



Why This Matters

U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operation identifies and apprehends removable aliens, detains these individuals when necessary, and removes illegal aliens from the United States.

ICE incurs expenses related to Enforcement Removal Operation activities from vendor contracts and similar agreements.

DHS Response

ICE concurred with our four recommendations.

ICE stated that it has established a policy of forward funding these contracts, significantly reduced the use of SAF clauses, and will review and revise its procedures as appropriate to improve its invoice payment process. ICE further stated that it will develop and implement a plan for timely obligations within the financial system, and will work to modify contract periods of performance to properly align contract start dates with anticipated funding availability.

For Further Information:

Contact our Office of Public Affairs at (202)254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations' Contract Funding and Payment Processes

What We Determined

ICE did not effectively manage its contract funding and payment processes. ICE rejected some proper invoices for contracts that included the Subject to Availability of Funds (SAF) clause and did not accurately calculate or pay interest penalties on some proper invoices. This occurred because:

- 1) ICE did not provide contractors the required written notification that funds are available prior to the performance start date of services;
- 2) ICE's standard operating procedures instruct personnel to reject proper invoices when funds are not available in the financial system;
- 3) ICE allowed contractors to perform work without sufficient funds obligated in its financial system.

What We Recommend

We recommend that the Executive Associate Director for Enforcement and Removal Operations:

- 1) Develop a plan in conjunction with the Office of Acquisition to ensure that ICE's contracting officials provide written notification to vendors that funds are available prior to the performance start date of services for all contracts with the SAF clause.
- 2) Coordinate with Burlington Finance Center officials to revise standard operating procedures to ensure that invoices related to detention contracts with the SAF clause are not rejected solely because funds are not readily available to pay them.
- 3) Ensure timely and sufficient obligation of funds within the financial system in compliance with laws and regulations.
- 4) Continue implementation of corrective actions, ensuring that pertinent officials and personnel are aware of official plans.