

THE WHITE HOUSE
WASHINGTON

October 29, 1999

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice, State,
and the Judiciary
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As Secretaries of the Federal Departments that share responsibility for immigration and border enforcement issues with the Department of Justice, we are committed to working with the Congress to help improve our Nation's immigration system.

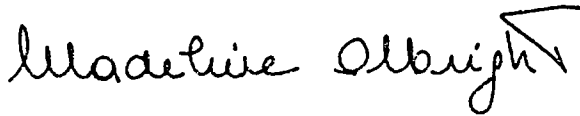
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Accountable to

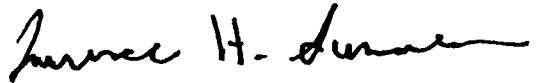
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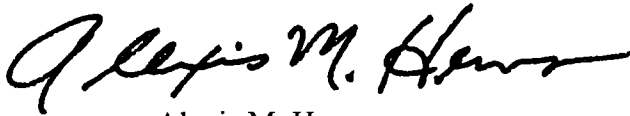
Sincerely,



Madeleine K. Albright
Secretary of State



Lawrence H. Summers
Secretary of the Treasury



Alexis M. Herman
Secretary of Labor



Daniel Glickman
Secretary of Agriculture

Identical Letter Sent To:

The Honorable Spencer Abraham
The Honorable Judd Gregg
The Honorable Ernest Hollings
The Honorable Sheila Jackson-Lee
The Honorable Edward Kennedy
The Honorable Harold Rogers
The Honorable Lamar Smith

THE WHITE HOUSE
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The Honorable Spencer Abraham
United States Senate
Washington, D.C. 20510

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Committee on the Judiciary
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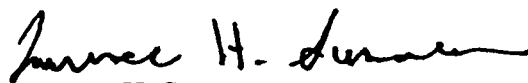
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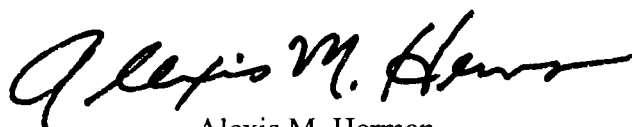
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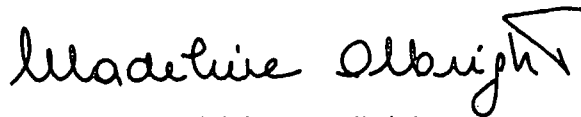
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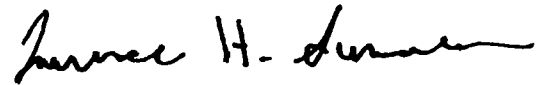
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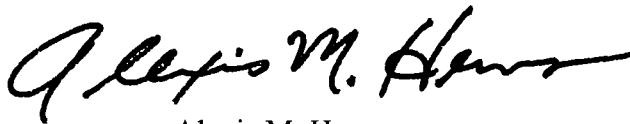
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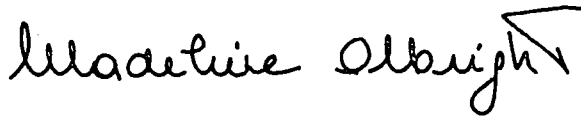
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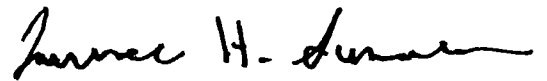
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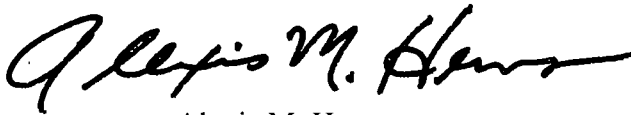
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The Honorable Sheila Jackson-Lee
U. S. House of Representatives
Washington, D.C 20515

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October 29, 1999

The Honorable Sheila Jackson-Lee
Subcommittee on Immigration and Claims
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Congresswoman Jackson-Lee:

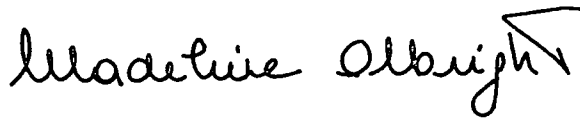
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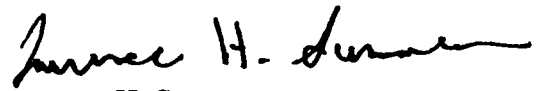
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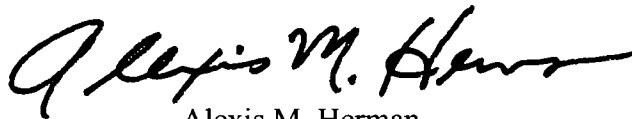
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U.S. House of Representatives
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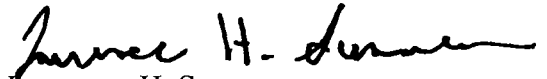
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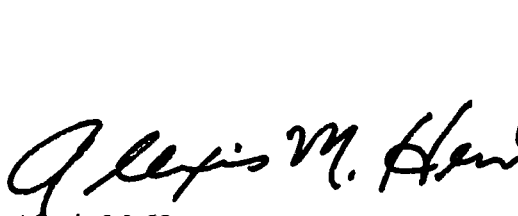
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The Honorable Edward Kennedy
United States Senate
Washington, D.C. 20510

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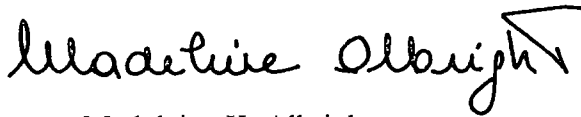
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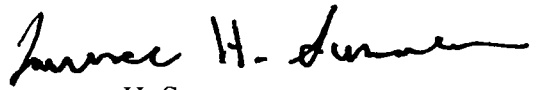
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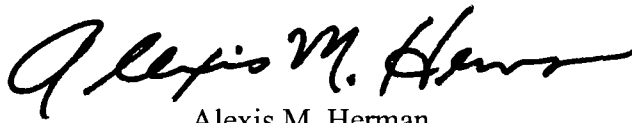
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Madeleine K. Albright
Secretary of State

Lawrence H. Summers
Secretary of the Treasury

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Alexis M. Herman
Secretary of Labor

Daniel Glickman
Secretary of Agriculture

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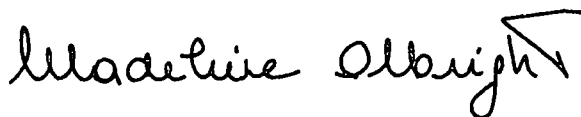
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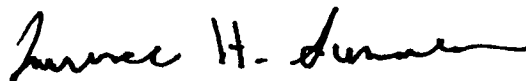
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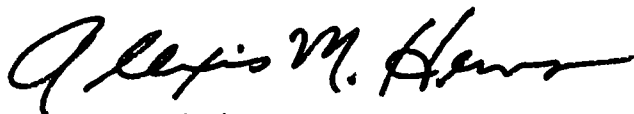
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To: Irene Bueno fax 6-7028

From: Lisa Macecic fax 5-3109

Hi Irene,
OPM sent over these comments;
DoJ isn't going to include them in their
letter but Greg Jones (my contact)
is going to give them to Patty First
to pass along to staffers that there
are OPM issues that need to be worked
out.

(Steve Mertens has looked
at them too.)

11/3/99

OPM COMMENTS ON JUSTICE REPORT ON H.R. 2528 (LRM ID: LJM54)

We have no objection to the Justice Report on H.R. 2528, but we do have concerns about the bill itself:

- Nothing in the bill "abolishes" INS as it exists today (no repeal of 8 U.S.C. 1551), or eliminates the PAS position(s) associated with that agency (e.g., INS commissioner or other positions in INS (8 U.S.C. 1552 and 1553).

- We have generally taken the position against establishing specific positions in the SES in legislation (see the CFOs established on pages 3 and 4). We have no objection to a requirement that specific positions be filled by career appointment if justified, but the agency head needs the flexibility to determine if SES or other job classifications are warranted.

- With regard to the personnel transfer provisions in section 6, the initial paragraph indicates that all personnel will transfer with their functions. This seems to be contradicted by the provisions in 6(b)(2) that say the transfer shall not cause separation or RIF -- we assume this means of those whose functions are transferred as opposed to those whose functions are abolished as a result of the abolishment of some "umbrella" organizations. This provision is so broadly written that one could interpret it as applying to any noncareer/Schedule C/temporary employees who might be affected, which is not appropriate.

- Regarding the SES provision in 6(b)(3), by statute in 5 USC 3595(3) (apart from this legislative proposal) a career SESer is given the right to transfer with his/her function. This is slightly different from the provision here which provides that all career SESers in INS will go to one of the 2 new bureaus whether the function transfers or not. They are, in effect, indicating that the new bureaus must find a place for the career SESers whether they are needed or not. However, if they feel there needs to be a "save the career SESer" provision, we suggest it be broadened to placement somewhere in the Department of Justice, not just in the 2 bureaus, which would be consistent with the RIF provisions at 3595. (i.e., that career SESers transfer with their function; career SESers whose functions are abolished and not transferred be placed somewhere in DOJ).

- We would also suggest eliminating the provision at 6(c), as there will be positions abolished if INS is no longer a single bureau and the number of positions authorized for INS may not be necessary and this precludes management flexibility for streamlining as appropriate.