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**Office of the Attorney General
Washington, D. C. 20530**

November 5, 1999

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INS Restructuring

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice, State and the Judiciary
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

The Honorable Lamar Smith
Chairman
Subcommittee on Immigration and Claims
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

The Honorable Silvestre Reyes
United States House of Representatives
Washington, DC 20515

Dear Chairman Rogers, Chairman Smith and Congressman Reyes:

I am writing to express my appreciation for the opportunity to talk with each of you last night and today, and I would like to clarify the Department's position with respect to H.R. 2528, as reported out of the Subcommittee on Immigration and Claims yesterday.

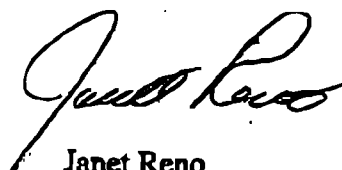
The Department believes H.R. 2528, as amended, represents a substantial step forward from the bill as introduced, and contains many of the issues presented in the fruitful discussions we have had concerning INS restructuring, such as adding an Associate Attorney General for Immigration to address the difficult issue of coordinating the two new immigration bureaus, and adding needed administrative authorities to help manage the transition process.

We share many of the same goals. I am committed to a vastly streamlined immigration structure, that has clear chains of command so that people are held accountable for their actions and decisions. In addition, I strongly believe that there must be an equal balance between the Services and Enforcement Bureaus and that the Bureaus must have the ability to effectively work

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together on areas of common interest. To achieve both of these goals, in my opinion, requires a strong Associate Attorney General for Immigration. I am not advocating a top-heavy structure, but the Office we are creating needs to have a level of clear authority to adequately manage the immigration system. Your bill, as amended, goes a long way to the establishment of this structure. I believe these are your goals as well, and I strongly believe that we can work through any differences that remain. I hope that our discussions will continue as constructively in the future as they have in these past few months.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Reno", written in a cursive style.

Janet Reno

Irene Bueno

11/08/99 09:33:32 AM

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AES out turn

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP

cc: Anna Richter/OPD/EOP@EOP

Subject: INS Restructuring Update

We had a conference call on Saturday with DOJ and INS Maria, Michael Deich and I were on the call for the WH and OMB. Here's where we stand:

Today, the AG plans to call Rogers and insist that the Democrats are involved in the negotiations before an agreement is made. This will accomplish two things - first, Rogers will need the Dems support to get this through as part of an CJS, omnibus or stand alone before Congress adjourns and we know that Rogers want a deal now. Dems (Reps. Sheila Jackson Lee, Berman, etc) and Senate side (Abraham and Kennedy) are feeling left out of the process and have issues that they want to push and will oppose any legislation if they do not have an opportunity to raise these issues. Second, there are some issues that the Dems and the immigrant advocacy groups are pushing that are important to us but that we need them to push on these issues (see below).

DOJ/ INS has marked up the substitute language and the AG is prepared to share that with Rogers if he agrees to include the Democrats in negotiations. If he does not, the back up plan is to consult with the Dems at every step of the way before making any final agreements. DOJ is scheduling briefings with the Dems and Kennedy and Abraham and we are having a conference call with the immigrant groups this afternoon (per earlier e-mail).

The Administration's bottomline issues on negotiations are:

- **Strong Associate Attorney for Immigration Affairs (AAGI)** - The Associate Attorney for Immigration Affairs (AAGI) must have the authority to "direct, supervise, and coordinate" the activities of the immigration services and enforcement bureaus to ensure that someone is held accountable. Currently, the Smith substitute language only allows the AAGI to "oversee the work of and supervise" the bureaus. The AAGI's authority is further undercut by language in the bill authorizing and giving more authority to the heads of the Enforcement and Immigration Services Bureaus (see below).

- **General Counsel and Policy** - the AAGI must have a Chief Counsel that "directs, supervises, and manages" the General Counsel offices in the Enforcement and Immigration Bureaus while at the same time allowing them to report to the head of the Bureaus. Currently, the substitute language only provides for "Legal Advisor" who only has authority to "coordinate and reconcile the resolution of legal issues" by the GC's in the Enforcement and Immigration Bureaus.

Similarly, the AAGI must have her/his own office of policy that "directs, supervises and manages" the policy offices of the immigration services and enforcement. Currently, the Chief policy person only has the authority to coordinates and resolves differences.

- **Staff Functions** - The AAGI must have her/his own office of congressional affairs, intergovernmental and public affairs. Currently, the bill only provides these offices in the AAGI for an 18 month transitional period until these offices can be established in the bureaus.

Other important issues that the Dems, Abraham and groups are concerned about include:

- **Financing** - groups want to ensure that there is sufficient funding for transition and that immigration services bureau is sufficiently funded.

- **Title of the head of the immigration affairs** - The civil rights community is concerned that by making the head of immigration affairs an Associate Attorney General that this organization will be subordinate to the Assistant Attorney General for Civil Rights. Rogers and Smith are opposed to changing the title b/c they do not want to create a super INS. DOJ believes the Civil Rights division will have authority over the immigration organization. Nonetheless we would support efforts to change the title.

- **Inspections** - Immigrant advocacy groups want the inspections that occur at the ports of entry to be part of immigration services and not enforcement. These inspectors determine whether someone is eligible to apply for asylum and there have been some problems. Again, Rogers and Smith vehemently oppose the groups proposal so we will not push it but we will nonetheless support changes and INS is committed to better oversight of inspection decisions that does not necessarily require legislation and is more of an implementation issue (eg inspectors need supervisors approval before denying asylum request, etc.)

- **Moving the office of Executive Office of Immigration Review (EOIR)** - taking out of the office of AAGI to allow for more independence as provided under current law.