BORDER PATROL AGENTS

Question: Why is the Administration not seeking 1,000 new Border Patrol agents as required by law? What is the Administration doing with regard to the northern border?

Answer: The budget requests a mix of 430 new Border Patrol agents and $20 million in "force multiplying" surveillance technology targeted at asserting control over specific border locations. As part of this enhancement, INS will measure and evaluate the performance of these new resources. The result of this analysis will assist in the development of a staffing model that can assure an optimum mix of staff and technology to obtain a desired level of border control.

Since 1993, over 5,400 new Border Patrol agents have been added – a 135 percent increase. As reflected in FY 1999 hiring, INS is not capable of keeping pace with the hiring 1,000 new agents each year (INS only hired a net new 400 agents of the 1,000 agents funded). Also, from a management perspective, an International Association of Chiefs of Police report cautions that allowing the ratio of inexperienced to experienced agents to exceed 30 percent could lead to performance problems. As of January 1, 2000, the number of Border Patrol agents having two or less years of experience was 26 percent and 41 percent had less than three years. The 1996 Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) mandates that the AG request 1,000 new Border Patrol agents annually through 2001. There is no obligation on the President to request 1,000 new agents each year.

Background: The budget request not only annualizes the cost of the 430 Border Patrol agents provided by Congress in 2000, it also fully funds an additional 430 new agents in 2001. The border surveillance system relies on color and infrared cameras with the ability to survey 1.5 to 8 miles of border and the budget request will permit the installation of over 60 additional camera sites. Combined with cameras funding in 1999 and 2000, by the end of 2001 over 200 automated day and night surveillance sites will be operational along the southern and northern border. At the northern border, INS continues to deploy camera technology to maintain border control. The budget also requests $10 million for 115 new INS port of entry inspectors to strengthen enforcement and speed legitimate traffic across both the northern and southern border.

End-of-year Border Patrol agent staffing trends: 1993-3,965; 1997-6,828; 1998-7,859; and 1999-8,947 and 2000-9,377.

Prepared by: Steve Mertens (5-4935)

J:\data\00-29\DOJ\Border Patrol

Executive Summary

The President's Fiscal 2001 Immigration Budget

2/07/00

Strengthening the Nation's Immigration System

The Fiscal Year 2001 budget request for the Immigration and Naturalization Service (INS) totals $4.8 billion, an 11-percent increase over FY 2000. With this budget, the Administration will have increased INS funding by 219 percent since FY 1993. The FY 2001 budget includes $523.2 million in new initiatives. The budget will add a total of 1,305 new positions, allowing INS to grow to 33,122 positions by the end of FY 2001.

The FY 2001 budget supports the immigration goals and strategies that the Administration and the agency have pursued effectively over the past several years. These include improving customer service, facilitating legal immigration while deterring illegal immigration, and removing criminal and other illegal aliens from the United States.

The budget allows INS to build on its successful efforts to bring integrity and safety to the borders and improve the quality of life in border communities. It also enhances the agency's ability to remove those who are living and working in the country illegally.

In addition to strengthening enforcement, the FY 2001 budget intensifies INS' focus on service. For the first time, the budget calls for a fund to address ongoing infrastructure needs that are not currently covered by application fees. This Capital Investment Account would be used solely to fund immigration services and benefits.

Key initiatives in the FY 2001 budget include:

- Creating an Immigration Services Capital Investment Account (ISCIA) to be used to fund infrastructure improvements, systems upgrades, and to address immigration benefit backlogs. This marks the first time INS would have a dedicated fund, separate from the Examinations Fee Account (which is funded solely through application fees) that draws on other funding sources to pay for key service-related initiatives. INS is anticipating $127.3 million in the ISCIA, funded from $34.8 million in direct appropriations and the balance from portions of two proposed new fees, a Premium Service Fee for businesses and fees from the re-authorization of a permanent 245(i) adjustment-of-status program.
- Proposing a voluntary Premium Service Fee of $1,000 for business-related applications, which will provide businesses with guaranteed processing within 15 days. Fees received above the cost of the guaranteed processing time for the applications and deterring benefit fraud will be deposited in the ISCIA to support service-related infrastructure improvements, benefiting all INS customers.
- Strengthening the multi-year border enforcement effort by providing a $52 million increase to the Border Patrol. This will fund 430 additional Border Patrol Agents, increasing staff to more than double the FY 1993 level.
- Providing $69.8 million to support pay reform and position upgrades for Border Patrol Agents and Immigration Inspectors, which will help recruit and retain these mission-critical personnel in a tight labor market.

- Continuing to expand critical technology efforts by deploying Remote Video Surveillance Systems along the borders to monitor illegal activity from remote sites.
- Focusing on facilitating legal immigration while deterring illegal immigration, by funding an additional 115 land border Immigration Inspectors and 154 airport Immigration Inspectors.
- Strengthening efforts to identify and remove criminal aliens by increasing and improving detention bed space. The budget requests $78.9 million to fund a daily average of 1,000 new state and local detention bed spaces. INS will also expand its ability to enter information into the National Crime Information Center database, allowing nationwide computerized identification and apprehension of previously deported criminals.
- Responding to INS' growing infrastructure requirements by providing $77 million for the construction of Border Patrol and detention facilities.
- Ensuring the professionalism of the workforce by dedicating $10.1 million to improve personnel management and accountability and to increase support staff.

Summary of Immigration Budget Enhancements

($ in millions)

	Funding	Positions
BORDER MANAGEMENT		
Border Enforcement - Border Patrol Agents	$52.0	430
Border Facilitation - Inspectors (Air and Land)	22.4	269
Border Patrol Pay Reform	40.9	-
Inspections Pay Upgrades	28.9	-
Border Enforcement - Technology	20.0	-
SUBTOTAL	**$164.2**	**699**
DETENTION AND REMOVAL		
State and Local Detention Bed Space	$78.9	109
Detention Standards	8.6	80
Juvenile Detention Bed Space	8.5	11
National Transportation System	15.5	0
National Crime Information Center	8.0	50
SUBTOTAL	**$119.5**	**250**
INSTITUTIONAL INFRASTRUCTURE		
Border Patrol Construction Projects	$47.0	-
Detention Construction Projects	24.8	-
Border Infrastructure	3.3	-
Repair and Alterations	2.0	21
SUBTOTAL	**$77.1**	**21**
IMMIGRATION SERVICES		
Improving Services and Preventing Benefit Fraud	$25.0	195
Immigration Services Capital Investment Account	127.3	-
SUBTOTAL	**$152.3**	**195**
PROFESSIONALISM AND INFRASTRUCTURE		
Financial and Debt Management Services	$3.3	60
Administrative Center Staffing	2.0	30
Legal Proceedings Base Shortfall	4.8	50
SUBTOTAL	**10.1**	**140**
TOTAL INCREASE REQUESTED	**$523.2**	**1,305**

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/00

Border Management

The FY 2001 budget includes $164.2 million and 699 new positions to enhance INS' border management strategy, facilitating the flow of legal immigration while preventing the illegal entry of people and contraband.

The FY 2001 budget strengthens enforcement efforts by funding 430 additional Border Patrol Agents to increase staffing to more than double the FY 1993 level. Given the tight labor market of the past year, this budget also focuses on recruitment and retention of Border Patrol Agents. Funding is requested for a comprehensive pay reform package that will put INS in the strongest position to recruit new agents and retain experienced agents.

INS will continue to expand force-multiplying technology efforts by expanding the Integrated Surveillance Intelligence System (ISIS), which provides agents the capability to monitor the border from remote sites, thus increasing their efficiency and safety.

At the same time, this budget also maintains INS' focus on facilitating legal immigration, by funding an additional 269 Immigration Inspectors. As a result of the dual focus on enforcement and facilitation, INS has been able to enhance its enforcement capabilities while reducing waits for those seeking to cross the border at ports of entry.

Border Enforcement – Border Patrol Agents

A total of 430 Border Patrol Agents and $52 million will strengthen INS multi-year border enforcement efforts. On the frontline of INS efforts to deter illegal immigration, these Border Patrol Agents will be critical to continue restoring integrity and safety to the borders, thereby improving the quality of life in border communities. In an environment of budget constraints and clear limitations, this budget reflects an increase in new agents as well as a focus on efforts, such as pay reform, to recruit and retain agents. **($52 million)**

Border Enforcement – Technology

The overall technology request includes $20 million to deploy additional Remote Video Surveillance Systems, the camera portions of ISIS. The effectiveness of the agents will be enhanced by the deployment of this force-multiplying technology, allowing INS to continue the expansion of efforts to deter and prevent illegal border crossings. **($20 million)**

Border Facilitation – Air and Land Ports of Entry

The budget requests a total of 154 new Immigration Inspectors to staff new international airport terminals that are scheduled to be fully operational during FY 2000 and FY 2001. These positions will enable INS to continue to meet established inspection times at major airports. **($12.3 million)**

A total of 87 new land border Inspectors will support new ports of entry opening in FY 2000 in Eagle Pass, Los Tomates and Laredo, Texas. The requested positions will enable INS, in conjunction with U.S. Customs Service, to ensure that primary inspection lanes at these new ports will be sufficiently staffed for peak travel times. In addition, 28 Inspectors will handle increased workload at land border ports related, in part, to the expedited removal process. **($10.1 million)**

Pay Reform

INS plans to implement a comprehensive pay reform initiative for Border Patrol Agents and Immigration Inspectors. Pay reform will improve INS' ability to recruit and retain mission critical staff. The initiative also responds to changes within the nature of the work performed by Border Patrol Agents and Inspectors.

- **Border Patrol** – A total of $40.9 million is requested to fund a pay reform initiative for Border Patrol Agents that includes (1) upgrading the journey level from GS-9 to GS-11 (which provides additional potential for promotion while still serving in a non-supervisory position), and (2) changing overtime compensation for Border Patrol Agents so that the system is more consistent with other federal law enforcement occupations. The nature of Border Patrol work has evolved to the point that agents routinely use advanced technology and are required to engage in investigative and intelligence work. **($40.9 million)**
- **Inspections** – The INS budget request includes an increase of $28.9 million to upgrade the journey level of Immigration Inspector positions from GS-9 to GS-11. This reform recognizes the changes in an inspector's job imposed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996—increased knowledge requirements and enhanced authorities and responsibilities, including the ability to remove aliens attempting illegal or fraudulent entry into the United States. **($28.9 million)**

FY 2001 Initiatives
($ in millions)

Initiative	S&E	Fees	Total
Border Enforcement – Border Patrol Agents	$ 52.0	$ –	$ 52.0
Border Enforcement – Technology	20.0	–	20.0
Border Facilitation – Immigration Inspectors	10.1	12.3	22.4
Inspectors Pay Upgrades	15.1	13.8	28.9
Border Patrol Pay Reform	40.9	–	40.9
TOTAL	**$138.1**	**$26.1**	**$164.2**

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/7/00 (rev.)

Immigration Services

In FY 1999, INS met its naturalization (N-400) goal by completing more than 1.2 million naturalization applications—a 105-percent increase over the number of applications completed the previous fiscal year. The agency is now on track to meet its FY 2000 goal of completing 1.3 million naturalization applications, which will mean a national average processing time of six months. The agency is also positioned to take on other immigration benefit caseloads more effectively, such as adjustment-of-status (I-485) applications. In FY 2000, INS plans to complete 500,000 adjustment-of-status applications—a 67 percent increase from the number of applications completed during the previous fiscal year.

To sustain this effort in FY 2001, the INS budget includes $807 million for the Examinations Fee Account (funded solely through the collection of fees from applicants) and projects $127.3 million in a new account, the Immigration Services Capital Investment Account (ISCIA). With these resources, INS will maintain the six-month processing for naturalization applications and continue to reduce the adjustment of status backlog by completing 600,000 applications.

In FY 2001, INS is proposing a voluntary Premium Service Fee of $1,000 for business cases, which will guarantee processing within 15 days. This initiative will provide businesses with an option to the regular processing of business cases which currently take from 60 days to more than one year, depending upon the form type and the servicing office. INS estimates that for FY 2001 the proposed Premium Service Fee could generate an estimated $80 million in additional revenue.

Of the $80 million generated, $25 million will be dedicated to guaranteeing the premium service and benefit fraud deterrence, and the remaining funds applied to capital investment items. Details on this new fee will be included in a proposed rule to be published in the *Federal Register* and will invite public comment before implementation.

Improving Services and Preventing Fraud

$25 million of the Premium Service Fee would provide the expedited service for businesses. This funding also will increase resources dedicated to detecting and investigating benefits fraud, which includes production and use of fraudulent documents and misrepresentation of eligibility to illegally apply for immigration benefits. Enhanced activities in anti-fraud operations will include checking evidentiary submissions, initiating field investigations as needed, and expanding data sharing with other agencies.

Other service improvement efforts include $1.5 million for citizenship testing as part of the ongoing reengineering of the naturalization process that began in 1997. The resources in the FY 2001 budget will enable INS to contract for the development of a new test, designed to ensure that naturalization applicants undergo consistent, uniform testing procedures. **($25 million)**

New Capital Investment Account

For the first time, INS is establishing a fund, the Immigration Services Capital Investment Account (ISCIA), to address ongoing infrastructure needs that are not currently covered by application fees. This funding in the ISCIA would be used solely for funding infrastructure improvements and addressing immigration benefit backlogs, supporting systems upgrades, and supplying information to customers, such as INS' new nationwide toll-free hotline. INS is anticipating $127.3 million in the ISCIA from direct appropriations ($34.8 million); portions of a new voluntary Premium Service Fee ($55 million), permitting businesses to pay for accelerated processing of employment-related applications; and a portion of the funding from re-authorization of a permanent 245(i) adjustment-of-status program ($37.5 million). **($127.3 million)**

FY 2001 Initiatives
($ in millions)

Initiative	S&E	Exams	Total
Improving Services and Preventing Fraud	$ –	$25.0	$25.0
Immigration Services Capital Investment Account	34.8	92.5	127.3
TOTAL	**$34.8**	**$117.5**	**$152.3**

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/7/00 (rev.)

Detention and Removal

The FY 2001 Budget includes $119.5 million and 250 new positions to strengthen efforts to identify and remove criminal aliens by increasing and improving detention bed space and transportation. INS will also expand its ability to enter information into the National Crime Information Center (NCIC) database, allowing nationwide computerized identification and apprehension of previously deported criminals.

State and Local Detention Bed Space

To comply with the mandatory detention requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the budget requests 25 Deportation Officers, 67 Detention Enforcement Officers, and 17 support positions to sustain an additional 1,000 average daily state and local detention bed spaces. This initiative includes resources to detain, remove and transport aliens. **($78.9 million)**

Detention Standards

The budget requests $8.6 million and 40 Deportation Officers, 37 Detention Enforcement Officers, and three Procurement Officers to implement detention standards at the state and local prisons and jails where INS contracts for detention beds. This initiative will enable INS to implement a program for all aliens in INS detention that includes a legal rights video presentation, access to legal materials, private telephone access, and visitation in private consultation rooms for attorney/client meetings. INS officers will provide management and liaison with the facilities to implement and maintain detention standards, initially focusing on the largest facilities before upgrading smaller facilities. **($8.6 million)**

Juvenile Detention Bed Space

The budget requests $8.5 million to fund 120 critically needed juvenile detention bed spaces nationwide, as well as providing resources for detention vehicles and other support equipment. The budget also requests seven Deportation Officers, three Detention Enforcement Officers, and one Procurement Analyst to manage the cases, transport the juveniles and implement removals. **($8.5 million)**

National Transportation System

The budget includes $15.5 million to fund an increase of 16,000 detainee transfers and repatriations as part of the Justice Prisoner and Alien Transportation System (JPATS). JPATS, created in 1995 by the U.S. Marshals Service and INS, is an air transportation system to transfer or repatriate federal prisoners and detainees. This funding will allow INS to increase its number of JPATS transfers and repatriations to a total of 85,000 in FY 2001. **($15.5 million)**

National Crime Information Center (NCIC)

The budget includes $8.0 million for 18 Deportation Officer and 32 program specialist positions for improvements in INS' use of the NCIC system, an FBI-operated database to track criminals. INS enters deported felons into the database. Included in the request are resources for alien detention, the installation of NCIC terminals and connections, detention vehicles, travel costs and alien removals. The additional staff will allow INS to better coordinate the daily use of NCIC, validate the quality of records, confirm the accuracy of the data, respond to hits on INS records in NCIC, and take custody, transport, detain and remove aliens apprehended by other law enforcement agencies. **($8.0 million)**

FY 2001 Initiatives
($ in millions)

Initiative	S&E	BBDF*	Total
National Transportation System	$10.0	$5.5	$15.5
Juvenile Detention Bed Space	3.5	5.0	8.5
State/Local Detention Bed Space	51.9	27.0	78.9
Detention Standards	8.6	–	8.6
National Crime Information Center (NCIC)	8.0	–	8.0
Total	**$82.0**	**$37.5**	**$119.5**

* The $37.5 million in the Breached Bond Detention Fund will come from a proposed re-authorization of a permanent 245(I) adjustment-of-status program.

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/00

Professionalism and Infrastructure

For FY 2001, INS requests $10.1 million to continue improving the institutional development and infrastructure needed to sustain the enormous growth in the workforce over the past several years. This priority provides critical services for balanced support of the service and enforcement missions of the agency. It also ensures that a motivated and diverse workforce is well-trained to do its job. The Professionalism and Infrastructure initiative focuses on improving personnel management and accountability, restoring support staff for operational activities in the Regions and Headquarters, and integrating mission functions and strategies. This initiative will improve INS' ability to provide sustained support of its operational components and specific infrastructure and professionalism objectives to:

- Reduce the shortfall in meeting training requirements;
- Improve professionalism and motivation by effectively managing diversity in the INS workforce and through more flexible career development and geographic mobility strategies; and
- Strengthen organizational discipline and responsiveness by establishing more effective internal communication methods, and by better integrating strategic planning across enforcement and service functions.

Financial Management System

This request for the Federal Financial Management System (FFMS) will further INS' ability to become compliant with requirements of the Chief Financial Officers Act of 1990, and the Government Management Reform Act of 1994, for auditable financial statements that more accurately track the status and use of funds. These resources support the Administration's priorities to enhance professionalism and improve accountability within the INS financial management process. **($4.2 million from DOJ's Asset Forfeiture Fund)**

Legal Proceedings Base Shortfall

The INS budget requests 34 attorneys and 16 support staff to partially remedy serious understaffing of the Legal Proceedings Program. The Legal Proceedings Program provides the full range of legal support, including core responsibilities for representing INS before the Immigration Courts and the Board of Immigration Appeals. In addition, recently enacted legislation and new Congressional mandates and resources granted to the Service have increased the need for legal services support of expanded enforcement activities, increased arrests, criminal alien removal programs, Institutional Removal Programs, anti-smuggling efforts, conveyance seizures, expedited removal proceedings, and mandatory detention and removal of illegal aliens. The U.S. Army Manpower Analysis Agency recently completed a comprehensive review and documented the inadequate staffing needs in a 600-page report. The resources requested provide funding and positions for only a portion of the total documented shortfall. **($4.8 million)**

Administrative Center Staffing

Overall base resources for the Administrative Centers are inadequate to meet present commitments, thus resulting in significant backlogs and excessive overtime costs. The Administrative Centers need 30 positions to restore service to an acceptable level to meet needs for contracting, personnel and other administrative services in a growing agency. Current base resources allow only limited guidance and training to implement new initiatives, particularly in customer service areas. **($2.0 million)**

Financial and Debt Management Services

- The requested 60 positions will provide INS with a fully operational Debt Management Center (DMC) that will report to the Office of Financial Management. This center will perform all duties and responsibilities for the servicing of deposits and bond receipt administration, as well as the collection and administration of other account-receivable services (e.g., administrative fines and uncollectable checks). Congressional approval of the INS finance restructuring included approval of a DMC for Burlington, Vermont, as well as the Dallas Finance Center. This request is the first step in implementing this plan. This restructuring, together with the implementation of new financial systems, requires additional resources to handle the increasing data-entry workload. This initiative will provide INS with improved financial reports and systems control. **($3.3 million)**

FY 2001 Initiatives
($ in millions)

Initiative	S&E
Financial Management Systems (Funded from Asset Forfeiture Fund)	[4.2]
Legal Proceedings Base Shortfall	4.8
Administrative Center Staffing	2.0
Financial and Debt Management Services	$ 3.3
Total	**10.1**

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/00

Construction

The FY 2001 INS budget includes $77.1 million for a portion of the infrastructure requirements resulting from INS' rapid growth in personnel and enforcement capability over the past seven years. In FY 2001, needed infrastructure projects are focused on construction of Border Patrol stations and detention facilities.

FY 2001 Initiatives
($ in thousands)

Border Patrol Construction Projects	Amount
Texas	
Construction Projects	
Rio Grande City BP Station	$ 3,837
Sanderson BP Station	3,880
Hebbronville BP Station	1,955
Laredo Sector Checkpoint System (5 sites)	400
Del Rio Sector Checkpoint System (5 sites)	400
Subtotal	**10,472**
Planning/Site Development/Design	
McAllen, BP Station	813
Port Isabel, BP Station	500
El Paso, BP Station	865
Eagle Pass, BP Station	834
McAllen, BP Sector Headquarters	685
Subtotal	**3,697**
TOTAL, Texas	**$14,169**
California	
Construction Projects	
Temecula, BP Station	$ 5,373
Campo, BP Station	5,000
El Centro, BP Station	4,000
Subtotal	**14,373**
Planning/Site Development/Design	
El Cajon, BP Station	$ 307
TOTAL, California	**$14,680**

Border Construction	Amount
Arizona	
Construction Project	
Tucson, BP Station	$ 500
Douglas, BP Station	8,000
Yuma, BP Station	5,133
Yuma Sector Headquarters	4,000
Subtotal	**17,633**
Planning/Site Development/Design	
Tucson Sector Headquarters	$ 520
TOTAL, Arizona	**$18,153**
Border Infrastructure	**$ 3,300**
TOTAL	**$50,302**

Detention Construction Projects	Amount
Texas	
Construction Projects	
Port Isabel SPC: 200-bed dorms (two)	$ 6,400
Port Isabel SPC Phase 2 (process/infirmary/security command)	4,000
Subtotal	**10,400**
Planning/Site Development/Design	
Port Isabel SPC Phase One A	$1,500
El Paso SPC Secure & Isolation Dorms	1,149
Subtotal	**2,649**
TOTAL, Texas	**$13,049**
Florida	
Construction Projects	
Krome SPC admin/EOIR Bldg	$ 9,500
Planning/Site Development/Design	
Krome SPC Admin & Site Infrastructure	$ 1,184
TOTAL, Florida	**$10,684**
California	
Construction Projects	
San Pedro SPC Maint/Electronic Shop Upgrade	$ 800
Planning/Site Development/Design	
El Centro SPC Expansion Projects Phase One	$ 300
TOTAL, California	**$1,100**
TOTAL Detention Construction	**$24,833**
Repairs and Alterations	**$2,000**
TOTAL	**$77,135**

TALKING POINTS FOR THE INS FY2001 BUDGET

- INS' Fiscal Year 2001 budget totals $4.81 billion, an 11-percent increase over FY 2000. With this budget, the Administration will have increased INS funding by 219 percent since FY 1993.
- The FY 2001 budget includes $523 million in new initiatives. The budget will add a total of 1,305 new positions, allowing INS to grow to 33,122 positions by the end of FY 2001.
- The FY 2001 budget supports the immigration goals the agency and the Administration have pursued effectively over the past several years. These include improving customer service, facilitating legal immigration while deterring illegal immigration, and removing criminal and other illegal aliens from the United States.

IMPROVING CUSTOMER SERVICE

- INS' FY 2001 budget intensifies the agency's renewed focus on customer service. For the first time, INS is establishing a fund to address ongoing infrastructure needs that are not currently covered by applicant fees.
- The **Immigration Services Capital Investment Account (ISCIA)** will be used to fund infrastructure improvements, systems upgrades, and to address immigration benefit backlogs. This marks the first time INS will have a dedicated fund, separate from the Exams Fee Account (which is funded solely through application fees) that draws on other funding sources to pay for key service-related initiatives. INS is anticipating $127.3 million in the ISCIA, funded from $34.8 million in direct appropriations and the balance from two proposed new funding sources: a voluntary Premium Service Fee for businesses and fees from the re-authorization of a permanent 245(i) adjustment of status program.
- A voluntary Premium Service Fee of $1,000 is proposed for business related applications, and will provide businesses with guaranteed processing within 15 days. Fees received above the cost of the guaranteed 15 day processing and deterring fraud, will go to the Immigration Services Capital Investment Account and will benefit all INS customers.

STRENGTHENING ENFORCEMENT

- The FY 2001 budget strengthens the multi-year border enforcement effort by providing a $52 million increase to the Border Patrol. This will fund 430 additional Border Patrol agents to more than double the FY 1993 staffing level.
- In a year of budget constraints and serious limitations, INS' FY 2001 budget reflects a continuing commitment to strengthening enforcement as well as our efforts to be in the best position to recruit and retain the best agents in a tight labor market. The budget includes a $69.8 million to support pay reform and position upgrades for Border Patrol Agents and Immigration Inspectors.

- INS will continue to expand critical technology efforts by deploying Remote Video Surveillance Systems along the border to allow for monitoring the border from remote sites.
- This budget also focuses on the priority to facilitate legal immigration, while deterring illegal immigration, by funding an additional 115 land border Immigration Inspectors and 154 airport Immigration Inspectors.
- The budget strengthens INS efforts to identify and remove criminal aliens by increasing and improving detention bed space. The budget requests $78.9 million to fund an average of 1,000 new daily state and local detention bed spaces. INS will also expand its ability to enter information into the National Crime Information Center database, allowing nationwide computerized identification and apprehension of previously deported criminals.
- This budget responds to INS' growing infrastructure requirements by providing $77 million for the construction of Border Patrol and detention facilities.

U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE

QUESTIONS AND ANSWERS (Internal Use)

2/7/00

FY 2001 Budget Rollout

Q1. Realizing that deployment numbers are announced after a budget is approved, what are the planning numbers in the budget for inspectors for each of the new or expanded air and land port facilities (e.g., Eagle Pass and Los Tomates)?

A1. The budget projects distribution of inspectors, subject to Congressional approval, to land ports as follows: Los Tomates, 32; Eagle Pass, 22; Laredo, 33. The remainder would be assigned to 13 other land ports on the northern and southern land borders. The requested 154 inspectors, to be allocated among air ports of entry, are also subject to Congressional action and would be announced following Congressional approval.

Q2. Please explain the new account for immigration services that blends fees and appropriated funds.

A2. The Immigration Services Capital Investment Account (ISCIA) marks the first time INS will have a dedicated fund, separate from the Exams Fee Account (which is funded solely through application fees) that draws on other funding sources to pay for key service-related initiatives. INS is anticipating $127.3 million in the ISCIA, funded from $34.8 million in direct appropriations and the balance from portions of two proposed new fees, a Premium Service Fee for businesses and fees from the re-authorization of a permanent 245(i) adjustment of status program.

INS estimates that for FY 2001 the proposed Premium Service Fee could generate an estimated $80 million in additional revenue. Of the $80 million generated, $25 million will be dedicated to guaranteeing the premium service and benefit fraud deterrence, and the remaining $55 million funds applied to capital investment items that benefit all applicants.

Q3. Please explain the new account for support services and how it would operate.

A3. The Shared Support Operations Fund (SSOF) is an internal accounting mechanism and will provide shared support services to streamline INS internal management practices and make INS more business efficient in three areas: files and forms management, security background investigations and reinvestigations, and Equal Employment Opportunity Program services.

In FY 2001, INS will embark on a process of identifying the costs of specific agency-wide shared services, which operating divisions and field activities would "purchase" through agreements covering funding and delivery of service. This concept, which has been employed in other federal agencies with success, is consistent with the current INS restructuring proposal for shared services supporting enforcement and immigration services functions. In its first year (FY 2001), INS will develop the mechanisms for these central services to gain experience with the concept. The estimated value of services covered by the fund in FY 2001 is $154.6 million from existing resources.

Q4. What is this proposed Premium Service Fee?

A4. The proposed voluntary Premium Service Fee will provide businesses with guaranteed processing within 15 days. The proposed fee for this service is $1,000. By charging the additional fee, INS will be able to hire additional employees to provide these expanded services, and also support service-related infrastructure improvements, benefiting all INS customers. Details will be published in the *Federal Register* for public comment before implementation.

Q5. What happens if INS is unable to process a Premium Service application in the 15-day period?

A5. INS will specify guidelines for refunding the premium fee when regulations are published in the *Federal Register*, which will include a period for public comment prior to implementation.

Q6. Won't this Premium Service proposal just help the big business customers at the expense of other applicants/customers?

A6. No. Although the fee is intended to assist the business community address their immediate needs for workers in specialty occupations, it will also benefit other applicants. By charging the additional fee, INS will be able to hire additional employees to provide these expanded services, but will also be able to reassign adjudicators currently working on business petitions to other family-based applications.

Q7. What will happen to this Premium Service Fee? Will it be used to fund enforcement?

A7. INS estimates that for FY 2001 the proposed Premium Service Fee could generate an estimated $80 million in additional revenue. Of the $80 million generated, $25 million will be dedicated to guaranteeing the premium service and benefit fraud deterrence, and the remaining funds applied to capital investment items.

Some revenue will be used to ensure the integrity of immigration service benefits. These resources will be used to identify benefit fraud by providing resources to quickly check evidentiary submissions, initiate field investigations as needed, and expand data sharing with other agencies. By enhancing these operations, INS will improve the deterrence of benefit fraud and ensure the integrity of the adjudicative process.

Q8. In justifying why you did not request 1,000 Border Patrol agents in FY 2000, you said that INS was using FY 2000 as a time to allow the Border Patrol to gain experience—to "take a breather." Are you doing this again in FY 2001, or is this just recognition that you simply cannot hire any more than this in a given year?

A8. In an environment of budget constraints and clear limitations, the FY 2001 budget reflects an increase in new agents as well as a focus on efforts to recruit and retain agents. The budget includes a $52-million request for 430 new agents. It also includes $40.9 million for a comprehensive pay reform package that will put INS in the strongest position to recruit new agents and retain experienced agents.

Q9. Will INS hire the 1,000 Border Patrol Agents provided by Congress in FY 2000? If not, how many will INS hire in FY 2000?

A9. In FY 2000, INS has set a hiring target of 1,883 Border Patrol agents. The target includes covering projected Border Patrol attrition of 853 agents and hiring 1,030 new agents in FY 2000. The 1,030 agents includes 430 new agents and 600 new agents positions approved in FY 1999 which were not filled by the end of that fiscal year.

Q10. Will INS be putting more agents on the northern border?

A10. The INS is planning to allocate additional agents to the northern border in FY 2000. Locations will be announced when decisions are made after consultation with Congress. In FY 1999, a compelling need existed to address northern border enforcement requirements independent of the strategic application of resources along the Southwest border. As a result, 22 positions were deployed to the northern border in FY 1999 to respond to critical operational needs that were illustrated by recent enforcement actions. While the southwestern land border locations remain the priority for the deployment of new resources, the Border Patrol will address compelling situations in the northern and coastal border areas in FY 2000 and FY 2001.

Q11. You indicated last year that by the end of FY 2000, INS would be better able to estimate the need for further growth and schedule that growth over time. What key issues did you find during the past year in assessing the professionalism of your workforce and the effectiveness of your strategic plan, operational initiatives, and agency infrastructure requirements that led you to propose this type of budget?

A11. In short, further analyses from the past year reconfirmed and refined some initial findings and resulted in a budget enhancement request that reflected three overarching needs:

- Provide for appropriate compensation in order to recruit and retain a professional workforce,
- Address critical shortfalls and needs in the "mission-support" activities required for effective operations with the expanded workforce and mission taskings received through FY 2000, and
- Keep pace with continued growth of normally experienced workload and that generated by recent changes to INS' mission-direct operations (e.g., increased mandatory detention and removal, increased control of border areas between ports, expanding traveler traffic at ports, and increased applications processing and quality control for immigration benefits).

These themes are evident in the budget requests for the respective accounts that align directly with our mission programs:

- The Construction budget focuses on a need to catch up with past growth, as well as address normally expanding operations. Our analysis in the facilities construction and maintenance areas showed large unmet needs that continue to hamper effective operations, and in many instances, also present health, safety and morale problems for officer corps staff who risk their lives on a daily basis.
- For future growth, our analyses continue to indicate further expansion of our officer corps is required, but in a balanced manner where the mission-support activities, infrastructure and support staff are proportionately included to provide for effective operations.
- Additionally, in the highly competitive labor market that will continue to exist, which impacts the ability to hire and retain officers, an appropriate compensation package is a basic requirement. The Pay Reform initiative in our FY 2001 enhancement package is our number one priority.

Q12. Does this budget signal that the Administration believes the reorganization of INS is inevitable?

A12. While there is no specific funding in the budget for restructuring, the Administration continues to support an INS restructuring proposal that splits enforcement and services into two distinct chains of command with one senior appointed official empowered to coordinate functions between the two. This will increase efficiency and accountability and will allow the nation to administer a consistent and coherent immigration policy.

Q13. What are the implications of this budget request for the QRTs?

A13. There is no funding in the budget for additional QRTs. Establishing and staffing new offices is a process which requires significant lead time. The QRTs provided by Congress in FY 1999 are just becoming operational. It is important to assess the effectiveness of these QRTs and use that information to determine the right mix and location for additional QRTs, if necessary.

Q14. Are there any funds—or ongoing planning work for that matter—set aside for preparing plans or pilots for implementing Section 110 requirements?

A14. INS has been conducting feasibility studies to evaluate the requirements necessary and to determine the costs to comply with Section 110 along the northern and southern land borders. INS continues to move forward with its successful pilot project to implement Section 110 at airports. INS supports legislation in Congress that would change the requirement for developing an entry and exit data collection system on the northern and southern borders until INS can fully evaluate the results of its ongoing technology tests and feasibility studies for the northern and southern land borders. While the FY 2001 budget does not include additional resources for implementation of Section 110, feasibility tests will continue.

Q15. How much in the way of new resources are sought to combat the growing alien-smuggling business that has received so much public attention in the past year?

A15. While no new resources are requested in the FY 2001 budget, INS continues to expand its control of traditional crossing points on the U.S. land borders and is increasingly identifying and apprehending smuggled aliens. At the same time, INS' overseas anti-smuggling efforts have grown dramatically in the last two years through Operation Global Reach.

Q16. The FY 2001 budget has been announced and you still have not announced the deployment of your FY 2000 resources. Why and when are you planning that announcement?

A16. The appropriation for FY 2000 contained a resource level which posed a number of complications directly related to the resource deployment process as well as the development of the FY 2001 budget. As a result, it has led to a delay in making final resource deployment decisions.

To put this in perspective, last year deployment decisions for new Border Patrol positions were not announced until February 1999. This year, the deployment announcement will be made only after INS has fully coordinated deployment plans within the Department of Justice, and after the appropriate consultation with the Congress, as in previous years. INS expect to announce those plans within the next several weeks.

Q17. The 2001 budget is on the street and you still have not laid out a summary of what you received from the Congress (final passage) for FY 2000. Why is that and when do you plan to do so?

A17. The FY 2000 appropriation directed that a number of items be funded through earmarks of budget base resources. This has required a considerable amount of time to work through all of the details related to the appropriation and how to comply with the Congress' requirements. At the same time, the close relationship of determining the funding levels to development and presentation of the FY 2001 budget request that has delayed final announcements regarding the FY 2000 appropriation.

Q18. What was INS' FY 2000 budget request to DOJ and OMB? What did you ask for in comparison to what you received?

A18. While we are not going to discuss specifics, it is important to remember that the budget process is a long and deliberative one, where competing priorities are analyzed and debated. Fiscal realities dictate that not every valid requirement can be funded, and the Administration is forced to make tough decisions regarding competing priorities. The final budget request, therefore, reflects the Executive Branch position on spending priorities and levels.

Q19. Why does your budget include resources for infrastructure and administrative functions instead of applying them to critical enforcement needs?

A19. There is a direct correlation between the Agency's infrastructure and management support and enforcement operations. Enforcement needs are only met when infrastructure and management support is adequate to provide necessary facilities, equipment and administrative support services.

Over the past several years, the INS workforce has nearly doubled in size. However, support for a greatly expanded workforce has not kept pace with the result that INS employees find themselves severely hampered in their efforts to conduct enforcement and other critical mission functions.

Facilities to house the workforce are seriously overcrowded in many areas, and, in many cases, badly in need of repairs and maintenance to make them safe and usable. Administrative staff cannot handle the sheer volume of support (personnel actions, training, procurement, paying the bills and accounting for resources, logistics) that the current size of INS requires. As a result, backlogged projects and work are evident in virtually all infrastructure areas.

Q20. Why does the budget request so many additional attorneys?

A20. The FY 2001 budget reflects the special need for legal support—34 attorneys and 16 support staff—to ensure that INS can complete its expanded enforcement and other mission activities. These functions include handling removal proceedings and appeals, employer sanctions, seizure litigation, contested naturalization and denaturalization cases, and criminal alien matters. The volume of other legal activities such as labor-related cases, tort claims, contract matters, and legal advice has also grown exponentially with the growth of INS.

The lack of a sufficient number of INS attorneys has coincided with a dramatic increase in both the number and the percentage of aliens granted relief from removal by Immigration Judges. According to statistics provided by EOIR, the number of aliens granted relief from removal increased by 414 percent—from 5,710 to 29,352—between FY 1994 and FY 1999. With the sole exception of FY 1997, Immigration Judges have granted relief from removal in a greater percentage of cases each and every year since FY 1994. This trend greatly accelerated in FY 1999, with Immigration Judges granting relief in 17.2 percent of the cases, up from only 5.4 percent in FY 1994.

Because the Service cannot perform its enforcement functions without adequate legal and management support and infrastructure, these areas in themselves become critical enforcement needs for an agency that has experienced substantial growth.

Q21. What's in the FY 2001 INS budget for naturalization and other application processing? What are your performance/workload goals for both the N-400 and the I-485?

A21. In FY 1999, INS met its naturalization (N-400) goal by completing more than 1.2 million naturalization applications—a 105 percent increase from the number of applications completed the previous fiscal year—and is now on track to meet its FY 2000 goal of completing 1.3 million naturalization applications. The agency is also positioned to take on other immigration benefit caseloads more effectively, such as the adjustment of status (I-485) backlog. In FY 2000, INS plans to complete 600,000 adjustment of status applications—a 67 percent increase from the number of applications completed the previous fiscal year.

To sustain this effort in FY 2001, the INS budget includes $807 million for the Examinations Fee Account (funded solely through the collection of fees from applicants) and $127.3 million in a new account, the Immigration Services Capital Investment Account (ISCIA). With these resources, INS will maintain the 6-month processing for naturalization applications and continue to reduce the adjustment-of-status backlog by completing 600,000 applications.

In FY 2001, INS is also proposing to establish a voluntary Premium Service Fee of $1,000 for business cases, which will provide businesses with guaranteed processing within 15 days. Fees received above the cost of adjudicating the business cases and deterring fraud will be deposited in the ISCIA to support infrastructure improvements, benefiting all customers. These include improvements to INS' computer systems, service delivery systems and special backlog reduction efforts.

Posted on the White House website as part of The Highlights of the FY2001 Budget". cc: ISD staff

Ross 2/8

IMMIGRANTS

English Language/Civics Instruction Initiative. Immigrant adults – and other adults who have limited-English proficiency–need access to opportunities to master English literacy in order to further their education, obtain good jobs, and become full participants in American society. To this end, President Clinton is proposing an increase for the English Language/Civics Initiative, an innovative program to help states and communities provide limited English proficient (LEP) individuals with expanded access to high-quality English-language instruction linked to civics and life skills instruction. This important initiative is a powerful tool in building a stronger American community. For FY2001, the Administration's budget request $75 million for this initiative, a nearly $50 million increase from FY2000 enacted level to help an additional estimated 250,000 LEP individuals.

Funding and Restructuring INS to Improve Services. In a continuing effort to improve INS services, this budget provides $35 million to address backlogs in naturalization, adjustment of status, and other immigration benefit applications. It establishes a $93 million Immigration Services Capital Investment Account to fund on-going backlog reduction efforts and to cover major capital acquisitions. The President also calls on Congress to move forward with a restructuring of the INS – along the principles outlined by the Administration – to improve immigration service delivery and border enforcement.

Restoring Benefits to Legal Immigrants. The President believes that legal immigrants should have the same economic opportunity, and bear the same responsibility, as other members of society. In the Balanced Budget Act of 1997 and the Agricultural Research, Extension and Education Reform Act of 1998, the President fought for and succeeded in reversing unfair cuts in benefits to legal immigrants. The FY2001 budget builds on the Administration's progress of restoring these important benefits by providing $2.5 billion over five years to: (1) restore SSI and Medicaid to legal immigrants who entered the United States after August 22, 1996, have been here for five years, and become disabled after entry; (2) restore Food Stamp eligibility to legal immigrants who were in the country before August 22, 1996 and either subsequently reach age 65 or live in a household with Food Stamp eligible children; and (3) allow states to provide Medicaid or SCHIP to legal immigrant children and pregnant women regardless of their date of entry, and to legal immigrant parents of children who are covered by Medicaid or SCHIP in the proposed FamilyCare program.

EDUCATION

Hispanic Education Action Plan. As part of the Administration's commitment to raising the educational outcomes of Latino youth, the President again proposes significant increases to programs within the Hispanic Education Action Plan to help Latinos excel academically, graduate from high school, go on to college, and continue on the path to life-long learning. The final budget includes increases of $823 million for programs that enhance educational opportunity for Latinos, including: a $416 million increase for Title I, to provide support supplemental education services for students who have fallen behind in school, in particular those in high poverty communities; $725 million for TRIO college preparation programs, an

Steven M. Mertens

03/23/2000 12:30:14 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Douglas V. Almond/CEA/EOP@EOP, Sherron Duncan/OMB/EOP@EOP
Subject: FYI: House CJS Appropriations Committee Hearing -- INS

The House CJS Appropriations Subcommittee held its FY 2001 budget hearing yesterday afternoon with Commissioner Meissner testifying. Rather than a discussion of the FY 2001 budget, the hearing turned into a three hour diatribe against INS led by Chairman Rogers with support from both subcommittee Republicans and Democrats. Rogers' didn't even permit Meissner to read or summarize her statement. As a result, there was no discussion on the merits of the 2001 budget request. Highlights of the hearing included:

- Chairman Rogers, citing new and continuing failures at INS, decried the release of 35K criminal aliens on the American people resulting in 98 homicides, 142 sexual assaults, 44 kidnapping, 346 robberies and 1,214 assaults. He equated this failure to the Citizenship USA naturalization "catastrophe" that gave citizenship to "thousands of criminals." Meissner attempted to explain that the findings the Chairman was citing were preliminary, that alien release was often a legal/bond decision and that the estimated recidivism rate of 37% was comparable to recidivism rates for similar criminals release from other forms of incarceration. The Chairman was not moved. He said INS was unworkable and ineffective and he was "sick of more excuses and more blaming of others." He said that he understood that the Commissioner had a tough job but that the "leadership of the agency is woefully inadequate." He concluded saying that INS needed dramatic change, which he was proposing in his restructuring bill, H.R. 3918. He also criticized the Administration for backing out of the compromise that was reached on INS restructuring last year.
- Ranking Member Serrano was highly critical of INS' handling of the Elian Gonzolas case. He said a Haitian, Mexican or any other child would have been kicked out of the country within 24 hours. He was particularly critical of the INS decision to turn the child over to Cuban/American relatives in Miami saying that INS' decision panders to the Cuban anti-Castro community and has resulted in this political mess with both sides trying to "out-Miami Cuban each other." He repeatedly questioned Meissner on when Elian would be going home -- INS now has the court decision. Her response was that they are working with all the parties to ensure Elian was returned to his father as expeditiously as possible. Serrano's last statement was that "Elian is not going home and all of you in your agency are responsible." Serrano was also angry that INS took two months to respond to a letter he had sent on this matter. The White House responded within two weeks -- but it took INS two months and a personal follow-up call to the Commissioner to get a response to the ranking member of the subcommittee.
- Congressman Kolbe criticized INS policies related to reimbursement for medical care for illegal aliens at local medical facilities. He said these costs were a huge burden on local facilities and the Border Patrol's unwillingness to take these aliens into custody made them a local problem. Meissner told him that HCFA funded an illegal alien medical reimbursement program through the states. Kolbe was interested in direct payment by INS. He did not raise the inspector pay or Customs parity issues.

The other members present (Taylor, Miller, Lantham and Dixon) also were critical of INS' continuing management problems citing "no one is accountable to anyone," Congress can't "get any action or a straight answer" and "INS has replaced the IRS as the worst agency to work with" from the point of view of congressional district staff directors.

In closing, Rogers recognized Steve Colgate and discussed the IDENT/IAFIS integration initiative. He said that this "has to happen" but took issue with the Department's preliminary $200 million price tag. He concluded with a laundry list of INS problems, including:

- Release of Criminal Aliens
- Release of Ramerez (mass murderer) and IDENT/IAFIS integration
- Southwest border remains out of control
- Incapable of hiring and retention Border Patrol agents
- Northern Border receives insufficient attention
- Miami inspector spy incident
- Lack of planning requiring $310 million detention supplemental and budget amendment in '99/00
- Weakness in the interior enforcement program
- Department required to bail out the agency continuously
- Backlog of non-citizenship benefit applications
- Failure to plan for green card replacement program
- Financial system problems
- Late reports to Congress

If you have any question on the above or need additional information, please let me know. Thanks.

Message Sent To:

Michael Deich/OMB/EOP@EOP
Kenneth L. Schwartz/OMB/EOP@EOP
David J. Haun/OMB/EOP@EOP
Irene Bueno/OPD/EOP@EOP
Lisa J. Macecevic/OMB/EOP@EOP
Kimberly A. Newman/OMB/EOP@EOP
Edward H. Chase/OMB/EOP@EOP

installation of broadband transmission capacity to and through rural communities.

Internet Home Access Program: The Administration proposes $50 million for a new grant program that would provide low-income individuals and families with connections, training, and support necessary for full participation in today's increasingly online society. The National Telecommunications and Information Administration within the Department of Commerce will encourage community-based partnerships between local organizations, academia, and private industry to devise solutions that address the needs of low-income populations in gaining access to technology and on-line resources at home. In order to demonstrate the local and private sector commitments, applicants will be required to provide matching funds.

Technology Opportunities Program: Increased economic opportunity for all Americans hinges not only upon access to information technology tools but also upon content and applications that help empower low-income households and underserved communities. The budget proposes increasing funding for the Department of Commerce's Technology Opportunities Program (formerly the Telecommunications and Information Infrastructure Applications Program) to $45 million to expand its successful program of replicable, community-based grants into areas such as on-line support for microenterprise development and distance learning.

Civil Rights Enforcement

The Administration is committed to expand efforts to help ensure that no American is denied a job, a home, or an education because of their race, ethnicity, gender, religion, or disability; we will help ensure equal opportunity for all Americans. The budget includes $698 million for funding civil rights enforcement agencies, an $81 million, or 13-percent, increase over the 2000 level of $617 million.

The budget proposes a total of $322 million for the Equal Employment Opportunity Commission (a 15-percent increase) to support the agency's effort to reduce the backlog of private sector cases to 28,000 by the end of 2001; $98 million for the Department of Justice's Civil Rights Division (a 19-percent increase) to expand investigations and prosecutions of criminal civil rights cases (including hate crimes), promote compliance with the Americans with Disabilities Act and handle more police misconduct cases; $76 million for the Department of Education's Office of Civil Rights (a seven-percent increase) which includes funds to support staff training and technological improvements to ensure a viable civil rights compliance and enforcement program; $76 million for the Department of Labor's Office of Federal Contract Compliance Programs (a four-percent increase) to continue the President's Equal Pay Initiative; and, $50 million for HUD's fair housing activities (a 14-percent increase) to reduce housing discrimination by working with public and private fair housing groups to assist in enforcement of the Fair Housing Act. Additionally, $21 million will be used by USDA to improve civil rights enforcement and program outreach to under-represented customers. (See Table 7–2 for the civil rights enforcement funding summary.) The budget also includes a $27 million Equal Pay Initiative to educate employers and the public about wage issues, to provide training to women for non-traditional jobs, and to help employers assess and improve their pay policies.

Public Television in the Digital Age

The budget provides a total of $393 million for 2001 through 2003 for the public broadcasting system's transition to digital technology. Digital broadcasting will allow greatly expanded educational, community service, and cultural programming through innovative applications, including high-definition and interactive television. Funding through the Department of Commerce will be devoted to promoting digital transmission, while funding for the Corporation for Public Broadcasting will be for digital program production and development capabilities.

Table 7–2. Civil Rights Enforcement Funding
(Budget authority, in millions of dollars)

	1999 Actual	2000 Estimate	2001 Proposed	Change: 2000 to 2001
Department of Agriculture: Civil Rights Programs	16	18	21	+3
Department of Education: Office for Civil Rights	66	71	76	+5
Department of Health and Human Services: Office for Civil Rights	21	22	24	+2
Department of Housing and Urban Development: Fair Housing Activities	40	44	50	+6
Department of Justice: Civil Rights Division	69	82	98	+16
Department of Labor: Office of Federal Contract Compliance Programs	65	73	76	+3
Civil Rights Center	5	6	6	....
Department of Transportation: Office of Civil Rights	7	7	9	+2
Environmental Protection Agency: Office of Civil Rights	4	4	5	+1
Commission on Civil Rights	9	9	11	+2
Equal Employment Opportunity Commission	279	281	322	+41
Total	**581**	**617**	**698**	**+81**

Commitment to Native Americans

The relationship between the U.S. Government and Native Americans is a historical one founded on a trust responsibility. The Administration continues to honor its government-to-government relationship with Tribes by supporting critical programs serving Indian reservations, and by bringing together Tribal leaders and resources across the Government to address priority Tribal concerns, such as health care, education, economic development, infrastructure development, and other basic services. Within the total funding to address the unique relationship with Native Americans, the Administration includes a Government-wide initiative increase of $1.2 billion to address these crucial issues comprehensively and systematically. The Domestic Policy Council Interagency Work Group, chaired by the Interior Secretary, will coordinate agency efforts to implement the initiative.

The budget reflects the Administration's commitment to Native Americans, proposing $9.4 billion, 14 percent more than in 2000 and 75 percent over 1993, for Federal programs addressing basic Tribal needs and encouraging self-determination (see Table 7–3). The Health and Human Services Department's Indian Health Service (IHS) at $2.6 billion (10 percent over 2000) and the Interior Department's Bureau of Indian Affairs (BIA) at $2.2 billion (18 percent over 2000) make up more than half of total Federal funding for Native American programs and services. In addition, BIA and IHS will continue to promote Tribal self-determination through local decision-making. Tribal contracting and self-governance compact agreements now represent 41 percent of BIA's operations budget, and over 42 percent of IHS' budget.

The Government-wide initiative will substantially expand existing services and create new opportunities for Native Americans in four principal areas:

- *Health Care:* For IHS, the budget proposes an investment of $2.6 billion, a 10-percent increase over the 2000 level. This increase will enable IHS to continue expanding accessible and high-quality health care to its Native American service users, through IHS' existing network comprised of over 543 direct health care delivery facilities. This increase reflects a five-pronged approach for IHS: a substantial funding increase in 2001, better access to health grants, Medicare and Medicaid reimbursements, achievement of medical efficiencies by ensuring that health care procedures are done only when they are necessary and are done in a cost-effective manner,

Table 7–3. Selected Components of the Native American Initiative
(Budget authority, in millions of dollars)

	Actual 1993	Actual 1999	2000 Estimate	2001 Proposed	Change: 1993 to 2001	Change: 2000 to 2001
Health Care:						
Indian Health Service (IHS/HHS)	1,858	2,240	2,391	2,620	+762	+230
IHS program level, including receipts	2,022	2,650	2,830	3,060	+1,038	+230
Education:						
BIA School Construction, Repair, Maintenance (BIA/DOI)	90	60	133	300	+210	+167
School Construction For Public Schools Serving High Concentrations of Native Americans (Ed Dept)	4	5	5	55	+51	+50
BIA School Operations (BIA/DOI)	343	476	467	507	+164	+40
Indian Education Assistance for Public and BIA Schools Serving Native Americans (Ed Dept)	82	66	77	116	+34	+39
Support of Tribal Community Colleges (Multiagency)	24	44	52	67	+43	+15
Economic Development:						
New Markets and Other Activities—Economic Development Administration (Commerce)	3	3	3	49	+46	+46
Digital Opportunity and Other Activities (NSF)	....	....	....	10	+10	+10
Small Business Development (SBA)	....	*	*	6	+6	+6
Community Development Financial Institutions (Treasury)	....	....	....	5	+5	+5
Rural Community Advancement Program/RCAP (USDA)	....	....	12	24	+24	+12
Commercial Code Implementation and Other Activities—Administration on Native Americans (HHS)	35	35	35	44	+9	+9
Infrastructure and Other Basic Services:						
Indian Reservation Roads and Bridges:						
Road/Bridge Construction (DOT)	202	284	250	375	+173	+125
Road/Bridge Maintenance (BIA/DOI)	30	26	26	32	+2	+6
Indian Housing:						
Housing and Urban Development	401	693	693	725	+324	+32
Housing Improvement Program (BIA/DOI)	20	16	16	32	+12	+16
Joint Indian Country Law Enforcement:						
Department of Justice	4	182	195	279	+275	+84
BIA/DOI	9	98	141	157	+148	+16
Subtotal, Law Enforcement	13	280	336	439	+426	+103
Capacity Building & Other Basic Services:						
Environmental Protection Agency	38	159	170	188	+150	+18
Improved Trust Services (BIA/DOI)	85	74	73	108	+23	+35
Operation of Indian Programs (BIA/DOI)	1,363	1,584	1,640	1,795	+432	+155
Total Government-wide Funding for Native American Programs	**5,361**	**7,806**	**8,201**	**9,380**	**+4,019**	**+1,178**

* $500 thousand or less.

and vigilance on fraud and abuse. (Additional detail is provided in Chapter 3, "Strengthening Health Care.")

The budget also supports access to health services and improves the health status of Native American by ensuring that IHS' health facilities are adequately maintained. Within the increase, IHS will continue the construction of the Navajo Fort Defiance (AZ) Hospital, the Parker Health (AZ) Clinic, and the Winnebago (NE) Hospital. In addition, the $30 million a year in diabetes-related funding that IHS receives under the Children's Health Insurance Program will help alleviate complications from diabetes.

- *Education:* The Administration is continuing its commitment to Native American education by systematically funding school repair and replacement needs on Indian reservations. The budget proposes

$300 million (more than double the 2000 level) for BIA to fund the replacement of six elementary and secondary schools and numerous health and safety improvement and repair projects across Indian Country. Within BIA's school construction funds, up to $30 million may be used by Tribes or tribal consortia to defease the principal on bonds authorized under the Administration's school construction bonding proposal. In addition to school construction, BIA will provide $507 million (nine percent over 2000) for elementary and secondary school operations, early childhood development, and early intervention partnerships by establishing therapeutic pilots at six BIA boarding schools to provide students with services ranging from education to mental health and substance abuse treatment.

The Education Department will provide $1.7 billion (eight percent over 2000) in direct and indirect support for the education of Native Americans. This includes $116 million ($39 million over 2000) for the Indian Education program to fund grants to local educational agencies and continue the second year of in-service and pre-service training for the American Indian Teacher Corps initiative. This amount also provides $5 million for a new initiative, the American Indian Administrator Corps, that will support the recruitment, training, and in-service professional development of American Indian professionals to become effective school administrators in schools with high populations of Native American students. The Department will also set aside $50 million in its $1.3 billion national School Renovation initiative for public schools with high concentrations of Native American students and provide an additional $5 million for the schools under Impact Aid Construction.

Across the Government, agencies contribute to Native American postsecondary education through financial support of Tribal colleges. For example, the Interior, Agriculture, Education, Housing and Urban Development, and Transportation Departments propose a total of $67 million (29 percent over 2000) for activities related to curriculum development, student recruitment, student services, professor training, research capacity-building, and tribal outreach.

- *Economic Development:* The 2001 Budget proposes $54 million in Tribal funding (nearly nine times the 2000 level) for the Department of Commerce. In keeping with last year's efforts to expand New Markets to underserved areas, $49 million of the total amount will further the Economic Development Administration's infrastructure, planning, and public works projects on Indian Reservations. These projects will focus on technology, business development, and Tribal economic development activities.

The Administration proposes a new initiative for Tribal colleges to encourage Native Americans to pursue information technology and other science and technology fields as areas of study, as well as to increase the capacity of these institutions to offer relevant courses. The budget provides $10 million, to be administered by the National Science Foundation, for course and program development, and for teacher professional development activities at feeder schools.

The budget also proposes $6 million for the Small Business Administration (SBA) to fund the Office of Native American Affairs and to establish two initiatives for improving economic development on reservations: BusinessLinc and Native American Small Business Development Centers (SBDC). The SBA will expand the successful BusinessLINC program to Indian Country by establishing mentor/protege relationships between large and small businesses. In addition, the budget proposes new funding to expand the SBDC program into Indian Country to provide business and technical assistance to Native American entrepreneurs. A set-aside of $5 million from the Treasury Department's Community Development Financial Institutions Fund will also be used to promote New Markets on reservations by establishing a training and technical assistance program addressing human capital development needs in Indian Country.

The budget includes $229 million (16 percent over 2000) for Agriculture Department programs serving Indian reservations, of which $26 million ($14 million over 2000) is targeted to Tribes through Rural Community Advancement Program (RCAP) and other economic development activities. This funding will provide low-interest loans and grants to construct and improve Tribal water and wastewater systems, and community facilities like health clinics and child care centers on Indian reservations, and to diversify and expand economic opportunities.

In addition, the Health and Human Services Department's Administration on Native Americans will allocate $2 million of its $9 million increase over 2000 to support additional efforts to develop Tribal legal codes. This funding will support Tribal efforts to develop environmental and tax codes, as well as codes addressing the areas of business, commercial, zoning, land use, hunting, fishing, and juvenile and child welfare.

- *Infrastructure and Other Services:* The Department of Transportation's (DOT) 2001 proposed level of $375 million (50 percent over 2000) will improve roads, bridges, highway safety and transportation services on Indian reservations. Within this total, $349 million for the Indian Reservation Roads Program, (a 50-percent increase over 2000) will allow Tribes to address the estimated backlog of $4 billion in needs on these roads and bridges. In addition, a $5 million set-aside for Indian tribes within DOT's Access program will increase mobility and access to employment opportunities on reservations. To ensure that Native Americans have the skills to compete for transportation jobs, $1 million will be dedicated for construction skills training. In addition, total funding to improve highway safety on Indian reservation roads will double with an additional $1 million.

Of the BIA's total funds, $32 million (20 percent over 2000) will be used to supplement DOT's funds by maintaining BIA and Tribal roads on reservations across the country, and $32 million (more than twice the 2000 level) will be used to repair or replace dilapidated homes across Indian Country, to prevent family displacement.

The budget includes $725 million (five percent over 2000) in HUD to enable Tribes and Tribal housing entities to create affordable rental and homeownership opportunities, as well as develop the regulatory and legal framework necessary to facilitate economic revitalization and homeownership on Tribal lands. The budget establishes a new information hotline for Government-wide Native American programs funded out of the Indian Community Development Block Grant program.

The third year of the Interior and Justice Departments' joint law enforcement initiative, for which the budget proposes $439 million in 2001 (31 percent over 2000), will continue to address high crime rates in Indian Country by providing more resources for officer hiring and retention, drug control and youth crime prevention programs, law enforcement equipment, construction of detention facilities, and crime reporting surveys.

The Environmental Protection Agency (EPA) will continue to provide technical assistance to Tribes on such activities as hazardous and solid waste removal, leaking underground storage tanks, and water protection. The budget increases the Tribal share of the Clean Water State Revolving Fund appropriation from 0.5 to 1.5 percent. Part of EPA's proposed $188 million Tribal budget would also be used for increased Tribal general assistance grants to build institutional capacity for implementing Tribal environmental programs on Indian lands.

The Administration is committed to improving trust services and management through its trust reform efforts at the Interior Department. The budget proposes $108 million (48 percent over 2000) for improved trust services in the BIA, for activities such as probate, real estate appraisals and other services, and cadastral surveys.

In addition, the Administration is committed to resolving disputed Indian trust fund account balances through informal dispute resolution and supports the unique government-to-government relationship that exists in Indian trust land management issues. After Tribal consultations, BIA submitted its recommendations to Congress in November 1997. Legislation reflecting these recommendations was proposed in 1998, but not enacted. The Department will continue efforts to resolve trust fund account balances.

The budget provides $83 million for the Interior Department's (DOI's) Office of Special Trustee, including the trust management improvement project. Current activities include verifying the remaining individual Indian account data and converting these data to a commercial-grade accounting system. Ownership, lease, and royalty information related to the underlying trust assets will also be verified and converted to a recently acquired commercial asset management system.

As part of DOI's commitment to resolving trust land management issues, DOI worked with Congress in 1999 to repropose legislation to establish an Indian Land Consolidation program to address the ownership fractionation of Indian land. DOI began implementing three pilot projects in Wisconsin, in cooperation with Tribes, to purchase small ownership interests in highly fractionated tracts of land from willing sellers. In the nine months of this effort, more than 8,000 small ownership interests have been consolidated. The budget proposes $13 million in 2001 for this program and DOI will work with Congress to get legislation enacted in the 106th Congress, limiting future fractionation.

Firefighter Health and Safety Initiative

Firefighters play a critical role in protecting the health and safety of the community, and in order to further protect their own health and safety, the Administration is proposing a new $25 million pilot grant program that will assist needy communities in obtaining necessary health and safety equipment for their firefighting personnel. This program, administered by the Federal Emergency Management Agency, will help communities reduce firefighter injuries and fatalities, and improve their ability to effectively respond to fire emergencies.

Commitment to the District of Columbia

The Administration strongly supports the District of Columbia's right of self-governance and continues to work with the District to promote economic well-being and to advance the interests of the District. As part of the 1997 balanced budget agreement, the President proposed, and Congress enacted, a comprehensive financial restructuring plan for the District of Columbia. It relieved the District of major financial burdens and laid the groundwork to restore the District's fiscal health. Due to prudent fiscal management and on-going efforts to build private investment, the District—facing bankruptcy only six years ago—produced budget surpluses in 1997 and 1998 and projects a third budget surplus in 1999. To maintain a balanced budget in the future, the District has launched major management reforms, cut spending, and directed a portion of budget surpluses to eliminate its accumulated deficit by 2000. If the District continues to balance its budget through 2000, it can regain full home-rule.

The budget includes $486 million to implement the President's plan for District courts and corrections, including $224 million to house the District's sentenced felon population. By December 2001, all adult-sentenced felons will be in the custody of the Federal Bureau of Prisons.

The Administration—through its departments and agencies—will continue to provide technical help and other assistance to the District in such areas as education and law enforcement. In addition, the Administration continues to assist the District in spurring neighborhood revitalization and economic development and in bolstering the District's long-term fiscal stability. In 2000, the Federal Government provided $17 million to launch a college tuition program for District residents. This budget proposes to continue to fund the program at $17 million.

For 2001, the budget provides $38 million for economic development and infrastructure investments, including $10 million for environmental remediation and site preparation of property to be used in an economically distressed neighborhood slated for economic development, $3 million for the study and designs for a National Museum of American Music, and $25 million for the Federal share of construction of a Metrorail station at the intersection of New York and Florida Avenues, in Northeast DC. This $25 million will be matched by city and private funds to create an improved gateway into the Nation's Capital and revitalize the distressed neighborhoods surrounding the Metrorail site.

Building One America for the 21st Century

The President's vision of One America in the 21st Century is a diverse, democratic community in which we respect and celebrate our differences, while embracing the shared values that unite us. The President envisions an America based on opportunity for all, responsibility from all, and one community of all Americans. To reach that goal, he has asked all Americans to join him in a national effort to deal openly and honestly with our racial differences. Americans must improve their understanding of the history of race, and how this history contributes to conflicting views on race and racial progress held by Americans of color and white Americans. The President recognizes that, even as America rapidly becomes a truly multi-racial democracy, race relations remains an issue that too often divides our Nation and keeps the American dream from becoming a reality for everyone who seeks to take part through hard-work and responsibility.

In February 1999, the President established his Initiative for One America, the first White House office dedicated to ensuring a coordinated and focused strategy to close the opportunity gap that exists for many minorities and the underserved. The One America office builds on the important work done by the President's Initiative on Race in 1997 and 1998 by promoting the President's goals of educating the American public about race; encouraging racial reconciliation through a national dialogue on race; identifying policies that can expand opportunities for racial and ethnic minorities; and ensuring common access to health care and the broad enforcement of laws against discrimination. The Initiative for One America coordinates the work of the White House and Federal agencies to carry out the President's vision of One America and partners with non-government entities to increase private sector commitment, investment and action to increase opportunity.

The One America Initiative has hosted discussions and public forums on diversity and opportunity to a wide range of organizations, educational institutions, and communities all across the country. For example, it launched the Presidential Call to Action to the American Legal Community in a joint effort with Department of Justice officials and professionals to implement a nationwide strategic plan to increase opportunity and promote racial diversity in the legal profession. It also worked with the Department of Education to promote a Campus Days Dialogue program to discuss a variety of educational challenges and the importance of faculty leadership on the issue of diversity. This year, 620 educational institutions participated in the Campus Dialogue program. The Initiative also worked with local elected officials and advocacy organizations to develop a proactive strategy to address the sometimes volatile relationship between communities of color and law enforcement agencies.

The Administration has made progress in a range of program areas, including those listed below. Many others are listed throughout the budget.

For example:

- *Eliminating Racial and Ethnic Disparities in Health.* In February 1998, the President committed the Nation to an ambitious goal by the year 2010: eliminate disparities in six health areas where racial and ethnic minorities are disproportionately affected, while continuing the progress we have made in improving the overall health of the American people. As a key part of this effort, the budget includes $35 million, a 17-percent increase over 2000, for demonstration projects (begun in 1999) to better address racial disparities in health.

Building One America for the 21st Century—Continued

- *Closing the Education Opportunity Gap.* Increases in funding for major education initiatives, including school construction and class size reduction, will significantly benefit minority groups. Other targeted programs also receive generous funding increases, including a $823 million increase in the Hispanic Education Action Plan and a $20 million increase in funding for Historically Black Colleges and Universities.

As these efforts continue, many other programs included by the President in the budget and described in these chapters will advance these goals to realize the potential of One America in the 21st Century.

DRAFT

OFFICE OF PUBLIC LIAISON
FY 2001 IMMIGRATION BUDGET BRIEFING AGENDA

Room 180, 3:00 p.m.
February 11, 2000

Irene Bueno
Special Assistant to the President, Domestic Policy Council

****

Cynthia Rice
Special Assistant to the President, Domestic Policy Council

****

Steve Mertens
Policy Analyst, Office of Management and Budget

FYI 2001 IMMIGRATION BUDGET BRIEFING PARTICIPANTS

Tamar Adler, American Friends Service Committee
Kevin Appleby, US Catholic Conference
Gideon Aronoff, Hebrew Immigration and Society
Anike Buche, International Rescue Committee
Ruth Compton, United Methodist Church
Triana D'Orazio, Mexican American Legal Defenses and Education Fund
Matthew Dorf, American Jewish Congress
Shawn Fremstad, Center on Budget & Policy Priorities
Roberto Frisancho, Latino Civil Rights
Robert Gardner, National Immigration Foundation
Jennifer Grayson, United Jewish Communities
Fong Her, Hmong National Development Inc.
Jeffrey Lande, United Jewish Communities
Gabriela Lemus, League of United Latin American Citizens
Jon Melegrito, National Federation of Filipino American Association
Nuala Moore, Alliance for Children and Families
Heather Nolen, National Council of Churches
Elizabeth O'Connell, National Italian American Foundation
Van Ornelas, National Association of Latino Elected and Appointed Officials, Inc.
Jayne Park, National Asian Pacific American Legal Consortium
Jorge Pineda, National Council on Independent Living Latinos
Abigail Price, US Catholic Conference
Marcela Urrutia, National Council of LaRaza
Ka Yang, Southeast Asian Resource Action Center

ocacy group in Washington.

At play are $2.92 trillion in anticipated surpluses during the next 10 years, a figure that includes money to be set aside for Social Security. After taking care of the nation's retirement program, the government is expected to still have up to $1.9 trillion in black ink.

The president's budget predicts there will be a $184 billion surplus in fiscal 2001.

Clinton has offered a broad agenda detailing how he would extend the benefits of the record-long economic expansion to low- and middle-income families. But he did not offer any major reforms to deal with the projected bankruptcy of Social Security, which he identified as a top priority just a year ago.

"The president has discovered dozens of new ways to spend money but no way to save Social Security," said Sen. Phil Gramm, R-Texas.

Specifically, Clinton proposed $351 billion in tax cuts over 10 years. The cuts would be partially offset by $181 billion in new revenues from closing corporate tax shelters and raising cigarette taxes.

The president's tax cuts include $76 billion for easing the riage penalty, the provisions in the tax code that tax married couples at higher rates than singles. The proposal would increase the standard deduction and expand the child and dependent care credit, making it available to families who are not required to pay taxes.

Clinton proposed an expansion of the earned income tax credit for the poor. And he offered a charitable deduction for low-income taxpayers who make philanthropic donations.

His plan also would create new retirement accounts for low- and middle-income families and would provide enhanced pension incentives for small businesses.

Among the president's tax cut proposals, analysts said marriage penalty relief stands the best chance of being enacted. Republicans have rallied around the issue and a house vote is expected next week.

"I welcome a number of initiatives in the president's budget because of their close resemblance to what Republicans have been proposing for several years, such as the repeal of the tax penalty on married couples," said Sen. Kay Bailey Hutchison, R-Texas.

Collender, the budget analyst, said he does not give tax cuts a high chance of being enacted. But he said Republicans may have to give in to many of the president's spending initiatives. While Republicans can refuse to produce a tax deal, they are compelled to write 13 separate appropriations bills to keep the government funded.

Despite their harsh criticisms Monday, GOP leaders want to get that process finished as soon as possible so they can adjourn and go home to campaign.

Rep. Ken Bentsen, D-Houston, said some of the more controversial initiatives may not be adopted. "But at the end of the day, the final budget Congress adopts will look like the one he submitted," he said.

Rep. Mac Thornberry, R-Clarendon, said there may be places to negotiate with Clinton but also saw stumbling points.

"It makes it more difficult when he's got such a spending trail," Thornberry said.

Among his spending priorities was a $35 billion plan, which would begin in 2006, to provide catastrophic prescription drug coverage for the sickest Medicare beneficiaries. The proposal comes on top of a separate $160 billion plan to cover prescription drugs for Medicare patients.

Clinton also proposed spending $91 billion to expand health care for working poor families.

The president's budget calls for setting aside $2.17 trillion of the Social Security surplus for debt reduction. By 2013, the White House proposes to eliminate the $3.7 trillion of public debt, leaving the United States debt free for the first time since 1835.

Even so, Republicans were critical of Clinton for not offering any new proposals to solve the long-term challenge of financing the retirement of the 76 million baby boom generation.

White House aides said Clinton was still committed to a bipartisan solution for fixing Social Security.

But in his budget proposal, the president's only new proposal was to use savings from lower interest-rate payments on the debt to bolster the retirement trust fund. The government's interest rate payments are expected to drop as the debt is paid off.

The budget said interest savings could delay the projected bankruptcy date for Social Security to 2050 from the currently anticipated 2034. And another four years could be added by investing up to 15 percent of the trust fund in private stocks and bonds.

But critics said the proposal relies on interest savings that may not show up 10 years from now and sidesteps politically difficult decisions, such as proposals to raise the retirement age and cut benefits.

Number of border agents to be point of conflict between Congress, Clinton

By David LaGesse

The Dallas Morning News

WASHINGTON Setting up another row with Republicans, the Clinton administration is requesting only 430 new Border Patrol agents for next year less than half the 1,000 authorized by Congress.

The fight over the number of agents, most of whom are assigned to the Southwest border with Mexico, has become an annual affair between the administration and Congress. President Clinton, for example, asked for no additional Border Patrol agents in his budget request last year, but the Republican-led Congress approved 1,000 anyway.

Critics say the administration's stance could leave it open to charges of neglecting border security. But illegal immigration has faded as a prominent national issue, partly because a doubling of the Border Patrol has enabled the agency to regain control of key border points.

Administration officials say tight labor markets make it unrealistic to add 1,000 agents each year. They also want to increase pay scales to retain more agents.

"We are continuing our commitment to increasing enforcement at the border," said INS spokeswoman Maria Cardona.

But Republicans criticized the administration's proposal as inadequate, particularly after the arrest of suspected terrorists at the border with Canada.

"The threat to Americans from terrorists, and drug and alien smugglers continues to grow," said Rep. Lamar Smith, R-Texas, chairman of the House immigration subcommittee.

Clinton shouldn't propose spending on teachers and police, albeit good causes, if he won't first meet congressional mandates on border agents, said Sen. Kay Bailey Hutchison, R-Texas.

"I'm stunned the president won't step up to the federal responsibility of securing our borders," she said.

The administration also is proposing a new fund aimed at the services it provides to immigrants, such as processing citizenship and visa applications. The INS has reduced the waiting period for citizenship by half to about one year but the wait for other applications has grown.

Money to attack those backlogs would come partly from a voluntary, $1,000 fee that businesses could pay to speed applications. The new fee could raise more than $50 million a year that the INS could spend on reducing the waiting period.

But it's the enforcement budget that drew Republican criticism Monday.

The request for 430 agents is for fiscal 2001, which begins in October. The agents would be part of a 12 percent increase in taxpayer funding for the Immigration and Naturalization Service, which will have seen its overall budget nearly triple in eight years.

The administration also wants to put more focus on training and retaining agents already in place.

After attrition agents leaving for retirement and other reasons the agency added 369 agents last year and now employs about 8,400. The agency hopes to add 1,400 agents by October 2001.

Congressional Republicans, including Ms. Hutchison, have pushed the administration to boost agent salaries to help retention and recruitment.

In its budget, the administration would spend about $70 million on increased salaries for mid-level agents.

"We want to increase the promotion potential for agents," said INS spokeswoman Nicole Chulick. End.

THE WHITE HOUSE

WASHINGTON

OFFICE OF PUBLIC LIAISON
FY 2001 IMMIGRATION BUDGET BRIEFING AGENDA

Room 180, 3:00 p.m.
February 11, 2000

****

Michael Deich
Associate Director, Office of Budget and Management

****

Irene Bueno
Special Assistant to the President, Domestic Policy Council

****

Cynthia Rice
Special Assistant to the President, Domestic Policy Council

****

IMMIGRATION AND NATURALIZATION SERVICE

OFFICE OF THE COMMISSIONER
425 I STREET, N.W.
WASHINGTON, D.C. 20536
FACSIMILE TRANSMITTAL COVER SHEET
FAX #: (202) 307-9911

TO: Irene Bueno

DATE: 02/07/00
PHONE:
FAX #: (202) 456-5581

NUMBER OF PAGES TO FOLLOW: 21

MESSAGE:

FROM: Cathy St. Denis, Counselor to the Commissioner
RM 7100 CAB
202-514-8195

TALKING POINTS FOR THE INS FY2001 BUDGET

- INS' Fiscal Year 2001 budget totals $4.81 billion, an 11-percent increase over FY 2000. With this budget, the Administration will have increased INS funding by 219 percent since FY 1993.
- The FY 2001 budget includes $523 million in new initiatives. The budget will add a total of 1,305 new positions, allowing INS to grow to 33,122 positions by the end of FY 2001.
- The FY 2001 budget supports the immigration goals the agency and the Administration have pursued effectively over the past several years. These include improving customer service, facilitating legal immigration while deterring illegal immigration, and removing criminal and other illegal aliens from the United States.

IMPROVING CUSTOMER SERVICE

- INS' FY 2001 budget intensifies the agency's renewed focus on customer service. For the first time, INS is establishing a fund to address ongoing infrastructure needs that are not currently covered by applicant fees.
- The **Immigration Services Capital Investment Account (ISCIA)** will be used to fund infrastructure improvements, systems upgrades, and to address immigration benefit backlogs. This marks the first time INS will have a dedicated fund, separate from the Exams Fee Account (which is funded solely through application fees) that draws on other funding sources to pay for key service-related initiatives. INS is anticipating $127.3 million in the ISCIA, funded from $34.8 million in direct appropriations and the balance from two proposed new funding sources: a voluntary Premium Service Fee for businesses and fees from the re-authorization of a permanent 245(i) adjustment of status program.
- A voluntary Premium Service Fee of $1,000 is proposed for business related applications, and will provide businesses with guaranteed processing within 15 days. Fees received above the cost of the guaranteed 15 day processing and deterring fraud, will go to the Immigration Services Capital Investment Account and will benefit all INS customers.

STRENGTHENING ENFORCEMENT

- The FY 2001 budget strengthens the multi-year border enforcement effort by providing a $52 million increase to the Border Patrol. This will fund 430 additional Border Patrol agents to more than double the FY 1993 staffing level.
- In a year of budget constraints and serious limitations, INS' FY 2001 budget reflects a continuing commitment to strengthening enforcement as well as our efforts to be in the best position to recruit and retain the best agents in a tight labor market. The budget includes a $69.8 million to support pay reform and position upgrades for Border Patrol Agents and Immigration Inspectors.

- INS will continue to expand critical technology efforts by deploying Remote Video Surveillance Systems along the border to allow for monitoring the border from remote sites.
- This budget also focuses on the priority to facilitate legal immigration, while deterring illegal immigration, by funding an additional 115 land border Immigration Inspectors and 154 airport Immigration Inspectors.
- The budget strengthens INS efforts to identify and remove criminal aliens by increasing and improving detention bed space. The budget requests $78.9 million to fund an average of 1,000 new daily state and local detention bed spaces. INS will also expand its ability to enter information into the National Crime Information Center database, allowing nationwide computerized identification and apprehension of previously deported criminals.
- This budget responds to INS' growing infrastructure requirements by providing $77 million for the construction of Border Patrol and detention facilities.

Executive ummary

The President's Fiscal 2001 Immigration Budget

2/00

Strengthening the Nation's Immigration System

The Fiscal Year 2001 budget request for the Immigration and Naturalization Service (INS) totals $4.8 billion, an 11-percent increase over FY 2000. With this budget, the Administration will have increased INS funding by 219 percent since FY 1993. The FY 2001 budget includes $523.2 million in new initiatives. The budget will add a total of 1,305 new positions, allowing INS to grow to 33,122 positions by the end of FY 2001.

The FY 2001 budget supports the immigration goals and strategies that the Administration and the agency have pursued effectively over the past several years. These include improving customer service, facilitating legal immigration while deterring illegal immigration, and removing criminal and other illegal aliens from the United States.

The budget allows INS to build on its successful efforts to bring integrity and safety to the borders and improve the quality of life in border communities. It also enhances the agency's ability to remove those who are living and working in the country illegally.

In addition to strengthening enforcement, the FY 2001 budget intensifies INS' focus on service. For the first time, the budget calls for a fund to address ongoing infrastructure needs that are not currently covered by application fees. This Capital Investment Account would be used solely to fund immigration services and benefits.

Key initiatives in the FY 2001 budget include:

- Creating an Immigration Services Capital Investment Account (ISCIA) to be used to fund infrastructure improvements, systems upgrades, and to address immigration benefit backlogs. This marks the first time INS would have a dedicated fund, separate from the Examinations Fee Account (which is funded solely through application fees) that draws on other funding sources to pay for key service-related initiatives. INS is anticipating $127.3 million in the ISCIA, funded from $34.8 million in direct appropriations and the balance from portions of two proposed new fees, a Premium Service Fee for businesses and fees from the re-authorization of a permanent 245(i) adjustment-of-status program.
- Proposing a voluntary Premium Service Fee of $1,000 for business-related applications, which will provide businesses with guaranteed processing within 15 days. Fees received above the cost of the guaranteed processing time for the applications and deterring benefit fraud will be deposited in the ISCIA to support service-related infrastructure improvements, benefiting all INS customers.
- Strengthening the multi-year border enforcement effort by providing a $52 million increase to the Border Patrol. This will fund 430 additional Border Patrol Agents, increasing staff to more than double the FY 1993 level.
- Providing $69.8 million to support pay reform and position upgrades for Border Patrol Agents and Immigration Inspectors, which will help recruit and retain these mission-critical personnel in a tight labor market.

- Continuing to expand critical technology efforts by deploying Remote Video Surveillance Systems along the borders to monitor illegal activity from remote sites.
- Focusing on facilitating legal immigration while deterring illegal immigration, by funding an additional 115 land border Immigration Inspectors and 154 airport Immigration Inspectors.
- Strengthening efforts to identify and remove criminal aliens by increasing and improving detention bed space. The budget requests $78.9 million to fund a daily average of 1,000 new state and local detention bed spaces. INS will also expand its ability to enter information into the National Crime Information Center database, allowing nationwide computerized identification and apprehension of previously deported criminals.
- Responding to INS' growing infrastructure requirements by providing $77 million for the construction of Border Patrol and detention facilities.
- Ensuring the professionalism of the workforce by dedicating $10.1 million to improve personnel management and accountability and to increase support staff.

Summary of Immigration Budget Enhancements

($ in millions)

	Funding	Positions
BORDER MANAGEMENT		
Border Enforcement - Border Patrol Agents	$52.0	430
Border Facilitation - Inspectors (Air and Land)	22.4	269
Border Patrol Pay Reform	40.9	–
Inspections Pay Upgrades	28.9	–
Border Enforcement - Technology	20.0	–
SUBTOTAL	$164.2	699
DETENTION AND REMOVAL		
State and Local Detention Bed Space	$78.9	109
Detention Standards	8.6	80
Juvenile Detention Bed Space	8.5	11
National Transportation System	15.5	0
National Crime Information Center	8.0	50
SUBTOTAL	$119.5	250
INSTITUTIONAL INFRASTRUCTURE		
Border Patrol Construction Projects	$47.0	–
Detention Construction Projects	24.8	–
Border Infrastructure	3.3	-
Repair and Alterations	2.0	21
SUBTOTAL	$77.1	21
IMMIGRATION SERVICES		
Improving Services and Preventing Benefit Fraud	$25.0	195
Immigration Services Capital Investment Account	127.3	–
SUBTOTAL	$152.3	195
PROFESSIONALISM AND INFRASTRUCTURE		
Financial and Debt Management Services	$3.3	60
Administrative Center Staffing	2.0	30
Legal Proceedings Base Shortfall	4.8	50
SUBTOTAL	10.1	140
TOTAL INCREASE REQUESTED	$523.2	1,305

Fact heet

The President's Fiscal 2001 Immigration Budget

2/00

Border Management

The FY 2001 budget includes $164.2 million and 699 new positions to enhance INS' border management strategy, facilitating the flow of legal immigration while preventing the illegal entry of people and contraband.

The FY 2001 budget strengthens enforcement efforts by funding 430 additional Border Patrol Agents to increase staffing to more than double the FY 1993 level. Given the tight labor market of the past year, this budget also focuses on recruitment and retention of Border Patrol Agents. Funding is requested for a comprehensive pay reform package that will put INS in the strongest position to recruit new agents and retain experienced agents.

INS will continue to expand force-multiplying technology efforts by expanding the Integrated Surveillance Intelligence System (ISIS), which provides agents the capability to monitor the border from remote sites, thus increasing their efficiency and safety.

At the same time, this budget also maintains INS' focus on facilitating legal immigration, by funding an additional 269 Immigration Inspectors. As a result of the dual focus on enforcement and facilitation, INS has been able to enhance its enforcement capabilities while reducing waits for those seeking to cross the border at ports of entry.

Border Enforcement – Border Patrol Agents

A total of 430 Border Patrol Agents and $52 million will strengthen INS multi-year border enforcement efforts. On the frontline of INS efforts to deter illegal immigration, these Border Patrol Agents will be critical to continue restoring integrity and safety to the borders, thereby improving the quality of life in border communities. In an environment of budget constraints and clear limitations, this budget reflects an increase in new agents as well as a focus on efforts, such as pay reform, to recruit and retain agents. **($52 million)**

Border Enforcement – Technology

The overall technology request includes $20 million to deploy additional Remote Video Surveillance Systems, the camera portions of ISIS. The effectiveness of the agents will be enhanced by the deployment of this force-multiplying technology, allowing INS to continue the expansion of efforts to deter and prevent illegal border crossings. **($20 million)**

Border Facilitation – Air and Land Ports of Entry

The budget requests a total of 154 new Immigration Inspectors to staff new international airport terminals that are scheduled to be fully operational during FY 2000 and FY 2001. These positions will enable INS to continue to meet established inspection times at major airports. **($12.3 million)**

A total of 87 new land border Inspectors will support new ports of entry opening in FY 2000 in Eagle Pass, Los Tomates and Laredo, Texas. The requested positions will enable INS, in conjunction with U.S. Customs Service, to ensure that primary inspection lanes at these new ports will be sufficiently staffed for peak travel times. In addition, 28 Inspectors will handle increased workload at land border ports related, in part, to the expedited removal process. **($10.1 million)**

Pay Reform

INS plans to implement a comprehensive pay reform initiative for Border Patrol Agents and Immigration Inspectors. Pay reform will improve INS' ability to recruit and retain mission critical staff. The initiative also responds to changes within the nature of the work performed by Border Patrol Agents and Inspectors.

- **Border Patrol** – A total of $40.9 million is requested to fund a pay reform initiative for Border Patrol Agents that includes (1) upgrading the journey level from GS-9 to GS-11 (which provides additional potential for promotion while still serving in a non-supervisory position), and (2) changing overtime compensation for Border Patrol Agents so that the system is more consistent with other federal law enforcement occupations. The nature of Border Patrol work has evolved to the point that agents routinely use advanced technology and are required to engage in investigative and intelligence work. **($40.9 million)**
- **Inspections** – The INS budget request includes an increase of $28.9 million to upgrade the journey level of Immigration Inspector positions from GS-9 to GS-11. This reform recognizes the changes in an inspector's job imposed by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996—increased knowledge requirements and enhanced authorities and responsibilities, including the ability to remove aliens attempting illegal or fraudulent entry into the United States. **($28.9 million)**

FY 2001 Initiatives
($ in millions)

Initiative	S&E	Fees	Total
Border Enforcement – Border Patrol Agents	$ 52.0	$ –	$ 52.0
Border Enforcement – Technology	20.0	–	20.0
Border Facilitation – Immigration Inspectors	10.1	12.3	22.4
Inspectors Pay Upgrades	15.1	13.8	28.9
Border Patrol Pay Reform	40.9	–	40.9
TOTAL	**$138.1**	**$26.1**	**$164.2**

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/00

Immigration Services

In FY 1999, INS met its naturalization (N-400) goal by completing more than 1.2 million naturalization applications—a 105-percent increase over the number of applications completed the previous fiscal year. The agency is now on track to meet its FY 2000 goal of completing 1.3 million naturalization applications, which will mean a national average processing time of six months. The agency is also positioned to take on other immigration benefit caseloads more effectively, such as adjustment-of-status (I-485) applications. In FY 2000, INS plans to complete 500,000 adjustment-of-status applications—a 67 percent increase from the number of applications completed during the previous fiscal year.

To sustain this effort in FY 2001, the INS budget includes $807 million for the Examinations Fee Account (funded solely through the collection of fees from applicants) and projects $127.3 million in a new account, the Immigration Services Capital Investment Account (ISCIA). With these resources, INS will maintain the six-month processing for naturalization applications and continue to reduce the adjustment of status backlog by completing 600,000 applications.

In FY 2001, INS is proposing a voluntary Premium Service Fee of $1,000 for business cases, which will guarantee processing within 15 days. This initiative will provide businesses with an option to the regular processing of business cases which currently take from 60 days to more than one year, depending upon the form type and the servicing office. INS estimates that for FY 2001 the proposed Premium Service Fee could generate an estimated $80 million in additional revenue.

Of the $80 million generated, $25 million will be dedicated to guaranteeing the premium service and benefit fraud deterrence, and the remaining funds applied to capital investment items. Details on this new fee will be included in a proposed rule to be published in the *Federal Register* and will invite public comment before implementation.

Improving Services and Preventing Fraud

$25 million of the Premium Service Fee would provide the expedited service for businesses. This funding also will increase resources dedicated to detecting and investigating benefits fraud, which includes production and use of fraudulent documents and misrepresentation of eligibility to illegally apply for immigration benefits. Enhanced activities in anti-fraud operations will include checking evidentiary submissions, initiating field investigations as needed, and expanding data sharing with other agencies.

Other service improvement efforts include $1.5 million for citizenship testing as part of the ongoing reengineering of the naturalization process that began in 1997. The resources in the FY 2001 budget will enable INS to contract for the development of a new test, designed to ensure that naturalization applicants undergo consistent, uniform testing procedures. **($25 million)**

New Capital Investment Account

For the first time, INS is establishing a fund, the Immigration Services Capital Investment Account (ISCIA), to address ongoing infrastructure needs that are not currently covered by application fees. This funding in the ISCIA would be used solely for funding infrastructure improvements and addressing immigration benefit backlogs, supporting systems upgrades, and supplying information to customers, such as INS' new nationwide toll-free hotline. INS is anticipating $127.3 million in the ISCIA from direct appropriations ($34.8 million); portions of a new voluntary Premium Service Fee ($55 million), permitting businesses to pay for accelerated processing of employment-related applications; and re-authorization of a permanent 245(i) adjustment of status program ($37.5 million). **($127.3 million)**

FY 2001 Initiatives
($ in millions)

Initiative	S&E	Exams	Total
Improving Services and Preventing Fraud	$ –	$25.0	$25.0
Immigration Services Capital Investment Account	34.8	92.5	127.3
TOTAL	**$34.8**	**$117.5**	**$152.3**

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/00

Detention and Removal

The FY 2001 Budget includes $119.5 million and 250 new positions to strengthen efforts to identify and remove criminal aliens by increasing and improving detention bed space and transportation. INS will also expand its ability to enter information into the National Crime Information Center (NCIC) database, allowing nationwide computerized identification and apprehension of previously deported criminals.

State and Local Detention Bed Space

To comply with the mandatory detention requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the budget requests 25 Deportation Officers, 67 Detention Enforcement Officers, and 17 support positions to sustain an additional 1,000 average daily state and local detention bed spaces. This initiative includes resources to detain, remove and transport aliens. **($78.9 million)**

Detention Standards

The budget requests $8.6 million and 40 Deportation Officers, 37 Detention Enforcement Officers, and three Procurement Officers to implement detention standards at the state and local prisons and jails where INS contracts for detention beds. This initiative will enable INS to implement a program for all aliens in INS detention that includes a legal rights video presentation, access to legal materials, private telephone access, and visitation in private consultation rooms for attorney/client meetings. INS officers will provide management and liaison with the facilities to implement and maintain detention standards, initially focusing on the largest facilities before upgrading smaller facilities. **($8.6 million)**

Juvenile Detention Bed Space

The budget requests $8.5 million to fund 120 critically needed juvenile detention bed spaces nationwide, as well as providing resources for detention vehicles and other support equipment. The budget also requests seven Deportation Officers, three Detention Enforcement Officers, and one Procurement Analyst to manage the cases, transport the juveniles and implement removals. **($8.5 million)**

National Transportation System

The budget includes $15.5 million to fund an increase of 16,000 detainee transfers and repatriations as part of the Justice Prisoner and Alien Transportation System (JPATS). JPATS, created in 1995 by the U.S. Marshals Service and INS, is an air transportation system to transfer or repatriate federal prisoners and detainees. This funding will allow INS to increase its number of JPATS transfers and repatriations to a total of 85,000 in FY 2001. **($15.5 million)**

National Crime Information Center (NCIC)

The budget includes $8.0 million for 18 Deportation Officer and 32 program specialist positions for improvements in INS' use of the NCIC system, an FBI-operated database to track criminals. INS enters deported felons into the database. Included in the request are resources for alien detention, the installation of NCIC terminals and connections, detention vehicles, travel costs and alien removals. The additional staff will allow INS to better coordinate the daily use of NCIC, validate the quality of records, confirm the accuracy of the data, respond to hits on INS records in NCIC, and take custody, transport, detain and remove aliens apprehended by other law enforcement agencies. **($8.0 million)**

FY 2001 Initiatives
($ in millions)

Initiative	S&E	BBDF*	Total
National Transportation System	$10.0	$5.5	$15.5
Juvenile Detention Bed Space	3.5	5.0	8.5
State/Local Detention Bed Space	51.9	27.0	78.9
Detention Standards	8.6	–	8.6
National Crime Information Center (NCIC)	8.0	–	8.0
Total	**$82.0**	**$37.5**	**$119.5**

* Breached Bond Detention Fund

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/00

Professionalism and Infrastructure

For FY 2001, INS requests $10.1 million to continue improving the institutional development and infrastructure needed to sustain the enormous growth in the workforce over the past several years. This priority provides critical services for balanced support of the service and enforcement missions of the agency. It also ensures that a motivated and diverse workforce is well-trained to do its job. The Professionalism and Infrastructure initiative focuses on improving personnel management and accountability, restoring support staff for operational activities in the Regions and Headquarters, and integrating mission functions and strategies. This initiative will improve INS' ability to provide sustained support of its operational components and specific infrastructure and professionalism objectives to:

- Reduce the shortfall in meeting training requirements;
- Improve professionalism and motivation by effectively managing diversity in the INS workforce and through more flexible career development and geographic mobility strategies; and
- Strengthen organizational discipline and responsiveness by establishing more effective internal communication methods, and by better integrating strategic planning across enforcement and service functions.

Financial Management System

This request for the Federal Financial Management System (FFMS) will further INS' ability to become compliant with requirements of the Chief Financial Officers Act of 1990, and the Government Management Reform Act of 1994, for auditable financial statements that more accurately track the status and use of funds. These resources support the Administration's priorities to enhance professionalism and improve accountability within the INS financial management process. **($4.2 million from DOJ's Asset Forfeiture Fund)**

Legal Proceedings Base Shortfall

The INS budget requests 34 attorneys and 16 support staff to partially remedy serious understaffing of the Legal Proceedings Program. The Legal Proceedings Program provides the full range of legal support, including core responsibilities for representing INS before the Immigration Courts and the Board of Immigration Appeals. In addition, recently enacted legislation and new Congressional mandates and resources granted to the Service have increased the need for legal services support of expanded enforcement activities, increased arrests, criminal alien removal programs, Institutional Removal Programs, anti-smuggling efforts, conveyance seizures, expedited removal proceedings, and mandatory detention and removal of illegal aliens. The U.S. Army Manpower Analysis Agency recently completed a comprehensive review and documented the inadequate staffing needs in a 600-page report. The resources requested provide funding and positions for only a portion of the total documented shortfall. **($4.8 million)**

Administrative Center Staffing

Overall base resources for the Administrative Centers are inadequate to meet present commitments, thus resulting in significant backlogs and excessive overtime costs. The Administrative Centers need 30 positions to restore service to an acceptable level to meet needs for contracting, personnel and other administrative services in a growing agency. Current base resources allow only limited guidance and training to implement new initiatives, particularly in customer service areas. **($2.0 million)**

Financial and Debt Management Services

- The requested 60 positions will provide INS with a fully operational Debt Management Center (DMC) that will report to the Office of Financial Management. This center will perform all duties and responsibilities for the servicing of deposits and bond receipt administration, as well as the collection and administration of other account-receivable services (e.g., administrative fines and uncollectable checks). Congressional approval of the INS finance restructuring included approval of a DMC for Burlington, Vermont, as well as the Dallas Finance Center. This request is the first step in implementing this plan. This restructuring, together with the implementation of new financial systems, requires additional resources to handle the increasing data-entry workload. This initiative will provide INS with improved financial reports and systems control. **($3.3 million)**

FY 2001 Initiatives
($ in millions)

Initiative	S&E
Financial Management Systems (Funded from Asset Forfeiture Fund)	[4.2]
Legal Proceedings Base Shortfall	4.8
Administrative Center Staffing	2.0
Financial and Debt Management Services	$ 3.3
Total	**10.1**

Fact Sheet

The President's Fiscal 2001 Immigration Budget

2/00

Construction

The FY 2001 INS budget includes $77.1 million for a portion of the infrastructure requirements resulting from INS' rapid growth in personnel and enforcement capability over the past seven years. In FY 2001, needed infrastructure projects are focused on construction of Border Patrol stations and detention facilities.

FY 2001 Initiatives
($ in thousands)

Border Patrol Construction Projects	Amount
Texas	
Construction Projects	
Rio Grande City BP Station	$ 3,837
Sanderson BP Station	3,880
Hebbronville BP Station	1,955
Laredo Sector Checkpoint System (5 sites)	400
Del Rio Sector Checkpoint System (5 sites)	400
Subtotal	10,472
Planning/Site Development/Design	
McAllen, BP Station	813
Port Isabel, BP Station	500
El Paso, BP Station	865
Eagle Pass, BP Station	834
McAllen, BP Sector Headquarters	685
Subtotal	3,697
TOTAL, Texas	**$14,169**
California	
Construction Projects	
Temecula, BP Station	$ 5,373
Campo, BP Station	5,000
El Centro, BP Station	4,000
Subtotal	14,373
Planning/Site Development/Design	
El Cajon, BP Station	$ 307
TOTAL, California	**$14,680**

Border Construction	Amount
Arizona	
Construction Project	
Tucson, BP Station	$ 500
Douglas, BP Station	8,000
Yuma, BP Station	5,133
Yuma Sector Headquarters	4,000
Subtotal	**17,633**
Planning/Site Development/Design	
Tucson Sector Headquarters	$ 520
TOTAL, Arizona	**$18,153**
Border Infrastructure	**$ 3,300**
TOTAL	**$50,302**

Detention Construction Projects	Amount
Texas	
Construction Projects	
Port Isabel SPC: 200-bed dorms (two)	$ 6,400
Port Isabel SPC Phase 2 (process/infirmary/security command)	4,000
Subtotal	**10,400**
Planning/Site Development/Design	
Port Isabel SPC Phase One A	$1,500
El Paso SPC Secure & Isolation Dorms	1,149
Subtotal	**2,649**
TOTAL, Texas	**$13,049**
Florida	
Construction Projects	
Krome SPC admin/EOIR Bldg	$ 9,500
Planning/Site Development/Design	
Krome SPC Admin & Site Infrastructure	$ 1,184
TOTAL, Florida	**$10,684**
California	
Construction Projects	
San Pedro SPC Maint/Electronic Shop Upgrade	$ 800
Planning/Site Development/Design	
El Centro SPC Expansion Projects Phase One	$ 300
TOTAL, California	**$1,100**
TOTAL Detention Construction	**$24,833**
Repairs and Alterations	**$2,000**
TOTAL	**$77,135**

TALKING POINTS FOR THE INS FY2001 BUDGET

- INS' Fiscal Year 2001 budget totals $4.81 billion, an 11-percent increase over FY 2000. With this budget, the Administration will have increased INS funding by 219 percent since FY 1993.
- The FY 2001 budget includes $523 million in new initiatives. The budget will add a total of 1,305 new positions, allowing INS to grow to 33,122 positions by the end of FY 2001.
- The FY 2001 budget supports the immigration goals the agency and the Administration have pursued effectively over the past several years. These include improving customer service, facilitating legal immigration while deterring illegal immigration, and removing criminal and other illegal aliens from the United States.

IMPROVING CUSTOMER SERVICE

- INS' FY 2001 budget intensifies the agency's renewed focus on customer service. For the first time, INS is establishing a fund to address ongoing infrastructure needs that are not currently covered by applicant fees.
- The **Immigration Services Capital Investment Account (ISCIA)** will be used to fund infrastructure improvements, systems upgrades, and to address immigration benefit backlogs. This marks the first time INS will have a dedicated fund, separate from the Exams Fee Account (which is funded solely through application fees) that draws on other funding sources to pay for key service-related initiatives. INS is anticipating $127.3 million in the ISCIA, funded from $34.8 million in direct appropriations and the balance from two proposed new funding sources: a voluntary Premium Service Fee for businesses and fees from the re-authorization of a permanent 245(i) adjustment of status program.
- A voluntary Premium Service Fee of $1,000 is proposed for business related applications, and will provide businesses with guaranteed processing within 15 days. Fees received above the cost of the guaranteed 15 day processing and deterring fraud, will go to the Immigration Services Capital Investment Account and will benefit all INS customers.

STRENGTHENING ENFORCEMENT

- The FY 2001 budget strengthens the multi-year border enforcement effort by providing a $52 million increase to the Border Patrol. This will fund 430 additional Border Patrol agents to more than double the FY 1993 staffing level.
- In a year of budget constraints and serious limitations, INS' FY 2001 budget reflects a continuing commitment to strengthening enforcement as well as our efforts to be in the best position to recruit and retain the best agents in a tight labor market. The budget includes a $69.8 million to support pay reform and position upgrades for Border Patrol Agents and Immigration Inspectors.

U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE

QUESTIONS AND ANSWERS (Internal Use)

2/7/00

FY 2001 Budget Rollout

Q1. Realizing that deployment numbers are announced after a budget is approved, what are the planning numbers in the budget for inspectors for each of the new or expanded air and land port facilities (e.g., Eagle Pass and Los Tomates)?

A1. The budget projects distribution of inspectors, subject to Congressional approval, to land ports as follows: Los Tomates, 32; Eagle Pass, 22; Laredo, 33. The remainder would be assigned to 13 other land ports on the northern and southern land borders. The requested 154 inspectors, to be allocated among air ports of entry, are also subject to Congressional action and would be announced following Congressional approval.

Q2. Please explain the new account for immigration services that blends fees and appropriated funds.

A2. The Immigration Services Capital Investment Account (ISCIA) marks the first time INS will have a dedicated fund, separate from the Exams Fee Account (which is funded solely through application fees) that draws on other funding sources to pay for key service-related initiatives. INS is anticipating $127.3 million in the ISCIA, funded from $34.8 million in direct appropriations and the balance from portions of two proposed new fees, a Premium Service Fee for businesses and fees from the re-authorization of a permanent 245(i) adjustment of status program.

INS estimates that for FY 2001 the proposed Premium Service Fee could generate an estimated $80 million in additional revenue. Of the $80 million generated, $25 million will be dedicated to guaranteeing the premium service and benefit fraud deterrence, and the remaining $55 million funds applied to capital investment items that benefit all applicants.

Q3. Please explain the new account for support services and how it would operate.

A3. The Shared Support Operations Fund (SSOF) is an internal accounting mechanism and will provide shared support services to streamline INS internal management practices and make INS more business efficient in three areas: files and forms management, security background investigations and reinvestigations, and Equal Employment Opportunity Program services.

In FY 2001, INS will embark on a process of identifying the costs of specific agency-wide shared services, which operating divisions and field activities would "purchase" through agreements covering funding and delivery of service. This concept, which has been employed in other federal agencies with success, is consistent with the current INS restructuring proposal for shared services supporting enforcement and immigration services functions. In its first year (FY 2001), INS will develop the mechanisms for these central services to gain experience with the concept. The estimated value of services covered by the fund in FY 2001 is $154.6 million from existing resources.

Q4. What is this proposed Premium Service Fee?

A4. The proposed voluntary Premium Service Fee will provide businesses with guaranteed processing within 15 days. The proposed fee for this service is $1,000. By charging the additional fee, INS will be able to hire additional employees to provide these expanded services, and also support service-related infrastructure improvements, benefiting all INS customers. Details will be published in the *Federal Register* for public comment before implementation.

Q5. What happens if INS is unable to process a Premium Service application in the 15-day period?

A5. INS will specify guidelines for refunding the premium fee when regulations are published in the *Federal Register,* which will include a period for public comment prior to implementation.

Q6. Won't this Premium Service proposal just help the big business customers at the expense of other applicants/customers?

A6. No. Although the fee is intended to assist the business community address their immediate needs for workers in specialty occupations, it will also benefit other applicants. By charging the additional fee, INS will be able to hire additional employees to provide these expanded services, but will also be able to reassign adjudicators currently working on business petitions to other family-based applications.

Q7. What will happen to this Premium Service Fee? Will it be used to fund enforcement?

A7. INS estimates that for FY 2001 the proposed Premium Service Fee could generate an estimated $80 million in additional revenue. Of the $80 million generated, $25 million will be dedicated to guaranteeing the premium service and benefit fraud deterrence, and the remaining funds applied to capital investment items.

Some revenue will be used to ensure the integrity of immigration service benefits. These resources will be used to identify benefit fraud by providing resources to quickly check evidentiary submissions, initiate field investigations as needed, and expand data sharing with other agencies. By enhancing these operations, INS will improve the deterrence of benefit fraud and ensure the integrity of the adjudicative process.

Q8. In justifying why you did not request 1,000 Border Patrol agents in FY 2000, you said that INS was using FY 2000 as a time to allow the Border Patrol to gain experience—to "take a breather." Are you doing this again in FY 2001, or is this just recognition that you simply cannot hire any more than this in a given year?

A8. In an environment of budget constraints and clear limitations, the FY 2001 budget reflects an increase in new agents as well as a focus on efforts to recruit and retain agents. The budget includes a $52-million request for 430 new agents. It also includes $40.9 million for a comprehensive pay reform package that will put INS in the strongest position to recruit new agents and retain experienced agents.

Q9. Will INS hire the 1,000 Border Patrol Agents provided by Congress in FY 2000? If not, how many will INS hire in FY 2000?

A9. In FY 2000, INS has set a hiring target of 1,883 Border Patrol agents. The target includes covering projected Border Patrol attrition of 853 agents and hiring 1,030 new agents in FY 2000. The 1,030 agents includes 430 new agents and 600 new agents positions approved in FY 1999 which were not filled by the end of that fiscal year.

Q10. Will INS be putting more agents on the northern border?

A10. The INS is planning to allocate additional agents to the northern border in FY 2000. Locations will be announced when decisions are made after consultation with Congress. In FY 1999, a compelling need existed to address northern border enforcement requirements independent of the strategic application of resources along the Southwest border. As a result, 22 positions were deployed to the northern border in FY 1999 to respond to critical operational needs that were illustrated by recent enforcement actions. While the southwestern land border locations remain the priority for the deployment of new resources, the Border Patrol will address compelling situations in the northern and coastal border areas in FY 2000 and FY 2001.

Q11. You indicated last year that by the end of FY 2000, INS would be better able to estimate the need for further growth and schedule that growth over time. What key issues did you find during the past year in assessing the professionalism of your workforce and the effectiveness of your strategic plan, operational initiatives, and agency infrastructure requirements that led you to propose this type of budget?

A11. In short, further analyses from the past year reconfirmed and refined some initial findings and resulted in a budget enhancement request that reflected three overarching needs:

- Provide for appropriate compensation in order to recruit and retain a professional workforce,
- Address critical shortfalls and needs in the "mission-support" activities required for effective operations with the expanded workforce and mission taskings received through FY 2000, and
- Keep pace with continued growth of normally experienced workload and that generated by recent changes to INS' mission-direct operations (e.g., increased mandatory detention and removal, increased control of border areas between ports, expanding traveler traffic at ports, and increased applications processing and quality control for immigration benefits).

These themes are evident in the budget requests for the respective accounts that align directly with our mission programs:

- The Construction budget focuses on a need to catch up with past growth, as well as address normally expanding operations. Our analysis in the facilities construction and maintenance areas showed large unmet needs that continue to hamper effective operations, and in many instances, also present health, safety and morale problems for officer corps staff who risk their lives on a daily basis.
- For future growth, our analyses continue to indicate further expansion of our officer corps is required, but in a balanced manner where the mission-support activities, infrastructure and support staff are proportionately included to provide for effective operations.
- Additionally, in the highly competitive labor market that will continue to exist, which impacts the ability to hire and retain officers, an appropriate compensation package is a basic requirement. The Pay Reform initiative in our FY 2001 enhancement package is our number one priority.

Q12. Does this budget signal that the Administration believes the reorganization of INS is inevitable?

A12. While there is no specific funding in the budget for restructuring, the Administration continues to support an INS restructuring proposal that splits enforcement and services into two distinct chains of command with one senior appointed official empowered to coordinate functions between the two. This will increase efficiency and accountability and will allow the nation to administer a consistent and coherent immigration policy.

Q13. What are the implications of this budget request for the QRTs?

A13. There is no funding in the budget for additional QRTs. Establishing and staffing new offices is a process which requires significant lead time. The QRTs provided by Congress in FY 1999 are just becoming operational. It is important to assess the effectiveness of these QRTs and use that information to determine the right mix and location for additional QRTs, if necessary.

Q14. Are there any funds—or ongoing planning work for that matter—set aside for preparing plans or pilots for implementing Section 110 requirements?

A14. INS has been conducting feasibility studies to evaluate the requirements necessary and to determine the costs to comply with Section 110 along the northern and southern land borders. INS continues to move forward with its successful pilot project to implement Section 110 at airports. INS supports legislation in Congress that would change the requirement for developing an entry and exit data collection system on the northern and southern borders until INS can fully evaluate the results of its ongoing technology tests and feasibility studies for the northern and southern land borders. While the FY 2001 budget does not include additional resources for implementation of Section 110, feasibility tests will continue.

Q15. How much in the way of new resources are sought to combat the growing alien-smuggling business that has received so much public attention in the past year?

A15. While no new resources are requested in the FY 2001 budget, INS continues to expand its control of traditional crossing points on the U.S. land borders and is increasingly identifying and apprehending smuggled aliens. At the same time, INS' overseas anti-smuggling efforts have grown dramatically in the last two years through Operation Global Reach.

Q16. The FY 2001 budget has been announced and you still have not announced the deployment of your FY 2000 resources. Why and when are you planning that announcement?

A16. The appropriation for FY 2000 contained a resource level which posed a number of complications directly related to the resource deployment process as well as the development of the FY 2001 budget. As a result, it has led to a delay in making final resource deployment decisions.

To put this in perspective, last year deployment decisions for new Border Patrol positions were not announced until February 1999. This year, the deployment announcement will be made only after INS has fully coordinated deployment plans within the Department of Justice, and after the appropriate consultation with the Congress, as in previous years. INS expect to announce those plans within the next several weeks.

Q17. The 2001 budget is on the street and you still have not laid out a summary of what you received from the Congress (final passage) for FY 2000. Why is that and when do you plan to do so?

A17. The FY 2000 appropriation directed that a number of items be funded through earmarks of budget base resources. This has required a considerable amount of time to work through all of the details related to the appropriation and how to comply with the Congress' requirements. At the same time, the close relationship of determining the funding levels to development and presentation of the FY 2001 budget request that has delayed final announcements regarding the FY 2000 appropriation.

Q18. What was INS' FY 2000 budget request to DOJ and OMB? What did you ask for in comparison to what you received?

A18. While we are not going to discuss specifics, it is important to remember that the budget process is a long and deliberative one, where competing priorities are analyzed and debated. Fiscal realities dictate that not every valid requirement can be funded, and the Administration is forced to make tough decisions regarding competing priorities. The final budget request, therefore, reflects the Executive Branch position on spending priorities and levels.

Q19. Why does your budget include resources for infrastructure and administrative functions instead of applying them to critical enforcement needs?

A19. There is a direct correlation between the Agency's infrastructure and management support and enforcement operations. Enforcement needs are only met when infrastructure and management support is adequate to provide necessary facilities, equipment and administrative support services.

Over the past several years, the INS workforce has nearly doubled in size. However, support for a greatly expanded workforce has not kept pace with the result that INS employees find themselves severely hampered in their efforts to conduct enforcement and other critical mission functions.

Facilities to house the workforce are seriously overcrowded in many areas, and, in many cases, badly in need of repairs and maintenance to make them safe and usable. Administrative staff cannot handle the sheer volume of support (personnel actions, training, procurement, paying the bills and accounting for resources, logistics) that the current size of INS requires. As a result, backlogged projects and work are evident in virtually all infrastructure areas.

Q20. Why does the budget request so many additional attorneys?

A20. The FY 2001 budget reflects the special need for legal support—34 attorneys and 16 support staff—to ensure that INS can complete its expanded enforcement and other mission activities. These functions include handling removal proceedings and appeals, employer sanctions, seizure litigation, contested naturalization and denaturalization cases, and criminal alien matters. The volume of other legal activities such as labor-related cases, tort claims, contract matters, and legal advice has also grown exponentially with the growth of INS.

The lack of a sufficient number of INS attorneys has coincided with a dramatic increase in both the number and the percentage of aliens granted relief from removal by Immigration Judges. According to statistics provided by EOIR, the number of aliens granted relief from removal increased by 414 percent—from 5,710 to 29,352—between FY 1994 and FY 1999. With the sole exception of FY 1997, Immigration Judges have granted relief from removal in a greater percentage of cases each and every year since FY 1994. This trend greatly accelerated in FY 1999, with Immigration Judges granting relief in 17.2 percent of the cases, up from only 5.4 percent in FY 1994.

Because the Service cannot perform its enforcement functions without adequate legal and management support and infrastructure, these areas in themselves become critical enforcement needs for an agency that has experienced substantial growth.

Q21. What's in the FY 2001 INS budget for naturalization and other application processing? What are your performance/workload goals for both the N-400 and the I-485?

A21. In FY 1999, INS met its naturalization (N-400) goal by completing more than 1.2 million naturalization applications—a 105 percent increase from the number of applications completed the previous fiscal year—and is now on track to meet its FY 2000 goal of completing 1.3 million naturalization applications. The agency is also positioned to take on other immigration benefit caseloads more effectively, such as the adjustment of status (I-485) backlog. In FY 2000, INS plans to complete 600,000 adjustment of status applications—a 67 percent increase from the number of applications completed the previous fiscal year.

To sustain this effort in FY 2001, the INS budget includes $807 million for the Examinations Fee Account (funded solely through the collection of fees from applicants) and $127.3 million in a new account, the Immigration Services Capital Investment Account (ISCIA). With these resources, INS will maintain the 6-month processing for naturalization applications and continue to reduce the adjustment-of-status backlog by completing 600,000 applications.

In FY 2001, INS is also proposing to establish a voluntary Premium Service Fee of $1,000 for business cases, which will provide businesses with guaranteed processing within 15 days. Fees received above the cost of adjudicating the business cases and deterring fraud will be deposited in the ISCIA to support infrastructure improvements, benefiting all customers. These include improvements to INS' computer systems, service delivery systems and special backlog reduction efforts.

Now Fleeing the Border Patrol: Its Own Agents

As Illegal Crossings From Mexico Plummet, Force Is Plagued By Boredom and Attrition

By MARJORIE VALBRUN
Staff Reporter of THE WALL STREET JOURNAL

SAN DIEGO—Every Tuesday and Thursday morning, during regular working hours, Greg Hartfield heads to Nicoloff Elementary School in nearby San Ysidiro to help students learn to read. He tutors at another area school on Mondays and Wednesdays. In the afternoons, he works in the local libraries, assisting children with homework.

YOUR CAREER MATTERS

Mr. Hartfield's occupation? U.S. Border Patrol agent, with a mandate to keep illegal immigrants from entering the United States from Mexico.

Border agents, once an alluring branch of law-enforcement, now face a career predicament: they have done their job so well that it lacks the action and drama that made many of them sign up in the first place. The result: growing morale and attrition problems among the "pistoleros."

Recent arrests along the Canadian border have heightened fears that terrorists may be trying to infiltrate the country. But when it comes to illegal immigration, the Immigration and Naturalization Service, which runs the Border Patrol, says the border is under better control than ever. That's thanks to "Operation Gatekeeper," which

Maytag repairman? *Border Patrol agent Greg Hartfield spends most of his work week tutoring.*

over a five-year period boosted manpower, added state-of-the-art detection equipment and directed the construction of a 12-foot-high fence along more than 70 miles of the U.S.-Mexico border.

The San Diego sector covers just 66 miles of the 1,200-mile border, but it accounted for about 40% of all border crossings before Operation Gatekeeper began. In fiscal 1995, one year after the program began, 524,231 migrants were apprehended in San Diego. In fiscal 1999, which ended on Sept. 30, only 182,248 border crossers were stopped there, a 25-year low. Now San Diego accounts for just 12% of border crossings.

For agents, the new pace leaves plenty of time during the workday for tutoring and other community service. San Diego sector Chief William Veal encourages them to take advantage of the opportunity, enabling some, including Mr. Hartfield, to do so full-time. Others put in several hours a week during working hours. Many are none too pleased about it.

"The agents are bored to death. The sense of apathy, I see it in their eyes. Everybody is frustrated," says Joseph Dassaro, an agent since 1992 and vice president of Local 1613 of the National Border Patrol Council. "An agent will not stay in the border patrol for 25 years just to read to eighth graders," said Mr. Dassaro, who does no volunteer work. "Every agent I know has an application in somewhere else." Some new agents are leaving even before they complete the one-year probationary period.

In the San Diego sector of the patrol, the 2,136-person force is hemorrhaging agents even as it struggles to buttress its ranks, partly to comply with federal requirements that the patrol nationwide add 1,000 agents a year, through 2001. In the last four years, the sector hired 1,709 new agents but lost 1,189. In fiscal 1997, 324 agents left. And in fiscal 1998, the same year a union survey found that 60% of the agents were actively pursuing work elsewhere, the sector lost 337 agents.

The slower pace is especially disappointing to the new agents, says Roy Villareal, a spokesman for the San Diego sector. "They hear these stories of the old days with high-speed chases, catching groups of 50 people at a time. The old guys tell war stories, the new guys hear this and say, 'Wow. I wish I could do that.' "

Moreover, new Border Patrol tactics, designed to make best use of the high-tech detection equipment, have cut agents' mobility, even along the border. For the most part, agents keep watch—in stationary positions—over an increasingly inert landscape.

Exacerbating the boredom problem is the shift away from so-called interior enforcement—the pursuit of people within the U.S. who are suspected of being here illegally. That prohibition, part of Operation Gatekeeper, followed complaints that people were being stopped just because they "looked Hispanic." There were also concerns about accidents and legal liability arising from high-speed chases. INS district offices now handle interior enforcement.

INS Commissioner Doris Meissner says the changes in the nation's 7,700-agent Border Patrol mirror those taking place in law-enforcement agencies around the country. The new strategies demonstrate "how the notion we know as community policing is applied in a border-control context," she says. "And we know that all over the country, community policing is accepted as the way of the future in effective policing."

San Diego administrators met with more than 60 agents in October to address their concerns. "I hear in a lot of your voices that sense of frustration," sector chief Mr. Veal told them. But he reminded them that guarding the border—the lack of excitement notwithstanding—is the priority. "Our strategy is to create an environment that doesn't encourage people to cross," he said.

In part to address the boredom problem, agents can do stints in more-exciting locations.

In part to address the boredom problem, the patrol lets agents take 30-day assignments in more exciting locations, such as the Arizona border—now the nation's busiest crossing point—and at U.S. airports in border states. And Mr. Veal says the San Diego agents are slowly adapting to their altered role; he points to a somewhat-reduced flow of departures—270 in fiscal 1999—as evidence. Nationwide in 1999, 757 agents left, leaving the Border Patrol with a net gain of only 369 agents.

Some of the attrition is the product of the current availability of higher paying work elsewhere, rather than job frustration, he adds. This is a particular problem in San Diego, where the cost of living is high. Some who leave are promoted to other INS jobs. Others get higher profile jobs at the Federal Bureau of Investigation, Drug Enforcement Administration and Central Intelligence Agency.

Mr. Hartfield's career neatly tracks the recent changes that have occurred in the Border Patrol, as well as the dilemma facing many agents. He joined in 1995, spurred by memories of visits he had made to San Diego in the mid-1980s for training while he was in the Navy. At nights, he and a friend would drive to the border and watch in awe as agents chased down crossers. "It was so out of control it was almost funny," he says, smiling at the memory. "That's kind of what I thought it was going to be like when I joined."

Then, Operation Gatekeeper, with its new rules, kicked in. "I go through periods where I say, 'OK, I'm going to put my application in somewhere,' " says 34-year-old Mr. Hartfield. " Sometimes I think I can always transfer to a station that is like this one used to be. But then I think a lot of things we used to do, we can't do any more."

Recently he reached a decision about his future: He applied for jobs at the U.S. Secret Service and the FBI.

THE WALL STREET JOURNAL
TUESDAY, JANUARY 4, 2000