

Solution areas

**PHOTOCOPY
PRESERVATION**

Dear Mr. Chairman:

In light of your Committee's upcoming consideration of H.R. 4264, a bill to establish the Bureau of Enforcement and Border Affairs within the Department of Justice, I am writing to share with you the Department's views on the important issue of restructuring the Immigration and Naturalization Service (INS). Though we support the bill's intention to improve accountability and performance of the INS by changing its structure, we oppose H.R. 4264 in its current form.

H.R. 4264 reflects our view that the INS must be split into two distinct components: one that provides services to the immigrant community, and the other to focus on immigration enforcement. In order to operate most effectively, these components must have separate chains of command and accountability and must receive equal attention and support. However, H.R. 4264 elevates the enforcement function to the Departmental level, while leaving the services operation at its current level. This structure would not provide each operation with equal status within the organization. Even more importantly, the bill fails to recognize the need for a single executive, reporting to the Attorney General, to be responsible for all immigration issues. Without this, there is no way to ensure that the interdependent immigrant service and enforcement missions are accomplished successfully.

I am concerned that H.R. 4264, as currently written, will lead to unwanted consequences. The bill mandates a total restructuring of the Department's largest agency in just six months with no senior level official responsible for managing the Federal immigration system on a full-time basis.

I believe, if given the chance, we can reach agreement and move forward with an approach that everyone supports. We want to work with you to improve the immigration system by establishing equal service and enforcement components while accommodating their interdependent missions under a single executive for immigration matters. Given the important stakes of restructuring the immigration system, we urge you to work through the important concerns the Department has raised before finalizing any legislation.

We all agree that there are significant problems that require improvement -- the challenge is to identify appropriate answers that will achieve better performance. I hope we can work together towards this shared goal.

Sincerely,

9/14/98

Revised Draft

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

In light of your Committee's upcoming consideration of H.R. 4264, a bill to establish the Bureau of Enforcement and Border Affairs within the Department of Justice, I am writing to share with you the Department's views on the important issue of restructuring the Immigration and Naturalization Service (INS). *oppose Though we*

We agree on X, but we need to oppose your bill b/c it doesn't do what it

~~Like you and Chairman Smith, the Department strongly supports the intent of H.R. 4264 to improve accountability and performance at the INS by changing its structure; however, we oppose H.R. 4264 in its current form.~~ *as currently written* The Department believes INS must be split into two distinct components; one that provides services to the immigrant community, and a separate component to focus on enforcement issues. These components must have separate chains of command and accountability. In addition, it is vitally important that both components receive equal attention and support, so that immigration services are not diminished, and to ensure that their interdependent missions are carried out successfully.

I am concerned that H.R. 4264 *as currently written* will lead to unwanted consequences that can be avoided. This bill mandates a total restructuring of the Department's largest agency in just six months, and leaves no senior level official responsible for managing the immigration system on a full-time basis.

~~The Department has invested substantial time and resources in addressing this issue, and has proceeded with a phased approach to the complex task of successfully accomplishing fundamental reform. These efforts have included a contract with Booz-Allen & Hamilton to develop a framework for an effective immigration system which became the basis for the Department's restructuring proposal, and a recent contract with Price WaterhouseCoopers to develop a comprehensive implementation plan for how the immigration system will look and operate at all levels. These steps reflect not only the Department's and the Service's commitment to reform, but also the complexities inherent in the task and the dangers in moving too quickly.~~

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towards this

Sincerely,

Eric H. Holder, Jr.
Deputy Attorney General

cc: The Honorable John Conyers
The Honorable Lamar Smith
The Honorable Melvin Watt

Total Pages: _____

LRM ID: IMS413

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Monday, September 14, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Jeffrey A. Weinberg (for) Assistant Director for Legislative Reference *Chief*

OMB CONTACT: Ingrid M. Schroeder

PHONE: (202)395-3883 **FAX:** (202)395-3109

SUBJECT: **REVISED JUSTICE Report on HR4264 To Establish the Bureau of Enforcement and Border Affairs within the Department of Justice**

DEADLINE: Noon Tuesday, September 15, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: A previous version of this letter was circulated on 9/9/98 under LRM #IMS411

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LRM ID: IMS413 SUBJECT: REVISED JUSTICE Report on HR4264 To Establish the Bureau of Enforcement and Border Affairs within the Department of Justice

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No Objection

_____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

FAX RETURN of _____ pages, attached to this response sheet

9/14/98

Revised Draft

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
U.S. House of Representatives
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ymp.
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vehicle?

SEP-14-1998 10:08 TO:ELENA KAGAN

FROM:GAYMON, D.

P. 4/4

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We all agree that there are significant problems that require improvement -- the workable challenge is to identify appropriate answers that will result in better performance. I hope we can work together to achieve our shared goals.

Sincerely,

Eric H. Holder, Jr.
Deputy Attorney General

cc: The Honorable John Conyers
The Honorable Lamar Smith
The Honorable Melvin Watt

THE WHITE HOUSE
WASHINGTON

From the Office of:

The Domestic Policy Council

Elena Kagan
Deputy Assistant to the President
for Domestic Policy

TO: Julie Fernandes

FAX: 65581

PHONE: _____

PAGES: 5

MESSAGE: _____

Please call (202) 456-5584 if there are any problems with the transmission.

Total Pages: _____

LRM ID: IMS413

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OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

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Tracey E. Thornton
Michael Deich
Theodore Wartell
James J. Jukes
Charles E. Kleffer
Kate P. Donovan

*Julie - Why hasn't
The problem in this
letter been fixed?
Elena*

_____ FAX RETURN of _____ pages, attached to this response sheet

Steven M. Mertens

09/14/98 06:50:57 PM

Record Type: Record

To: Michael Deich/OMB/EOP, Julie A. Fernandes/OPD/EOP, Ingrid M. Schroeder/OMB/EOP
cc: David J. Haun/OMB/EOP, Kenneth L. Schwartz/OMB/EOP, Theodore Wartell/OMB/EOP, Patricia E. Romani/OMB/EOP
Subject: INS Restructuring Letter

I rearranged the paragraphs in the proposed DOJ letter to Chairman Hyde emphasizing our principles of one single executive for immigration issues and equal service/enforcement components within the Department of Justice. Here is my revised version for your review/edit:

Dear Mr. Chairman:

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The Department has invested substantial time and resources to address these issues, and has proceeded with a phased approach to the complex task of accomplishing fundamental reform of the INS. These efforts include developing a framework for an effective immigration system and beginning to implement a plan to ensure that the restructured immigration system will operate effectively at all levels. I am concerned that H.R. 4264, as currently written, will lead to unwanted consequences. The bill mandates a total restructuring of the Department's largest agency in just six months with no senior level official responsible for managing the Federal immigration system on a full-time basis.

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