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Office of Management and Budget
TCJS Division
Justice/GSA Branch

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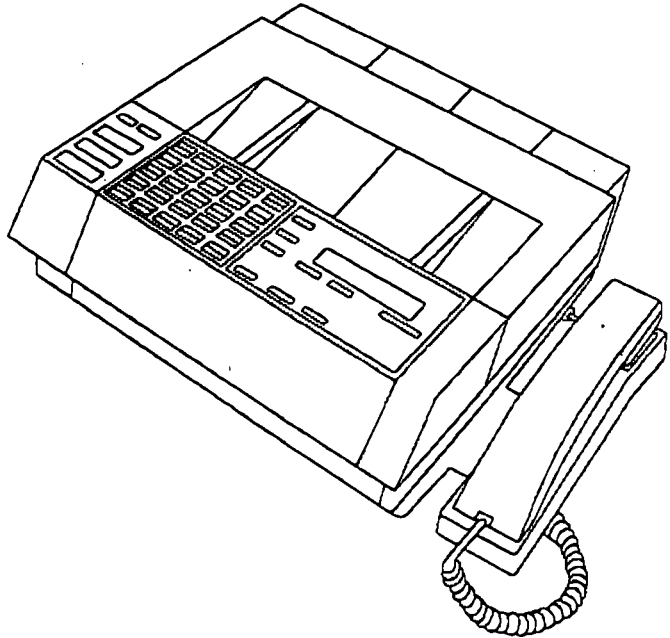
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BUDGET



BUDGET OF THE UNITED STATES GOVERNMENT

Fiscal Year 2000

8. ENFORCING THE LAW

"Americans are safer today than they have been in many years. Our strategy of putting more police on the beat and getting guns off the street is working. Americans have taken back their neighborhoods, and shown that rising crime and deadly violence need not be tolerated. But in far too many communities, crime remains a serious problem, and our work is far from done."

President Clinton
November 1998

The Administration's sustained and aggressive efforts to fight crime have been extraordinarily successful. For more than six years, serious crime has fallen uninterrupted. The murder rate is down by more than 28 percent, its lowest point in three decades. And after years of steady increases, drug use among teens is beginning to level off, and even decline. These successes are the result of a simple, three-part strategy:

- putting more police on the street and promoting community policing while taking measures to deter violent offenders and gun violence;
- controlling alien smuggling and illegal immigration into the United States, and the drug smuggling and other illegal activities that can accompany it, through reliance on stepped-up border enforcement and the use of technology; and
- fighting drug abuse on all fronts, especially among children, by vigorously enforcing the Nation's drug laws and developing prevention programs which give children an alternative to crime and drugs and a chance for a positive future.

A cornerstone of the Administration's crime-fighting strategy, Community Oriented Policing Services (COPS), went into force at the start of the President's first term. With expanded resources for enforcement, and reliance on neighborhood involvement, COPS has brought stability and security to many once-dangerous neighborhoods. COPS has encouraged citizens to work with officers and other authorities in the criminal justice system to combat and prevent crime in their neighbor-

hoods. And it has put more officers on the beat. COPS will achieve its goal of putting 100,000 officers on the beat in 1999—ahead of schedule and under budget—making all communities that much safer.

The next step in the President's anti-crime strategy is the new 21st Century Policing Initiative. It continues the Administration's commitment to keep the number of officers on the beat at an all-time high, by helping communities hire, redeploy, and retain police officers. It also builds on the COPS program in two key ways. First, it provides significant new funds to give law enforcement access to the latest crime-fighting and crime-solving technologies—improved police communications, crime mapping, laptop computers, crime lab improvements, and more. Second, the initiative makes an unprecedented commitment to engage the entire community in the hard work of preventing and fighting crime—by funding new community-based prosecutors, and partnerships with probation and parole officers, school officials, and faith-based organizations.

The budget also builds on the Administration's efforts to combat gun crime. On the legislative front, the Administration has won difficult victories in passing some of the toughest gun laws ever—including the Brady Law, the ban on assault weapons, and the Youth Handgun Safety Act. To build on these achievements and to further enhance law enforcement's ability to curb the use of guns in our society, the budget proposes a plan to address gun crime by enhancing and better coordinating the enforcement of Federal firearms laws. It also devotes signifi-

- *Weapons of mass destruction:* The budget proposes fully funding the second year of the Administration's 1999 chemical/biological weapons initiative, including: \$174 million for the Justice Department to improve the capability of State and local governments to prepare for and respond to weapons of mass destruction; more than \$100 million for DOD domestic preparedness and response capabilities; \$35 million for the Department of Energy's emergency response capabilities for nuclear terrorist events; and \$17 million for the Department of Health and Human Services' Metropolitan Medical Strike Teams, which handle the medical response to an incident involving biological or chemical weapons of mass destruction.
- *Critical infrastructure protection/cyber crime:* The budget proposes over \$1.4 billion for critical infrastructure protection across the Government. These funds support a national effort to assure the security of our increasingly vulnerable and interconnected infrastructures, such as telecommunications, banking and finance, energy, transportation, and essential government services. Of the total, \$46 million enhances the investigative and prosecutorial efforts of the FBI, the U.S. Attorneys, and the Justice Department's Criminal Division. The budget also supports critical infrastructure-related research and development programs in DOD and other agencies. In aggregate, the 2000 request exceeds 1999 enacted levels by more than \$400 million.
- *Aviation security:* The budget provides \$100 million to the Federal Aviation Administration for airport explosives detection equipment in support of recommendations of the White House Commission on Aviation Safety and Security.
- *Financial crime:* The Treasury Department is developing a national strategy for combating money laundering and related financial crime. This strategy relies on the efforts of a number of Treasury bureaus, including the U.S. Customs Service and the Internal Revenue Service, which identify, disrupt, and dismantle criminal organizations that launder the proceeds gen-

erated by smuggling, trade fraud, export violations, and a range of other illegal activities. The Financial Crimes Enforcement Network also provides money laundering case support to local, State, and Federal agencies.

Meeting the Challenges of Immigration

The United States is a Nation of immigrants. While we welcome legal immigrants to our Nation, the United States is also a Nation of laws and it is imperative to take serious measures to bar illegal immigrants from making their way across America's borders. Illegal immigration can threaten public safety when it is accompanied by organized drug, alien smuggling and gang activities that increase disorder in our communities.

The Administration has done more to control illegal immigration than any Administration before it. Working through the Immigration and Naturalization Service (INS), the Administration has reversed decades of neglect along the Southwest border with an aggressive border control strategy. Since 1993, this strategy has added nearly 5,000 new Border Patrol agents—more than double the 1993 levels—fully equipped with state-of-the-art technology, border barriers and infrastructure to gain control and return the rule of law to the border. However, we must do more. The budget continues to fund this bipartisan effort to gain control and effectively manage our Nation's borders. (See Table 8-1 for INS funding by program.)

While the Administration takes steps to curb illegal immigration, which is a threat to our society, it must also be responsive to those who seek to immigrate to this country by legal means, those who come here to work hard and play by the rules, and who may also fear persecution in their homeland.

The Administration is reengineering the naturalization process which, since 1995, has seen a dramatic upsurge in demand for naturalization. Due to this unprecedented flood of applications, the Nation welcomed over a million new citizens in 1997, and 473,152 citizens in 1998. There is currently a backlog of over 1.8 million applicants waiting for the receipt of the most important

**Table 8-1. IMMIGRATION AND NATURALIZATION SERVICE
FUNDING BY PROGRAM**

(Budget authority, dollar amounts in millions)

	1998 Actual	1999 Estimate	2000 Proposed	Dollar Change: 1999 to 2000	Percent Change: 1999 to 2000
Appropriated Funds:					
Border Patrol	875	917	1,044	+127	+14%
Investigations and intelligence	271	293	324	+31	+10%
Land border inspections	168	172	189	+17	+10%
Detention and deportation	413	474	577	+103	+22%
Program support and construction	614	704	802	+98	+14%
Subtotal, Appropriated Funds	2,342	2,560	2,935	+376	+15%
Fee Collections and Reimbursements:					
Citizenship and benefits	719	636	689	+53	+8%
Air/sea inspections and support	412	486	518	+32	+7%
Immigration support	203	184	127	-57	-31%
Subtotal, Fee Collections and Reimburse- ments	1,333	1,306	1,334	+28	+2%
Total, Immigration and Naturalization Service	3,675	3,866	4,269	+403	+10%

and valuable benefit the Federal Government can bestow—citizenship. The Administration is committed to ensuring that the benefits of citizenship are provided in a timely manner.

Border Control and Enforcement: The budget continues last year's level of Border Patrol staffing at nearly 9,000 agents—a 127-percent increase from 3,965 agents—representing a year of consolidation after steady growth since the start of this Administration. The budget increases the Administration's commitment to border control by proposing \$50 million in funding for "force-multiplying" technologies, including border monitoring with high resolution color and infrared cameras and state-of-the-art command centers. This combination of surveillance technology, Integrated Surveillance Intelligence System (ISIS), provides the capability to monitor the border from remote sites. Reliance on this advanced technology will permit Border Patrol agents to monitor the border more effectively and increase their ability to actively respond to incursions. The \$50 million budget request will fund the deployment of approximately 200 sys-

tems, adding capacity to monitor areas that would otherwise require the addition of approximately 1,000 extra agents. The deployment of these systems ensures an immediate and effective deterrent while the Border Patrol more effectively deploys and builds the experience base of the agents it has hired and trained over the past several years.

The budget also provides funds to expand, renovate and construct Border Patrol stations, border barriers and fencing, install permanent lighting, and construct support roads along the Southwest border. These deterrents help control the border by increasing the abilities of Border Patrol agents to apprehend those trying to enter illegally. Since 1993, INS has added over 165 night scopes, 5,115 ground sensors, 97 miles of fencing, and 22 miles of border lighting. It has also added or improved over 1,500 miles of roads. The budget provides funds for another 18 miles of border lighting and additional fencing, and for maintaining border deterrents now in place.

Detention and Removal of Illegal Aliens:

The Administration is committed to removing those who have entered the country illegally. With the resources provided over the past few years, INS has targeted its efforts primarily on removing aliens held in Federal, State and local facilities to ensure these criminal are not allowed back on the street. In 1998, INS removed 169,072 aliens, including 55,211 criminal aliens. The budget supports INS' detention program by proposing a \$42.5 million increase for detention facilities, transportation, and contract bed space to detain and swiftly remove those who have entered illegally. An additional \$54 million is requested to fund detention operations previously funded from a depleted Breached Bond/Detention Fund account.

Border and Port-of-Entry Coordination:

The United States Customs Service (Customs) and the INS have developed a strategic plan to expand cooperation on the Southwest border focused on increasing the interdiction of illegal drugs, aliens and other contraband. The border management agencies have announced six initiatives along the Southwest border aimed at improving coordination.

These initiatives include:

- replicating the successful San Ysidro, California, port management model which combines enforcement, traffic management and community partnership to all major land ports;
- expanding joint intelligence operations and creating Customs/INS intelligence teams;
- adopting a unified investigative approach focusing on seizures and controlled drug deliveries originating from ports of entry;
- sharing research, development, and deployment of border and port technology;
- promoting interoperable wireless communications; and
- developing a coordinated air and marine interdiction capability.

These initiatives, which began in 1998, are expected to result in a fully integrated border management approach by Customs and INS along the entire Southwest border by 2003.

In primary inspection and areas of shared responsibility, Customs and INS have seen virtually the same level of staffing growth from 1993 to 1997, with both agencies adding approximately 1200 inspectors. Since 1998, the Administration has targeted INS inspection staff on primary vehicle and pedestrian inspections, where the use of illegal and fraudulent entry documents poses the greatest enforcement threat. This has permitted Customs to focus greater attention on cargo inspection and pre- and post-inspection roving operations in the passenger environment. These efforts have helped to control the entry of illegal drugs into the country and to expand outbound vehicle inspections to control the smuggling of contraband.

To ensure a comparable mix of Customs and INS enforcement staff and technology at ports of entry, Customs will continue to deploy narcotics detection technology to support cargo and passenger inspection operations. The budget includes \$6 million for INS inspectors for ports scheduled to open in 2000. Customs inspectors were funded for these ports in the 1999 Budget.

Citizenship and Benefits: The Administration is committed to building and maintaining a naturalization system that ensures integrity and provides service and benefits in a timely manner. The surge of citizenship applications in 1995 required the INS to reengineer what had previously been a manual operation built to handle a far smaller application volume. The INS also had to address unprecedented growth in naturalization applications from approximately 340,000 annually to nearly 1.6 million applicants in 1997. The record number of applications, antiquated INS processes, and complicated reengineering efforts have all contributed to an unacceptable citizenship application backlog of over 1.8 million cases.

In 1999, the Administration worked with Congress to obtain \$176 million in appropriated and reprogrammed funds to supplement the INS fee revenue. These resources have funded the process reengineering and the backlog reduction initiatives. The 1999 funding request was accompanied by a series of INS initiatives including:

- establishing backlog reduction teams in the five offices responsible for 65 percent of the caseload and hiring 200 addition adjudicators,
- expanding support staff and contract services;
- establishing an Immigration Services Division to coordinate backlog reduction and process reengineering;
- creating a customer service telephone center to provide an accurate and timely responses to inquiries; and
- centralizing application and medical waiver review to ensure quality and integrity.

The budget provides \$124 million to continue funding these initiatives and to assist INS in finalizing the naturalization process reengineering in 2000. The result of these funding enhancements is that the unacceptable backlog—which currently requires applicants to wait upwards of two years for immigration benefits they are eligible for now—should be reduced to a six to nine month waiting period.

Reducing Drug Use, Trafficking, and its Consequences

Drug use and its damaging consequences cost our society more than \$110 billion a year¹ and poison the schools and neighborhoods where our youth strive to meet their full potential. Illicit drug trafficking thrives on a culture of crime, violence, and corruption

¹ National Institute on Drug Abuse and National Institute on Alcohol Abuse and Alcoholism, March 1998.

throughout the world. Drug use is a major contributing factor in the spread of AIDS and other deadly diseases. All Americans, regardless of economic, geographic, or other position in society, feel the effects of drug use and drug-related crime.

The budget proposes \$17.8 billion for drug control programs, a 4.3-percent increase over the 1999 budget, which was supplemented with \$844 million in emergency funds primarily to provide one-time capital investments for boats and planes. The budget supports increases for key elements in the mission to reduce drug use and its consequences, such as drug treatment and prevention, especially for children and adolescents; domestic law enforcement; and other supply reduction programs (see Table 8-2).

Community-Based Prevention: The budget proposes \$2.5 billion for drug prevention programs. The percentage of 8th, 10th, and 12th grade students reporting that they used marijuana at least once in the past month decreased slightly from 1997 to 1998. This is the second year of decline for 8th graders and the first year for 10th and 12th graders. The use of other drugs, including alcohol, cigarettes, cocaine, and heroin either declined or remained stable over this period. Additionally, the view that drug use is harmful appears to be more deeply shared, particularly among the youngest age segment. These results indicate that America's youth are receptive to the Administration's "no use" message and that it should reinforce this message and expand upon recent gains.

Table 8-2. DRUG CONTROL FUNDING

(Budget authority, dollar amounts in millions)

	1998 Actual	1999 Estimate ¹	2000 Proposed	Dollar Change: 1999 to 2000	Percent Change: 1999 to 2000
Demand reduction	5,372	5,830	6,040	+210	+4%
Supply reduction	10,726	11,212	11,737	+525	+5%
Total, Drug Control Funding	16,098	17,042	17,777	+735	+4%

¹ Excludes \$844 million in emergency funds provided primarily for one-time capital investments.

28. ADMINISTRATION OF JUSTICE

**Table 28-1. FEDERAL RESOURCES IN SUPPORT OF
ADMINISTRATION OF JUSTICE**

(In millions of dollars)

Function 750	1998 Actual	Estimate					
		1999	2000	2001	2002	2003	2004
Spending:							
Discretionary Budget Authority	24,840	26,177	26,376	26,754	26,915	26,734	26,833
Mandatory Outlays:							
Existing law	682	1,042	796	611	574	546	2,062
Proposed legislation							-1,522

While States and localities bear most of the responsibility for fighting crime, the Federal Government also plays a critical role. Along with supporting State and local activities, the Federal Government investigates and prosecutes criminal acts that require a Federal response. In 1999, anti-crime expenditures will consume 4.6 percent of all Federal discretionary spending, compared with about two percent in 1989.

Total Federal, State, and local resources devoted to the administration of justice—including law enforcement, litigation, judicial, and correctional activities—grew from \$82 billion in 1990 to an estimated \$153 billion in 1999—an 87-percent increase (see Chart 28-1). During this period, the Federal law enforcement component, including transfer payments to State and local law enforcement activities, more than doubled, from \$12.4 billion in 1990 to \$26.2 billion in 1999. Nevertheless, Federal resources account for only 17 percent of total governmental spending for administration of justice.

The number of criminal offenses that law enforcement agencies reported fell by two percent from 1996 to 1997—marking the sixth straight year that the crime rate has fallen. The number reported in the first six months of 1998, the most recent period for which figures are available, was five percent lower than in the same period in

1997. The drop in crime, when compared with increases in anti-crime spending during the same period, suggests a causal relationship, although crime is affected by varying factors. The budget builds upon this record of success by continuing to provide substantial funding for proven anti-crime programs.

Funding for the Administration of Justice function includes: (1) law enforcement activities; (2) litigative and judicial activities; (3) correctional activities; and (4) assistance to State and local entities (see Chart 28-2). In 1999, 69 percent of these funds went to the Justice Department (DOJ), while most of the rest went to the Treasury Department and the Judicial Branch.

Law Enforcement

The Department of Justice (DOJ): The 2000 budget enables DOJ to enforce a wide range of laws. The FBI and Drug Enforcement Administration (DEA) enforce diverse Federal laws dealing with violent crime, terrorism, white collar crime, drug smuggling, and many other criminal acts. The Immigration and Naturalization Service (INS) protects the U.S. border from illegal migration while providing services to legal aliens. Federal agencies also work with State and local law enforcement agencies, often through joint task forces, to address drug, gang, and other violent crime prob-

- reduce the overall rate of illegal drug use in the United States by 25 percent, from the 1996 baseline of 6.1 percent to 4.6 percent.
- reduce the rate of crime associated with drug trafficking and use by 15 percent. (Collection and reporting of 1996 data is in progress.)
- reduce by 10 percent the health and social costs associated with drug use. (Collection and reporting of 1996 data is in progress.)

Civil Rights Laws: Federal responsibility to enforce civil rights laws in employment and housing arises from Titles VII and VIII of the Civil Rights Act of 1964, as well as more recent legislation, including the Age Discrimination in Employment Act and the Americans with Disabilities Act. The Department of Housing and Urban Development (HUD) enforces laws that prohibit discrimination on the basis of race, color, sex, religion, disability, familial status, or national origin in the sale or rental, provision of brokerage services, or financing of housing. The Equal Employment Opportunity Commission enforces laws that prohibit employment discrimination on the basis of race, color, sex, religion, disability, age, and national origin. DOJ's Civil Rights Division enforces a variety of criminal and civil statutes that protect the constitutional and statutory rights of the Nation's citizens. The performance goals for this area are as follows:

- The Equal Employment Opportunity Commission will reduce the backlog of private sector complaints from 57,000 at the end of 1998 to 28,000 at the end of 2000.
- As part of a three year, 60 community initiative, HUD will ensure that its grantees in an additional 20 communities (for a total of 40) undertake fair housing audit-based enforcement, using a HUD-developed standardized methodology, to develop local indices of discrimination, to identify and pursue violations of fair housing laws, and to promote new fair housing enforcement initiatives at the local level.

Litigation and Judicial Activities

After law enforcement agencies such as the FBI, DEA, and ATF have investigated

and apprehended perpetrators of Federal crimes, the United States must prosecute them. This task falls primarily to the 93 United States Attorneys and the 4,700 Assistant United States Attorneys. Along with prosecuting cases referred by Federal law enforcement agencies, the U.S. Attorneys work with State and local police and prosecutors in their efforts to bring to justice those who have violated Federal laws—whether international drug traffickers, organized crime ringleaders, or perpetrators of white collar fraud. The U.S. Marshals Service protects the Federal courts and their officers; apprehends fugitives; and maintains custody of prisoners involved in judicial proceedings.

In addition, DOJ contains several legal divisions specializing in specific areas of criminal and civil law. These divisions—including the Civil, Criminal, Civil Rights, Environment and Natural Resources, Tax, and Antitrust Divisions—work with the U.S. Attorneys to ensure that violators of Federal laws are brought to justice. The Federal Government, through the Legal Services Corporation, also promotes equal access to the Nation's legal system by funding local organizations that provide legal assistance to the poor in civil cases. In 2000, the Justice Department will seek to:

- increase the number of hate crime cases prosecuted, compared with 1999. In 1998, there were 17 cases prosecuted.
- ensure that no judge, witness, or other court participant is the victim of an assault stemming from his or her involvement in a Federal court proceeding.

The Judiciary's growth in recent years arises from increased Federal enforcement efforts and Congress' continued expansion of the Federal courts' jurisdiction. Accounting for 13 percent of total administration of justice spending, the Judiciary comprises the Supreme Court and 12 circuit courts of appeals, 94 district courts, 90 bankruptcy courts, 94 federal probation offices, the Court of Appeals for the Federal Circuit and the Court of International Trade. The Federal Judiciary is overseen by 2,196 Federal judges and nine Supreme Court justices.

Executive Summary

The President's Fiscal 2000 Immigration Budget

2/99 (rev.)

Strengthening the Nation's Immigration System

The Fiscal Year 2000 budget request for the Immigration and Naturalization Service (INS) totals \$4.27 billion, an 8 percent increase over the Fiscal Year 1999 funding level. The budget would add a total of 306 new staff positions, which will allow INS to grow to 31,240 positions by the end of FY 2000.

The INS budget for FY 2000 continues to support the immigration goals and strategies that the Administration and the agency have effectively pursued over the past several years. At the same time, the FY 2000 budget marks a year of consolidation, as INS focuses on managing the resources gained during a period of unprecedented growth for the agency.

The thrust of INS' FY 2000 budget is to extend ongoing initiatives while maximizing the efficiency of its current resources. This will be accomplished as INS continues to focus on its priorities of improving customer service as well as strengthening its successful multi-year strategy to manage the border, deter illegal immigration, combat the smuggling of people, and remove criminal and other illegal aliens from the United States.

The FY 2000 budget maintains the U.S. Border Patrol at its current, historic level of nearly 9,000 agents, more than double the level of FY 1993 and 28 percent higher than President Clinton's goal of 7,000 agents by the year 2000. This budget expands critical technology and invests in infrastructure in order to support Border Patrol enforcement efforts.

While the FY 2000 budget marks a time of consolidation and management, INS will move forward throughout a broad spectrum of initiatives that serve the Service's long-term objectives:

- Honoring its commitment to improve customer service and reduce the waiting time for citizenship, the FY 2000 budget contains funding provided in 1999 at a level of \$124 million to support the Service's continuing naturalization initiatives.
- Continuing its role as a leader in the use of new technology, INS will deploy 176 Remote Video Surveillance Systems, a force-multiplying technology which provides the capability for monitoring the border from remote sites.
- Continuing its determined efforts to identify and remove criminal aliens, INS will expand its ability to enter information into the National Crime Information Center database, allowing nationwide computerized identification and apprehension of previously deported criminal aliens.
- INS also is supporting its massive, growing infrastructure requirements with this budget. More than \$70 million dollars is included for Border Patrol and detention construction projects, including 20 new or upgraded Border Patrol stations in

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California, Texas and Arizona and enhancements and expansions at five major INS detention facilities.

- Supporting the need for both enforcement and facilitation at U.S. ports of entry, the FY 2000 budget includes funding for 99 new inspectors to staff three new land ports of entry in Texas, and expansion of the use of high technology commuter lanes.
- The FY 2000 budget provides INS with 155 new detention officers to improve detention facility staffing and meet requirements for escorting illegal aliens being removed from the country.

Summary of Immigration Budget Enhancements
(\$ in millions)

	<u>Funding</u>	<u>Positions</u>
BORDER MANAGEMENT		
Border Enforcement – Technology	\$50.0	14
Border Facilitation	<u>9.2</u>	<u>107</u>
SUBTOTAL	59.2	121
INTERIOR ENFORCEMENT		
Criminal Alien Tracking	1.3	25
National Transportation System	16.8	155
Juvenile Detention Bed Space	<u>1.9</u>	<u>5</u>
SUBTOTAL	20.0	185
INSTITUTIONAL INFRASTRUCTURE		
Border Patrol Construction Projects	42.1	
Border Infrastructure	6.0	
Detention Construction Projects	<u>22.5</u>	
SUBTOTAL	70.6	
TOTAL INCREASE REQUESTED	149.8	306

– INS –

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Border Management

The FY 2000 budget includes \$59.2 million and 121 new positions to support the INS' border management strategy, which has the clear goal of creating and maintaining a border that works—one that facilitates the flow of legal immigration and goods while preventing the illegal traffic of people and contraband. As a result of this dual focus, INS has been able to enhance its enforcement capabilities while it dramatically reduces times for those seeking to cross the border at ports of entry.

The FY 2000 budget continues Border Patrol staffing at the FY 1999 level of nearly 9,000 and represents a year of consolidation and assessment of strategy after six years of growth. In these last six years, the number of Border Patrol agents has increased by 122 percent from the FY 1993 level of 3,965 agents. INS has met and exceeded—two years early—President Clinton's commitment to increase the number of Border Patrol agents to 7,000 by the year 2000. The high proportion of new agents makes a year of consolidation necessary to safeguard the highest standards of law enforcement professionalism for this new workforce. A July 1998 study determined that the percentage of Border Patrol agents with two years or less of service, was nearly 39 percent, compared with October 1993, when only 15 percent of Border Patrol agents had less than two years of service. It is essential that the Border Patrol be given time to develop experienced agents.

The FY 2000 budget, however, maintains the Administration's commitment to border control by requesting \$50.0 million in funding and 14 positions to expand the Integrated Surveillance Intelligence System (ISIS), a force-multiplying technology which provides the capability to monitor the border from remote sites. ISIS will prevent Border Patrol agents from unnecessary trips to border sites, thus increasing their efficiency. The request for new Inspectors will equip INS to continue facilitating legal traffic and reducing waiting times at U.S. ports of entry.

Border Enforcement – Technology

The overall technology request includes 14 new positions, and \$50 million to provide approximately 176 Remote Video Surveillance Systems, the camera portions of ISIS. The effectiveness of the agents will be enhanced by the deployment of force-multiplying technology, allowing INS to continue the expansion of efforts to deter and prevent illegal border crossings. (\$50 million)

Border Facilitation

- A total of 87 new positions (79 Immigration Inspectors and 8 support staff) and \$6 million will provide permanent staff to open three new land ports, at Eagle Pass, Los Tomates and Laredo, Texas. Since FY 1998, INS has been planning (in conjunction with the other federal inspection agencies, the General Services Administration and the Mexican government) the opening of these three new ports. (\$6 million)

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- A total of 20 new Immigration Inspectors and \$3.2 million will provide staff and technology to support the El Paso and San Ysidro SENTRI lanes for FY 2000. INS will open two new SENTRI lanes for low-risk, frequent border crossers in FY 1999. To support the 20 positions, \$1.7 million is requested in FY 2000, with the remaining \$1.5 million requested for the Data and Communications Program to continue the development of the network to integrate all SENTRI sites in FY 2000. (\$3.2 million)

FY 2000 Initiatives

(dollars in millions)

Naturalization Initiative	Amount (Salaries & Expenses)
Border Enforcement	\$50.0
Border Facilitation	9.2
TOTAL	\$59.2

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The President's Fiscal 2000 Immigration Budget

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Naturalization

In Fiscal Year 2000, improving the naturalization system will continue to be the Immigration and Naturalization Service's (INS) top service priority. The agency will continue its aggressive initiatives to make the naturalization process more efficient, secure, timely and convenient for customers.

The FY 2000 budget for naturalization includes a projected \$688.6 million in fee receipts within the agency's Examinations Fee Account—normally the sole source of funding for application processing services. However, the FY 2000 budget proposes a supplemental \$124.2 million in appropriated funding to sustain the naturalization enhancements initiated in FY 1999 through reprogramming of \$176 million. Congress approved to bolster backlog reduction and continue re-engineering efforts.

The \$124.2 million enhancement will help the agency reduce application processing times.

Examinations Fee Account

A significant decrease in naturalization applications in FY 1999 and an anticipated reduced level of applications in FY 2000 is reducing revenue in the Examinations Fee Account to pay for application processing. The FY 2000 budget restores a portion of the revenue in the Examinations Fee Account. **(\$63 million)**

Adjudication Staffing for Backlog Reduction

The FY 2000 budget funds the 200 adjudicators and additional clerical support staff who were brought on board in FY 1999 to augment the completion of naturalization applications. **(\$15.6 million)**

Information Officer Staffing for File Review

The FY 2000 budget funds the 100 Immigration Information Officers who were deployed at INS Service Centers in FY 1999. These officers expedite application processing by ensuring that naturalization applications are complete before they are forwarded to district offices for adjudication, thus reducing the number of cases delayed because of missing documents. **(\$5.6 million)**

Automated Data Processing Support to Field Offices

To continue current re-engineering efforts, which are largely dependent upon enhanced automation, the FY 2000 budget provides funds to increase automated data processing support at INS field offices. **(\$6 million)**

FY 2000 INS Budget—Naturalization

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National Telephone Center

To improve customer service, in FY 2000 INS will continue its efforts to develop a national telephone customer service center to answer questions about eligibility for citizenship and other benefits, application procedures and individual case status. (\$26.2 million)

Public Health Service Assistance

To provide more timely and consistent decisions for naturalization applicants with medical disabilities, the FY 2000 budget will fund Public Health Service assistance to help INS adjudicators with complex medical waiver determinations. (\$1.3 million)

Improve Records Program

The FY 2000 budget will help continue efforts to centralize INS' 25 million paper files that are located in 80 offices throughout the country. This will expedite application processing by cutting file retrieval time from weeks, and even months, to a matter of a few days. (\$6.5 million)

- INS -

FY 2000 Initiatives

(dollars in millions)

Naturalization Initiative	Amount (Salaries & Expenses)
Examinations Fee Account	\$63.0
Adjudication Staffing	15.6
Information Officer Staffing	5.6
Automated Data Processing Support	6.0
National Telephone Center	26.2
Public Health Assistance	1.3
Improve Records Program	6.5
TOTAL	\$124.2

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The President's Fiscal 2000 Immigration Budget

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Interior Enforcement

The Fiscal Year 2000 budget proposal includes \$20 million and 185 new positions to address the presence and consequences of illegal migration in the interior of the United States. The Interior Enforcement Strategy sets forth five broad strategic goals and a series of related initiatives that plot the course for INS law enforcement over the next five years. The goals are to:

- Identify and remove incarcerated criminal aliens from the United States and minimize recidivism,
- Deter, dismantle and diminish smuggling or trafficking of aliens,
- Respond to community reports and complaints about illegal immigration and build partnerships to solve local problems,
- Minimize immigration benefit fraud and other document abuse, and
- Block and remove employers' access to undocumented workers.

The Interior Enforcement budget request for FY 2000 has three Interior Enforcement Strategy elements: 1) criminal alien tracking, 2) national transportation system, and 3) juvenile detention bed space.

Criminal Alien Tracking

The budget requests 25 program specialist positions for improvements in INS' use of the National Crime Information Center (NCIC) system. INS envisions a three-year plan to transfer data entry from headquarters to the district offices. These NCIC positions will perform the multifaceted role of coordinating the daily use of the NCIC System, performing periodic quality validation of records, and providing confirmation that the data is still accurate when a file is located in the NCIC. (\$1.3 million)

National Transportation System

The budget includes \$5 million to fund the Justice Prisoner Alien Transportation System (JPATS) and to replace a one-time carryover funding from the Violent Crime Reduction Program, which was used in prior years and will no longer be available. In addition, \$11.8 million and 155 positions are requested to increase detention staffing directly related to transporting and escorting aliens. (\$16.8 million)

Juvenile Detention Bed Space

Five positions for staffing and funding for 40 juvenile detention bed spaces nationwide are requested to increase capacity for juvenile illegal aliens. (\$1.9 million)

FY 2000 INS Budget – Interior Enforcement

Page 2

Transfer of Breached Bond/Detention Fund Obligations

A requested transfer in base resources from the Breached Bond/Detention Fund to the Salaries and Expenses Account will support detention of criminal and other unauthorized aliens, including additional state and local detention capacity; continued bond management and collection activities; the use of litigation to obtain compliance from surety companies delinquent in meeting their obligations to the INS; and continued operation of related automated systems. (\$54.7 million)

FY 2000 Initiatives

(dollars in millions)

Initiative	Amount (Salaries & Expenses)
Criminal Alien Tracking NCIC Backlog Reduction	\$1.3
National Transportation System JPATS	5.0
Increase Detention Staff	11.8
Juvenile Detention Bed Space	1.9
TOTAL	\$20.0

Fact Sheet

The President's Fiscal 2000 Immigration Budget

2/99

Institutional Infrastructure

The FY 2000 INS budget includes \$70.6 million to provide the necessary infrastructure to accommodate INS' rapid growth in personnel and enforcement capability over the past six years. In FY 2000, needed infrastructure projects are focused on construction of Border Patrol stations and detention facilities.

FY 2000 Initiatives

(dollars in thousands)

FY 2000 Border Patrol Construction Projects	Amount (000)
Texas	
Construction Projects	
Alpine Border Patrol Station	\$4,000
Santa Teresa Border Patrol Station	7,850
Brownsville Border Patrol Station	1,200
Del Rio Border Patrol Sector Headquarters	4,300
Presidio Housing	5,118
Subtotal	\$22,468
Planning/Site Development/Design	
El Paso Border Patrol Station	865
Sanderson Border Patrol Station	238
McAllen Border Patrol Sector Headquarters	954
McAllen Border Patrol Station	685
Laredo Checkpoint System (10 sites)	301
Port Isabel Border Patrol Station	500
Eagle Pass Border Patrol Station	934
Subtotal	4,477
TOTAL, Texas	\$26,945
California	
Construction Projects	
El Centro Border Patrol Station	5,000
Chula Vista Border Patrol Station	6,500
Subtotal	11,500
Planning/Site Development/Design	
Campo Border Patrol Station	600
El Cajon Border Patrol Sector Headquarters	307
Temecula Border Patrol Station	447
Subtotal	1,354
TOTAL, California	\$12,854

FY 2000 INS Budget—Infrastructure

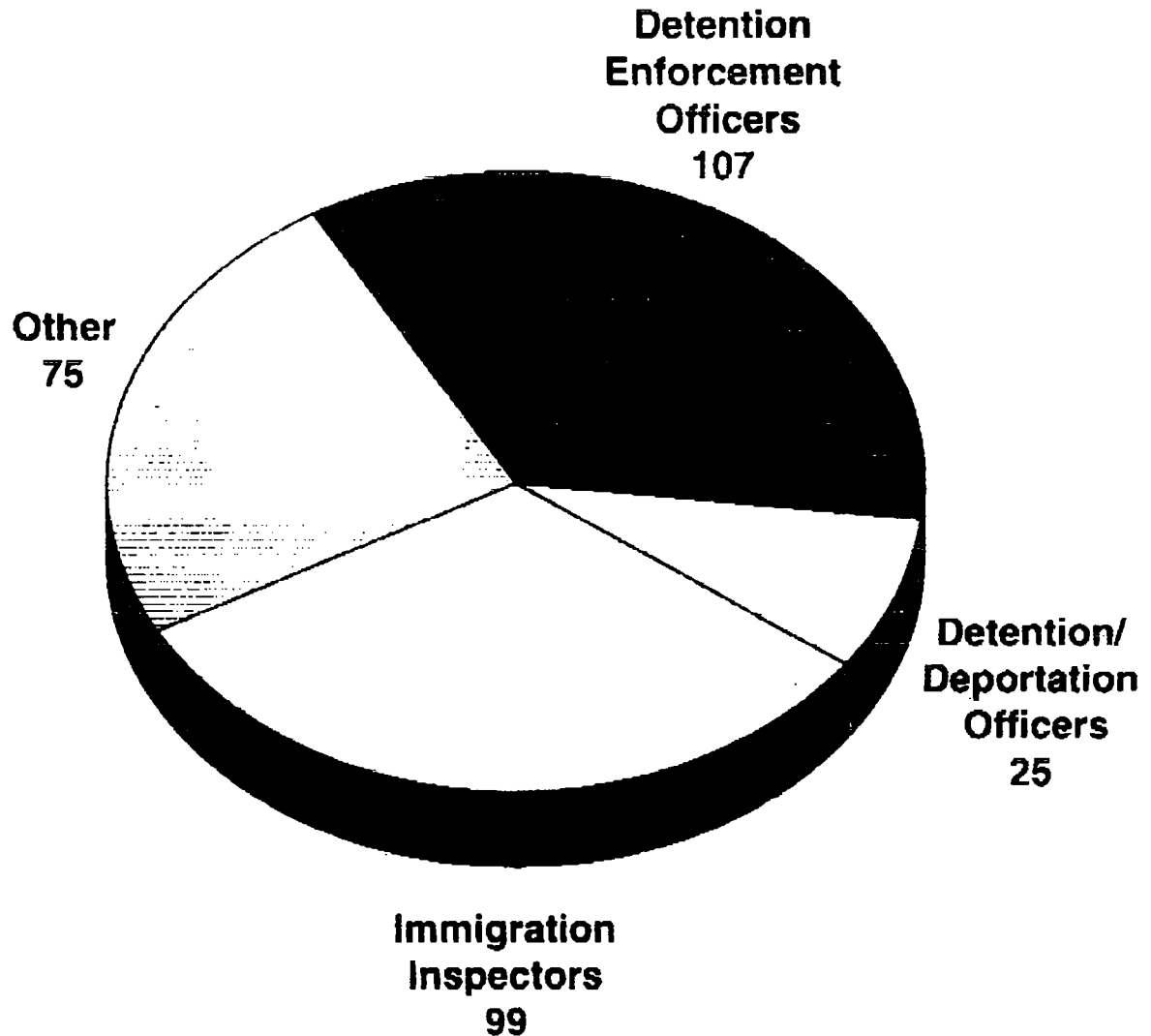
Page 2

<i>Arizona</i>	
Planning/Site Development/Design	
Yuma Border Patrol Station	687
Tucson Border Patrol Sector Headquarters	1,330
Douglas Border Patrol Station	300
TOTAL, Arizona	\$2,317
Border Infrastructure	6,000
TOTAL - INS	\$48,116

FY 2000 Detention Construction Projects	Amount (000)
<i>Texas</i>	
Construction Project	
Port Isabel SPC	\$11,000
Planning/Site Development/Design	
El Paso SPC	200
TOTAL, Texas	\$11,200
<i>Arizona</i>	
Planning/Site Development/Design	
Florence SPC	\$800
TOTAL, Arizona	\$800
<i>California</i>	
Planning/Site Development/Design	
El Centro SPC	\$1,000
TOTAL, Florida	\$1,000
<i>Florida</i>	
Construction Project	
Krome SPC	\$9,500
TOTAL, Florida	\$9,500
TOTAL - INS	22,500

Immigration and Naturalization Service

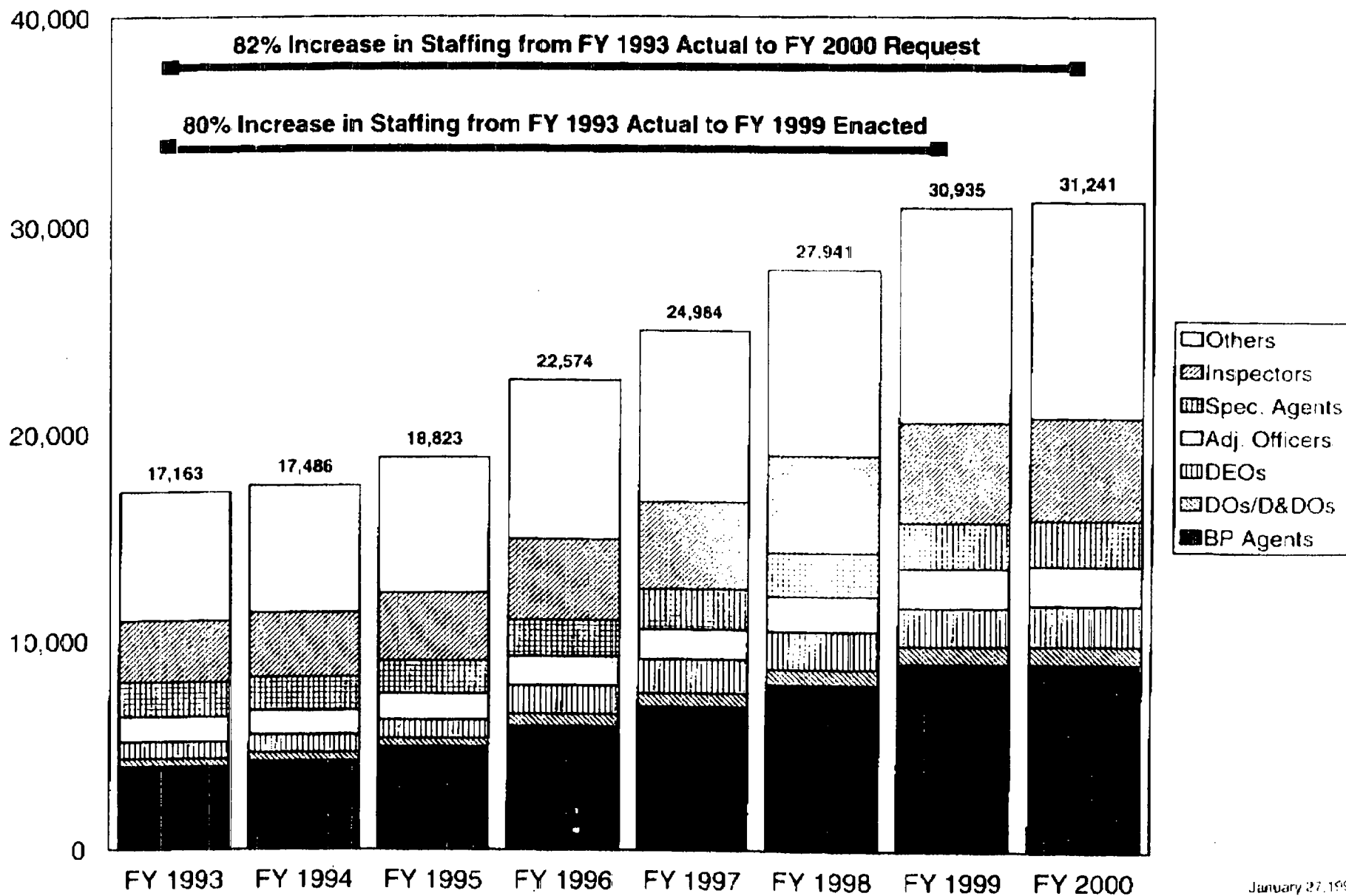
Personnel Increases FY 2000 Request to Congress



Total New Positions: 306

Immigration and Naturalization Service

Full-time Permanent Staff On-Board*

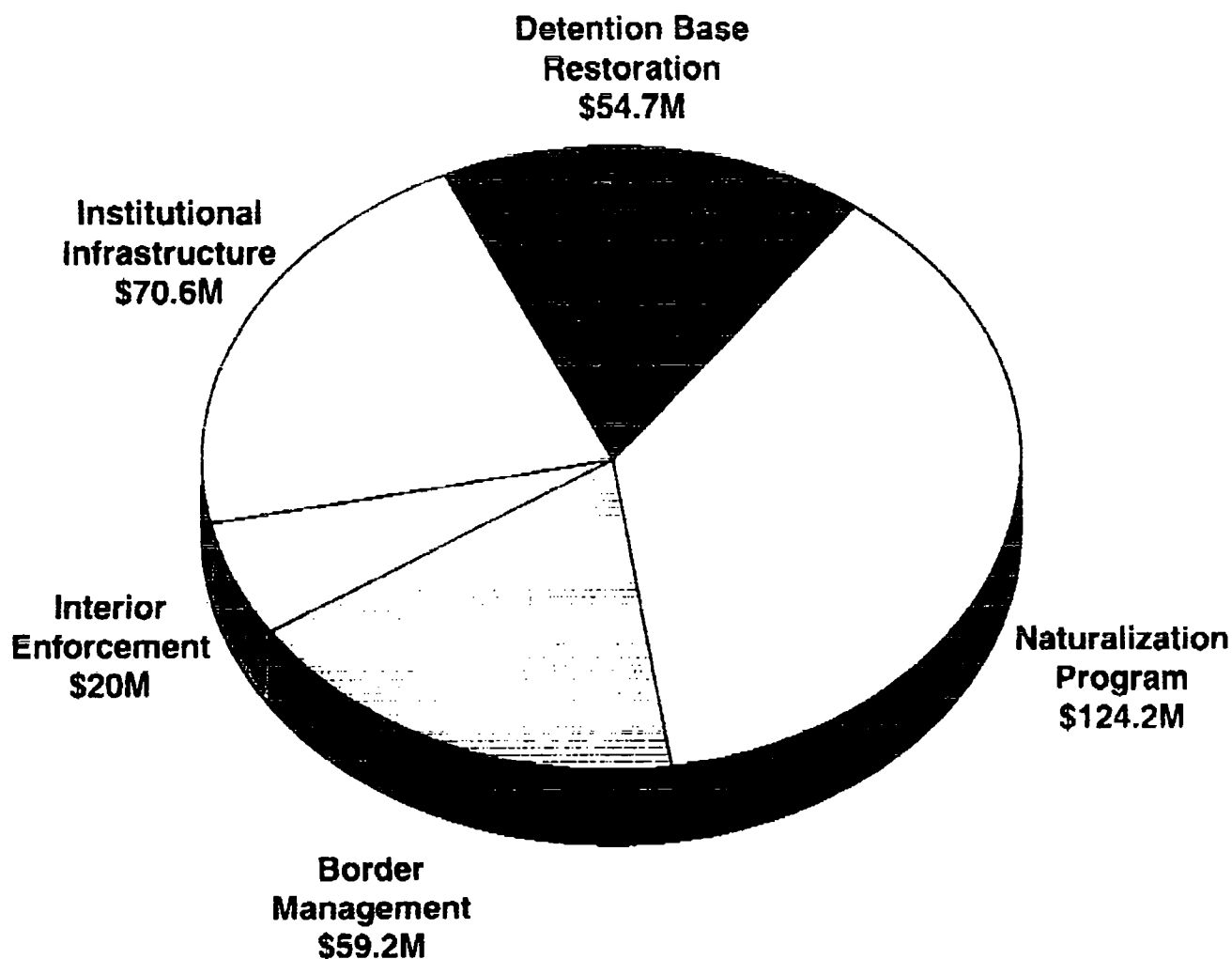


*FY 1993-1998 are actual end-of-year on-board. FY 1999 is authorized.
FY 2000 is requested. Includes reimbursable positions.

January 27, 1999
Prepared by INS Office of Budget
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Immigration and Naturalization Service

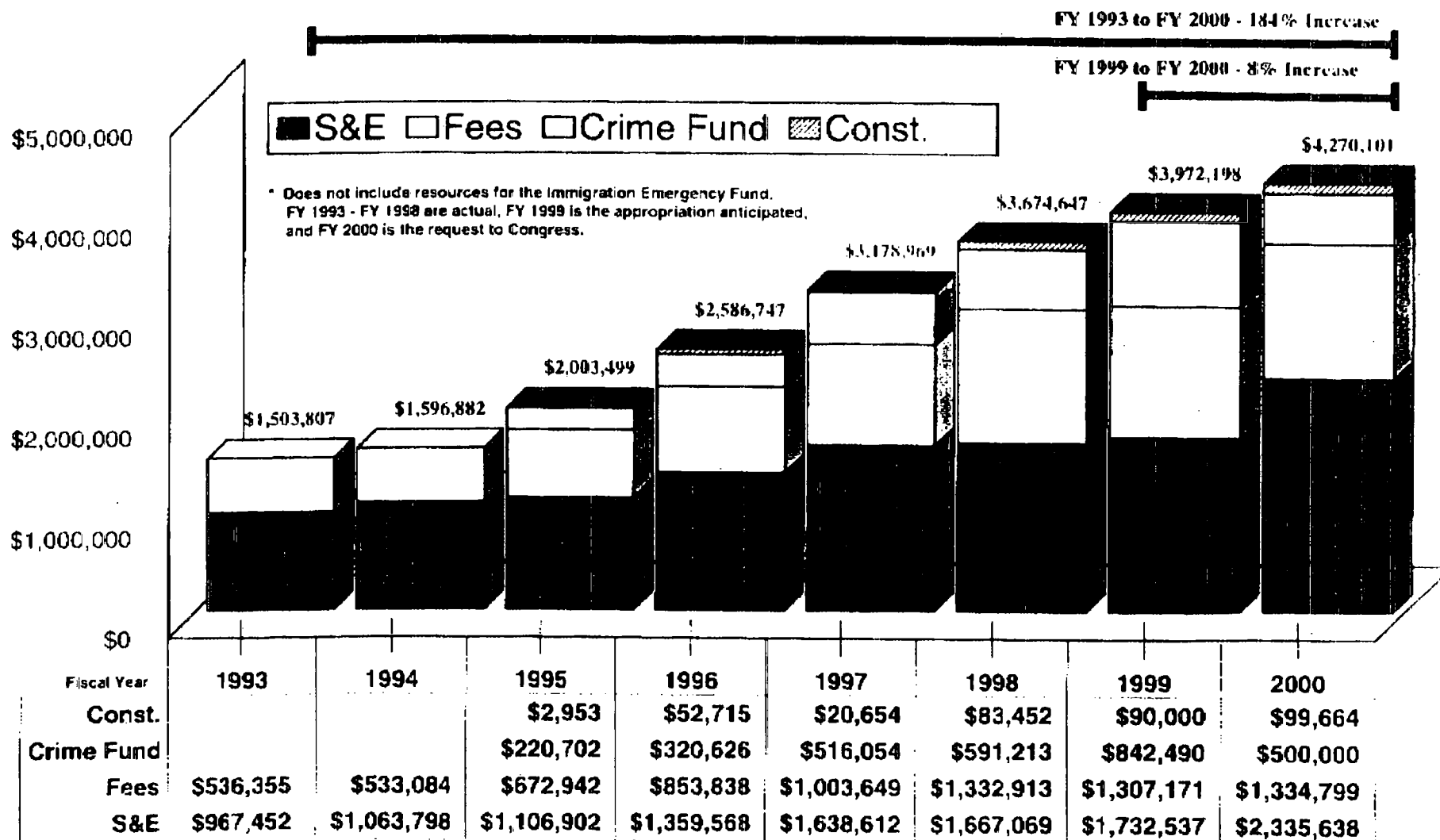
Funding Increases FY 2000 Request to Congress



Total Funding Increases: \$328.7 million

INS Budget - FY 1993 to FY 2000*

(Dollars in thousands)



FY 1999 S&E funding includes \$96 million from the Working Capital Fund, \$10 million for ISIS, \$4.568 million for Y2K base restoration, and \$4.7 million for FOIA system.

January 27, 1999
Prepared by INS Office of Budget
9300CONC PHS



HERE'S AN INTERESTING FAX...

... From the Office of Public Affairs
IMMIGRATION & NATURALIZATION SERVICE

425 I Street, NW, Washington, DC 20536



(202) 514-2648



(202) 514-1776



www.ins.usdoj.gov

Date: 5/13/99

Fax to: Irene Bueno

Fax Number: 456-7028

From: Nicole Chulick (202) 305-0843 direct

Pages (Including Cover): 5

Comments:

INTERNAL USE ONLY

FY 2000 Budget Request Q&As

1. This budget proposal contains no new enforcement resources. Does this signal the end of the build-up in enforcement for INS?

A. No. The FY 2000 budget represents a year of consolidation and management in the wake of six years of unprecedented growth. This budget will continue to support the immigration goals and strategies that the Administration and the agency have effectively pursued over the past several years with requests that would allow expansion of critical technologies and investment in infrastructure that would support our enforcement efforts.

2. Why is INS not requesting any more Border Patrol agents?

A. The FY 2000 budget maintains the U.S. Border Patrol at its current, historic level of almost 9,000 agents, more than double the level of FY 1993 and 28 percent higher than President Clinton's goal of 7,000 agents by the year 2000. The process for screening and training new Border Patrol agents is one of the most rigorous among federal law enforcement programs, requiring agents to become proficient in Spanish and immigration law, as well as police skills. This budget would allow INS to concentrate on the training, supervision, and seasoning of the agency's newest agents to ensure the highest caliber of agents and to ensure their safety as well as the safety of the border communities they serve.

3 You say FY 2000 will be used to allow the Border Patrol to gain experience. Does that mean the high level of inexperience in the Patrol is causing problems, and if so, what problems?

A. There are no significant problems yet, but, as with all law enforcement agencies, the percentage of new officers increases the possibility of problems. The consequences of inexperience are real, especially in the very sensitive environment in which Border Patrol agents operate. The Patrol has 39 percent of its agents with less than two years' experience; 60 percent with less than five years. Law enforcement experts say there are real risks when more than 30 percent of an organization's officers are inexperienced. We need the opportunity to direct resources now used in new hiring to other areas, things like advanced training for journeyman officers, new supervisors, and other career development training. It's also important to recognize that during FY 2000 INS will still recruit, hire and train the 900-1000 agents it anticipates will be needed to replace agents lost to normal attrition.

-more-

MAY 13 '99 11:56 FR 2023071918 TO 34387028 P.03/07

4. Do you plan to resume the build-up of the Border Patrol in FY 2001, after this year of "consolidation"?

A. The build-up, in terms of technology and construction, has not stopped, and INS is committed to enforcing our immigration laws and to strengthening our operations on the Southwest border. During FY 2000, INS will assess not only the professionalism of its workforce, but also evaluate the effectiveness of its strategic plan, operational initiatives, staffing allocations, infrastructure improvements, and technology investments. By the end of FY 2000, INS will be better able to estimate the need for further growth and schedule that growth over time. We will be continuing to work with Congress and the Administration in the coming years so as to ensure that our mission and our priorities are accurately reflected in the agency's future resource requests.

5. Congress has indicated it expects INS to hire another 1,000 Patrol agents this year. Why are you ignoring Congress?

A. We are not ignoring the wishes of Congress. This budget expands critical; technology and invests in infrastructure, including \$48 million in border construction projects, to support the Border Patrol's enforcement efforts. In addition, this year of consolidation meets Congress' expectations that we more effectively and efficiently utilize our current resources.

6. Does this budget signal that the Administration believes the break-up of INS is inevitable?

A. Absolutely not. In fact, the FY 2000 budget gives INS the opportunity to prepare for the Administration's proposed restructuring of INS by consolidating the gains of recent years and focusing on improved management of those new resources.

7. Why has INS failed to ask for additional interior enforcement manpower?

A. In FY 1999, INS did in fact request additional interior enforcement manpower, and Congress provided \$45.2 million and 360 new positions to address the presence and consequences of illegal migration in the interior of the U.S. Included in the 360 new positions are 200 positions (Investigations and Detention and Deportation) to establish Quick Response Teams (QRTs) to apprehend and remove illegal and criminal aliens located by State and local law enforcement agencies. The Administration's FY 2000 Budget requests \$20.0 million and 185 new positions to support criminal alien identification and the detention and removal of aliens from the U.S., critical elements of INS' Interior Enforcement Strategy.

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8. INS employees have been quoted as saying that the Administration is buckling under pressure from special interest groups and backing off on enforcement. Doesn't this budget confirm that?

A. The perception that INS is "backing off" from enforcement is wrong. The entire FY 2000 Budget contains over \$2.1 billion in enforcement-related base resources, and \$149.8 million in enhancements for enforcement-related initiatives. We are strongly committed to vigorously enforcing this nation's immigration laws.

9. How does this budget address the problem of the estimated 5 million-plus illegals already in the U.S.?

A. First, our continuing efforts at the Southwest border are slowing the rate of growth of the undocumented population. Second, additional resources for removals and our deployment of the Quick Response Teams specifically address the efforts to draw down the existing population. In addition, we are expanding the I-94 pilot program in order to deal with the estimated 40 percent of the illegal population that overstays.

10. How many additional detention bed spaces will INS be able to obtain from the additional funding requested in this budget?

A. There are 40 additional juvenile detention bed spaces funded in the FY 2000 budget.

11. Given the fact that INS has told Congress it needs thousands of additional bed spaces to meet the mandatory detention requirements of the 96 law, why are you asking for so few bed spaces?

A. We first need to insure we're getting maximum utilization of our existing space. We're working to increase the efficiency of the Institutional Removal Program, streamlining the way we use JPATS and obtain travel documents. We're also working to transfer our long-term detainees into BOP custody during FY 2000. And over the long term this budget does address our detention space by providing for construction funding that will increase our capacity.

12. Given the fact that you are releasing hundreds of criminal aliens that Congress says you must detain, why have you not asked for enough funding to at least detain the criminals?

A. First, we have not released any mandatory detention criminal aliens, and we are working hard to manage our limited detention space so that we can meet our obligation to detain serious criminals while supporting the wide range of INS operations supported by detention. Second, we are reviewing a variety of budget and field options to address the detention shortage, and will make every effort to insure the mandatory detention requirements of the law are met.

-more-

13. What good does it do to enter information in NCIC when you don't have the agents to respond to local authorities who get an NCIC hit on an alien?

A. INS always responds to NCIC hits on criminal aliens.

14. Does the additional JPATS funding mean INS will reduce the number of criminal aliens placed on commercial flights?

A. It is our intent to reduce the number of aliens on commercial flights by utilizing JPATS. However, given the wide range of nationalities we deal with and the large numbers involved, JPATS will not be able to handle all removals. However, when we do use commercial aircraft we will continue to use case-by-case screening and the expanded escort policy to insure the public's safety.

15. This budget includes the "annualization of \$124.2 million from FY 1999 in Naturalization initiatives...." What does that mean in plain English? Is this additional money to reduce the backlog?

A. This money is directed toward reducing the backlog, but it is not a new initiative. The funding will continue our initiative from FY 1999 at the same level, insuring that additional adjudicators, technology and resources are directed toward the goal of reducing the wait for new naturalization applicants to 12 months by the end of this fiscal year.

16. Your interior enforcement strategy says smuggling is the top priority in the interior. If that's so, why are there no additional resources to combat smuggling in this budget?

A. FY 1999 Congressional action provided INS resources for 200 officers (Investigations and Detention and Deportation) to establish Quick Response Teams (QRTs) to apprehend and remove illegal and criminal aliens located by State and local law enforcement agencies. The QRTs will be deployed to smuggling corridors and areas with a high concentration of illegal aliens. The staff is not expected to be hired and on-board until the 4th quarter of FY 1999 and will not be fully trained until FY 2000. INS will be assembling and integrating these new offices in FY 2000. Once the effectiveness and impact of the teams can be evaluated, we will assess what additional resources may be needed.

-more-

17. It appears there is no additional funding for Naturalization in this budget. Is that correct? With fee receipts down, how can you hope to have the resources necessary to meet your commitment to reduce waiting times to six months?

A. The FY 2000 budget includes \$124 million to continue the initiative begun in FY 1999 to lower backlogs, reduce processing times, improve customer service, modernize access and provide better information on the status of applications. Resources are provided to cover the cost for the annualization of 200 adjudication officers and clerical support that will be used in FY 1999 to augment current staff assigned to naturalization. By the end of FY 2000, the additional staff in conjunction with improved processing procedures will result in meeting the processing time goal of 6 months by the end of FY 2000.

18. You want to invest more than \$26 million in a phone system that most people say doesn't work because they can never speak to a live person or get information on their cases. Will this money fix that, and when? When will the system be able to handle the 18 million calls you say is your goal?

A. Currently, the Telephone Centers service 22 cities at 3 phone centers (2 INS and 1 contractor). The increase of \$26.2 million will allow INS to increase service to a total of 37 cities. INS will continue in FY 2000 to improve service to customers by ensuring that the phone system, which will eventually provide service nationwide, is kept at industry standards. INS estimates that the phone system will be handling 18 million calls a year with a busy signal rate of less than 1 percent, an average queue time of waiting to speak to a telephone agent of less than 1 minute, and a call abandonment rate of less than 2 percent. These resources will provide for first year infrastructure costs, contract services and ADP support.

Callers from around the U.S. requiring general information or assistance from INS would be able to dial a single 800 number. The calls would first be sent to an interactive voice response (IVR) system. These callers would be given the opportunity to hear general eligibility and how-to-information, to order a form, to check on the status of an application at the Service Center, or to request to speak with a customer service representative. We are working to develop our IVR so that we will be able to achieve a 20-30 percent call completion rate from our callers. Callers who need live assistance will talk with a customer service representative, with our goal being to be able to satisfy the needs of 80 percent of callers at this stage. More complicated calls will be seamlessly transferred to an INS information officer at an INS call center.

-more-

19. It's been widely reported that in the wake of Hurricane Mitch thousands of Central Americans are poised to cross the Southwest border. Given that fact, doesn't this announcement encourage them to come?

A. No. We have continued to emphasize the fact that anyone from any country who attempts to illegally enter the US will be placed in removal proceedings. While TPS provides humanitarian assistance to those in need as a result of Hurricane Mitch, it will be balanced with a strong enforcement posture by our Border Patrol, which is more capable than ever.,

20. There have been recent reports that your field offices are short on funds -- parking cars, shutting down operations, not using cell phones. Given those circumstances, how can you justify not asking for additional money?

A. No one should be under the assumption that there is a lack of funds. While there is less discretionary funding available to field offices this year than last, INS will prioritize resources to ensure sufficient funding to support enforcement operations in the field. Allocations will be done by the first week of February. The INS will continue to monitor the situation through the quarterly budget review process and, as in the past, should additional resources become available, they will be redirected to priority needs.

21. The FY 2000 budget has been announced and you still have not announced the deployment of your FY 1999 resources. Why?

A. We are working with the Appropriations Committees in Congress to finalize a deployment plan that addresses INS' priorities and allows the agency to carry out its mission in the most effective manner.

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

A. This is the President's budget, and it reflects the critical priorities of the Administration. The budget development process is an internal process that would be hampered by a public discussion of the details of the process. Clearly, the fact that after years of record-setting budgets, INS again received an 8 percent increase in requested appropriations indicates that immigration remains a priority for this Administration.

**HQ/OPA
Feb. 1, 1999**

David said census officials have attended weekly meetings of Los Amigos to recruit census workers. He said community organizations will make every effort to ensure people are counted.

David said even an INS effort to say the agency isn't involved with the census could be misinterpreted in the community. It's best if they are silent, he said.

Even without a promise to stay away, the new INS enforcement policy makes it even more unlikely than usual that INS agents would have a large presence in the community.

Meissner told Serrano the agency's new enforcement targets large-scale illegal immigrant smuggling and employers who contract for such illegal workers. INS will be spending less time on finding individuals in the country illegally.

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FDCH Political Transcripts

March 24, 1999, Wednesday

TYPE: COMMITTEE HEARING

LENGTH: 19822 words

HEADLINE: U.S. REPRESENTATIVE HAROLD ROGERS (R-KY) HOLDS HEARING ON APPROPRIATIONS; WASHINGTON, D.C.

COMMITTEE: COMMERCE, JUSTICE, STATE AND JUDICIARY SUBCOMMITTEE OF HOUSE

BODY:

HOUSE COMMITTEE ON APPROPRIATIONS: SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND JUDICIARY HOLDS HEARING ON FISCAL YEAR 2000

APPROPRIATIONS FOR IMMIGRATION AND NATURALIZATION SERVICE

MARCH 24, 1999

SPEAKERS: U.S. REPRESENTATIVE HAROLD ROGERS (R-KY), CHAIRMAN

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RANKING MEMBER

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U.S. REPRESENTATIVE ALAN MOLLOHAN (D-WV)

U.S. REPRESENTATIVE LUCILLE ROYBAL-ALLARD (D-CA)

DORIS MEISSNER, COMMISSIONER, IMMIGRATION AND

NATURALIZATION SERVICE

*

ROGERS: This meeting will come to order. This afternoon we would like to welcome the Commissioner of the Immigration and Naturalization Service, Doris Meissner, again to testify before Committee on behalf of the INS' fiscal 2000 budget request.

Your requesting more than \$4.2 billion for INS in fiscal 2000, an increase of \$388 million, 10 percent over the amount Congress provided in fiscal '99. The Congress has increased funding for the INS from \$2.1 billion in fiscal '95 to \$3.9 billion in fiscal '99, an increase of \$1.8 billion. Despite this overwhelming increase, the problems of the INS continue. Problems ranging from continuing backlogs for naturalization and other benefits, to detention space crisis. Most of INS' problems are not new ones, some have continued for more than 10 years.

Yet the fiscal 2000 increase does not provide for any additional border patrol agents, absolutely no funding for immediate and necessary detention space. After all of the complaints that INS has received from not only this committee, but complaints from the citizens of this country. INS still ignores these pleas. I hope your testimony will shed some light on the continuing management problems which explain, which continue to plague INS.

As you know, the Attorney General testified before this subcommittee earlier this month. Both the Attorney General and I agreed that there are many dedicated and capable people within your organization, but that these people need to be provided a structure and function so they can best do their jobs. The American people deserve to have a fair, efficient, and effective Immigration and Naturalization Service.

Commissioner Meissner have given you the funding to support your efforts to enforce the immigration laws. Now we will work to give this agency the structure it needs to function. In a moment, we'll recognize you for your opening comments. We will insert your written statement in the record. And

we'll ask in a moment to summarize it after I yield to Mr. Serrano.

SERRANO: Thank you Mr. Chairman. I'll be very brief. I just want to welcome you here Commissioner. And tell you that as one who has worked within the Hispanic caucus for all of my nine years, we've had conversations on both side of the immigration issue and we've found you, in your time, to be very cooperative and willing to listen to us. And I take that very seriously and thank you for it.

And we're here to try to see in which we can make your role, your job easier so that in fact, you can help people who are here become citizens and deal with the immigration issue in general. So we welcome you and we look forward to your testimony. And we look forward to assisting you in any way that we can.

ROGERS: You may proceed.

MEISSNER: Thank you. Thank you Mr. Chairman, Mr. Serrano, members of the subcommittee for the opportunity to discuss the president's fiscal year 2000 budget request for the Immigration and Naturalization Service. This of course, is my first appearance before this subcommittee in the 106th Congress and I want to begin by saying that I stand ready to continue building the partnerships that are necessary to address the many immigration issues that are of concern to us

all.

Since I have been commissioner, INS has confronted and addressed all problems, responded to new mandates, fielded scores of needed new initiatives, and when we stumbled, worked diligently to fashion new solutions. As a result, enforcement of immigration laws has been strengthened significantly at our borders and in the nation's interior, while the delivery of services to legal immigrants has improved. The president's fiscal year 2000 budget will allow INS to consolidate and to build on successes.

I've submitted a detailed written account of the budget, so let me highlight some of the major issues and successes that we've recently achieved, with the resources that this subcommittee has generously provided. These are successes that we will be able to continue and expand under the fiscal year 2000 proposed budget.

Our greatest achievements have come in the area of border management where more has been accomplished in the past five years than had been accomplished in decades. Nowhere is the effectiveness of our approach to enforcement more visible than on the Southwest border. To bring control and safety to the border, INS has developed a comprehensive multi-year Southwest border strategy, to which we remain deeply committed.

We have doubled the number of border patrol agents since 1993 to more than 8000 today, including hiring and training 1900 agents last year alone. And we have implemented comprehensive operations to control illegal entries in all key crossing corridors. These operations, such as "Rio Grande" in south Texas, "Safeguard" in Arizona, and "Gatekeeper" in San Diego, have proven that deterrence works.

In fiscal year '98, apprehensions in Brownsville declined by 35 percent and in San Diego they have reached an 18 year low. Perhaps even more important for those who live in border communities, local officials credit our border operations for having contributed significantly to falling crime rates in communities all along the 2000 mile frontier. Our border management strategy integrates activities between ports of entry with work at the ports of entry. They are vital to the nation's economy just as they are potential entry points for criminals and for contraband.

By working cooperatively with other federal agencies, we've achieved impressive results. At San Ysidro, the world's busiest land port, we've worked with the Customs Service, to reduce the average waiting time recently as high as two hours, to under 20 minutes, while enhancing enforcement results. With Customs, we're now replicating these efforts at all other ports along the Southwest border.

To fully establish the integrity of our nation's immigration laws, enhanced border management needs to be linked to an effective approach, to combating illegal immigration in the nation's interior. We've developed a new interior enforcement strategy and are beginning to implement it nationwide. This new strategy, built on a foundation of cooperation and coordination with other law enforcement agencies, seeks to address illegal immigration inside the United States.

It targets our enforcement resources in identifying and removing criminal aliens, disrupting and dismantling smuggling rings, responding to community reports and complaints about illegal immigration, combating benefit and document fraud, and blocking employer's access to and use of undocumented workers. Such an integrated enforcement approach to interior enforcement is already producing results.

Last November we dismantled the largest, most complex smuggling ring ever encountered by federal authorities. It smuggled more than 10,000 people into the United States, with organizers grossing nearly \$220 million dollars. That same month, INS agents in Los Angeles put out of business what is believed to be the largest U.S.-based criminal enterprise producing fraudulent documents, when they seized more than two million fake documents, that had a street value of at least \$800 million dollars.

The new interior enforcement strategy recognizes that much of the demand for illegal workers is generated by unscrupulous employers who often work in concert with alien smugglers. The strategy will allow us to develop more cases like our investigation of Atlantic Finishing, a Georgia-based apparel manufacturer. That probe culminated last April when 11 defendants plead guilty, including the firm's president, who was sentenced to 10 months in jail and fined \$10,000 dollars.

We are also strengthening our capacity to detain and remove aliens who have committed serious criminal offenses. Today we have more than 14,500 criminal aliens in detention, quadruple the 1994 number, while the number of criminal aliens we've removed reached 56,100 last year, double the number removed in

1993. Increased efficiency in the removal process will allow us to maximize our available bed space.

Last year we were able to detain a total of about 150 thousand aliens, 74 percent more than in 1995. As we strengthen our enforcement capabilities, we're also improving delivery of immigration services. Here, our top priority has been revitalizing the nation's citizenship program, which as we all know, has experienced a variety of problems. Overhauling the citizenship process is a work in progress, but we have a series of critical steps in the past two years, beginning with restoring the system's integrity, as the foundation of rebuilding the program.

The effectiveness of our quality assurance procedures to ensure the integrity of the naturalization process has been validated now by two audits, conducted by an outside firm. In addition, we've opened more than 120 new fingerprinting sites in immigrant communities around the country, installed scores of electronic fingerprinting machines, to reduce the rejection rate of fingerprints from almost 50 percent to only four percent today. And we've launched a massive conversion from incompatible computer and manual processing systems to a single, nationwide automated system that supports naturalization case processing.

Now our emphasis is on reducing the historically high backlog of pending applications. The comprehensive nature of reengineering the entire naturalization process has prevented INS from reaching the high levels of productivity we had hoped to achieve during the first quarter of this year. Still, we have complete twice as many cases to date this year from the same period last year. And we have set performance targets for which our managers

are being held accountable.

With new staff from this year's budget coming on board in April, we believe we will meet our goal of 1.2 million completions in naturalization this fiscal year. Our effort with naturalization is to achieve improvements similar to those we have accomplished with the reform of the nation's asylum system. Once a magnet for abuse, the asylum system has been restructured so that we can identify and grant valid claims quickly, while discouraging frivolous ones. As we enhanced the system's integrity, the number of new claims fell by 33 percent last year to 35,000 which is the lowest level in 10 years.

INS has undertaken other efforts that enhance both the delivery of services and the enforcement of the nation's immigration laws. One critical step has been the development of easily verifiable fraud resistant documents. Last year we introduced a new green card, one of the most sophisticated, counterfeit-resistant documents produced by the federal government. To meet the demand for this card and other new documents, we expanded our production capacity, opening a new facility in Corbin, Kentucky, which has allowed us to become current in card processing.

We also continue to strengthen and expand support operations that serve as the administrative and technological backbone for both enforcement and services. Last year for example, we continued a three year effort to replace outdated financial systems with a single integrated system that streamlines financial

processes and procedures and brings us into compliance with federal requirements.

The progress we've made on these and many other fronts, demonstrates that we can achieve dramatic results. However, there is a barrier to achieving the effectiveness to which we are committed that no amount of resources or strategic planning can surmount, and that is INS' current structure.

Since last spring, we have been developing the details of a proposal to restructure the agency, by dividing its primary functions of enforcement and service into distinct, separate chains of command. We established an office of restructuring and hired a nationally renowned consulting firm to provide design support, drawing on best practices from other public and private organizations.

By dividing INS' structure into separate chains of command for enforcement and service, we would establish a single point of accountability for performance in each of our primary functions, while keeping these interconnected, interdependent functions under one organizational roof. Our proposal represents fundamental reform in the culture and in the operations of the agency. It would replace our current region and district office structure with a design focused on assigning the proper mix of skills and management to meet the enforcement and the case adjudication needs of local communities and the nation.

WE hope we will be able to work with the committee as we finalize this draft proposal in the weeks ahead. The fiscal year 2000 budget request, totaling \$4.27 billion, which is eight percent more than 1999, continues to support the immigration goals and strategies that the administration and INS have effectively pursued over the past several years. The thrust of the budget is to extend on-going initiatives, while maximizing the efficiency of current resources. It would allow us to strengthen a successful border management

strategy, deter illegal immigration in the interior of the country, combat alien smuggling, and remove criminal and illegal aliens from the United States, while continuing to address the naturalization backlog and improve customer service.

We must ensure the fiscal year 2000 budget provides INS with the resources necessary to meet our obligations to the American people and I hope we can continue to work together to achieve those shared goals.

Thank you very much Mr. Chairman. And I'm happy to answer any questions, you and members have.

MEISSNER: Thank you.

ROGERS: Thank you for your testimony. Now is INS on target to process 1.5 million naturalization applications this year as we were promised last year?

MEISSNER: Mr. Chairman, we began the year with a goal of 1.5 million naturalization completions. It quickly became clear in September and October that some particularly systems changes that needed to be made were not happening as quickly as they should and so we have revised the goal to 1.2 million. That

is a very ambitious goal. We believe we can meet it. It would bring us to the point that we need to be in our two year effort to reduce this backlog, and restore timely processing.

ROGERS: But you're not on that, you're not even on the 1.2 million person curve yet are you? I mean if you straight lined what you've done so far this year you would fall far short of that wouldn't you?

MEISSNER: If we were to straight line what we've done so far, we would fall short. However, the productivity schedule that we have established calls for and did from the very outset, substantially increased productivity in the second half of the year from the first half of the year because the new staff that provided in the fiscal year '99 budget is currently in the hiring pipeline and will only arrive on board beginning in April.

So, the productivity that is gained from those 200 adjudicators and I believe it 100 clerical staff, can be realized in the second half of the year.

ROGERS: Well, if you did just the straight line projection from now where would you be in the...

MEISSNER: The straight line -- right now have done in the first four months of this year about 300,000 completions. That is twice as many as we did during this period of last year. If we were to straight line that because it's four months, that would bring us to between 900,000 and one million.

So, we need to go up to 1.2 million and therefore that additional 200,000 plus needs to be -- is on our calculations for the second half of the year.

ROGERS: You understand why I'm a little bit skeptical because you promised us a million and a half last year, that you would do this year.

And you're already lowered that target to 1.2 and you're on a straight line for even less. So, some of us are skeptical that you can meet even your lowered expectations.

MEISSNER: Well, we're trying to be very honest and forthright with the committee and with others on this issue. It is a massive undertaking. There is not only a tremendous productivity requirement that we have put on ourselves but we're doing it during a period of entirely redesigning the process.

We've been successful in the first steps of that. It is very ambitious but we will do everything that we can to meet it. And we believe that we will be able to meet it.

ROGERS: Now will INS be able to process applications no matter where they're found in the U.S. within 12 months?

MEISSNER: This is a two year program to reduce the backlog. It is our intention to reach an average processing time by the end of this fiscal year, in other words by October of '99, of 12 months. That then requires the next fiscal year, fiscal year 2000 to reach the six months processing goal which is

ultimately where we want to be in order to restore a timely process.

ROGERS: Where are the waits likely to be over 12 months in this fiscal year?

MEISSNER: We have a list of that. I don't actually have it in front of me. I can provide it to the committee. I think that what -- we're focusing here primarily -- not primarily -- but our major focus is with the largest district offices that account for the major share of the case load.

Los Angeles for instance accounts for almost one third of this case load nationally. Los Angeles has been the target of our first efforts because we must attain productivity there properly in order to do it properly around the country.

We have focused attention on Los Angeles. Los Angeles is meeting and exceeding its targets. It will reach 12 months of less by the end of this fiscal year. And we are moving those techniques and proven processes of production management in Los Angeles into the other big offices, office by office.

Our next targets are New York and Miami which are the next large share of the case load. We have had in depth discussions, analysis and changes in the way the work is being done in those offices in order to bring them to the same level of effectiveness that we are now seeing in Los Angeles and that's how we will continue to proceed.

ROGERS: What is the, what is the processing time averaging in those larger cities now?

MEISSNER: I believe that the processing time in some of those larger cities is 17, 18 months, up to about 22 months. So, -- and when we started this whole endeavor, we were 24, 25 plus months. So we have been able to bring it down but unevenly around the country.

Obviously, ultimately we want this to be consistent everywhere. We have to start where you can and move from there.

ROGERS: (OFF MIKE) five minutes. We have a vote on the floor so we will be in short recess.

MEISSNER: Thank you.

(HEARING RECESSES)

KOLBE: The subcommittee will resume. Mr. Rogers has asked me to go ahead and start. Maybe I can get my questions in during the time that he's gone here.

Commissioner, thank you very much and thank you for taking the time that you have to be very -- always to come up and talk to me and answer the questions and concerns that I have as one that represents a border state with some of the -- border with Mexico along -- we obviously have a lot of concerns. So most of the things I'm going to talk to you about here today are things that I think we've

already -- you and I have personally discussed, but I want to just get them for the record here.

The first has to do with the policy of the INS of apprehending illegal immigrants in one location and moving them to another location to let them go. The experience that we've had is that they're apprehended over in the Nogales areas and they're brought to Alapreeta (ph) -- to Douglas -- to be let across the line into Alapreeta (ph).

First I question -- I have a question about the theory of this. I guess the idea is as I understand it from talking to Border Patrol agents on the ground, the idea is to break the connection between the illegal immigrant or the coyote or the smuggler.

Do we have any empirical evidence of this, that this works, that you actually -- that few of these people come back across, that they just give up and what, that they somehow wander back down into Mexico is the theory I guess. Or they stay on the border there. Do you have any imperial evidence at all that this works?

MEISSNER: I would have to -- I would have to go back and ask whether we have empirical evidence. We certainly have a very strong experiential base within the Border Patrol for believing that this is helpful. And I am very much guided by the Border Patrol judgments on the ground as to their experience on these matters.

KOLBE: When you say experiential, do you mean anecdotal or...

MEISSNER: I mean, whether it is, whether it is more than anecdotal I couldn't tell you right now but I would be happy to follow up and determine.

There is clearly increased smuggling and organized movement in order for people to come across the border because we've gotten so much better at the border. It's just much more difficult to do it without guidance.

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And so the idea of breaking the connection with the smuggler is crucial. I mean for instance in the San Diego area, one of the things that is going on now in El Centro is the effort to prevent the smugglers that used to operate south of San Diego from transplanting their operations in El Centro and there are a variety of things that the Border Patrol does in order to try to discourage that from happening.

The particular issue that you and I discussed about the numbers and the difficulties that causes in the Douglas area because that area is now such a hot spot, are issues that I have now discussed with Johnny Williams, the regional director.

And what I want to pass on to you is that there is not a formalized agreement on direct numbers of swapping. Operationally, the people on the ground are

charged with the responsibility for balancing this out so there is not an undue burden any particular place.

As a practical matter right now the apprehensions are so much reduced in Nogales, that there really is not Nogales activity in any magnitude going to Douglas. In fact, it's the other way around. There's so much activity in Douglas that people are being taken and returned...

KOLBE: You're saying...

MEISSNER: ... to an extent through Douglas...

KOLBE: ... let me see if I understand that...

MEISSNER: ... through Nogales, excuse me.

KOLBE: Yes. Let me see if I understand. You're saying today more of those apprehended in Douglas are being released in Nogales than visa versa so the larger numbers are actually moved if there is any of this movement going on. But I still question...

MEISSNER: Many more...

KOLBE: ... are being moved from Douglas to Nogales.

MEISSNER: ... to Nogales.

KOLBE: How recent a phenomenon is this, of this apparent reversal?

MEISSNER: I think it...

KOLBE: I was not aware that the numbers in Nogales were that much more -- down that much yet.

MEISSNER: Well, I spoke about this with the region yesterday. And in Nogales they're now running an average of about 200, between 200 and 250...

KOLBE: Per day?

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MEISSNER: ... per day, which is dramatically...

KOLBE: Oh, that is down.

MEISSNER: ... down.

KOLBE: It's a thousand per day in Douglass which is a town one tenth the size...

MEISSNER: Right, in Douglas it's not running about 950 over the last several

days, last week or so. So, there is -- there is a marked and dramatic change in Nogales, and that is the shift that's taking place.

KOLBE: That then leads me to my next question of it appears -- at least in our area -- I don't know whether this is true for the whole border, but the as far as I know the last big unplugged spot right now, at least it has a town of any consequence on the border on both sides of the border, the last big unplugged spot appears to be Douglas on the border. Is that an accurate statement?

MEISSNER: That is an accurate -- that is -- what I can say to you as an accurate statement is that Douglas is right now the busiest, most highly pressure...

KOLBE: Number one spot in terms of apprehension?

MEISSNER: That is correct.

KOLBE: Though Douglas is 10,000 and Alpeeta may be 90 to 100,000 as compared to Tiajuana - San Diego area, many millions.

MEISSNER: That's right.

KOLBE: So, it's clear -- you put those numbers, translate those numbers of apprehensions means you can extrapolate from that to some degree at least to the number of people that are surging toward the border in that area and you can imagine the kind of pressure that is being put on a town of that size.

MEISSNER: Yes. It's very extraordinary pressure. We recognize that. We have had to go through these transitions periods, all along the way over the last four years as we've put the border strategy in to place. We have increasing experience with how to work with the community on this. We know that it will be -- there will be a period of time where that pressure will continue before we're able to deter it. People will be returning to the Douglas area on a regular basis to be working with the ranchers, to be working with Mexican officials. We're particularly concerned as the heat intensifies this spring.

The Border Patrol and the region have a carefully developed plan that they are working through which will address these issues and I think it would be a good idea -- I've asked the regional director to be in touch with you and I will brief you on these issues in the next weeks as they evolve.

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KOLBE: Thank you. I would very much appreciate that. But let me segue from that into the more specific -- and maybe before I do that, let me just if I might just share with you which I think I may have shared with you the other day, this one paragraph from the mayor to give you some feel for -- at least I would like it in the record -- some feel for the, the problem that exists. Where he writes in his letter to all I believe, to all members of the

congressional delegation; if not Mr. Pastor and myself.

"The perception in Douglas is our community is being overrun. Many of our citizens, especially the elderly, have been exposed the phenomenon of strangers driving down their allies, running down their streets, hiding in their yards, are afraid to leave their homes or answer their doors after dark. The UDA's nocturnal activities disturb the peace and quiet of our city and cast a shadow of fear that was never before present. The barking of dogs along with other sounds associated with these activities create a situation where people cannot get a peaceful night's rest. Property is trampled and destroyed. Homes are broken into and a trail of garbage is left behind, not only in the city but also in the outlying area. Our biggest fear is that the people's desperation and fear eventually will result in a situation that ends tragically."

Let me just ask you -- you and I talked about the concern that we have of the facility there. And we had a plan that understood, to expand that facility which then as I read it in the budget, is now both pushed back two or three years. Literally, I've been to this facility, this Border Patrol station. They are literally standing around when they have the call at muster. People are standing out inside because they can't all get inside. There are so many people. It's a facility -- it's so tiny compared to the number of people that they have there today that there's no desks for them. They're writing on top of file cabinets, writing their reports.

I mean it's an awful situation in which they're working right now. What can you tell me about what we're going to do about that.

MEISSNER: A new station for Douglas is among our first -- among our highest priorities, with construction.

The president's budget for fiscal year 2000 for the Border Patrol is supporting the Border Patrol through technology and construction funding requests. We have a terrible shortage of space because of the very dramatic growth of the Border Patrol over the last four years. That's demonstrated exactly by what you're seeing with the Douglas station.

There is a new Douglas station scheduled for construction in the year 2001. It remains in the budget. The design is taking place now. The site acquisition and all of those issues you know, these are always three year endeavors.

But we're on -- we're on -- Douglas is in that schedule.

KOLBE: So the 2000...

MEISSNER: So there will be a new station in Douglas.

KOLBE: ... the 2000 budget would have the money for the design and planning of it and 2001 for construction. Is that correct?

to ensure that undocumented immigrants on Guam are processed in a timely manner?"

MEISSNER: The undocumented immigration that you're referring to is by and large, large scale smuggling of Chinese. It is the most vicious of the

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international trafficking of aliens that we deal with around the world today.

We don't have sufficient detention capacity in Guam when groups arrive there, and that is something that we're working on. But the extent to which people do arrive in Guam, do apply for asylum, we have a very effective, efficient system now for processing asylum claims. I believe that we handle Guam by sending asylum officers there -- although I will verify that -- to interview people and to provide a case-by-case review of whether or not they have a well-founded fear of persecution.

And it is very much in the interest of an effective asylum decision making process, to handle those cases in as timely a fashion as possible, because if they are not handled timely, it encourages people who might be interested in misusing the system to do so.

MEISSNER: So, we react very quickly to those situations, we work very, very diligently with the Coast Guard to prevent those boats from arriving in the first place.

If they are indeed trafficking on the high seas, when they do arrive, we move as quickly as we possibly can to adjudicate cases, so that nay among those people who might validly be refugees, can in fact get protection. We find that the very large majority are not eligible for asylum, and then we need to move as quickly as possible to return them, sot that the message goes back not to abuse the system in this way.

TAYLOR: Let me ask you my last question for this round.

On a related issue. Interesting, I probably get a couple more chances to say this before this year ends, but the Chairman and I have an ongoing kind of a side conversation as to how long it will take for the census issue to come up during any hearing. Or for me to bring up Cuba during any hearing. Well guess what, I just did the census, and watch this question now.

Inter-related to this smuggling issue, it used to be that if you came from Cuba, you were welcome here immediately. That changed somewhat in the last few years, it changed quite a bit. It also used to be that if you were involved in getting people from Cuba here, in spite of immigration laws, you were considered not only a hero by some people in the Miami community, but by a lot of people at the State Department. That also seems to be changing.

There is -- there have been quite a few incidents lately reported of people,

from this country involved in, I would say, the business of trafficking and smuggling people from Cuba. Some have died, never made it here. Is it as hard, and I know you're not in the business of indicting people, it's not what you do, you prepare information, is it as hard to get an indictment on this issue as it used to be years ago when it was welcome for everybody to break the immigration law? Or has that changed at all?

Some people would say that the hardest indictment to get in Miami is getting -- you know, getting a person out of Cuba. That's always a welcome thing still.

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MEISSNER: Well, your -- in our experience, your observation that these practices are changing is a correct observation. We believe that some of these changes, practices are changing. And these changes amount to organized smuggling, of one form or another. In the case of people coming from Cuba, not altogether, but to some considerable extent.

The United States Attorney in Florida has been increasingly concerned with us about these changing practices as well. And is beginning to bring some cases as smuggling cases. I think the direct answer to your question is, to look at a very recent case, where indeed there was an indictment, and I believe that the jury found guilty and there was a sentence, on a person who brought a group.

The boat capsized or something happened to the boat. A significant number of people drowned, including the wife of the smuggler. It was a very tragic situation all around, but it does demonstrate that these are life and death activities, very dangerous activities. And I think we are starting to see some change in the behavior of the criminal justice system in responding to them.

ROGERS: Thank you Mr. Taylor.

Commissioner, we've increased the number of border patrol agents from a fiscal '93 level of 3900 agents to fiscal '99 level of 9000 agents, a 122 percent increase. Yet, while the stream of illegal aliens may have slowed in the San Diego area, it's moved east to Arizona, New Mexico, and Texas, as members of Congress and border patrol chiefs and agents will tell you.

Additionally, we have barely begun to identify the needs from the U.S.-Canadian border as alien smuggling and other forms of illegal immigration become more prevalent across the northern border. Yet INS' budget request does not request one single additional border patrol agent for fiscal 2000. You said in your testimony today that there are too many inexperienced agents.

But Congressman Reyes, a former border patrol chief, who has over 26 years of experience with INS, and is a former border patrol chief, disagrees with you and says that the current level of less experienced agents is well within acceptable standards, as he testified February 25th. He also says that all five Texas border patrol chiefs agree, that they desperately need more agents, and that technology is irrelevant if you don't have border patrol agents to respond to it.

What do you say to that?

MEISSNER: Well, as you've noted, the border patrol has experienced very dramatic growth, it's more than doubled in the last four years, and that's obviously been with very strong support from this committee and has involved a very, very ambitious hiring and training effort on the part of the Immigration Service. We have been able to bring this growth of several years into deployment.

We have another 1000 agents that are authorized and funded in this year's budget, the fiscal year '99 budget. We are having some problems this year actually meeting our recruiting targets because of labor market issues, but we have the capacity to deal with these numbers. We have been able in the past four years to build this force up in a very, very aggressive fashion. And we

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continue to remain committed to the growth of the border patrol and to the strategy that we've put into place. The growth has been very substantial, however.

ROGERS: Well, let's stay on track here.

MEISSNER: And if it's been explosive and we have a very new work force...

ROGERS: I want you to stay on track. What about the charges that we need more border patrol agents? Now, you're not likely to hire all thousand that we provided for you in the current year bill. Six border patrol training classes have been canceled, less than 400 agents are currently in training. In fact, if we continue as we are now, you'll be lucky to hire 500 agents this year, when we gave you a thousand.

What are we doing to ensure that all of those agents that we gave you this are on board by the end of '99?

MEISSNER: We have worked very aggressively this year on our hiring program. As I say, we have over the last four years met all of our hiring goals. We have opened a new training academy, we have not only maintained our training standards, we have improved the quality of the border patrol. We have the capacity to do this hiring, we have developed a recruitment and a training program that has been effective.

This year, for the first year, we are hitting problems, and they are problems that are labor market problems, similar to what the military is experiencing, what other law enforcement are experiencing. We are in a business where the economy has, as we all know, very, very low unemployment, and where the standards that we are calling for with the border patrol are very stringent. We have the longest training period of any federal law enforcement agency, we require Spanish language, which is an exceptional requirement, as compared to other agencies. And so we are facing difficulties this year.

We will not meet by the end of this fiscal year, the hiring goal of one thousand. However, we are very aggressively changing our recruitment, working on the procedures to be sure that we are shortening the hiring period as fully as we can, consistent with maintaining high standards. And that recruitment will, therefore, have to go over into the next fiscal year.

However, the growth of the border patrol needs to continue. The administration made the decision this year to support the border patrol through facilities, through technology. Our budget request is almost one half support from the border patrol, \$98 million dollars in a combination of construction funds and technology funds. The technology is not a substitute for agents, we know that, at the same time it is a very, very important force multiplier. Particularly in areas like Texas and the more remote areas of the border.

ROGERS: What do you say to the fact Texas border chiefs, border patrol chiefs that say that they desperately need more agents and that technology is, and I'm quoting them, "Irrelevant, if you don't have border patrol agents to respond to it." Are they in error?

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MEISSNER: They are not in error. They know, as we all know, that the effectiveness of our efforts on the border is a combination of people, technology, and equipment. In all of the sectors we have provided a combination of those three factors. There are places where technology can be of more assistance than in others. The Texas border patrol sectors will be getting, basically half of the thousand agents this fiscal year. That will help them very, very considerably. The technology that is in the budget for fiscal year 2000, will also help them very considerably because it is state of the art technology that will allow agents...

ROGERS: But it just seems to me that every time we give you a goal and give you the money to do it, and you promise us that you'll do something, you always come up short. I mean, everything I've asked you about so far today, you've come up short. The naturalization, you're falling way short; border patrol agents, you can't hire them. And I've got a lot more that I want to cover with you. But so far, you're batting pretty close to zero.

MEISSNER: Well now on the border patrol, the hiring that has taken place in the border patrol from the last four years, has been an extremely ambitious program. We have met the goal every year. We have the capacity and we have demonstrated that we can meet the goal with a very high quality work force.

This year we are dealing with a labor market situation that is beyond our control. We're adjusting to that situation as quickly as we can, but we are in the same boat as sister federal agencies and the military, there is not -- one cannot overcome those factors in simply a month or two. One has to recalibrate the pipeline, has to look for different sources of recruiting. This is an issue that is government-wide, and we are adjusting as quickly as we can in order to meet our obligations.

ROGERS: Now I in January of this year, the GAO was asked -- did their report on Department of Justice management problems, in relation to the Southwest border, they said, "INS has spent billions of dollars on border enforcement, but has not yet done a comprehensive evaluation to determine whether its strategy to deter illegal entry has been effective."

Why haven't you done a comprehensive evaluation, so that we can definitively know whether this very sizable investment that we're making in resources at the Southwest border has been effective?

MEISSNER: That's a very important question to be able to determine how the investment is paying off. We know that where we have applied resources, we are seeing results. We have a comprehensive evaluation which is underway. This is an evaluation -- any evaluation of an issue of this magnitude takes some time to do. The evaluation is -- it has been contracted and we expect to have results -- I actually need to verify for you when we will have the results of the evaluation, but I believe that it is within the coming fiscal year.

And we recognize that we need to have a comprehensive evaluation, which is why we have made arrangements to accomplish that.

ROGERS: Who did you...?

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MEISSNER: I believe that the -- I believe that we are working with the Center for Naval Analysis, which has the skills and the background to assess an issue of this magnitude across this broad of geographic area.

ROGERS: Naval?

MEISSNER: I believe so.

ROGERS: Naval Analysis?

MEISSNER: Yes. It's one of the DOD research activities which now, since changes in the Defense Department is working with domestic agencies on issues that are relevant to the techniques that they have developed over the years in analyzing DOD issues.

ROGERS: But you can't tell me when that's going to be finished?

MEISSNER: I don't have it with me right now, but I will get back to you.

ROGERS: Anybody in the room have that info with them? Surely somebody has...

MEISSNER: Well, I believe that we will have some preliminary information late this spring. And more comprehensive information later in the year. But I will check that for you.

ROGERS: OK. That's oh for three.

ROGERS: Mr. Latham.

LATHAM: Thank you Mr. Chairman. And welcome. And I thank you for dropping by yesterday and having the opportunity to visit about the quick response teams and the video teleconferencing and "Operation Vanguard." I'm going to be -- as the hour of the day, be quite brief here today and I'll submit some questions on the, for the record, on those conversations we had yesterday.

But there is a large issue in the Iowa-Nebraska region. The Omaha district office has been attempting to construct and operate a 300 person capacity, prefabricated detention facility in Grand Island. However, no funds have been made available by INS to do so. The region's jails are so overcrowded, partly as a result of the INS and other federal prisons, that the courts are going to start releasing prisoners. Opening up this planned detention facility, which officials estimate could be done within two months, is critical to addressing the problem.

Is there a way for INS to find the funds to get this facility up and running this year?

MEISSNER: I have to be honest with you to say that we have a very serious situation with funding for detention this year. The Grand Island facility is an idea that our central region has developed. We know that we need more detention in that part of the country. I'm very -- I would be very reluctant however to say that we would be able to fund that out of this year's funding, given what the funding...

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LATHAM: Is there funding requested in the year 2000 budget?

MEISSNER: We are -- there is not currently in the fiscal year 2000 budget, funding for this. We however, have a continued funding issue in the fiscal year 2000 budget, where detention is concerned. And we are working with OMB on solutions to that which we will bring to the Congress.

LATHAM: OK. As you know, the Attorney General is requesting \$35 million for the cooperative agreement program. Do you know how much of that INS will get and do you have any idea where those funds are going to go in INS?

MEISSNER: The cooperative agreement...

LATHAM: Well it's to help pay for incarceration of federal prisoners... CAP (ph).

MEISSNER: Oh the SCAP (ph) program... Right. The reimbursed funding to states.

LATHAM: Right.

(OFF-MIKE)

LATHAM: With the marshals, right.

(OFF-MIKE)

LATHAM: OK.

MEISSNER: Oh. We're talking about marshals IGSA contract?

LATHAM: Right. Right.

MEISSNER: OK. A good deal of our detention capacity now is as a result of agreements with local jails to buy and use space from them. And that takes place all over the country. But that again, is a function of dollars. So, to the extent that we have funding limitations, it's -- those agreements are affected by those funding issues.

LATHAM: What I'd like to do is -- I'm going to have a delegation out here from Sioux City, Woodberry County, and if we could, possibly get a meeting set up and just to see if we can work on a problem. It is a major, major concern for the area.

Just one final area. Do you know how many of the portable ident fingerprint systems INS has? And in the budget, are you going to procure any more portable systems in Sioux City? Basically, their computer system does not match up and they can't use it. They need a portable system up there.

MEISSNER: I would have to -- I would be pleased to get back to you on what the plans are for -- there are a number of local cities that are interested in this and we work with them as comprehensively as we can. Actually the best support that we're able to give to local law enforcement is through the Law Enforcement Support Center. Which is this phone-in capability that we have to

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a center in Vermont, that checks all the criminal databases in response to local law enforcement in the case where they have arrested somebody that they believe might be a criminal alien.

LATHAM: Yet, you don't know if there's in the budget though, if you're -- anything budgeted for additional portable...

MEISSNER: It would be part of our base budgeting. It's not a new request, but there's a good deal of that kind of technology in our base budgeting, so let me check to see whether any of it meets what question is.

LATHAM: Very good. I'll have some questions, Mr. Chairman to submit, so thank you.

ROGERS: Miss Roybal-Allard.

ROYBALL-ALLARD: Thank you Mr. Chairman. Welcome Miss Meissner.

MEISSNER: Thank you.

ROYBALL-ALLARD: Miss Meissner, one of the greatest concerns that many of us have is this tremendous backlog that has existed. And it's my understanding that you're not going to be able to meet the projected numbers, in terms of reducing the backlog as originally anticipated. And I was wondering, considering the backlog, what was the thinking behind a policy that you currently have that requires applicants that have not been naturalized within 15 months of their original FBI clearance, to have to be reprinted and recleared?

Because it's my understanding that's extremely costly and it really does you know, slow down the process. In fact, last year, the INS testified before the House Judiciary Committee that there was an estimated 500,000 naturalization applicants that would have to be refingerprinted at a cost of about \$19,600,000 dollars. Could you explain why the fingerprinting records of applicants are not you know, stored for at least for some period of time by the FBI to reduce the costs?

Of if there's some way to perhaps target applicants, for example like the elderly? Those who are less likely to be criminals. Target them so that they don't have to go through this process over again, and it would save time and money.

MEISSNER: Well, first let me reference the target number here because, as we discussed earlier, we had set a target at the beginning of the fiscal year here of a million and a half cases, which we have revised as we've discussed, to 1.2 million cases. That remains a very, very substantial completion rate. It's a historic high, would be a historic high for the Immigration Service. And remains a very ambitious target which we are working very hard to meet.

The fingerprinting requirements that exist in the immigration process are of paramount importance to us because they go to the core of the integrity of the naturalization program and of the new foundation of integrity that we have built for the naturalization program. Moreover, the fingerprinting technology that we're now using in the new fingerprint centers that we've put into place have been a very, very important advance and achievement in improving the process.

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The 15 month rule is a rule that is there in order to prevent or preclude the possibility of somebody committing a crime after the fingerprint check has been completed but before the naturalization decision is made. That's a quality issue. And we've been in a catch up period, where because the backlog cases had accumulated for so long, sometimes two to three years to create a backlog, and fingerprints had been cleared a long time ago, we had to submit fingerprints again to be certain that there wasn't current criminal information on those

people.

We have done that at no charge to the applicant, if we have had to -- where we have had to reprint. But more importantly now, now that the new fingerprinting procedures are in place, now that the quality assurance procedures are working correctly and the integrity measures are in place the way they need to be, we are now calling people for their fingerprints only when it is sufficiently close to the interview that we can be sure that the time will not elapse to call for a fingerprint again.

Now, we're still in the process of all of this switching, you know, where we are still dealing with older cases of people that were cleared longer than 15 months ago. And so we do have to inconvenience them. But the pattern for the future and the newer cases that are coming in are cases where we only call them to take their fingerprint when we can see where the interview is going to be available. And they therefore, would fall within the proper time period and not have to come again.

ROYBALL-ALLARD: So you actually, that's the method by which you're going to be eliminating the cost and the delay.

MEISSNER: Exactly.

ROYBALL-ALLARD: OK.

One of the concerns that we have, particularly in Los Angeles, and I know you've heard this before. Is the significant increase in the denial rates. In fact, in Los Angeles the denial rate increased from seven percent to 43 percent during the same one year period.

Could you explain for the committee why there is this, such a high denial rate? And also why there is such a wide variation in denial rates between various INS district offices? For example, in the first quarter of 1999, the denial rate for INS districts range from seven percent in Portland, Maine, to a high of 67 percent in Miami?

MEISSNER: We are seeing some very dramatic changes in the denial rate. The denial rate had typically been somewhere in the neighborhood of 20 percent or less. And there are some districts as you say, that are now in the 40 percentiles. There actually are some districts where there have been denials in the 50 percentiles.

It is a function we believe of beginning to process the backlog in a very serious way. That is to say that we are requiring that our district offices go back into the old case load. They have had a habit over time, often of setting the difficult cases aside, or of setting the cases that were to be denied aside because it takes more work to write the denial letters, to process the

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paperwork on the denial.

And as we require and put the procedures into place to work through all of those old cases, a lot of cases are now coming forward that are simply cases to be denied. In addition to that, we find that people have filed multiple applications, and so in joining the applications to be sure that we are operating out of one file, several are denied even though the person ultimately, one -- you know, in a consolidated application, may have an approvable case, in which case, if the case is approved.

We also are finding, particularly in locations like Miami where there have been a high proportion of elderly applicants, we are finding large numbers of people abandoning their application. And we believe that that is because the initial impetus for some people to apply had been changes in the welfare laws, which now have changed again. So that the urgency that they felt for naturalization, is no longer so critical to them.

That's particularly the case with elderly people who are having difficulty learning the English language. And now that there is a change in their eligibility for particular programs, it's no longer necessary in their view, for them to proceed.

So there are all those kinds of reasons. At the same time, we're concerned about these changes and we have to be absolutely certain that those reasons are indeed the reasons. So we have been monitoring this very closely. We have the very troubling issue of change of address, that also creates an issue with denials.

Some of these applicants have been with us for a long time, have changed their residences, the change of address may not have caught up with the file the way it should. If we have denied somebody improperly because we didn't know of their change of address and they filed the change of address with us, we will reopen that case at no cost to the applicant. Instructions on that procedure are going out to our district offices this week.

So that if you do hear of cases where people have filed with us an address change form and received a denial because we believe they abandoned their application, but in fact they didn't know that they were supposed to come in, then we will rectify that.

Finally, I would tell you that on this change of address issue, this is a very significant issue for us, overall, not just with denials. We need to have a centralized, automated way of dealing with changes of address, and we are developing that. And hope we will be able to put something into place later this year, so that that is much easier for applicants and for the INS to handle in that job.

ROYBALL-ALLARD: OK. Now if they did not file a change of address. They forgot or whatever, and then later they come back and ask what has happened.

ROYBAL-ALLARD: will they be able to be processed?

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MEISSNER: Well, probably not. I mean it is their responsibility to tell us if they're address changed and if they fail to do so and the time has tolled, their response to us for an interview or additional information, I think in those cases then they would be required to pay a fine.

ROYBAL-ALLARD: What kind of proof? In other words, they send in a form in saying I have a change of address.

MEISSNER: Yes.

ROYBAL-ALLARD: And it gets lost of something...

MEISSNER: And we will be very, we will give the benefit of the doubt in these cases because we know we are dealing with massive conversions here.

ROYBAL-ALLARD: My time (OFF MIKE).

ROGERS: (OFF MIKE) Mr. Wamp.

WAMP: Thank you Mr. Chairman. Commissioner, thanks for being here. I have great empathy for you. I can't even imaging the challenges that you face. I know misery loves company and if you want to feel a little better, I can tell you the census that guy this morning, he's in more trouble than you're in.

(LAUGHTER)

But...

(LAUGHTER)

... I got home last weekend to a story in Chattanooga of 24 illegal aliens that were rounded up whatever by the authorities and basically the essence of the story was there wasn't anything they could with them. They were head to a tomato farm in South Georgia, so they just loaded them back up and sent on them on their way.

And then by the time the weekend was over, the same situation happened again in a neighboring country, in Polk (ph) County, and again there was nothing that could be done they said, and they literally put them back in the truck and sent them on their way.

And the folks back home are kind of asking me have we just given up or are we just so overloaded that we can't deal with any of these problems?

Now I think it was someone with the INS -- I saw a guy interviewed on the television and he said -- and my wife and I were commenting you know really what a heart warming response because he said you can't blame these folks. They're basically just trying to feed their families. They're just trying to provide for themselves. And so I certainly have great empathy for them as well. But I do wonder if we're in effect, having to just give up on some of the immigration

problems that our country faces. I mean we're pretty far inland, but there's an awful lot of them in southeast Tennessee and northwest Georgia.

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MEISSNER: Well, I think we have to say quite the opposite from giving up. We're not only not giving up, we're making significant headway. Now is not to say that we've able to or will be able to solve all of the problems that surround illegal immigration.

At the same time we -- what you're seeing is changes in the patterns of moving people into the country largely because we've been far more successful in our enforcement at the southwest border. And what's happened unfortunately is that as always happens with law enforcement, we're finding far more organization and organized activity in the response to the enforcement that's taken place, and therefore a need for us to respond in new and different ways, more aggressively and in more complex situations that has been the case in the past.

Now, the most immediate thing that I can tell you is work that this committee did in the last budget round which is by giving us 200 positions for what's being called quick response teams, which will be located in places around the country that are experiencing these trafficking patterns changing, as well as other local law enforcement implications of changes in illegal immigration. Those quick response teams will be precisely for the purposes of supporting local law enforcement when occurrences like this take place.

Those people will begin to be hired and on sight later this fiscal year. So, you can tell your constituents that we will be doing everything that we can with the support of this committee and of the Congress to meet their needs.

WAMP: Shifting gears real quick, we have a lot of non-profit and really probably faith based groups that work adoptions a lot from foreign countries. And it's very complicated. We're inundated with it in our office, local casework, constituent work. But can you just talk about trends and challenges that we face obviously as we try to discourage abortion around the world, adoption is the best alternative and a lot of people in this country are seeking to adopt people from other countries and I guess it's over loading you as well.

Can you speak to that issue?

MEISSNER: Yes, I can. I would say that the adoption cases -- we call them orphan cases -- are probably among the two or three most complex adjudication that we perform. They are not only complex from the standpoint of the legal requirements and all of the bases that need to be touched to approve an adoption as a proper adoption.

They are also very labor intensive because they -- they don't lend themselves to automation. They involve coordinating with foreign governments, with foreign attorneys, with adoption agencies that operate abroad, with home study, social services agencies in the United States. And they also function in the context of extreme emotional anxiety and feelings on the part of the new parents.

So, I wish we could devote more resources to adoptions. We actually have some of our very best people around the country that handle these cases in our offices. And the critical thing for us is to be absolutely certain that the babies indeed are legitimately available for adoption.

That can be very complex in particular countries around the world, because as we know, poor countries can be very desperate and there are some real dark

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practices that take place in the name of humanitarianism in this arena.

WAMP: And then one final question. Are you aware of the fact that Mr. Serrano nephew is now a professional baseball player and was drafted last year?

(LAUGHTER)

I thought Jose you might want to talk about that just for a minute.

You've got the card in your pocket don't you.

SERRANO: (OFF MIKE) that Cuba game on Saturday.

(LAUGHTER)

WAMP: Oh.

(LAUGHTER)

SERRANO: (OFF MIKE) San Jose.

(LAUGHTER)

WAMP: Thank you Mr. Chairman.

MEISSNER: Congratulations all around.

ROGERS: Is the gentleman finished?

The gentleman from Tennessee is advised that this subcommittee as the commissioner mentioned, established a quick response team network in our bill for the current year. And we're half way through that year, but I understand the quick response teams -- which there will be one in most states, most interior states, including Tennessee. So, that your law enforcement officials will have a number they can call. And the team will be based in Tennessee. They will come and quickly work in the situation, like the situation you mentioned, due to the work of your trusted subcommittee.

Now, Madam Commissioner, did you say during your conversation with Mr. Serrano, that during the census taking, that deportation would be suspended?

MEISSNER: I did not.

ROGERS: Tell me what you said.

MEISSNER: I said that we would not, we would not -- we would of course continue our work where criminal alien activities are concerned. But that we would seek to cooperate with the census as fully as we can to be sure that people feel free to participate in the census.

ROGERS: Well, what does that mean? I mean are you going to cease to work on evicting illegal aliens?

MEISSNER: Well, the census period is a very short period, and the arrangement that has taken place in the past during the census period which as I recall is usually a week or two, is that the immigration service has tried to make clear that it would work only where criminal matters are concerned and would not have operations in immigration neighborhoods that might create a chilling effect on the ability of the census to be taken.

ROGERS: Well, that's a separate question. Are you going to continue to seek and evict illegal aliens, people who are here illegally, who entered the country illegally?

MEISSNER: We will continue to remove criminal aliens from the country and people that are in the...

ROGERS: I didn't say criminal aliens; I said illegal aliens.

MEISSNER: I would think that our normal activities where people who are deportable from the country, in other words subject to deportation and in immigration proceedings of one sort or another, if they're date for removal were to arrive during that census week, I would think that we would enforce those deportation orders.

ROGERS: You're not talking about the one week?

MEISSNER: Traditionally that has been -- it has been the week or two during which the census takers are in neighborhoods, that have been of concern.

ROGERS: That's the only time you're talking about easing up at all?

MEISSNER: That's correct.

ROGERS: What about the Border Patrol. Will they continue to control the border?

MEISSNER: Absolutely. That has nothing to do with the census.

ROGERS: And the law enforcement agents within the interior will continue to do their work.

MEISSNER: They will continue to investigate cases.

ROGERS: All right now, you're asking for \$80 million in emergency funding for nearly 3,000 additional detention beds for criminal aliens from Central America, and illegals from Central America apprehended at or near the border.

If we don't provide the funds, criminal aliens, criminal aliens could be released into the community while they're awaiting deportation. And waves of new illegal aliens may reach our south west border on the hopes of being released for a lack of detention space.

The need for emergency detention space is in large part a direct result of INS's failure to plan for and request in a timely fashion sufficient detention space to meet its statutory requirements. We've had two years to prepare for that requirement. We knew it was coming.

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And yet, no planning done. It's not the first time that INS has not planned and requested sufficient detention space to house criminal and illegal aliens. In fiscal year '97 we provided program increases of over \$114 million. Seventy million over what you asked us for detention due to the then shortage of space which resulted in INS released criminal and illegal aliens.

Since then your requests have focused on building some detention space but not requesting immediate contract space to provide for the immediate detention needs. In fiscal '99, the first year that the mandatory criminal detention rules became truly effective, your request was far short of its need for immediate space.

Knowing that INS did not have enough detention space, to detain all the criminal aliens required by law, why weren't funds requested for additional and immediate space earlier?

MEISSNER: As you say there's been a very dramatic increase in detention funding over the last several years. We've with the committee's support increased by over 140 percent the detention resources available in the INS. We have increased those resources both through a combination of INS resources, more through agreements with local jails in which we buy bed space, and those increases in bed space have been accompanied by very significant staffing increases, recruitment training, hiring of detention staff so that we have had major build up from about 6,000 beds to close to 15,000 beds over the course of a few years.

The pressures that we are facing now, this year in detention and the \$80 million that is in the supplemental, supplemental request, comes about as a result of a number of different factors. The mandatory detention requirements that you made reference to do go into effect this year. We were on the track for being able to meet those requirements along with a series of management changes and improvements in our own handling of detainees that we have been concerned with particularly institutional removal program, where we need to see improvements in our ability to remove more people from state and federal prison

custody without having them come back through our own facilities.

MEISSNER: We have put all of our district offices under requirements to improve their procedures. All of them have given us improvement programs which indeed have erased the backlog of cases that need to be interviewed in the seven large institutional hearing program states.

We are tracked with meeting the IRP requirements for this year. There are additional management improvements that need to be made there through administrative removals and use of other legal streamlining measures that are available to us.

The mandatory detention is an area where we could have been better prepared from the standpoint of collecting data over the last several years that would have allowed us to work with the congress on the best ways to meet those mandatory requirements. That data is now being gathered, but we were short in being able to rigorously estimate and demonstrate the needs that those mandatory requirements would bring about.

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ROGERS: And again...

MEISSNER: And those things combined with of course the unexpected elements of the hurricane and what that has meant for us were the stays of deportation on Central Americans are concerned, have created the difficulty this year.

ROGERS: On top of all of the monies we have given you, the tremendous increases, no agency I don't believe in the whole government is getting -- has gotten more consistent and large increases as we've given INS over the last four or five years. And yet here we are bailing you out again in the middle of the year for something that you didn't anticipate nor ask us about. And then, to top it all off -- (OFF-MIKE) yes -- in 1997 GAO concluded that many criminal aliens were released into the community and that if INS had completed proceedings for all aliens released from state and federal prisons before they were released, it could have avoided nearly \$63 million in detention costs.

And only now when the mandatory detention of criminal aliens required by law has become effective, and INS by its own hand has a detention crisis, only now is INS looking at ways to improve the institutional removal program.

Well, oh for four. Why isn't -- why hasn't the INS made the institutional removal program the effective cost-saving program that it should be? Briefly; we're running out of time.

MEISSNER: The institutional removal program has been in our line of sight for quite some time. We instituted the changes that GAO recommended in its report. All of the cases that they brought to our attention have indeed been interviewed and identified. We put requirements last year on our district offices on more effective management of the program. Every district has a plan for how to

improve its management of the institutional removal program.

The plans are being adhered to. Accountability is fixed to meeting the targets. This year we have set ourselves a target of 16,800, I believe, is the number removals under the institutional removal program. We will exceed that target and are likely to achieve about 18,000 removals under that program.

So, the issue is being addressed. We believe that the institutional removal program is an excellent way to deal with the criminal alien responsibility that we have and we are addressing it as aggressively as we can and will continue to do so.

ROGERS: But GAO identified these problems over two years ago.

MEISSNER: We have -- we began to work on them early last year soon after we got the GAO report. I believe that we did have some period of time there where we were not as aggressive internally with this as we might have been. We've been very aggressive on this for the last year and continue to be so. I think the improvements are showing results.

ROGERS: Which GAO recommendations have been implemented?

MEISSNER: There are recommendations on, on a tracking system that GAO -- GAO asked us to look at a series of cases. We have looked at all of those cases and dealt with them. So, they have been disposed of one way or the other.

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GAO recommended changes in our tracking system. We have put those changes in to place. GAO recommended work load analysis measures. Those workload analysis measures have been developed. There are, I believe, two or three other recommendations that we have addressed.

ROGERS: In the fiscal '99 conference report of our subcommittee, the Congress recommended that INS replace the more experienced and higher paid special agents used in IRP with immigration agents, even detention officers might be used instead of special agents.

That -- such a change as that would reduce the overall cost of IRP and would free up more experienced agents for alien smuggling and other higher priority investigative projects. Have you prepared a plan to make those adjustments?

MEISSNER: We have made those adjustments. We run our institutional removal program with the lower graded immigration agent. We have however had very high turnover with that occupation and that has been one of the difficulties in the institutional removal program. But the people who actually do that work, who are located at the institutions, interviewing the prisoners are always looking to bid on higher paying jobs and do so regularly.

With the hiring that's been going on in the agency, particularly in the last year or two, the investigator hiring which is a higher graded position, we've

had very high turnover. I think we've had turnover in the -- sometimes in the 30 and 40 percentiles on that immigration agent positions. And so...

ROGERS: (OFF-MIKE) staff tells me that their information -- that that is incorrect. That it's only being studied, that there's been no moves yet in changing the personnel as I understand.

MEISSNER: What I'm saying to you is that we do do the IRP work with the lower graded agents. We do not believe that that is working as well for us as it ought to because of the attrition that we are seeing in that occupation.

So, we are looking at what we need to do to remedy that. There are a series of recommendations that are coming forward. We are likely to change the program direction where that effort is concerned in order to get a more consolidated, overall direction for the program. And but it is the lower graded employee that is doing that interviewing and we've got to solve the problem of attrition because that is not investigative work in the more technically skilled areas like things like anti-smuggling represent.

ROGERS: Mr. Serrano.

SERRANO: Mr. Chairman, I want just very briefly and in very briefly in response to your questions of the commissioner to reinforce my desire that the INS do not stop their work during the census period, simply that they don't send mixed signals to the community so that people will go out there and get themselves counted. And please understand that's our only concern.

Mr. Chairman, with your permission, is it proper, can I yield my time to the gentleman from North Carolina who has come very specific issues to ask.

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ROGERS: I would rather that we allow visitors (OFF MIKE) the subcommittee to ask questions (OFF MIKE) the subcommittee has exhausted themselves first. (OFF MIKE)

SERRANO: I feel terribly exhausted right now.

(LAUGHTER)

ROGERS: (OFF MIKE) no objection (OFF MIKE).

SERRANO: Thank you, Mr. Chairman.

U.S. REPRESENTATIVE DAVID E. PRICE (D-NC)?: Well thank you. I appreciate your courtesy Mr. Chairman and also our ranking minority member and other members of the subcommittee.

I am a member of the full committee. I'm only a former member of this subcommittee, but I was eager to be here today and I appreciate your courtesy in allowing me to spend a few minutes and to raise some questions.

Ms. Meissner, I want to welcome you of course to the committee and thank you for your testimony. I am here though because I do have some very serious concerns about some experiences we've had in our region with your agency, and with the handling of cases. And I just want to raise these issues with you and see what kind of understanding we can come to as to how these problems might be addressed.

What we're talking about and I'm sure it's not news to you, is the backlog and the time that's it's taking for people to get an answer from your agency. The backlog in citizenship and the adjustment of status applications that you're facing I supposed all over the country. But certainly in North Carolina and the southeastern region of this country.

In my district offices I currently employ three caseworkers who spend between half and three-quarters of their time ironing out problems with the INS. And I can tell you that that is two or three times the amount of staff time I've had to dedicate to this in the time I've been in office since the early years I was in office.

I recently sent these staff members to an INS workshop in Atlanta to find out how we can do a better job on our casework. At that workshop my staff learned that Atlanta holds the dubious distinction of being the most efficient, inefficient INS office in the eastern region. Efficient I guess is what we say because it's a dubious distinction. It's measured as a ratio of the total percentage of work each office in the region is handling, and the total percentages of the budget it receives. By that measure, we have a 3.6 efficiency rating, meaning that we're doing a great deal of work with a relatively small amount of money.

What does this rating does not take into account is the pending and in this case, an increasing workload. In the last five years the number of pending case that this Charlotte field office has handled has increased from 2000 to over 16,000. That's an 800 percent increase.

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As I understand it there are currently 4850 citizenship applications pending. An additional 8,000 awaiting in front of the Texas service center.

There are 5,400 pending applications for adjustment of status. They are an additional 6,400 adjudications other than citizenship and adjustment of status pending.

That's a total of 16,650 pending applications, not including 8,000 in Texas that ultimately will be referred to Charlotte. In addition, some 6,000 persons come into their office month seeking information services.

Now remarkably all of this work is being handled by a Charlotte field office of 33 employees. Of that number three are term employees, seven are in the income (ph) or over hire categories. So in addition to have a disproportionate

share of resources and an increasing backlog we have the potential to lose up to 10 employees through attrition who would not be replaced.

Now I know you've made some effort to try to address the backlog. Charlotte in fact benefited from the deployment of one of your backlog reduction teams which conducted almost 7,000 interviews and swore in over 3,500 citizens last fall. But the team did not eliminate the backlog and Charlotte is now left with two officers who can conduct naturalization interviews.

When I look at your budget I don't see anything that will enable you to achieve the six month backlog goal that you have set for yourselves. Six months is still a long time but it surely would represent a substantial improvement over where we are now.

Now I know that you've increasingly focused on enforcement and border protection and that's very important. But it shouldn't come at the expense of services for legal taxpaying immigrants.

Your budget request as I read it does not add up to game plan for addressing the problems, that we're experiencing in the south east region. For the enforcement account, you've requested 146 new FTEs. For the citizenship and benefits immigration support and program direction account I see only seven additional FTEs. And that appears to be for immigration support data and communication systems.

I would like to know how we're going to get this problem addressed. And these are my specific questions. I know we've got a vote and we're going to have to go. If you can respond orally or for the record.

Number one, does the request for citizenship immigration support and program direction account with just seven new FTEs, reflect what you submitted to OMB? Is that your best judgment of what you need?

Secondly, does INS have any realistic long term plans to reduce or perhaps even eliminate the backlog?

Third, can you provide me with some information about the nationwide backlog -- how Charlotte compares to the national average, and how many FTEs you would need to reduce the backlog on all pending applications to six months.

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PRICE: And finally, can I at least get some assurance from you that the three term employees currently assigned to the Charlotte office will not be withdrawn or reassigned?

MEISSNER: The reduction of the naturalization backlog is our first priority where our immigration service's work is concerned. We have historic levels of citizenship applications in our caseload, having developed over the course of several years. The backlog reduction program is a two-year target for the immigration service that has been supported by this committee. The -- this is

the first year in the backlog reduction. It is going to take through next fiscal year because we're dealing with a caseload nationally of now about two million cases. Those are historic levels and have been for several years.

I will be happy to work with you on Charlotte, where the resources are concerned and the comparison of those resources, to be sure that they're equitable as around the whole country. But where the budget overall is concerned, the support for this case processing does come from the fees that people pay in order for their cases to be adjudicated. That has been for this backlog reduction effort amplified by additional funds in this fiscal year's budget, and that funding is extending into next year -- the fiscal year 2000 budget.

I'm not sure how it's displayed in the way that you're, you know, recounting it in your remarks, but there is funding support for backlog reduction this year and next year, apart from the fees that applicants pay. And we're doing everything that we can to try to move this agenda forward as aggressively as we possibly can. And I'll try to work with you in every way that I can to be sure that that is felt in your district.

PRICE: Well, I appreciate that. Mr. Chairman, I appreciate the chance to raise these issues. Of course, we need some help with Charlotte, and we've said that repeatedly and we do mean that, and we welcome your offer of cooperation and support.

I do have questions, and I think it would be useful for the record if you could provide a documentation of how your agency's goals in terms of reducing these various backlogs square up with what appear to be very modest FTE requests, and a budget request that does not seem to -- does not seem to reflect the kind of all-out mobilization I would think these backlog numbers would require.

Now, maybe I'm missing something, and I -- but I would appreciate a fuller documentation of exactly how we get from point A to point B in terms of these backlog reductions.

MEISSNER: We'll be happy to provide that, because that's been something we've worked very, very closely with the committee to achieve, and we've worked very closely within our agency to achieve. We are mobilizing everything we can.

PRICE: Thank you, Mr. Chairman.

ROGERS: We have votes -- a vote on the floor and the gentlelady will submit a written report on the question?

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MEISSNER: I will do that.

ROGERS: Correct? We will stand in short recess. Mr. Latham will return shortly to resume the hearing, and then I will return shortly with Mr. Serrano.

MEISSNER: Thank you.

(RECESS)

LATHAM: The chairman will be back shortly. In the meantime, maybe we could talk about the QRTs are very, very important to the area up there, and hopefully we'll have some news soon on that issue.

Could you tell me how much money is set aside in the INS budget for QRTs in your proposal -- your fiscal year 2000?

MEISSNER: The -- oh, in fiscal year 2000? In fiscal year 2000, there would be the continuation of the support in '99 for the QRTs. The full hiring and deployment of those people is going to happen at the end of this fiscal year necessarily because of the recruitment processes. So then they really become fully operational in fiscal year 2000, and so the funding support then is in the base. But there is not additional funding right now in the president's request for that program.

LATHAM: OK. How many will you actually have this year? How many teams?

MEISSNER: Well, we have -- the budget this year provides for I believe 200 positions, and ...

LATHAM: Fifty teams ...

MEISSNER: ... well, basically. I think that actual number will be announced in the next -- in the next days because that's been a discussion between the INS and the committee. But there will be teams in a very large number of states.

LATHAM: OK. You don't know whether you're at this point anticipating -- well, we don't have the teams yet, so we don't know what kind of reaction we'll have or -- do you have any idea for next year how many you will actually have for the (OFF-MIKE) increase?

MEISSNER: Well, we would intend -- we would intend to be as close to fully hired up with these as we possibly can, and it is our intention to hire all of them during this fiscal year, and then they would be, as I say, operationally effective in the coming fiscal year. But our hiring plan calls for completing the hire -- hiring process between now and September 30.

LATHAM: We had visited yesterday about the video teleconferencing grants, and it is something that's going to be very, very beneficial, I think, for especially the rural areas that aren't well served. And just for the record, we visited about it, but where is the -- where are you on the memorandum of understanding?

MEISSNER: The videoconferencing funding is funding that is a combination of funding to the immigration service and to the Office of Justice Programs,

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particularly the COPs (ph) program, which has grantmaking authority. The INS does not have have grantmaking authority. And so the videoconferencing will be handled now through -- a large share of the dispersing of those funds will be handled through the COPs program machinery.

We have worked out an agreement in -- verbally with the staff there that will be formalized in a memorandum of understanding, which we would expect to have completed I think by the end of April. And then the COPs program would anticipate soliciting proposals for the videoconferencing later in the spring, I believe, in the May-June time frame. The actual awards of the grant money would occur, according to the timetable, in August. And after that, there is a certain amount of training and so forth that needs to take place, but again, these would be fully operational in the next fiscal year, with the planning and the grantmaking taking place this fiscal year.

LATHAM: Do you foresee any problems as far as the regional centers getting up and operating there? I mean, obviously we have the local entities that are going to be applying and getting the equipment, but as far as your office, say, in Chicago or wherever, as far as that actually being operational 24 hours a day, do you see foresee any problem there?

MEISSNER: I don't foresee any technical problems. The technology is available to do it. Moreover, we have the commitment to do it because we believe that it is a very cost-effective way of linking with far areas that are far afield where we would not otherwise be able to provide coverage.

We will need and want to put together a sufficiently comprehensive network of -- of communities participating to justify the 24-hour coverage, because we always have tugs and pulls where that kind of staff resource is concerned. But we want to be able to do that. The idea of a hub -- a command center where you can have 24- hour coverage then to really leverage that staff resource is something that we think makes an enormous amount of sense, so we're going to do everything we can to accomplish it.

LATHAM: How many people do you envision at one of the centers? I mean, you're going to 24 hours a day, but what kind of staffing requirement do you think that's going to take?

MEISSNER: Well, I -- I'd have to check. It's actually, given the amount of coverage that you can achieve for it, it is not a burdensome commitment of staff. Obviously, it's 24 hours and so you're talking about a minimum three people, you know, every day, in order to be able to do it. But part of doing this -- of course, we haven't done this before so -- we've done it in a certain form we've done it in the San Diego area, so we have some experience. But each part of the country is a little different, so some of this we'll be testing out how much staff coverage actually is required in order to meet the 24-hour requirement. Can we do it with one person on watch? Or do we need more than that?

LATHAM: In the memorandum with the COPs, you know, because of the distance different police departments would be from an INS center, are you suggesting any

preferences as far as eligibility distance- wise, or from an INS office currently -- say, from Omaha or from Sioux City or ...

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MEISSNER: I don't believe that distance is a constraint. I think the constraint, to the extent that it exists, has to do with the command center, the staffing the command center; how much traffic, as it were, the command center can handle and be responsive.

LATHAM: Do you have any idea how many grants we'll be able to give with the \$3 million provided by the subcommittee? Or ...

MEISSNER: I believe that we're talking about 20 sites for that funding amount.

LATHAM: Right. For the -- not 20 -- or in (OFF-MIKE) or rural police departments? It should be more than that, with -- there's three million. I mean ...

MEISSNER: I guess there would be.

LATHAM: You're talking about the centers, right? And not the individual ...

MEISSNER: And not the individual police department (OFF-MIKE).

LATHAM: Right.

MEISSNER: I believe that the 20 sites are INS locations, and then there would be spokes off of those wheels.

LATHAM: Right. But you don't know how many that would fund, as far as the spokes out there.

MEISSNER: We can try to provide that information. We don't know right now.

LATHAM: Did you ever try to talk with someone in your ear?

(LAUGHTER)

OK. Is there someone at INS who is -- and I guess so that we know who to contact that's in charge of the memorandum and as far as working out the details specifically?

MEISSNER: We have -- we have a contact point at the COPs (ph) program. That was really the issue that we needed to be certain that we had somebody there fixed with this responsibility, because this is a new endeavor for them. We are handling it out of our field operations program. The person responsible for that, Mike Pearson (ph), is here, and members of his staff who are taking this on.

LATHAM: OK. Well, I'm very pleased the chairman's back. We're just about ready to start talking about the weather.

Thank you.

MEISSNER: Thank you.

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ROGERS: Commissioner Meissner, in a March 1, 1999 report, Justice on Citizenship USA, I note with grave concern two things: 71,413 new cases were recently discovered and "INS is weighing the costs and potential benefits of submitting them to a case review process." And the second point is, only 12 revocations out of a 1,000,001 (ph) people granted citizenship in Citizenship USA have had revocations take place since that fiasco occurred.

As you recall, 263,000 individuals were granted citizenship without having a full criminal history check -- one of the black days of this agency's history. As it turns out, 77,000 of those people had criminal history records with the FBI, of which nearly 17,250 had at least one felony arrest, 26,000-plus had one more misdemeanors.

Now we hear that you've discovered another 71,413 new cases. How could that many cases have been overlooked?

MEISSNER: The number of cases that we are dealing with, from the standpoint of improper naturalizations came to a universe of about 7,000. That was made up of cases where 300 were clearly improperly naturalized cases, where people had disqualifying convictions that were not identified properly.

In addition, the remaining cases between 307,000 were cases where people made ...

ROGERS: The question is, how could you overlook 71,000 cases, and just now recently discover them? How many more cases are there to be recently discovered before this thing finally is over with. These are new cases, not -- never before dealt with. How could you overlook that many? What happened? And I don't want a history book. I want to know what happened on these cases?

MEISSNER: These cases are part of the overall review that took place of Citizenship USA. That review has been completed. There is the follow-up to that review that's involved with the revocation question. All of procedures have been changed...

ROGERS: The point is, these were not part of the original review. These are not part of what we've talked about. These are new, 71,000-plus new cases not part of the original review. My question is, how did you not discover those until now?

MEISSNER: There -- there -- the Citizenship USA review was completed, an

entirely new set of procedures were put into place, a follow-up on the cases that were improperly naturalized has continued. The entire program, from the integrity and quality assurance standpoint, has been redesigned. The fingerprint issues that were the deficiency in the program have been addressed. We now do 100 percent fingerprint checks through automated procedures. The program is today on a sound footing.

ROGERS: Well, what have you done about these new 71,413 cases that we had not known about before today -- before now?

MEISSNER: If there are cases where there were criminal convictions that would have made the person ineligible for naturalization, they will be part of the revocation denaturalization activity.

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ROGERS: Well, the Justice Department's Report to Congress On Efforts to Correct Problems in the Naturalization Process, March 1, 1999, I'm looking at page 5, bottom-right, page 5: And Justice says, "At this point no action is being taken regarding the 71,413 cases, although INS is weighing the costs and potential benefits of submitting them to a case review process." That correct?

MEISSNER: I'm looking at what I think that you're looking at. Could I have a moment to review the bidding on this?

ROGERS: Yes.

(Pause)

MEISSNER: Mr. Chairman, I'll have to provide the committee with that information. I don't have updated information on the status of those cases, and I will get it.

ROGERS: Well, is anything being taken -- any action being taken regarding those cases? That's the point.

MEISSNER: I will get you that information.

ROGERS: You don't know whether they are or not.

MEISSNER: I'll get you that information. I don't know.

ROGERS: Well, can I have your assurance that these cases will be reviewed as we have reviewed all of the others?

MEISSNER: I will find out what the status of these cases is, and I will get back to you on what we're doing with them.

ROGERS: This report goes on to say, in the same paragraph: "Based on the experience of the original criminal history case review, approximately 5,000 could be found to have FBI records, a thousand of those could involve arrests

for felonies, CIMT...."

MEISSNER: Crimes of moral turpitude.

ROGERS: "... or other potentially disqualifying offenses," and so on. So we're talking about the possibility, Justice says, of up to a thousand of these people having been felons. And they're out there running around.

MEISSNER: I will follow up on this, and we will get back to you as quickly as we possibly can.

Mr. Chairman, could I go back on the detention issue, because I did not fully round out the answer with bottom line point, which is that we, as you know, are working with you on the issue of detention this year and in the fiscal year 2000 budget. We very much appreciate the support that the committee gave in the supplemental, but it is critical that \$80 million that is in the supplemental be made available.

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In addition to that we are working with OMB in this fiscal year on a need beyond the \$80 million. We will be coming to the committee with the results of that work, and we are also working with OMB on the fiscal year 2000 budget, because the difficulties in the detention this year extend into fiscal 2000 and need to be addresses.

ROGERS: All right. Now the other question I wanted to ask you about Citizenship USA. So far, of the 77,000 people who had criminal history records with the FBI, only 12 revocations have occurred since this whole thing began. Why?

MEISSNER: The review of the 7,000 cases that were subject to revocation began after those cases were identified. We carried that -- that review forward very aggressively until last July when we had reviewed more than 4,000 of the 7,000 cases, and had issued notices of revocation in about half, about 2,000-plus, of the cases that were subject to review.

At that point, we by that time had issued -- actually accomplished 16 revocations when a district court put an injunction on the process and prevented us from going forward with administrative revocation in the administrative proceedings of any kind with revocation.

As a result, we have had to switch gears and go the federal district court route. We have put together a strategy for judicial denaturalization while we are fighting the injunction, but the injunction remains in effect. That effort to bring cases before federal district courts for denaturalization is a cooperative effort between the Immigration Service and attorneys in the Justice Department, prosecutors and obviously ultimately the federal courts. And so that effort goes forward with the preparation of cases to be filed.

Those cases will be filed in the courts this year, and the litigation of

those cases will proceed over the course of the next two years. Meanwhile, we hope that the injunction will be lifted. In which case, if we're successful, we will proceed with the administrative procedures that have been underway until last July.

ROGERS: Now let me just list a list of things for the record. And these are what I consider failures, problems, at INS.

Your 2000 request does not include a single new border patrol agent, in spite of an authorization of a thousand.

You failed to plan for adequate and immediate detention space for criminal aliens, and then put the Congress in the position of either granting an emergency supplemental request -- which we're doing right now on the floor -- or releasing those criminal aliens into our communities, and then blame the appropriations committee for inadequate funding in testimony before the House Judiciary Committee on the subject when INS failed to request adequate funds for four years, '97 through '99, and now 2000.

Failures to get the institutional removal program running effectively, to swiftly but fairly remove criminal aliens with the benefit of saving detention space and costs.

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A request for funds for interior enforcement without a strategy -- been producing a strategy nine months late without a sufficient implementation plan. This is in '99.

Citizenship USA -- criminals naturalized by simply doing away with the FBI criminal background check. Three years later only 12 people have been denaturalized out of 1,000,002 (ph).

Representation to Congress, the press and the American people that the naturalization application processing times would decrease to 12 months by the end of fiscal year '99 as a result of the new resources, and not abiding by that promise.

ROGERS: A two million person application backlog in benefits other than naturalization, primarily because INS is placing most of its service resources into making the naturalization process work and still falling short.

Misrepresentation of the 2000 budget to the Congress, the press, the public, by stating that INS was proposing additional funds for naturalization backlogs and improvements when it was not producing any additional funds.

Serious financial management problems. Audits in '97 and '98 state that INS does not have sufficient internal controls to ensure that accounting records and relevant documentation support balances in their financial statements. An outside organization report in 1999 gave INS a "D" in financial management, a

\$300 million shortfall in fiscal '99 base funds.

Next, an apparent failure to manage its automation program, evidenced by a March 1998 inspector general report which has predicted unnecessary cost increases.

Next, failure to meet the committee report deadline, even when an extension was granted. Refusal to postpone a press conference so that members of Congress could be given adequate notice that they were about to be -- about to receive new INS resources in their districts. And the release of committee reports by a high ranking INS official to the public over the express objection of the committee. And no accountability for any of these problems.

All of these things beg the question: does the agency need drastic reform? It does. It's time to recognize that the current structure for dealing with these responsibilities, important responsibilities for the American people, is unworkable, overloaded, and swamped.

Do you agree that INS must be reorganized?

MEISSNER: I said in my opening statement and in other conversations that we've had that we are committed to fundamental reform on many fronts, including a fundamental restructuring of the agency. The range of things for which we are responsible, both through the tremendous growth that we have experienced over the also five years, the new mandates that have come with a succession of new statutes, as well as very ambitious reforms and new initiatives that we have launched are a very, very broad set of responsibilities.

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We have spent a great deal of time and effort over the course of the last year looking at how this agency could be restructured to bring about fundamental reform, to improve performance, because ultimately the purpose for restructuring of the scope that we are talking about is valuable only if it does improve performance. We think we can show how improved performance would be tied to the planning that we have done. We want to work with the committee to achieve a good government solution where the structure of the INS is concerned.

I do believe that, as I said also earlier, we certainly have made mistakes, we certainly have had problems, but we have been very aggressive in attempting to fix those problems step by step on some very, very complicated, broad ranging issues.

I think in many ways it's a question of glass half empty, glass half full. We have a very, very strong record of reforms that we have been able to make, including in our management of such things as the financial management systems, where we are at the culmination of a very aggressive, difficult three-year process to reform our financial management systems. We have been able to bring about this growth in a way that has met most of the major targets.

We definitely will continue to work with the committee as cooperatively as

possible in producing reports. And the issues such as Citizenship USA, where we all agree there were serious deficiencies, are now on a sound footing. The production problems that we're finding in the citizenship program are to a great extent the result of a total revamping that is taking place.

But that is what has to be done in almost every area of the INS's work, a total revamping from beginning to end, and those things don't get done overnight. But where we have applied our efforts, we have shown that we can do it. Where we have turned our attention to the border, we are able to show results. Where we have reformed and rebuilt the asylum system, we have done it in a way that is lasting and reliable. Where we have turned our attention to interior enforcement, we are showing that we can bring cases that are as good as the cases brought by any federal law enforcement agency.

So the issue of structure and the need to restructure the agency is coming at a time where we have grown to the point and shown the ability to function in ways that I believe will allow us to accomplish a fundamental restructuring, but we need to do it responsibly and we need to do it in a way that ultimately achieves the performance that we all want to see.

ROGERS: Well, we must -- we must reform, and it must be radical reform. And this agency doesn't work. I think it's mainly the Congress's fault, because we designed an agency and gave it conflicting responsibilities, I think -- law enforcement, at the same time dispensing rights under the Constitution. And people who are seeking rights are reluctant sometimes to give out information relative to that for fear of the enforcement wing coming at them from the other direction because of belonging to the same organization.

I don't think that we need to keep this agency with both enforcement and service functions. One or the other has to go. And I understand you have a -- you've created a restructuring office and you've hired some people to spearhead a restructuring effort and you've spent about a million and a half on the details. And I'm happy to hear the details, but I'm very skeptical about your

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premise that all existing functions of the INS must stay within. I don't see how that can take place. So either you do it or we'll help you.

MEISSNER: Well, I hope that we can work together on this, as we've discussed. I do believe that the enforcement and the services responsibility of this agency are different sides of the same coin, because they all have to do with the legal status of people coming to this country prior to their becoming citizens. And that legal status can sometimes, depending on what they do, put them into the jeopardy of being in illegal status. Similarly, people who come here illegally have ways under the law of becoming legal. That is, those activities are activities that are very much related.

If we split our responsibilities along the lines of separate chains of command so that there is more focus, more professionalism, clear points of accountability and responsibility for the enforcement activities separate from

the service activities, but keep them joined at a macro level for overall coherence, overall policy direction, and overall accountability in ways that overcome fragmentation, we believe that we can get a more effective performance out of the immigration service.

As I say, we will want to work with you on this. I look forward to working with you on this. And I think that we can come out with a good government solution here.

ROGERS: Well, you'll pardon me if I'm a little bit skeptical of your promises, because there have been a lot of them over the last few years and very few have been kept. So it's not that you're not attempting, I don't want to impugn your integrity, but this thing just will not work. And I've spent 15 years trying to make it work, pumped money into it, quadru -- doubled the budget in the last five, six years, and did everything I knew to do, the committee has, to help make it work, and I've come to the conclusion that it has inherent incompatibilities that we have to deal with in a reorganization structure, restructuring of the organization. And so you and I just differ on a very essential point, I think.

Anyone have anything further?

UNIDENTIFIED REPRESENTATIVE: Just one comment, Mr. Chairman. I think that your point is well taken. I think that many people would agree that there is a need to have a clearer picture of what the enforcement aspect is doing and the other aspect is doing. But I think what the commissioner has suggested is something that we should take into consideration. I think it meets your needs and it meets the needs of other people who don't want a lack of cooperation and a lack of relationship between the two services.

The fact of life is that it is one straight line. It may be a bumpy line at times, but it is a line from how you get into this country to whether or not at the end of that process you become a citizen. How that happens, well, we can clean that up, and I think that we can meet your concerns and the concerns of many of us that we need to know how the enforcement is going, we need know how the services part is going, but we don't have to separate them.

And I think that what the commissioner's suggesting is something we should really take seriously -- the ability to do exactly what you're saying and

leaving it under one agency with clear chains of command. And that's what she has said, and (OFF-MIKE) heard everything I said. So...

ROGERS: I did.

UNIDENTIFIED REPRESENTATIVE: OK.

ROGERS: Mr. Latham.

Thank you very much, Commissioner, for your appearance here today. Sorry it took a little longer than usual. And we appreciate your testimony.