greatest risk to the broader American community. For many of the others who must await a hearing before an immigration judge, we’ve got a problem and we have to figure out a way to use supervised release programs or other alternatives to detention.

We have a responsibility, according to our national values, to treat those we detain humanely. Just a few weeks ago, three people died while in immigration custody within weeks of each other, bringing the total number of deaths in ICE custody since 2004 to 65. This is a troubling record that raises many questions, and I want to hear more about how those deaths occurred and what you are doing to improve the situation.

When you appeared before this committee in 2005, I expressed my concern about the treatment of asylum seekers. The Commission on International Religious Freedom – concerned about the number of asylum seekers who contend they are punished because of their religious faith - had reported that they are held in harsh, maximum-security facilities alongside criminals, and are sometimes subject to mistreatment or arbitrary punishments, including excessive use of solitary confinement and the denial of basic medical needs.

In February of this year, the Commission reported that most of its recommendations had not been implemented yet – two years later - giving ICE an overall grade of “D” for its progress.

Because of my dissatisfaction on this matter, I introduced an amendment to a broader immigration reform bill to improve the treatment of asylum seekers. After negotiating with DHS, we did reach a compromise that was accepted by unanimous consent to the comprehensive immigration reform bill.

Unfortunately, the measure did not move forward in Congress. But I have recently spoken to Secretary Chertoff about implementing the reforms we negotiated. He did agree to work with the Committee to improve the treatment of asylum seekers, and I am considering legislation to implement reforms that cannot be addressed administratively.

Ms. Myers, many of the Commission’s recommendations related to policies and programs under ICE’s jurisdiction, and I’m going to ask you to do all you can to implement the reforms embodied in our agreement.

ICE is a vitally important agency with a daunting combination of missions, and daunting problems. Many of the problems, I repeat, are not of your making but you can help to address them. However, you and we have a lot more to do. I believe that, given the limited time remaining in this Administration, and your now demonstrated ability and commitment, you have earned the right to continue leading this agency and hopefully solving some of these problems I mentioned.

I thank you for your service, and I look forward to your testimony. Senator Collins?