

Senator Tom Coburn, M.D.
Opening Statement
Nominations Hearing
September 17, 2014

We are here today to consider three nominations – two for senior positions at the Department of Homeland Security and one for the Board of Governors for the Postal Service.

I want to begin by thanking each of you for being willing to serve.

Reviewing your background information, each of you has an impressive biography and would bring valuable experiences to the positions for which you have been nominated.

I look forward to hearing more about your reasons for stepping forward and your plans for each office, if you are confirmed. My hope is that each of you will earn our committee's trust and confidence and be confirmed.

For the Department of Homeland Security, Secretary Jeh Johnson is bringing together a strong team to lead DHS. I am pleased that our Committee has been able to confirm and fill many of the vacancies that existed in the Department a year ago.

I have confidence in Sec. Johnson and the reforms that are underway at DHS.

The nominations we will consider today are very important, as management and immigration enforcement are two areas where DHS has faced its biggest challenges.

For Mr. Deyo, bringing strong and effective leadership to the Under Secretary for Management position will be key to the success of Secretary Johnson's management and "Unity of Effort" initiative.

Having reviewed your biography, I am impressed by the professional, private sector experience that you would bring to the Undersecretary position.

As you know, Management, which has been on GAO's High Risk list since the Department's inception, has been a significant challenge for the Department. After more than a decade, the Department continues to struggle to lead and manage its components, which are focused on a diverse range of missions.

We have seen DHS struggle to hold its leaders and managers accountable for effectively managing its programs and people.

For example, I was pleased to see Secretary Jeh Johnson take decisive action to stop the abuse and waste that was occurring with their use of Administratively Uncontrollable Overtime (AUO) and in the Home-to-Work transportation program, which provided subsidized vehicles for DHS employees.

But the waste and lack of accountability in those programs—as well as the overall poor morale in the Department—shows that strong leadership and effective management have been long overdue.

I look forward to hearing about your plans for improving management and accountability across DHS. In particular, I am interested to hear about your plans for improving DHS's acquisitions programs, which I believe is where you can make the biggest impact.

For Ms. Saldana, Immigration and Customs Enforcement (ICE) is one of the components in DHS that is struggling to achieve its mission.

There are five core missions at DHS, and the third is directly relevant to ICE—enforce and administer our immigration laws. In fact, the first mission of DHS—preventing terrorism and enhancing security—is unattainable if we fail in our interior enforcement.

Preventing people from violating our immigration laws and protecting our communities should be ICE's priority.

The United States is a national built by immigrants, and for centuries people have come here to fulfill their dreams, work hard and enjoy the freedoms of this country. However, we must prioritize legal immigration and discourage those who would come here illegally, violating our laws.

It is important to remember that liberty is dependent upon the rule of law. When our rule of law is undermined, the defining values of our nation are jeopardized.

Today, we are not enforcing the rule of law effectively because we are granting legal status and citizenship to those who broke our laws ahead of others who pursue legal channels. This is fundamentally unfair and undermines the legal immigration process.

Visa Overstays: For example, approximately 40 percent of the illegal immigrant population is here because they overstayed their visas.

They came here legally, but failed to abide by our laws dictating the terms of their visas.

In 2013, the Government Accountability Office (GAO) reported DHS struggles to even provide an estimate of the overstay population, and 266 “illegal overstays of concern” were missing as of March 2013. In fact, those who have sought to harm the United States have done so after overstaying their visas. Five of the nineteen 9/11 hijackers were visa overstays.

Student Visas: We have also seen significant problems with ICE's management of the Student Exchange and Visitor Program (SEVP).

We recently learned SEVP is vulnerable to significant fraud and abuse. It provides visas to almost 1.2 million students and dependents, but DHS has failed to conduct proper oversight of the program, according to GAO.

Many of the students may never actually be enrolled at a school or ever attend classes. According to ICE, approximately 37 convicted terrorists have entered the U.S. on student visas.

Given its vulnerabilities, failed oversight of the student visa program could pose a serious risk to national security.

ICE's Release of Criminal Aliens: I am also concerned about lax immigration enforcement involving criminal aliens.

In 2013, under the guise of budgetary reasons, ICE released 600 aliens with criminal records. Senator McCain and I requested the DHS Inspector General investigate this decision, and he found that ICE failed to take adequate steps to inform DHS leadership. And since those releases, the DHS IG noted ICE still has not developed an effective strategy to manage its detention budget.

Unfortunately, ICE has a pattern of releasing criminal aliens. Throughout 2013, ICE released at least 36,000 criminal aliens. Those included 193 homicide convictions, 426 sexual assault convictions and 303 kidnapping convictions, among others. These actions undermine ICE's credibility, the rule of law, and the safety of Americans and local law enforcement.

I have other big concerns about ICE – including the problem of mission creep, with ICE Homeland Security Investigations pursuing a broad investigative mission – that we will discuss during the question and answer portion of the hearing.

Reforming ICE is a significant challenge. The person who fills the role of ICE Director faces an enormous task.

ICE is one of the largest federal law enforcement agencies with 20,000 employees and field offices in all 50 states and in 47 foreign countries. It has an annual budget of more than \$5.7 billion.

ICE also faces serious challenges in meeting its stated mission—“to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade and immigration.”

ICE has suffered from mission creep, failed management, lack of strategy and misplaced priorities.

Even with an effective border security strategy, overall immigration enforcement will fail without proper interior enforcement. A significant portion of the illegal population in this country arrives legally, and ICE never pursues them when they violate the terms of their visa. As former ICE Director, John Sandweg, stated “if you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero...”

Today, I want to hear about your plans for this very important agency, including:

How will you re-align ICE so it achieves its mission of enforcing our immigration laws?

Will you fix problems in our student visa program and address the problem of visa overstays?

How will you address morale problems within the agency?

How will you ensure ICE prioritizes the interests of American citizens and their safety?

Ultimately, as a nation, we have an obligation to our citizens—and to legal immigrants—to uphold the rule of law and ensure the process is fair to all.

For Mr. Barnett, I look forward to hearing your views about the financial crisis facing the Postal Service.

As a Committee, few issues have occupied as much time and effort as that of responding to the Postal Service's financial crisis. I believe the answer to this problem requires two things: legislative reform and hard-nosed leadership.

In February, this committee attempted to address the first one. We voted 9 to 1 to pass S. 1486 out of this Committee for consideration by the Senate. The bill gives more authority to the leaders of the Postal Service to run their business.

Unfortunately, some of my fellow Senators want to move in the opposite direction. They want to use the appropriations process to limit what Governors can do regarding postal operations.

I trust that you take your fiduciary responsibility seriously. And I admire the fact that you are apparently willing to continue in this role, despite the limitations on the Postal Service.

More than ever, it is going to take strong leadership, and the willingness to make tough business decisions to fix things at the Postal Service.

I'm looking for a nominee that accepts that challenge. I want to hear that you are up to the task.

Welcome to all of you.