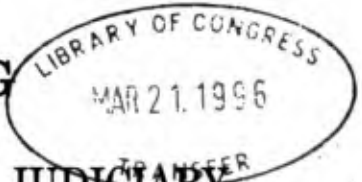


PROPOSALS FOR IMMIGRATION REFORM

United

HEARING BEFORE THE COMMITTEE ON THE JUDICIARY



UNITED STATES SENATE ONE HUNDRED THIRD CONGRESS

SECOND SESSION

ON

PROPOSALS TO REFORM UNITED STATES IMMIGRATION POLICY

JUNE 15, 1994

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PROPOSALS FOR IMMIGRATION REFORM

WEDNESDAY, JUNE 15, 1994

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 3:05 p.m., in room SD-226, Dirksen Senate Office Building, Hon. Edward M. Kennedy presiding.

Also present: Senators DeConcini, Simon, Feinstein, Simpson, and Grassley.

OPENING STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. We will come to order.

I want to at the outset apologize to our witnesses for the delay. As the members know, and I think others, we had votes on the floor of the Senate. That is why we have been delayed in commencing the hearing this afternoon.

This afternoon's hearing continues this full committee's oversight responsibility and the work of the Subcommittee on Immigration and Refugee Affairs' proposals for immigration reform. Today we welcome the appearance before our committee of Attorney General Reno, who is committed on behalf of the Clinton administration to working closely with Congress to deal with the broad range of issues involving the Nation's immigration laws.

Immigration is one of the oldest themes of our Nation. It is part of our heritage and history. It has often been an emotionally and politically charged issue, and it is no less so today. It raises important social and economic issues, and we must deal with them responsibly.

In the Immigration Act of 1990, Congress created a bipartisan Commission on Immigration Reform, and the mandate of the Commission is to review all aspects of our immigration laws and to make recommendations to Congress. Its first report to Congress is due in September, and we hope to have a preview of its recommendations when its chairperson, Barbara Jordan, testifies in these hearings later this month.

Congress and the administration may well need to deal with at least some of the most pressing immigration issues this year. The administration has already implemented a number of worthwhile reforms through Executive action, and we will hear about those measures today from the Attorney General. In addition, in this Congress the House and Senate have passed technical corrections

legislation on immigration, and those bills are now awaiting final action.

These hearings will give the opportunity to explain a broader range of pressing immigration issues and to hear many viewpoints. Among the most difficult questions we face are: How do we exercise greater control of our borders in order to deal more effectively with the festering problem of illegal aliens, especially those who commit crimes? What is the appropriate level for legal immigration? How do we help those States and local communities which are most adversely affected by the arrival of large numbers of immigrant families? How do we deal with the ineffectiveness of the so-called employer sanctions and their tendency to encourage discrimination against U.S. citizens who are members of minority groups?

In reviewing these difficult and complex issues, we look forward to the testimony of our colleagues and Attorney General Reno. We share many important goals in immigration reform. The challenge we face here is to preserve what is best and fix what is wrong.

I would say that over the period of history on immigration, that issue has really been left by the sidelines for years and years, and then occasionally we have come back to revisit that issue. And the case has been, under the former chairman, Senator Simpson, myself, Senator Simon, and other members of the committee, that we have tried to develop a process and a system where we are monitoring these issues so that we are able to take remedial action and do it in a time-appropriate kind of way. That was really why the Commission which Barbara Jordan now is the chairperson of is in continuing operation. I think most of us here have had the opportunity to meet with the Commission and to talk with the members about their deliberations.

But I think on the important issues, whether it has been in illegal immigration or legal immigration, some of us on this subcommittee and the committee have had some differences. But we have always tried to find ways where we could move the process forward. And there have been very constructive efforts on this issue of my good colleagues and friends, Senator Simpson and Senator Simon, who have been extremely active, well-informed, well-intentioned members of the committee. I am grateful for their attendance and continuing work, and I look forward to working with them, as well as the rest of our colleagues on the full committee and off the committee as well.

And now I would be glad to recognize Senator Simpson.

**STATEMENT OF HON. ALAN K. SIMPSON, A U.S. SENATOR
FROM THE STATE OF WYOMING**

Senator SIMPSON. Mr. Chairman, I thank you, and apologies to the witnesses and others. We were doing Whitewater over there and deep water over here, I think.

I want to join in welcoming the Attorney General to the committee, Commissioner Meissner, and Assistant Secretary Hobbs. I look forward to the remarks of our fine colleagues who are also greatly interested in this issue: our colleague on the committee, Senator Feinstein, and Senators Reid and Bryan, and so many others who have great interest, Senator Roth, Senator Hutchison. We look forward to their testimony.

I want to thank you, Mr. Chairman, for this hearing at this particularly busy time for you, with health care and education and the crime bill conference and the many, many demands upon you. It is remarkable that you accomplish what you do. You have a lot of good staff. [Laughter.]

Senator KENNEDY. Just can't resist. Senators Reid and Bryan, this is what we have to put up with.

Senator SIMPSON. It was a soft remark.

Well, we have been through a lot of issues together, Senator Kennedy and myself. I have the highest regard for him. We have worked closely together for 15 years now. Senator Simon has taken a good grasp of the issue. It is a three-member subcommittee. No one else wanted to touch it. The three of us labor along with it, an issue, as I have said a hundred times, filled with emotion, fear, guilt, and racism. Not a pleasant arena in which to work, but very important that we do it.

So I welcome the opportunity to review my bill and these other bills. My bill is designed to try to assist the Immigration Service in addressing some of the abuses in the asylum system, putting some teeth in the alien-smuggling laws, providing additional resources for border control by making employer sanctions more effective. It also addresses—in a fair and measured manner, of course—what I think is the public's concern over the aliens' use of the welfare system and its concern about the current number of newcomers, those admitted legally and those entering illegally. Several of those issues remain very important.

I believe criminal aliens should be deported as swiftly and efficiently as possible and that we should give the Immigration Service the tools to get that done. I believe our longstanding national policy that our newcomers should be self-sufficient—which has been on the books for decades—is the correct policy, and that within reasonable limits it should be enforceable and enforced.

I believe that smuggling people is as damnable as smuggling controlled substances and that alien smugglers should be dealt with just as severely as we deal with drug smugglers.

I continue to believe that employer sanctions can be the most effective and the most humane method of controlling illegal immigration and that we have to solve the fraudulent documents problem and make employer sanctions work.

Finally, I believe that the economy or weak border control and historically high legal admission numbers can combine to create a situation that causes a very genuine and not unreasonable concern among our citizens—even for those of us who support a generous immigration policy. Congress has a duty to address those concerns, and in this case by creating a breathing space in our legal admissions as well as by a concerted effort to reduce illegal entries.

It is not, Mr. Chairman, racist, mean-spirited, nor anti-immigrant in any way to attempt to respond in a reasonable manner to the public's concern about a million or more newcomers coming permanently to this country each and every year. You and I co-sponsored legislation to increase immigration by nearly 40 percent just 4 years ago. We thought the back door was closed, but it was not.

With the best of intentions, we threw open the front door—I think a little too wide for conditions as they now exist. I think we should close it a little, if only for a little while. We can accomplish this without doing harm to real family reunification of spouses and children. My proposal is not punishing legal immigrants for illegal immigration. It is responding to a general concern which I think, if ignored, could lead to true anti-immigrant sentiment among the majority of Americans who I believe do support our notable immigration tradition.

I look forward to the testimony. Thank you, Mr. Chairman.

Senator KENNEDY. Thank you very much.

Senator Simon?

STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. Yes, first I want to pay tribute to Senator Kennedy and Senator Simpson for working in this area that is so complicated. I am a very junior member of the firm of Kennedy, Simpson and Simon, but I am learning—slowly, maybe, but learning from Senator Kennedy and Senator Simpson.

Among the issues that I hope we will take a look at in this hearing, first, the enforcement of our Southwest border, how we can do that more efficiently, more effectively. Second, should we be creating more detention centers for those who come in by ships and planes in other areas? Third, how can we have a more efficient INS? And one of the things in your proposal, Senator Feinstein, is to give preference to employing people in the Immigration Service who are bilingual—a very practical thing that I think would be of help.

What do we do—and this is not an issue that people write to us about, but what do we do about people who have been held, in some cases for years now, who have not been charged with anything? That is contrary to the spirit of our country. Somehow we have to face up to this issue. I do not know what the answer is, but we have to face up to that.

Then the whole refugee situation, it has been brought up in connection with the Haitians. I have been as guilty as anyone in setting priorities for this group or that group or another group. I am not at all sure we should not just say all refugees have to be treated the same with no priority for any group. I think when we move away from that, then we end up with policies that sometimes do not make sense.

But these are among the things that I hope we can look at today in the hearing.

Senator KENNEDY. Senator Grassley?

Senator GRASSLEY. Mr. Chairman, I have no opening statement.

Senator KENNEDY. Senator Feinstein?

STATEMENT OF HON. DIANNE FEINSTEIN, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator FEINSTEIN. Thank you very much, Mr. Chairman. I do have an opening statement and some legislation. I would like to thank you for holding these hearings, and I would like in particular to thank Senator Simpson for calling for these hearings.

Just about a year ago, Mr. Chairman, I spoke on the floor as a freshman Senator but from a large State impacted by immigration, and I spoke about my fear that if the Federal Government did not act aggressively to stop illegal immigration, that I feared there would be a backlash against all immigrants.

In October 1993, I introduced some legislation called the Immigration Law Enforcement Act of 1993, and it was to increase the number of Border Patrol agents, to improve the asylum process, and increase penalties for those who illegally smuggle immigrants into this country.

That legislation has not had an opportunity for hearing, but much has happened since that time. And now, a year later, I am even more concerned by the lack of action of the Congress and believe that if we fail to act, it's only going to continue to escalate ill will toward all immigrants. The time to act is now, and for that reason, I am introducing legislation today which broadens my original draft based on many conversations with colleagues.

All of the components of this new draft, called the Illegal Immigration Control and Enforcement Act, are not the product of my own brain. They are really the product of some of the better House actions, I believe, thoughts of my colleagues; they incorporate many thoughts of Senator Simpson. He and I have discussed legislation. We could not come together because I wanted to confine my legislation to illegal immigration only, and this legislation does that, with one exception. The one exception is in the area of sponsorship because it tightens the requirements for sponsors by, in essence, saying that they will be responsible for the financial well-being of the people they sponsor until they become citizens. As we all know, it takes about 5 years to be in this country before you qualify, and this provides an opportunity to say if you sponsor someone, it means something and what it means is that you are responsible for them.

The impact on California's State budget caused by the steady stream of illegal immigrants is great. It is contested as to amount, but it is great. Estimates now range, if you take the most conservative, that there are 1.6 million illegal immigrants in California. If you take the higher limit, which is that espoused by the Governor of our State, it is 2.3 million illegal immigrants. The Governor also believes that the costs to our State of illegal immigrants has reached \$3 billion a year.

Studies are underway by the General Accounting Office, the Office of Management and Budget, and the Justice Department, all of which should help to produce substantiated figures about real costs.

But no matter what the exact figure turns out to be, the fundamental point is sure to be the same, and this is that there is an expense out there that Californians can no longer afford to bear. Just in sheer numbers alone, numbers are having an impact, numbers are driving the debate—on classroom size, on the job place, and in housing availability.

The inability to enforce our borders and stop illegal immigration—this is north, south, east, west; it is from the sea, it is from the air, and it is from the land—is resulting in rising tension and increasing resentment against both legal and illegal immigrants.

And that is a shame, and we can do something about it, and we should.

It is the responsibility of this Congress to act. The legislation before you today is twofold: Stop illegal immigration by enforcing our borders and devoting the necessary resources to accomplish that objective; and, two, reducing some of incentives such as cash benefits for assistance which is available to illegal immigrants and people here in clouded status.

This legislation will provide 2,100 new border agents—that is 700 a year for 3 years—to secure our borders. It would also make available the necessary equipment, lighting, and fencing.

When I visited the 14-mile stretch of border between San Diego and Mexico last July, I was accompanied by the Attorney General on one of those visits. I saw a mere handful of agents in the field, only one night-vision scope. The lighting across the 14 miles was bad. The border fence was incomplete.

Then we came back here, and some of us, helped by people in this room—Senator Reid on the Appropriations Committee—we put in \$40 million for 600 additional Border Patrol, fencing, lighting.

A week ago Saturday I returned to that same spot, and I want to tell you what I saw. I saw lights in place, 14 miles of fence nearly complete, new equipment available and functioning, and 40 new U.S. Border Patrol agents on duty. More importantly, the Border Patrol agents on the line in San Diego report that they are now catching 60 percent of those trying to enter the Nation illegally. When I was there last, it was 50 percent. Based on the new equipment, lighting, fencing, and agents, they are now 60 percent effective.

I was there Saturday and Sunday. On Saturday night, 2,000 people were apprehended illegally crossing the border. They estimated that 1,500 to 1,700 get through. And that is night after night, day after day, month after month, and that is what is creating the numbers.

What I know now is based on what I saw. Border enforcement can work, but this is just the beginning. Adding 2,100 agents over 3 years would expand the efforts already underway, and I really want to commend the INS. I want to commend the Attorney General. She has kept her word to me when she was before us for confirmation. When I asked her these questions, she said, yes, she would look into it, she would take the necessary actions, and she has. And I am grateful. We all would agree it is just a beginning.

This legislation would speed the legal process—

Senator KENNEDY. I wonder if I could interrupt.

Senator FEINSTEIN. Certainly.

Senator KENNEDY. We want to make sure we—we have our colleagues here. The General was available at 2:30 to 4:15. We are running into about 3:25. I know there is going to be a lot of interesting in inquiring of the General. So whatever way you want to proceed, but I want to make sure that we try and give the General here from our colleagues as it is the committee's procedure. We are all sort of caught into this, through no fault of anyone. And I am glad to proceed. I just wanted to mention that so that—

Senator FEINSTEIN. Senator, I am happy to yield to anyone. I have put in a lot of time on this, and I would like an opportunity to make the case.

Senator KENNEDY. Fine. That is fine. The Senator—

Senator FEINSTEIN. I am happy to yield, and if the Attorney General is here, I am delighted to hear from her.

Senator KENNEDY. Yes, well, she will be. We are going to plan to hear—I will be glad to stay around for whatever period of time for the Senator to present it, but we will have her for about 40 minutes, and I am glad to utilize the time most effectively. Our colleagues are here. My suggestion is whatever way, if you want to make a wrap-up, or I will be glad to stay here after we hear from the Attorney General and the other members. Whatever way you want to do it.

Senator FEINSTEIN. Well, let me just wrap it up.

Senator KENNEDY. Fine.

Senator FEINSTEIN. Let me just quickly tick off the points without an explanation, bearing in mind this is very dangerous to do because, as Senator Simpson has said over and over again, unless you can explain it, you open yourself up for a lot of charges.

Senator KENNEDY. Well, you take the time you want.

Senator FEINSTEIN. It is a very difficult field.

Senator KENNEDY. Take what time you want.

Senator FEINSTEIN. All right. We would fully staff existing border gates so that legal crossing north-south can take place. We would create a counterfeit-proof identity card aimed at eliminating the use of false documents. I saw hundreds of false green cards, hundreds of false driver's license cards. You can buy them on Alvarado Street in Los Angeles for \$40 to \$60. My aides can counterfeit a Social Security card, they tell me.

Now, having said that, the time has really come for one document which substitutes for a green card, which can be presented by someone which is counterfeit-proof and identified their legal status in terms of their availability to work.

This would establish a 2-year pilot interior repatriation program at San Diego. One of the biggest problems is the Border Patrol simply returns people to the border. They come right back to the border 6 hours later or a week later to cross. This would be an experiment with interior repatriation.

This legislation would prohibit direct cash assistance such as AFDC or Supplemental Security Income to immigrants who are not legal permanent residents, refugees, or asylees. It would require citizens who sponsor legal immigrants to provide complete financial support until they become U.S. citizens.

It would establish that an applicant for asylum is not automatically entitled to work authorization. It would increase penalties for the smuggling of illegal immigrants. It would provide for the prompt deportation of any non-green card holder who has been convicted of an aggravated felony and is deportable. And it would reduce cases of abuse against illegal immigrants by providing improved training for both active Border Patrol agents and new hires and requiring the Attorney General to report to Congress each year on this effort.

Now, this would all be funded through the imposition of a modest \$1 border crossing fee, similar to what someone pays when they cross the bridge to come into work in San Francisco. This would go to border inspectors. It would speed up legal ingress and egress. It would hire the necessary personnel. It would fund the required infrastructure.

I will end now. I just want to thank all of those parties, especially the Attorney General, Commissioner Meissner, other Members of the Senate, Senator Simpson for working with me on this, and I would be hopeful that we might see some action come out of this committee today.

I thank the Chair.

Senator SIMON [presiding]. We thank you. We will take members on the basis of when they came here. Senator Reid, you were the first one here, and you are called upon at this point.

STATEMENT OF HON. HARRY REID, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator REID. Thank you, Senator Simon. I would first like to extend my appreciation to the staffs of Senator Kennedy; Senator Simpson, who has personally worked with me—his staff has been very outgoing and easy to work with; Commissioner Meissner, she has been to my office, she has been very cordial and helpful in the questions that we have had; and, of course, the Attorney General who I met with on this issue over a year ago now, it seems, and she also has been most helpful.

Members of the committee, today's hearing spotlights an issue that I believe, as Senator Feinstein said, Congress must address if we are going to better the lives of future generations of Americans, and that issue, of course, is immigration. Interestingly, the issue of immigration is tied to almost every other legislative matter that we have or will address this session. It is an issue that has attracted the attention of many, and rightfully so. The daily newspapers and nightly news broadcasts are evidence of this fact. It is our responsibility as national legislators to recognize this and attempt to resolve some of the problems.

Unfortunately, some of the alarming stories have given rise to extremists more intent on obtaining media exposure by engaging in demagoguery, immigrant bashing, and the politics of hate. This, of course, is wrong. And I do not think there is a member among us who does not believe that this scapegoating is morally reprehensible and only serves to divide us as a nation.

Mr. Chairman, members of the committee, having said that, though, the increase in this extremism makes it even more imperative that we in Congress act immediately to reform our immigration laws. For Congress to sit idly and allow others to demagogue this important issue is an abdication of our constitutional responsibility and, I believe, a recipe for disaster.

It is in part because of this that I introduced comprehensive immigration reform legislation in March. I believe we are nearing the crossroads in the immigration reform debate, and that unless we work together now, the voices of moderation may lose. We only have to look at some of the immigration-related debates in the House to realize that this is a possibility.

I would briefly like to highlight, Mr. Chairman, five areas of concern that I believe must be addressed if we are to carry out truly meaningful reform.

First of all, we must protect the lives of future generations of Americans. There is absolutely no denying the fact that legal immigrants contribute significantly to the betterment of our society. However, I believe we must reduce the annual admissions of legal immigrants to more moderate levels in order to provide for a better country, both environmentally and socially, in the years to come.

Last year, Mr. Chairman, we allowed almost a million new people to come to the United States. Now all those who are admitted are entitled to petition in their mothers, fathers, brothers, sisters, adult children, spouses, and so on. I don't think it is unreasonable to suggest that perhaps we as a Nation cannot provide support for this many new people every year. Conceptually, we are allowing in annually as many people as the population of the city of Atlanta or the whole State of Nevada.

Many of these people create jobs—I do not deny that—pay taxes and contribute to society. But it is simply unfair not to recognize that in 10, 20, 30, 40 years from now our Nation will be so overgrown that there is no way the Federal Government will be able to provide a decent standard of care and protection to those that are here. In short, I believe we are bankrupting the opportunities of future generations of Americans by writing checks on accounts we know they will not be able to pay.

The current administration's dedication to improving the lives of children is unparalleled. I believe the issue of immigration is also an issue dealing with children, and we must reform our policies now so we can better protect the children of tomorrow.

Second, we must protect the future well-being of our environment. As a member of the Environment and Public Works Committee, I am aware of the problems our environment already faces and will face in the years to come: clean water, safe drinking water, endangered species. The terms never end. Senator Simpson and I serve on that same committee. In recent years, we have responded favorably to the calls to protect our environment, but there is not a single problem that we address in that committee that is not caused by overpopulation or certainly contributed to.

By expanding our Nation's growth too quickly and too exponentially, we are jeopardizing our commitment to providing for a healthier environment for the future. Too large of an increase in population places an enormous burden on our natural resources as well as our ability to comply with various environmental standards.

I have seen the tragedy of this in my own State, Mr. Chairman. We had a beautiful body of water called Walker Lake. Just to see it was enough to instill a sense of awe in any visitor—a large lake in the middle of the desert. Well, this once beautiful lake is dying. It is dying because there is too much of a burden placed on that lake by too many people.

And it is not just our natural resources that are put at risk. We must recognize that the escalating increase in immigration to this country will have a direct impact, a direct effect on our Nation's infrastructure. There is no question that this strain imposes a heavy

cost on States, local governments, and, of course, the Federal Government.

My point is that we must recognize that a gluttonous admission of new people every year will have a pernicious effect on our infrastructure and on our environment.

Three, as Senator Feinstein has so clearly outlined, we must increase the size of our Border Patrol and improve our border enforcement operations.

All of us would agree that we live in the greatest Nation in the world. I think that is what makes this country so attractive to billions of people across the world. Common sense dictates that we must control the security of our borders in order to prevent unrestricted migration across our borders. We cannot allow our borders to be so porous that anyone wishing to cross them may. It is simply unfair to those who seek to come to this country legally and wreaks havoc on the border States that must deal with this influx. Right now, our Border Patrol is understaffed, and many of the enforcement operations are outdated.

The figures that Senator Feinstein has indicated, we talked about hundreds of new Border Patrol agents, 24-hour shifts controlling thousands of miles of our border. It really does not add up. We have to get serious about what we are doing with our border.

My bill calls for the creation of a border control trust fund that will allow us to hire additional Border Patrol agents and improve the operations used to prevent illegal entry of individuals and contraband. The trust fund will be completely financed by the imposition of a nominal crossing fee, as Senator Feinstein has outlined.

Stepping up our border enforcement is imperative. We only have to examine the alarming increase of illegal individuals populating our Federal prisons to realize that many of those coming across our borders are fleeing lives of crime in their country of origin, obviously. The Bureau of Prisons has informed me that 25 percent—25 percent—of our Federal prisons are filled with individuals who are not in this country legally. What is most troubling is that this problem is so easily preventable.

Fourth, we must clarify the standards for the granting of asylum and streamline the process. We all agree, I hope, that individuals who are fleeing their native countries because they are threatened on account of race, religion, nationality, membership in a particular social group, or political opinion ought to be granted asylum in this country. Our country has a long tradition of doing this, and it should continue to do this.

However, groundless declarations of asylum or declarations based on fear of economic persecution must be stopped. The asylum system has become a de facto means of legal immigration. Declarations of asylum have become the most expedient way of gaining entry by corner-cutters who seek to cheat the system.

Also, if people are abusing our generous asylum laws, they should not be entitled to unlimited judicial review, and they certainly should not immediately be given employment authorization forms, as happens. This only removes the incentive for ever showing up for a hearing on the merits of the claim. This only invites further abuse of the system and does not serve the interests of judicial economy.

Last, improve our policy of employer sanctions by providing for more counterfeit-proof documentation, again, as Senator Feinstein has so clearly outlined.

When Congress passed the Immigration Reform Control Act in 1986, the idea was that we would reduce the flow of illegal immigration by imposing sanctions on employers who knowingly hire them. The problem, however, is that the documents used to gain employment are too easy to counterfeit, as Senator Feinstein has outlined. I think that this is unfair because people of color are treated unfairly. Immigrants, too, are disadvantaged in addition to the employers. A candidate who appears, as I have indicated, to be foreign or who may have a foreign accent is not as likely to get the same consideration as one who appears to be of "American origin."

The solution is not to increase the fines or engage in more raids; rather, we need to focus on improving the reliability of the identification documents that are used by everyone in the country. I realize that it is impossible to prevent all counterfeiting of identification and work authorization documents, but we can certainly do much, much better than we are doing.

I want to again thank you, Mr. Chairman, for holding this hearing. This is a busy time for all of us, but there is no issue, I think, that is more important than this issue. Almost every correspondence that I get dealing with this issue is not one that is positive in nature, and that is not the way it should be. I think it is imperative that we as a legislative body put a positive spin on the work we are doing. My father-in-law was born in Russia, my mother-in-law of Lithuanian extraction, my grandmother from England. I am very proud of this heritage. We as a country must continue immigration, but we have got to get it under control—it is not—or it is going to backfire, as Senator Feinstein has indicated that it has already done, probably.

Senator KENNEDY. Thank you. I was waiting for a little Irish relationship in there, Senator Reid, but that is all right. At least on St. Patrick's Day. [Laughter.]

Senator REID. I claim Senator Dodd as an uncle. [Laughter.]

Senator KENNEDY. I thank you. I know all of us do who are interested in immigration and how seriously you take it, as all of our colleagues do. I am grateful to you for taking the time to be here and for your presentation.

Senator REID. Mr. Chairman, I have some questions I would like to submit to the Attorney General through the committee, if I could.

Senator KENNEDY. We would welcome them, and we will look forward to submitting them. We will ask them, time permitting; otherwise, we will get written responses.

Senator Bryan, we welcome you as well. All of our panelists have been very active, and we are delighted to have you here and look forward to your testimony.

STATEMENT OF HON. RICHARD H. BRYAN, A U.S. SENATOR FROM THE STATE OF NEVADA

Senator BRYAN. Mr. Chairman, I thank you. In deference to the time constraints, I would like to ask unanimous consent that the

full, unabridged text be made a part of the record, and I will try to be brief.

Senator KENNEDY. It will be so included in the record.

Senator BRYAN. First, I want to at the outset acknowledge and express my appreciation for your convening this forum, to further acknowledge the support and cooperation of Senator Simpson and his staff in working on a number of amendments which were added to the crime bill earlier this year, and other legislation, and to associate myself with the general comments that Senator Feinstein has made. I think that those points are well made.

The problems associated with illegal immigration have had a pervasive impact on our society. Nevada's robust economy, the fastest growing in America, has served as a magnet to attract illegal immigrants.

Now, I would like to just illustrate a couple of problems that this has created for us that I think cite helpful examples in terms of what the impact really is. I got a call just a few weeks ago from a constituent in my Las Vegas office. She had come to make application for public assistance for her 2½-year-old son. During the course of that application, she discovered that the Social Security number of her son had been illegally appropriated by an illegal alien. He was obviously receiving some benefits as a consequence of that, tracked down that he was also employed in southern Nevada.

My constituent brought this to the attention of the Social Security Administration, and admittedly, Mr. Chairman and members of this committee, this is a side bar issue. But the Social Security Administration has a policy in 16 States, including the State of Nevada, not to investigate Social Security fraud unless the threshold exceeds \$10,000, and in 5 States, my State being one of those 5, even if the \$10,000 threshold is exceeded. So we might as well extend a safe-harbor invitation to anyone who wants to use the Social Security Administration to perpetrate fraud. Much of that is occasioned through illegal immigration.

Senator KENNEDY. Excuse me. You mean that is the way the Social Security Agency has made it? Isn't State action supposed to—

Senator BRYAN. Mr. Chairman, it is that. I was almost incredulous, as was the constituent. We got a copy of the bulletin—and I will be happy to make that as part of the record—that indicates there are 16 States. Now, that is allegedly because of priorities. But, I mean, this is written—you do not have to be a rocket scientist to read this document. It simply says if the fraud is less than \$10,000, you know, have at it, my friends. There are 16 States that we just do not enforce—primarily in the West, I might indicate to Senator Simpson. I would be happy to make that a part of the record. I have directed those observations and my sense of disbelief to the Social Security Administration.

Let me cite another example, if I may. As a former Governor, one of the most rapidly growing costs that is incurred at the State level is in the penal system. The high cost of incarceration is exacerbated because of the number of illegal immigrants that are incarcerated in our prison system. For us in Nevada that is 200. Let me give you the shorthand statistical impact. At \$14,000 a year, that

translates to Nevada taxpayers \$3 million. Now, if you compound that across the country, the impact is \$1.2 billion a year. Now, that is something that we do not ordinarily associate with the cost of illegal immigration. This money obviously could be put to other uses which States and local governments are sorely pressed to meet.

Now, among the issues that have to be addressed—and I think Senator Feinstein did a fine job in outlining—are the enhanced border control; we have got to deal with the deportation problem, and I am going to comment on that just briefly in a moment; the political asylum reform; the alien smuggling that Senator Simpson mentioned; and obviously the abuse of the issuance of work permits, which has been almost automatically issued.

The asylum impact has grown from 1980 we had 500 asylum requests each year; by 1993 that number had increased to over 150,000 cases. For the first time, there are more asylum applicants than the total applications for refugee admissions. Now, the backlog is some 330,000. Basically all you have to do is to utter the magical words, "I am here seeking political asylum," and the gate opens.

We clearly need to get a handle on that. I have introduced S. 1348 as part of an Asylum Reform and Alien Smuggling Control Act. I think there are provisions in there that I would like to invite to the committee's attention.

Finally, the Nation was jarred with the reality that we here in America are not immune from terrorism. The Trade Center bombings in New York City I think captivated the Nation's attention. What we learned are that a number of those suspects that were involved in that bombing gained access illegally as a result of the chaotic immigration system that currently exists in this country.

In another incident very close to the Washington area, Mir Aimal Kansi, responsible for the tragic walk-by shooting outside of the CIA facility here in the District of Columbia area, also used the claim of political asylum to stay in the United States, and even received a work authorization.

Now, in an ironic twist to this story, current immigration law prevented law enforcement authorities from accessing one of Mr. Kansi's legalization files so that they could get a photo in an attempt to send out a bulletin to apprehend him. Clearly, this is crazy and makes no sense.

Mr. Chairman, the time for action is now. It is not an issue that is going to go away. If we do not deal with it in a comprehensive sense, we are going to see it on a number of bills that will reach the floor this year in the form of amendments. We have had an example of that with some of the amendments that I and others have offered in the crime bill. We simply must get a handle on this, and let me thank you again for the opportunity to appear and testify before you.

Senator KENNEDY. Thank you very much, Senator Bryan. I appreciate your patience with us, and we look forward to looking at your complete text. We are grateful to you.

[The prepared statement of Senator Bryan follows:]

PREPARED STATEMENT OF SENATOR RICHARD H. BRYAN

Mr. Chairman, I appreciate your commitment to providing a forum to discuss current proposals for immigration reform. I would also like to thank my colleague, Senator Simpson for his work in focusing on the problems our country is facing from an inadequate immigration system.

There has been a tremendous focus recently on the costs and other related problems of illegal immigration. Whether it is the strain placed on our cities from the fraudulent obtainment of benefits by illegal aliens, state efforts to require the federal government to pay for the costs associated with immigration enforcement, or new statistics on the number of illegal immigrants that come to our country each year, rarely does a day go by without a story in the news detailing an incident caused by our broken immigration system and the complete lack of control we have over our borders.

In my state of Nevada, plentiful jobs and a robust economy driven by the tourism and construction industries have created numerous enforcement and resource problems for local INS officials. Nevada is the most rapidly growing state in the nation. This influx of population comes from all over the western region of our country, particularly California and Arizona, and obviously, includes many aliens, both legal as well as illegal.

I would like to illustrate the magnitude of our immigration problem with two direct examples of how Nevada is impacted by our lack of immigration control.

A constituent recently contacted my Las Vegas office concerning the illegal use of her 2½ year old son's Social Security number. When my constituent applied for public assistance benefits, the routine Social Security check turned up an illegal immigrant using her son's Social Security number. It was also later discovered the individual was also using a forged INS card at his place of employment.

My constituent brought this information to the attention of the Las Vegas Social Security office, and was informed no investigation of this fraudulent use would be made because of Social Security Administration policy. You can imagine my constituent's anger. She applies for public assistance benefits, and discovers someone illegally using her young son's Social Security number, and then learns there are insufficient resources available to the Social Security Administration to do anything about it. Local INS officials have been notified of this situation, and hopefully action will be taken as a result. This is a clear indication that problems faced by agencies in dealing with illegal immigration are not limited to the INS.

A second problem faced in Nevada is the high cost of incarcerating immigrants who have been convicted and are serving prison and jail sentences. There are approximately 200 inmates of the Nevada prison system that have INS detainees. When you consider Nevada will be spending \$14,176 per inmate this year, which translates into Nevada taxpayers paying close to \$3,000,000 to incarcerate illegal aliens, the big picture becomes very clear. Nationally, the figure reaches \$1.2 billion a year. This money could be used to relieve overcrowding in other prisons in the state. I recently joined with Senator Feinstein's recent appropriations request of \$350 million dollars to help states offset these costs.

As a former Nevada Governor and Attorney General, I understand there are instances when prioritizations must be made due to budgetary considerations and limitations. The fact remains however, that without help from the federal government on this issue, the states are fighting a losing battle and the lives of every citizen are directly impacted.

Issues which must be addressed in a comprehensive immigration reform package include the speedy deportation of incarcerated aliens once they finish serving their sentences, political asylum reform, and alien smuggling reform, among many others.

Citizens of this country have every right to expect that aliens who are convicted of aggravated felonies are deported immediately after they have served their prison sentences. Things are in such a mess now that once an alien serves his or her sentence, they are first detained, at enormous taxpayer expense, pending a hearing process to deport them to their home countries. Delays due to overcrowding and lack of resources often mean that an alien does not get a deportation hearing for months and sometimes years. An amendment I attached to the Crime bill solves this problem by combining the aliens deportation hearing with their sentencing hearing.

Asylum reform must also be immediately addressed. Thousands of aliens have learned that once they arrive at an American port of entry such as the Kennedy Airport in New York, simply by uttering the words "political asylum," they are virtually assured of an extended stay in the United States.

The number of aliens applying for political asylum has skyrocketed over the past decade. In 1980, only 500 aliens applied for political asylum, whereas in 1993, that number had increased to over 150,000 cases. For the first time, there were more

asylum applicants than total refugee admissions. With such a large increase, a corresponding backlog of cases has resulted, with over 330 thousand cases waiting to be adjudicated today. This backlog will take years to process unless immediate steps are taken.

Those who are judged to be making political asylum claims in good faith, and who honestly face persecution in their country of origin, are the only people who should receive temporary asylum. However, those who are simply using the system of political asylum as a way of illegally entering the United States, should be immediately excluded. Legislation I introduced, the "Asylum Reform and Alien Smuggling Control Act", (S. 1348) would implement the reforms needed to our asylum system, as well as deal with increased border resources and the issue of alien smuggling.

Recent events have also shocked the country into recognizing a horrible consequence of this breakdown in immigration control—acts of terrorism within United States borders made possible by lapses in immigration law.

The nation was jarred into the reality of terrorism by the pictures of chaos and destruction resulting from a bomb placed in the heart of New York's business district. During the follow-up investigation, it soon became clear that most of the suspects in the bombing had used the chaotic immigration system to enter and remain in the United States illegally.

In another incident, Mir Aimal Kansi, responsible for the tragic walk-by shootings outside the CIA facility here in the DC area, also used the claim of political asylum to stay in the United States and even received a work authorization. According to a Washington Post article quoting INS officials on February 18, 1993, Kansi's application "cemented his stay in the United States because federal law prohibits (the INS) from deporting immigrants whose requests are pending." After receiving a work authorization, Kansi was able to receive a job as a courier and a driver's license, enabling him to purchase the assault rifle later used with such horrible effect.

In an ironic twist to this story, current immigration law prevented law enforcement authorities from accessing one of Mr. Kansi's legalization files which contained his address, photo and physical identification. That the denial of immediate access to this vital information may have allowed Mr. Kansi to escape from the United States. At this time he is still at large and believed to be in Pakistan. Provisions contained within my crime bill amendment also address this loophole.

Mr. Chairman, we should not need tragedies such as these to cause us to act. However, with these events, there is now absolutely no excuse for inaction in the face of the serious problems faced everyday by Immigration and Naturalization Officers at points of entry into the United States.

The legislative efforts I have focused on take important steps to prevent our borders from being taken advantage of, and expedite the exclusion of those aliens who have been blatantly able to exploit loopholes in our immigration regulations.

As the current immigration debate progresses, I join my colleagues before you today to ensure comprehensive action is taken expeditiously. Whatever is entailed in the final reform legislation, it must contain solutions to the problems I have described above. Should comprehensive reform not be undertaken soon, you will see continued efforts on a number of legislative proposals before Congress, whether it be to crime legislation, welfare reform or disaster relief. This is not an issue that will quietly go away. Not when the problem grows bigger every day. Not when state governments are going broke because of failed federal policies. If for no other reason, we must do immigration reform and stop illegal immigration as the nation cannot afford such a blatant misuse of our limited financial resources.

Thank you, Chairman Kennedy, for your efforts and that of your staff in holding this hearing which is an urgently needed step in the right direction.

Senator KENNEDY. Senator Roth, thank you for being here.

STATEMENT OF HON. WILLIAM V. ROTH, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Senator ROTH. Thank you, Mr. Chairman.

I believe that our immigration system has many failings that require our immediate attention, and I strongly believe that a large majority of the American people share my view and want Congress to act now.

As the ranking minority member of the Permanent Subcommittee on Investigations, I recently conducted an investigation and

held hearings regarding the problem of criminal aliens in the United States. Our investigation found that criminal aliens are a serious and growing threat to our public safety. Criminal aliens cost our criminal justice system hundreds of millions of dollars each year.

No one, including the INS, knows for sure how many criminal aliens there are in the United States. We do know that criminal aliens now account for an all-time high of 25 percent of the Federal prison population. A study by our subcommittee staff estimated that there are about 450,000 criminal aliens in all parts of our criminal justice system, including Federal and State prisons.

Under current law, aliens who commit aggravated felonies or crimes of moral turpitude are deportable, but last year only 4 percent of the estimated total number of criminal aliens in the United States were deported. The law is not being enforced in part because it is too complex, with too many levels of appeal. It needs to be simplified. The law is also not being enforced in part because the INS does not have its act together. The INS is unable to even identify most of the criminal aliens who clog our State and local jails before these criminals are released back on to our streets.

Many criminal aliens are released on bond by the INS while the deportation process is pending. It is not surprising that many skip bond and never show up for their hearings, especially in light of the fact that the INS makes almost no effort to locate them when they do abscond.

In 1992, there were nearly 11,000 aliens convicted of aggravated felonies, the most serious crimes, who failed to show up for their deportation hearings. One frustrated INS official told us that only the stupid and honest actually get deported. Ironically, the INS does routinely provide criminal aliens with work permits, legally allowing them to get jobs while their appeals are pending. One INS officer told my staff that he spends only about 5 percent of his time looking for criminal aliens who have absconded because he must spend most of his time processing and renewing work permits for criminal aliens with pending deportation proceedings.

Although our investigation found that the INS is not adequately responding to the criminal alien problem, it does not deserve all the blame. The roots of this problem are widespread, with changes needed at many levels. Many State and local government officials have been highly critical of what they see as the Federal Government's inability to effectively police our Nation's border, resulting in a massive influx of criminal aliens. Yet some of these same jurisdictions have passed laws and adopted official policies prohibiting their local police departments from cooperating with Federal immigration officials. I believe this to be hypocritical.

I offered an amendment to the Senate crime bill that was adopted 93 to 6 that would cut crime bill funding to entities that adopt such policies of noncooperation. A similar provision is included in my legislation S. 1934, the Criminal Alien Control Act of 1994.

My legislation addresses the serious problem of criminal aliens by simplifying, streamlining, and strengthening the deportation process for criminal aliens. It simplifies existing law by eliminating the confusing array of crimes for which criminal aliens are deportable. Under my legislation, any alien who commits any felony pun-

ishable by more than 1 year imprisonment is deportable, period. My legislation streamlines the deportation process for criminal aliens by, among other things, eliminating the administrative hearing process for criminal aliens who are not permanent resident aliens, limiting appeals to a single appeal, restricting the defenses currently used by criminal aliens to avoid deportation.

My legislation further streamlines the process by allowing for the first time State and Federal judges to order the deportation of criminal aliens once an alien has been convicted beyond a reasonable doubt of having committed a felony, having had the benefit of all the due process required in our criminal justice system. There is no reason the sentencing judge should not also be allowed to enter an order of deportation at the time of sentencing.

My legislation also strengthens the existing law by enhancing penalties for re-entry after deportation and failure to depart about being ordered deported.

There is no doubt, Mr. Chairman, that our immigration system has many problems. I hope that this year we will consider comprehensive reform of the entire immigration system, including reforming our abused and overrun asylum process. But we cannot reform our immigration system without addressing the problem of criminal aliens.

Thank you, Mr. Chairman.

Senator KENNEDY. Thank you very much.

Senator Hutchison, glad to have you.

**STATEMENT OF HON. KAY BAILEY HUTCHISON, A U.S.
SENATOR FROM THE STATE OF TEXAS**

Senator HUTCHISON. Thank you, Mr. Chairman.

I appreciate the opportunity to appear before you and all of our distinguished colleagues to discuss immigration reform. I commend all of you, as well as all of you who have introduced bills, for trying to hammer out serious and sensible immigration reform.

I would like to use my limited time to focus on illegal immigration and particularly the tremendous costs being borne by a disproportionate number of States.

Our schools, our hospitals, our social services, and our prisons are being overwhelmed by the Federal Government's failure to control our borders. Last month I introduced the Illegal Immigration Control Act of 1994. If this legislation is enacted, it will help tremendously in the effort to regain control of our borders. It would also reduce the staggering costs associated with illegal immigration which is currently being assumed by the American taxpayer.

California, as Senator Feinstein has described, shows the magnitude of the problem. California, however, does not bear the burden alone. In my home State of Texas, there are over one-half million illegal aliens.

One comprehensive study issued from Rice University estimated the total cost to the Texas taxpayer of providing federally mandated services was \$1.2 billion in 1992. That is \$1.2 billion net of the \$235 million in estimated taxes paid by illegal aliens.

This same study estimates that the total net cost to Texas taxpayers for the next decade will be over \$14 billion.

There are different opinions producing other estimates of the economic costs of illegal immigrants. The State of Texas puts the cost attributable to illegal aliens at closer to \$200 million per year.

Whatever the exact figure, there can be no doubt, as the late Senator Everett Dirksen said, "we are talking about real money."

Federally imposed mandates involving public welfare for illegal immigrants must stop. They are costly to America in general, costing taxpayers \$8 billion in 1992, and to a handful of States in particular.

These federally mandated costs are especially hard on local governments. For example, Maverick County, one of our border counties containing the city of Eagle Pass, pays approximately \$3 million a year in funds it does not have to educate illegal immigrant children. That would be troublesome enough if it were the end of the story. But it is not.

As conveyed by Maverick County Judge Carpenter to my staff counsel, many of these children cross the border in the morning to get their schooling and return back across the border at the end of the day. Other border communities attest to witnessing the same thing.

El Paso is the largest city on the United States-Mexico border. It is another example of the hardship created at the local level.

Mayor Larry Francis of El Paso stated in his testimony last fall to Members of Congress that apprehended immigrants require transportation, housing, provision of food, and personnel overtime. Auto theft costs El Pasoans higher insurance premiums and other expensive accessories such as vehicle theft alarms. Every car dealer in El Paso offers vehicle security, not as an option but as a standard feature. These costs cannot continually be supported just by citizens of El Paso. About 20 percent of El Paso's annual budget is absorbed by this illegal migration.

An estimated \$9.7 million per year is allocated by El Paso's public school districts to provide education to students who are not legal residents of the United States each year.

El Paso's police department must account for the processing costs attributed to illegal immigrants which is an estimate \$2.5 million per year. This does not include the costs incurred for housing the inmates, which is approximately \$13 million in jail costs.

When all is said and done, illegal immigration costs the citizens of El Paso approximately \$30 million per year for health care to newborn infants, education, and law enforcement.

California, Florida, and Arizona have filed lawsuits, and Texas will be filing a suit against the Federal Government to recover some of the costs which are the source of Mayor Francis' frustration.

It would be unfortunate if our local governments felt compelled to turn to the courts as well. The Houston Chronicle has already suggested that perhaps Harris County should do this.

It is only fair that the Federal Government compensate the States for effecting immigration policy, which is a Federal responsibility.

Some are concerned that immigration reform is hurting our legal aliens and Hispanic citizens. Nothing could be further from the truth.

Providing government benefits to illegal immigrants is unfair to the millions of citizens and legal aliens who are entitled to them and to the Hispanic citizens as well as those others who are paying the taxes for these services.

The overwhelming majority of Americans, cutting across all classes and ethnic lines, support these positions.

The successful Border Patrol Program in El Paso known as Operation Hold the Line is testament to this. This program has virtually eliminated illegal immigration there. Moreover, the program has earned widespread support, 95 percent in one poll, among El Paso citizens—three-fourths of whom are of Hispanic heritage.

Mr. Chairman and members of the committee, the patience of the American people is dissipating with the failed Federal policy that results in this country's porous borders and the related costs they have been forced to assume.

I appreciate your holding this hearing to focus on this issue, and I hope it will help galvanize Congress to take comprehensive action.

Thank you.

Senator KENNEDY. Thank you very much. I appreciate the chance to work with you, and we thank you for your presence here today and your statement.

[The prepared statements of Senators Thurmond, Riegle, and Graham follow:]

PREPARED STATEMENT OF SENATOR STROM THURMOND

The hearing today concerns our Nation's immigration policies and the scope of legislation or administrative actions that may be necessary to resolve the many problems relating to immigration. It cannot be disputed that currently there are serious problems with our immigration system, including the amount of illegal immigration, asylum abuses, criminal aliens, and many other concerns. These problems undermine public support for any significant level of legal immigration. While Americans are a generous people, they do not like to have their generosity abused. It is important to take whatever steps will help to resolve the problems with our immigration system.

I am an original co-sponsor of S. 1884, the Comprehensive Immigration and Asylum Reform Act. This legislation was introduced by Senator Simpson, who I commend for his leadership on immigration issues. S. 1884 is designed to address many of the problems of our immigration system. Among other things, it improves procedures to screen out and deport aliens who make frivolous claims for asylum or who present fraudulent or false documents at our ports of entry; it increases penalties for alien smuggling; and it makes it easier to deport criminal aliens and enhances penalties for re-entry of criminal aliens. In addition, S. 1884 imposes a border crossing "user" fee to pay for additional Border Patrol agents; it prohibits federally-funded welfare benefits for illegal aliens, with limited exceptions such as emergency health care; and for five years it reduces by 25 percent the number of immigrants allowed to enter our country.

At the same time, the legislation preserves the noble principles on which our Nation is based by, for example, ensuring that aliens will not be sent back to countries in which they have a well-founded fear of being persecuted. Although difficult immigration issues must be carefully balanced, I believe that this bill will resolve many of the serious problems we are facing today.

Mr. Chairman, I look forward to hearing from the witnesses today, including a number of our colleagues, the Attorney General, and others. Their perspectives should be useful to the Committee in determining how to proceed with legislation in this area. I thank each of them for their time and effort in being here.

PREPARED STATEMENT OF SENATOR DONALD W. RIEGLE, JR.

Mr. Chairman, members of the Committee, thank you for allowing me the opportunity to address the Committee this afternoon on the issue of family reunification.

The current debate over immigration policy has not adequately addressed the problem of families who remain separated for periods of up to four years, while spouses and children of permanent residents await approval of their permanent residency status. I hope that today's forum will encourage a more complete discussion of this issue, and will eventually lead to a solution to the problem.

Over the past several years, I have become familiar with the issue of family reunification from contact I have had with affected citizens in Michigan and across the country. In 1992, I first introduced legislation, S. 2385, that would alleviate some of the hardship these families face, by enabling those waiting to enter the country permanently to do so temporarily with visitor visas. The following year, I introduced identical legislation, S. 618, which is still awaiting action by this Committee. This legislation is co-sponsored by thirteen Senators, including the Chairman of the Immigration Subcommittee, Senator Kennedy.

Despite the obvious benefits of this legislation, the State Department is concerned about the potential for abuse that such a change in immigration law might bring. Specifically, it is said that, since those to whom visitor visas would be made available have already expressed a desire to enter the U.S. as permanent residents, they will violate the limits of their visitor visas and remain in the U.S. illegally. I believe that the penalty included in my bill for overstaying the length of a visitor visa will serve as a clear deterrent. Specifically, the legislation provides that individuals who overstay their visitor visas, may have their immigrant visas delayed for an additional year after their priority date arrives.

This disagreement with the State Department has gone on since I first introduced this legislation. However, the actual effects of this change in immigration law have never been tested. In order to conduct such a test, I, along with ten of the bill's co-sponsors, recently wrote to Secretary Christopher asking that the State Department implement a pilot program based on the provisions of S. 618. The pilot program would allow a select group of individuals on the 2A visa list to enter the U.S. temporarily, and would demonstrate the practicality of this policy. Although I have not received a response from the State Department regarding this pilot program, I look forward to receiving a favorable response in the near future.

Mr. Chairman, we must work to find a creative alternative to current immigration policy—a policy which I believe imposes unfair hardship on families. Our continued intransigence on this issue only perpetuates an inconsistent and unfair immigration policy. In fact, current policies on family reunification actually encourage illegal immigration and penalize those who choose to stay within the law. The waiting list for the 2A visa has grown so large that the spouse or child of a permanent resident must wait up to four years before entering this country legally. Many have chosen to enter the U.S. illegally, encouraged by our inability to pursue and prosecute violators. Yet, to those who remain in their own country, we deny both the benefit of the doubt regarding their intent to obey the law, as well as the opportunity to enter the country briefly to visit their family members.

As we rethink our immigration policies, this is precisely the type of double standard that we must try to avoid. Inconsistencies such as this will detract from the credibility of both our immigration laws and our honest attempts to find new solutions to old problems.

President Clinton has promised to eliminate the backlogs that separate immigrant families, and to make family reunification the cornerstone of American immigration policy. I believe that we have a responsibility both to the President and to Americans who are adversely affected by our family reunification policies, to rethink our approach to this problem and come up with a positive, effective solution. I will continue to work on this problem while I remain in the Senate, and I encourage my colleagues who serve on this Committee, and those who have supported my efforts in the past, to continue to search for innovative and practical solutions that will help bring families back together.

PREPARED STATEMENT OF SENATOR BOB GRAHAM

Mr. Chairman, distinguished Members of the Committee, I appreciate the opportunity to submit testimony for today's hearing. Immigration reform, particularly as it relates to illegal immigration, is an issue which has a tremendous impact on my home State of Florida.

In March 1994, the Governor of Florida released a comprehensive report that spells out the financial nightmare Florida faces from illegal immigrants. The figures in this report are staggering. According to the U.S. Immigration and Naturalization Service, there are 345,000 undocumented individuals living in Florida.

In 1993, state and local governments in Florida spent \$884 million to provide services like education and health care for these undocumented immigrants. A breakdown of those costs shows that Florida spent about \$180 million for the Limited English Proficiency program, \$13 million for health care and social services, and another \$28 million to arrest, prosecute and incarcerate criminal aliens.

The federal government is responsible for the failure of our immigration policy. Why should states like California and Florida have to foot the bill? We are now working on three bills that would ensure that the federal government fulfills its responsibility in the area of immigration.

In particular, the financial burden of incarcerating illegal alien felons have been borne exclusively by states, straining our criminal justice budgets and prison systems. Florida estimates that about 4,100 foreign citizens are among Florida's 54,000 prison inmates. Of these, an estimated 2,700 are illegal aliens. Florida spends about \$60 million a year to keep them in prison.

That is why I recently introduced legislation, the "Criminal Aliens Federal Responsibility Act of 1994" with several senators from states that bear the greatest immigration burdens. Our legislation would require the federal government to accept its responsibility for these aliens, either by putting them in federal prisons or by reimbursing states for the costs of state and local incarceration.

In March, Florida became the first state in the nation to reach an agreement with the federal government to deport 500 to 1,000 nonviolent illegal aliens who are occupying badly needed prison beds. Just last week, Florida officials approved a plan in collaboration with Federal immigration authorities to deport 113 illegal aliens, 60 of whom are natives of Colombia. The 113 aliens are from 16 nations, most in the Caribbean and South and Central America. In all, 2,700 illegal aliens could be released from their prison sentences and returned to their native countries. Florida estimates that the agreement will save as much \$1.7 million a year, and as much as \$30 million a year if all 2,700 inmates are deported. This plan is an important first step in helping to relieve Florida's overcrowded prisons.

We are also preparing to introduce a bill that would increase the penalty for smuggling and harboring illegal aliens. Penalties under this bill would be: 10 years imprisonment for smuggling an alien, 20 years for smuggling an alien in cases where the alien's life is put in jeopardy, and five years for transporting, harboring and shielding criminal aliens. These enhanced penalties would create a disincentive for alien smugglers to transport aliens in overcrowded, unsafe vessels and would provide federal prosecutors with comprehensive statutory language which allows them to successfully prosecute alien smugglers.

Immigrant education is yet another example of the failed federal-state immigration partnership. In the case of *Plyler v. Doe* the Supreme Court held that States have a responsibility to educate all children, regardless of immigration status. Since the ruling more than a decade ago, however, the federal government has not provided adequate funds to reimburse states for these mandated services. To fund education, local school districts in many cases rely primarily on local property taxes—taxes which immigrants are less likely to contribute to than federal taxes such as social security.

We are currently developing legislation modelled on our criminal aliens bill which would require the federal government to reimburse local school districts for the costs of educating undocumented individuals who are enrolled in public elementary and secondary schools. Our intent is not to punish these students or to challenge the Supreme Court ruling on this issue. Instead, we want to ensure that the federal government, rather than states and localities, assumes responsibility for the costs of providing services to undocumented children and youth who are here as a result of federal immigration policy.

The federal government has never fully addressed its fundamental responsibility for our nation's immigration policy as enumerated in Article I, Section 8 of the Constitution. That power and singular responsibility was conferred upon the Federal Government by states "to establish a uniform rule of naturalization." Consequently, immigration and naturalization is a core, but often failed, responsibility of the Federal Government.

Individual states have no capacity, either under law or in resources, to control access of illegal entrants to our nation. Unfortunately, when the Federal Government does not adequately address its responsibility for illegal immigration, State and local government is often left with the burden of that failure.

In recent testimony to the House Ways and Means Committee, Michael Fix and Jeffrey S. Passel of the Urban Institute provided an analysis of immigration cost shifting. They said, " * * the distribution of costs and revenues within the intergovernmental system can be viewed as being in imbalance. Immigrant tax payments

flow to Washington while most of the costs of providing services fall to state and local government."

Until the federal government is required to pay for the results of its own immigration enforcement policies, it has little incentive to get serious about the problem. States and localities, unfortunately, do not have that luxury.

I thank the Chairman for his interest in immigration reform and look forward to working with him and Members of the Committee to further this important issue.

Senator KENNEDY. We will now move to hear from the Attorney General, who is joining us momentarily. We want to welcome her to our committee. She will provide the first comprehensive progress report on the administration's immigration policy and its proposals for the future. She is joined by Doris Meissner, the Commissioner of the Immigration and Naturalization Service, well-known and respected by the members of the committee. She has already brought a new spirit of competence to our Immigration Service. She will be joined by David Hobbs, who is Acting Assistant Secretary of State for Consular Affairs.

We welcome you this afternoon, General. We want to express our appreciation for all of your good service in serving as the Attorney General of the United States and for the interest and commitment that you bring to this issue of immigration and refugee reform. We are delighted to have you, and we appreciate your understanding on the scheduling as well. I think we are going to have a vote around 4:20, I understand, so we will have a full ½ hour, in any event, and then we will have to recess. I know you have told us in advance that you would be with us from 2:30 to 4:30, so this is our problem in terms of the scheduling. But let's go ahead now and see where we are.

STATEMENT OF HON. JANET RENO, ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE; ACCOMPANIED BY DORIS MEISSNER, COMMISSIONER, IMMIGRATION AND NATURALIZATION SERVICE, U.S. DEPARTMENT OF JUSTICE; AND DAVID L. HOBBS, ACTING ASSISTANT SECRETARY FOR CONSULAR AFFAIRS, DEPARTMENT OF STATE

Attorney General RENO. Mr. Chairman and members of the committee, I would be happy to try to revise my schedule to yours, however is best.

Thank you for the opportunity to appear before you today to talk about—

Senator KENNEDY. Just bring that mike up a little bit closer, and we will be all set.

Attorney General RENO. How is that?

Senator KENNEDY. Thank you.

Attorney General RENO. I really appreciate the opportunity to be here today to talk about the progress we have made over the past year in developing and implementing an effective and efficient immigration policy that incorporates the principles of fairness, compassion, and inclusion that help define who we are as a people.

Mr. Chairman, when I first appeared before this committee some 15 months ago, when I first met with Senator Simpson in that month before, I gave you my commitment that I would tackle immigration as one of the most important priorities I faced. Since that time, I have spoken and met with many of you on the particular challenges facing the Department and the Nation in the immi-

gration field, and I have traveled to the border and met INS personnel across the country.

I pledged to you, and I pledge to you now, the very best Commissioner possible, and I think we have delivered. The President nominated and you confirmed Doris Meissner. Commissioner Meissner embodies the very elements of our approach to immigration. She is effective, extraordinarily knowledgeable about the issues, steadfast, and compassionate.

Throughout every generation in our Nation's history, immigrants have arrived in this country from all parts of the world, contributing to the greatness of this land. Our Nation has a strong tradition of extending a welcome hand to refugees and uniting family members separated by land or sea. However, this tradition is being threatened by individuals who are illicitly crossing our borders, breaking our immigration and criminal laws, and draining our resources.

The challenge that we face today is how to protect our proud immigrant heritage and at the same time control illegal immigration. As President Clinton said, this country cannot surrender our borders and allow our traditions of compassion and justice to be undermined by those who would run roughshod over our immigration laws.

In a comprehensive initiative that Commissioner Meissner and I announced in February of this year, we will regain control of our borders, aggressively pursue criminal aliens, provide the Immigration and Naturalization Service with the resources and the technology it needs to be effective in the 21st century, and encourage law-abiding permanent residents to join our country as full-fledged citizens.

First, we must renew our efforts and our resolve to close the holes in our borders. The INS estimates that there are approximately 3.8 million illegal alien living in the United States today, and that number is growing at a rate of about 300,000 annually. About half of these individuals are entering the United States as visitors, and they never leave the country. Through enhanced penalties for visa and document fraud and tightened consulate and inspection procedures, we hope to discourage the illicit entry by those who come to the United States on a pretense, with the real intention of staying in this country illegally.

But one of our greatest challenges is to protect the border between the United States and Mexico. I have made two trips to our Southwest border in the last year, and I know how critical it is that we have an effective strategy and the right mix of Border Patrol agents, advanced technology, barriers and equipment to deter and stop illegal entry. We believe that the best way to control our borders is to keep aliens from illegally crossing into our country in the first place. We cannot afford, however, to fortify every inch of our 2,000-mile border with Mexico. A smarter and more efficient strategy is to deploy our resources in the area of greatest need.

Today, the areas of greatest need are along the Southwest border near San Diego, CA, and El Paso, TX, where 65 percent of apprehensions occur. We will target our resources to these areas. Yet we still retain flexibility so that we can respond to changing border-crossing patterns. For example, we are closely monitoring the situ-

ation in Arizona and are addressing the evolving needs of that portion of the border.

To improve our effectiveness on the border, it is vital that we increase the size of our Border Patrol. The current Border Patrol force stands at 4,000. In the next few months alone, we plan to add 350 new and 270 redeployed agents to the line. We are also proposing that \$180 million in the crime control fund be used to hire and redeploy a total of 390 additional agents, to reach a total of 1,010 additional agents on the line by the end of fiscal year 1995.

It is also essential for us to provide the Border Patrol with key technology and equipment to help them catch illegal border-crossers and quickly process and return those that they apprehend. We recently announced the testing of prototypes of new computer systems for documents and fingerprints. These relatively simple systems will help us identify repeat crossers, dismantle alien-smuggling operations, and free agents from wasted time on paperwork so that they can spend more time guarding the border.

We have also devoted significant resources to stopping smugglers of aliens from illegally bringing people into this country after treacherous and life-threatening journeys at sea.

Our efforts have produced results. The number of illegal migrants smuggled into this country has dropped as a result of concerted administration action taken over the past year-and-a-half.

Second, at the same time that we keep aliens from coming to this country illegally, we must expeditiously find and deport criminal aliens. Through several initiatives, we hope to double the number of criminal aliens removed from the United States each year. We will expand the Institutional Hearing Program in five key States—California, Texas, New York, Florida, and Illinois—to obtain deportation orders before criminal aliens complete their prison terms.

In addition, the Federal Government has a new agreement with Florida to deport certain nonviolent criminal aliens before they complete their prison terms, saving the State millions of dollars in incarceration costs. We look forward to working with other States to achieve the same results.

We have treaties with over 30 countries to transfer prisoners from U.S. prisons to serve their time in their home countries. I met with former Mexican Attorney General Jorge Carpizo last October, and he agreed to accept the voluntary transfer of up to 800 Mexican nationals currently serving time in U.S. prisons. Since December 29, 1993, 239 Mexican criminals have been sent back to Mexico pursuant to this understanding.

Finally, the administration has proposed a \$350 million amendment to the President's 1995 budget to help States pay the costs of incarcerating criminal aliens. We consider this to be a down payment on the Federal Government's plan to provide financial assistance to those State governments with a large population of incarcerated undocumented aliens in their prisons.

In addition, we support the Biden-Brooks proposal to earmark \$1.9 billion from the crime control fund to reimburse States for the costs of incarcerating illegal criminal aliens.

The third element of our immigration initiative is the reform of our asylum process. The central purpose of our asylum laws is to provide refuge for those fleeing persecution or death at home. Un-

fortunately, our asylum system has been abused by many individuals solely as a vehicle to extend their stay in the United States and gain work authorization. The swelling number of asylum applicants has caused greater delay, and this in turn has resulted in even further abuse in the system. We have to fix this system to protect the American people from the wanton disrespect of our immigration laws and to protect bona fide refugees.

The administration has proposed asylum reform measures that will cut the application processing time from the current 18 to 24 months to just 6 months. We will do this by streamlining the application process and doubling the number of asylum officers, increasing the number of immigration judges, and augmenting the INS trial attorney staff. We will also refrain from providing aliens with work authorization for 180 days after they file an application. These changes will put an end to the abuse of our asylum system.

The fourth part of our initiative is the vigorous enforcement of employer sanctions. We can fortify our borders and vigorously deport criminal aliens. The fact remains, however, that aliens come here to work. Employer sanctions must counter the forces that encourage illegal immigration.

INS has worked since the enactment of the Immigration Reform and Control Act of 1986 to enforce the employer sanction laws and will continue to do so to address the problem of illegal employment. Just as we have adopted a targeted strategy in the defense of our border, we are aggressively pursuing sanctions against employers in those industries that are known to repeatedly hire unauthorized workers.

We are also increasing the size of our enforcement staff, and we are making progress in limiting the use of fraudulent documents. A new telephone verification system has enormous potential in this regard.

As you know, the employer sanctions laws serve an essential goal that, if misapplied, they carry with them the potential for a grave consequence: discrimination against legal immigrants or American citizens. Just as we must strengthen enforcement of the employer sanction laws, we must prohibit discrimination in employment based on national origin and citizenship. Accordingly, we have reorganized the Office of Special Counsel for immigration-related unfair employment practices to better educate employers and job seekers about the requirements of IRCA.

While taking these measures to improve our enforcement efforts, it is so important that we never lose sight of the benefits of legal immigration. Talented, industrious newcomers have walked through our front door of legal immigration and have adopted the United States as their homeland. We should ensure that those who are eligible for citizenship are fully informed of this precious right, and we should do everything we can to facilitate the application process.

We have requested over \$30 million to expedite the naturalization process, educate the immigrant community about the benefits and requirements for naturalization, and assist permanent residents in the naturalization application process. This is a central component of our immigration initiative.

There is much that we can and have accomplished through better management of the INS and better enforcement strategies. The truth remains, however, that the INS has not had the resources or the modern enforcement tools that it needs to do the job adequately. I am grateful for the interest and support that many of you have shown in the INS, for our new programs on the border, and for our efforts to modernize the Agency. We also greatly value your support for the funding that is necessary to bring our immigration plan to fruition.

The demands that INS must face are unprecedented. Poverty and civil unrest around the world, in China, Haiti, Central America, Eastern Europe, and Africa dramatically affect the migration of people to this country. We do not have all the answers to the difficult immigration issues of the day, but we are making progress and heading in the right direction.

I appreciate the time and attention that many of you have given to the seemingly intractable problems of illegal immigration, and I also look forward to reading the report and recommendations of Congress' Commission on Immigration Reform chaired by one of our most distinguished Americans, Barbara Jordan.

Ours is an ongoing effort to develop an immigration policy that implements America's ideals in an ever-changing world. I hope to work closely with each one of you to assure that we fulfill this mission.

Thank you, Mr. Chairman.

[The prepared statement of Attorney General Janet Reno follows:]

PREPARED STATEMENT OF ATTORNEY GENERAL JANET RENO

Mr. Chairman and Members of the Senate Judiciary Committee, thank you for the opportunity to provide to the Committee a progress report on achievements, improvements, and developments in immigration policy and programs. I am pleased to be joined today by Doris Meissner, the Commissioner of the Immigration and Naturalization Service, and David Hobbs, Principal Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

Mr. Chairman, when I first appeared before this Committee some fifteen months ago, I stated this about immigration: "[E]verybody that has come before you has said the same thing: we want to make INS a priority * * * If I don't make it a priority, if I don't focus on finding the very best Commissioner possible, if I don't try to allocate resources to make sure that it can get the job done, if I don't work with the committee in this effort, I want you to pick up the phone and call me, and I will be at your office immediately." Since that time, I have spoken and met with many of you on the particular challenges facing the Department and the Nation in the immigration field and I have travelled to the border and met INS personnel across the country. Working together, we have taken the important first steps towards stemming the tide of illegal immigration, ensuring greater accountability of Departmental and INS initiatives and activities, cooperating with state and local governments in areas with large numbers of new immigrants, and reinvigorating the "N" and "S" of "INS"—naturalization and service—as core and pivotal functions of the Agency. Today, we are beginning to see the fruits of the Administration's balanced approach to this set of extraordinarily complex issues. As before, the continued cooperation and support from Congress and the American people remain indispensable to restoring order at our borders and the luster to the nation's proud immigrant heritage.

Simply stated, the Administration's immigration policy is to support legal immigration and prevent illegal immigration. We believe that a continued generous immigration policy is in our national interest and reflects core values we hold as a nation, i.e., uniting families and welcoming refugees. At the same time, President Clinton has pledged that this country will not surrender our borders and allow our traditions of compassion and justice to be undermined.

Since coming into office, this Administration has taken decisive action to overcome weaknesses in the administration of the immigration laws and to advance a policy agenda that provides responsible answers to today's immigration problems.

Thus, we have fought back to thwart international alien smuggling syndicates. We have proposed new regulations to overhaul a dysfunctional political asylum system. We have asserted leadership in forging partnerships with states in managing the burdens of criminal alien incarceration. We have proposed legislation to strengthen our hand where criminal prosecution and the need for expedited exclusion are concerned. We have made funding proposals to Congress that would provide cutting edge technology and needed personnel for border control. We are winning international cooperation from countries as near as Mexico and as far away as China.

The initiatives we have proposed—and that I will outline this afternoon—make up a strong, workable, and balanced package that meets key immediate needs. In addition, as one of my first tasks as Attorney General, I set out to find the most knowledgeable, experienced and talented individual to head the Immigration and Naturalization Service. I was so pleased when the President nominated Doris Meissner to be Commissioner, an action that launched reform and strong management for the agency. Commissioner Meissner has gained the respect of the 19,000 INS staff members stationed worldwide, the trust of immigrant communities, the cooperation of this Committee, and the ear of the highest levels of this Administration.

In addition, as you all know, last December the President appointed former Congresswoman Barbara Jordan to chair the U.S. Commission on Immigration Reform, calling her "one of the most well respected people in America." Congress created the nine-member commission in 1990 to evaluate the impact of the recent changes in immigration policy and to recommend, by September 30 of this year and again by September 30, 1997, further changes that might be necessary. We are eagerly awaiting the Commission's first report and the chance to review its recommendations.

In the meantime, I am proud to describe for the Committee the steps this Administration has taken to strengthen enforcement of our Nation's immigration laws and to facilitate legal immigration. On February 3rd, I announced with Commissioner Meissner a comprehensive and innovative five-point, two-year strategy to enhance the enforcement of our immigration laws. It rests on the belief that the time has come to reexamine old approaches and implement more effective enforcement strategies using the best combination of additional personnel, improved technology and streamlined procedures. Our plan includes five areas, each of which I will discuss: (1) strengthening border control, (2) removing criminal aliens, (3) reforming the asylum process, (4) improving employer sanctions enforcement and (5) promoting naturalization. Complete implementation of the first three initiatives—on border control, removing criminal aliens, and asylum reform—requires \$300 million from the Crime Control Fund for fiscal year 1995. Without these funds, our ability to continue immigration reform will be severely threatened.

STRENGTHENING BORDER CONTROL

The best immigration enforcement prevents illegal entry from occurring in the first place. In El Paso, we have shown that changed enforcement tactics can significantly reduce illegal crossings. With the right mix of people, technology, deployment, barriers and equipment, we are committed to similar results in San Diego and elsewhere on the border.

In the last year, I have toured our southern border twice. Those trips showed me firsthand how critical it is to give INS the tools it needs to do its job. Building on our plans to add 350 new and 270 redeployed agents to the line in the next few months, principally in San Diego and El Paso, we propose using \$180 million in Crime Control Funds in fiscal year 1995 to hire 150 new Border Patrol agents and redeploy 240 more agents to provide a visible presence at high-risk border areas to deter illegal entry. As we hire additional support staff to perform the administrative duties currently being performed by the agents, we will redeploy these agents back to the border. Forty newly trained agents already have begun work in San Diego.

By the end of fiscal year 95, we will have added 1,010 agents to the line, thus stabilizing El Paso and bringing similar levels of control to San Diego, which together have historically accounted for 65 percent of border apprehensions. We also are planning to introduce effective mobile responses to changing illegal crossing patterns. Border enforcement is uniquely the role of the Federal government, and this Administration is demonstrating ingenuity and resolve in meeting its fundamental responsibilities in this arena.

In addition, we are providing the Border Patrol with technology enhancements such as new computer systems for documents and fingerprints that will help Border

Patrol agents work smarter. Border Patrol agents will spend more time apprehending undocumented aliens and identifying repeat crossers. These and other enhancements will enable INS to obtain better intelligence, dismantle alien smuggling operations, and reduce illegal immigration.

We are watching carefully to see what effect our beefed up enforcement efforts in El Paso and San Diego already have on illegal entry patterns. If we conclude that illegal entries are shifting to other areas, we will assign resources to those areas to keep deterring illegal immigration. We will place the new agents we are able to hire as a result of the Crime Control Fund in the areas of greatest need in response to changing border crossing patterns.

INS estimates that the resident unauthorized immigrant population in the United States is approximately 3.8 million and growing at a rate of about 300,000 annually. About one-half of the unauthorized immigrant population initially entered as visitors, but did not leave. The remaining portion entered illegally across land borders. (Less than 50 percent of the unauthorized immigrant population are nationals of our border countries, Mexico and Canada.)

Therefore, focussing on the U.S.-Mexico border is less than half the battle. Our systems for issuing visas at consulates overseas and our inspection procedures for visitors entering the U.S. represent a complex blend of facilitating legitimate entry and detecting the potential for abuse of visas and travel access to this country. They too are a critical part of the challenge of strengthening border control which our funding proposals address.

Finally, in response to congressional mandate, INS is moving forward in recommending to me members for the Citizens Advisory Panel (CAP), which will accept and review civilian complaints of abuse against employees of the INS. The CAP also will review procedures for responding to such complaints and recommend ways to eliminate the causes of legitimate complaints. Currently, INS is reviewing recommendations for panel members submitted by a wide variety of congressional and State officials, public interest groups, private individuals, and Federal officials.

REMOVING CRIMINAL ALIENS

Dramatic improvements in border enforcement must be buttressed by enforcement within the country. As a nation of laws committed to civil rights protections for all Americans, including newly arrived legal residents and citizens, we must make important choices in carrying out immigration enforcement within the country. This Administration believes that concentrating on removing criminal aliens, building a timely asylum system, and prosecuting employers who hire unauthorized workers represent key focal points for reducing illegal immigration incentives.

Expediting the deportation of criminal aliens is a top Administration priority. Through the institutional hearing program (IHP), a cooperative effort among INS, the Executive Office for Immigration Review (EOIR), and various State and Federal correctional agencies, we initiate and complete deportation proceedings of convicted aliens while they are serving their prison sentences. The goal of the program is to ensure that criminal aliens are released to INS custody and immediately deported upon completion of their sentences. The IHP, which currently operates in approximately 60 State prisons, two county jails, and six Federal facilities in 45 States in all regions of the country. Through the IHP and regular deportation hearings, we deported 22,217 criminals in fiscal year 1993.

We propose using \$55 million in Crime Control Funds to expand the IHP. We will use these funds to develop the automated fingerprint system (AFIS) for positive identification of criminal aliens and to add 50 immigration judges; 25 Board of Immigration Appeals staff attorneys; and 211 investigators, attorneys, and related support staff positions.

We also are working with the State governments in California, New York, Florida, Texas and Illinois to improve IHP operations. For example, in New York, we began implementing a new IHP plan in April that is consolidating operations into three New York facilities. Investigators, trial attorneys, and immigration judges permanently will staff these facilities. The program already is a tremendous success—after only one month of operation, immigration judges issued 100 final orders of deportation, compared to 373 in all of last year.

On April 7, Commissioner Meissner and Florida Governor Lawton Chiles entered into a Memorandum of Understanding under which the Governor will commute the sentences of up to 500 nonviolent criminal aliens upon completion of deportation hearings so that they may be deported immediately. In addition, the Office of Justice Programs awarded a \$90,000 grant to the National Criminal Justice Association to study State executive clemency authority to expedite the deportation of criminal aliens in other States.

We will improve our processing of requests by law enforcement organizations on criminal aliens by utilizing state-of-the-art fingerprint technology to facilitate their identification. We will link this data to the FBI's NCIC 2000 system. Police officers currently use NCIC, the National Criminal Information Center, to make inquiries about individuals wanted for committing crimes. The Harris Corporation is building the NCIC 2000 system under a \$47 million contract with the FBI and the States. Under NCIC 2000, police officers will be able to send and receive images, such as fingerprints, and will not be limited to simple text inquiries relating to suspected criminals.

In present, we are on the verge of field testing the National Criminal Alien Tracking Center, which we have renamed the INS Law Enforcement Support Center. This program will be a powerful tool for identifying and processing suspected criminal aliens. The Center will be the single point of contact for law enforcement criminal alien queries, providing a uniform nationwide INS response to the law enforcement community. The Center will perform name checks against INS and NCIC databases, 24 hours a day, to help law enforcement agencies determine whether criminals arrested for aggravated felonies are aliens.

The initial field test of the program will be with the Phoenix, Arizona, police department. In addition, the Bureau of Justice Assistance will award grants of \$200,000 for each of the five States with the highest population of criminal aliens—California, Florida, Texas, Illinois and New York—to ensure their coordination with the development of the center.

Finally, the Violent Gang Task Force has worked diligently with Federal and State law enforcement agencies to disrupt and dismantle alien gangs in the United States. Since 1993, 2,843 alien gang members have been arrested and over \$156 million worth of narcotics, and currency, firearms and other property valued at over \$8 million have been seized.

REFORMING THE ASYLUM PROCESS

Our current asylum system represents the weakest link in the chain of challenges we face today. The system must be timely in accomplishing twin objectives: delivering protection for genuine refugees and denying the claims of those who are ineligible, lest delays become an invitation to misuse the system. Currently, neither of our objectives is being met as only one-third of asylum cases even reach the interview stage. The volume of asylum cases filed per year has increased from 56,000 in fiscal year 1991 to over 144,000 in fiscal year 1993. As of May 1, there were 150 asylum officers working on a backlog of 384,000 pending applications.

The asylum reform the Administration has proposed fulfills these twin needs. Our goals are to grant asylum to deserving applicants more expeditiously and identify and deter the filing of frivolous claims.

Proposed asylum regulations were published in the *Federal Register* for public comment on March 30. They will significantly streamline the process—and nearly double the productivity of specially trained asylum officers—by having asylum officers immediately refer to immigration judges those asylum applicants who upon interview do not appear to merit asylum. (Currently, the asylum officers have to write time-consuming, detailed decisions when the asylum officer finds the applicant not entitled to asylum protection.) The comment period for the proposed regulations expired May 31, and we expect to publish a final rule by August 1 with an effective date of October 1.

Our proposed regulations fulfill this Nation's historic commitment to protect legitimate refugees fleeing persecution while deterring those who abuse the system. The new procedures would decouple work authorization from the asylum application process. With no work authorization for the first 180 days of asylum processing, the incentive to file unsubstantiated claims largely will be reduced. To cover some of the costs of case processing, we have proposed establishing a \$130 fee for each asylum claim, which fee could be waived in cases of economic hardship.

Already, INS is making better use of its existing asylum officers and increasing application completions. Greater coordination with EOIR is ensuring that orders to show cause (OSC's) for denied asylum applicants are filed promptly with immigration judges. Under a pilot project in Chicago, INS sends the OSC's to denied applicants along with their denial letters. The OSC includes a specific date on which the denied applicant must appear for a deportation hearing. If the applicant does not appear for the deportation hearing, the immigration judge may issue a deportation order *in absentia*.

In addition, we propose using \$64 million in Crime Control Funds to double the size of the asylum officer corps from 150 to 300 officers. INS has begun hiring new asylum officers and is prepared to begin their training in late summer, so that the

new system can become operational on October 1 if funds have been appropriated. In addition, we plan to hire 50 additional immigration judges and about 50 more INS trial attorneys.

When our new procedures are fully in place, we expect to be able to reduce application processing times from the current 18-24 months to no more than six months. Bona fide asylum applicants will be approved faster; asylum abusers will be denied sooner, and those not otherwise in the United States legally will be deported. Achieving that goal will mean that only approved asylum applicants—not pending applicants not yet proven to be eligible—will be able to work in the United States. The work permit magnet of asylum will be eliminated, and fraudulent claims will drop significantly.

Finally, INS is actively pursuing 14 large-scale asylum fraud cases, the majority of which are pending grand jury proceedings. In March, the INS Newark office completed a nine-month investigation which resulted in the arrest of two asylum fraud facilitators who were charging clients between \$700 and \$1,100 for employment authorization documents obtained by filing fraudulent asylum applications. This investigation produced significant press coverage in New York and New Jersey, which we hope will reduce the fraudulent filings. INS expects additional grand jury indictments for asylum fraud this summer.

While I am on the topic of asylum, I will mention that we have been intensively engaged in implementation of the President's recently-announced policy towards Haitian migrants intercepted at sea by the Coast Guard. At the end of May, 99 experienced asylum officers attended a week-long training conference in San Antonio, Texas, to prepare them to process claims for refugee status by Haitian migrants. This week, 70 immigration officers and attorneys will begin adjudicating Haitians refugee claims on a U.S. Navy hospital ship anchored in the harbor of Kingston, Jamaica. In addition, we will train 100 more officers in July to ensure that adequate staff is fully prepared to handle this important task.

IMPROVING EMPLOYER SANCTIONS ENFORCEMENT

Although the current illegal immigration debate has become preoccupied with a furor of charges about the costs of social services, the lure of jobs remains the single most compelling incentive for illegal immigration. And concentrating enforcement on those who employ illegal workers is the best way to counteract the "pull" forces within the country that encourage illegal immigration.

Prohibiting the employment of those here illegally has proven more intractable than it would seem. The 1986 employer sanctions law has not worked as well as hoped because undocumented workers can obtain forged documents relatively easily. At the same time, some employers appear to discriminate against "foreign" applicants who are legally here, because they fear employer penalties.

Aided by the deliberations of the Commission on Immigration Reform, the Administration is interested in crafting solutions to this problem. We have begun by including a budget request of \$38 million that will help reduce the magnet of illegal job opportunities by, among other things, targeting high-risk industries and aggressively pursuing sanctions against employers who repeatedly hire unauthorized workers. During fiscal year 1993, INS "employers sanctions" agents arrested 11,989 individuals, up from about 11,400 the previous year.

We plan to publish a final rule this summer reducing the number of acceptable documents for employment authorization verification from 29 to 13. In fiscal year 1995, INS will add 249 investigators and 20 attorneys to identify and prosecute counterfeiters and employers who repeatedly hire unauthorized workers. It also will incorporate fingerprint data into work authorization documents, thus improving document security and laying the basis for expanding our capability to verify work eligibility electronically.

We are excited about the potential of the telephone verification system (TVS) to aid employers in verifying work authorization. INS completed the first phase of the TVS demonstration pilot in March, 1993. During the pilot, nine large employers participated in the program to verify work eligibility of job applicants. Patterned after common credit card systems, a "point-of-sale" (POS) telephone gives employers access to the Alien Status Verification Index (ASVI) database for alien employment eligibility data.

At the end of the first phase, each employer who participated indicated that the TVS process overall was beneficial and stated that they even would be willing to pay for the service. INS now is prepared to expand the project to include 500 additional employers in fiscal year 1995.

PROTECTING CIVIL RIGHTS

Employer sanctions are no reason to discriminate against people who are in the United States legally, many of whom are native born U.S. citizens. We must see to it that all employers fulfill their obligations fairly and responsibly. Earlier this year I approved an internal reorganization placing the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) within the Civil Rights Division. This change manifests OSC's civil rights mission and will strengthen enforcement of the Immigration Reform and Control Act's (IRCA) prohibition against discrimination in employment based on national origin.

While OSC will continue to educate employers and job seekers about the requirements of IRCA through grants and outreach efforts, it will remain serious about its enforcement responsibilities. The assessment of civil penalties, where appropriate, will continue to be an important enforcement tool. OSC also is considering more effective and efficient enforcement strategies. To ensure the success of OSC's mission, we are seeking an additional \$5 million in appropriations for the Office's outreach and enforcement activities for fiscal year 1995.

By reducing the number and improving the security of INS-issued documents for non-citizens, by using automation to help employers comply, and by strengthening anti-discrimination machinery, our program addresses critical areas of concern in employer sanctions enforcement.

PROMOTING THE NATURALIZATION OF LEGAL IMMIGRANTS

As we close the back door of illegal immigration, it is critical to remember that through the front door of legal immigration walk talented, industrious newcomers who want to participate fully in the life of their adopted land. We want to be certain that those eligible for citizenship are fully informed of its importance and attendant requirements, and we want to streamline INS processes to handle increasing numbers of citizenship requests efficiently.

Our \$30 million budget request will provide sufficient personnel to adjudicate the increased number of applications for naturalization and break the cycle of growing backlogs. In the other important half of this initiative, INS will enter into cooperative agreements with voluntary agencies to: (1) conduct public education programs on eligibility requirements and naturalization application procedures and (2) assist legal permanent residents to prepare applications. INS also will establish a hotline for the public on naturalization requirements and other information.

Already, INS is meeting with various community groups and organizations to discuss ways to increase their involvement with the naturalization program. These volunteer groups conduct numerous successful outreach activities throughout the country now. For example, Chicago has a very successful program involving voluntary organizations that help about 1,000 naturalization applicants prepare their applications each month.

REIMBURSEMENT OF STATES

Beyond the critical appropriations from the Crime Control Fund and in the regular fiscal year 1995 budget request, there is an additional budgetary proposal that, when approved by Congress, will represent a significant enhancement of our efforts to have States and the Federal government working together on immigration, rather than pointing fingers at one another. When Congress passed the Immigration Reform and Control Act of 1986, an important, but never funded, provision directed the Attorney General to reimburse States for their costs to incarcerate undocumented criminal aliens.

For eight years, no Administration sought to fund this provision, and no Congress appropriated a dime to reimburse the States for their growing costs in this area. This past April, however, the President sent to Congress a fiscal year '95 budget amendment to establish a \$350 million State Criminal Alien Assistance Program within the Department of Justice. We consider this yet another first step for the Federal government to play it straight with State governments which have large numbers of incarcerated undocumented aliens in their prison populations. From my years as a local prosecutor in the State of Florida, I know this is sorely needed.

There is considerable debate and discussion about how much States currently spend on illegal immigrants, so the Department has contracted with the Urban Institute to study the issue and propose an appropriate methodology to ascertain what the States' costs are. I understand the Institute's report is now near its final stages. The Administration will make available to Congress these findings when they are published.

The State Criminal Alien Assistance Program is a clear example of this Administration's commitment to form a partnership with States to improve our immigration programs and to relieve the States of some unwarranted costs. It is an important part of our comprehensive criminal alien strategy which also includes the Institutional Hearing Program and other initiatives I have discussed earlier in my statement.

PRISONER TRANSFER TREATIES

Not only does this Administration support Federal reimbursement for part of the States' costs of criminal alien incarceration, but we have worked to expand the international prisoner transfer treaty program. Over 30 countries and nationalities now are parties to prisoner transfer treaties with the United States. Under those treaties, prisoners convicted of crimes in foreign countries may serve their sentences in their home nations. The offender's transfer is voluntary and is subject to the approval of both the sending and receiving countries. Currently, 35 States have laws that enable them to enter into proceedings to allow a foreign prisoner to return home.

Last October I met with former Mexican Attorney General Jorge Carpizo, who agreed to accept this year the voluntary transfer of up to 800 Mexican nationals currently serving time in U.S. prisons. From December 29, 1993, to the present, we have transferred 239 Mexican criminals back to Mexico, the largest number of prisoners ever to be voluntarily returned to the custody of the Mexican government.

ALIEN SMUGGLING

This Administration also has devoted significant attention to deterring alien smuggling and prosecuting smugglers, and our efforts have begun to produce notable results. Last summer, President Clinton announced a broad-based effort to deal with alien smuggling and abuse of the asylum system. In July, he transmitted legislation to Congress that included important provisions to increase criminal penalties for alien smuggling, expand forfeiture authority for alien smuggling, permit wiretap authority for alien smuggling investigations, and authorize the use of the RICO statute to pursue alien smuggling organizations. We continue to work for enactment of these provisions, which will provide us with important tools in our continued fight against smuggling. Commissioner Meissner will update you on the details of our efforts to date.

LEGAL IMMIGRATION

We must be clear when we are addressing the subject of immigration. One can easily get caught up in the numbers, the categories and the visa applications and forget that behind all of these are people—people who will enter the United States as our forebears did and contribute to our communities and our economy. Behind the numbers are families seeking to be reunified and workers seeking new opportunities in jobs the Department of Labor has certified cannot be filled by local U.S. workers. While we tend to focus upon the costs of immigration, it is equally true that immigrants create jobs. In the part of the country where I come from, and where Senators Simon and Moseley-Braun come from, and in many parts of the State represented by Senator Feinstein, new immigrants have restored whole communities and neighborhoods.

One of the greatest challenges we face in the debate over immigration is to protect legal immigrants from paying for the sins of the illegal immigrants. Our number one priority is for our immigration policy to serve the national interest. It does not serve the national interest to cut back on the admission of legal immigrants, many of whom have waited for years to be reunited with close family members, because of a concern over illegal immigrants. The mission to bring down the number of illegal immigrants should not be confused with the very different process of keeping out legal immigrants.

What I have outlined represents a strong record of progress and accomplishment. It demonstrates that there are solutions if we are serious about illegal immigration and if we are committed to fair play in furtherance of our immigration heritage. At the same time, this is work-in-progress. The issue of the global movement of people is one of the emerging challenges of our time and the Administration is working systematically to shape solutions adequate to the task and build the administrative capacity to manage migration pressures effectively.

As I mentioned earlier, the President has appointed one of our most distinguished Americans, Barbara Jordan, to chair Congress' Commission on Immigration Reform. We are working cooperatively with the Commission and believe Congress should

await its report and carefully evaluate its recommendations before enacting basic changes to our migration law. Following the Commission's report, you have my pledge to work closely with you to develop measured and appropriate legislative, regulatory and other responses.

Senator KENNEDY. Well, thank you very much for a comprehensive statement. There are many parts of it, obviously, that you address, and I am sure we will get into them in the course of the questioning. The idea that you are moving ahead also for citizenship and ensuring that the people that are here and qualify and that are going to be citizens and bear those responsibilities is a new initiative in terms of any recent Attorney General I think is an important one.

It is 4:15. We will try an 8-minute rule on this for the first round, and then we will see where we are at the end of the round. We will proceed in that particular way.

Let me ask you, General, we will be meeting now on the crime bill. A number of us on this committee are designated as conferees. You mentioned one provision in your earlier response about the provisions of the crime bill that you think are the most important with regards to the general subject matter that we are facing today, and that is with regards to both refugees and immigration.

Can you tell us now what would be your priorities in that conference?

Attorney General RENO. Yes; there are a number of provisions in the crime bill that are really central to everything that we have talked about today. The crime bill authorizes appropriations from the crime control fund for asylum reform, for improving border controls, and deporting criminal aliens. These provisions are absolutely vital to the success of our initiatives, and they are consistent with the President's fiscal year 1995 budget.

Three immigration activities would be funded out of the crime control fund: \$181 million for strengthening the Border Patrol, for the new agents on the border, for the technology to go with it; \$55 million for criminal alien deportation; and \$64 million for asylum reform. This would certainly be one of the great priorities.

Senator KENNEDY. Well, I think it is helpful. We are writing those down as you are mentioning them, but I think it is important for having our first meetings, and I think that this is something that we can do right away.

Moving along to the questions of asylum, we saw the abuses that were taking place in New York regarding the asylum system, and I think there have been comments from a number of our colleagues. We are very familiar with the abuses that have taken place, particular in recent times. This system has been there for some period of time. We have not had the kind of flagrant and blatant abuses that we have seen in recent times.

Could you tell us a little bit about what steps you are taking now to address that issue and whether we are going to have legislative initiatives to try and do more?

Attorney General RENO. We had particular problems at Kennedy Airport, and the abuse of the asylum laws at Kennedy is down by 30 percent from last year. INS made this progress through its Carrier Consultant Program through which INS officers train airline personnel overseas in the detection of fraudulent documents.

INS has also increased its use of detention space for people who come to this country with fraudulent documents, and in this regard, 300 new detention beds will be coming on board this summer in New York, which should further help us deal with the problem of those that have arisen in the Kennedy Airport.

Senator KENNEDY. Well, generally speaking, though, the kinds of abuses which have been identified, an individual just coming in and saying "asylum" and then having the opportunity to go out into the workforce and have other kinds of support, are you taking steps now, are you making recommendations about how we can try and deal with the abuses?

Attorney General RENO. Yes; as I mentioned, we are developing regulations. We developed proposed asylum regulations. The comment period expired May 31. The final regulations are to be published in August. What they do is attempt to streamline the asylum process so that there is not undue delay in preparing unnecessary written work, that the process is streamlined between the immigration officer and between the immigration judge. And I think significant progress has been made in that regard.

We are cracking down on preparers of boilerplate applications. We have seen much of that, and there were two recent indictments in New Jersey and Los Angeles which also have focused on the smuggling side of this aspect.

Still, I think we have much to do, but I think with these regulations we will be able to streamline the process, and I think Commissioner Meissner will be able to address it more thoroughly for you.

Senator KENNEDY. We will come into that perhaps later on. Of course, these are going to take resources. I mean, there are things that can be done from law enforcement and also through regulations. I think we are also going to have to understand that to give these life we are going to have to give you the kinds of resources to be able to move ahead.

One of the concerns that we have heard in terms of the prisoner issue is that if we do not punish those who are illegal and commit crimes, in many instances—I know of one in Massachusetts—they just continue to come back in and continue to commit crimes. What is the appropriate balance, do you think, for those individuals who are illegal in here and do commit crimes between deporting them or having them in prison at the taxpayer's expense?

As I understand, there has been the suggestion that if they are then caught a second time, that they will do all of the time. But what are the recommendations that you are going to make and will be the basis of agreement with the States to try and help and assist them on the issues of illegal individuals being in jail?

Attorney General RENO. This is very important that we consult with the States and get their input, because in certain instances States will want the offender to serve their entire time in prison and not have them returned or deported early on, as Florida is doing in certain situations. And for those offenders, we have streamlined the institutional hearing process. In New York, we have made major headway so that we have been able to process cases more rapidly than in the previous time last year.

We are doing it in the institutions so that when the sentence is completed, the person will be deported and not put back out on the streets. In Florida, we have developed a memorandum of understanding with the Governor to identify nonviolent offenders who the State is willing to grant clemency to, reduce the prison sentence, and return them to their—and deport them. And that will go into effect very shortly and should work well. We want to see what can be done in other States in like vein.

As importantly, INS is doing some really creative work with local law enforcement, particularly in terms of gang organizations. In working with local law enforcement, they are identifying undocumented aliens who may be gang members. If there is not sufficient evidence to charge them with a crime, they may even be able to deport them and be an effective partner with local law enforcement.

There is so much that can be done, but, again, we will need the resources to make sure that we are able to respond to local law enforcement in a prompt and effective way and that we will be able to work with State prison officials in an effective way that identifies what the State wants to do.

As importantly, it is going to be critical that the pilot project underway in Phoenix to identify and to track illegal aliens and to work with local law enforcement to be able to identify them in a prompt way, it is important that that move forward. To increase our efforts in that regard, not only have we instituted the pilot project, but we are working with five of the major States with grants from the Bureau of Justice Assistance to provide support for projects in those States for the intermeshing of INS records with local law enforcement.

Senator KENNEDY. Time is moving on. As I understand, you have contracted now for the study that is going to give us the benefit of the review of what the costs of benefits are for immigrants and refugees versus what is actually paid in taxes. I think that that study was due in September. I think Congresswoman Jordan will be appearing here later this month and may have some preliminary information. But I think there would be broad interest in that subject, and to the extent that can move ahead sufficiently so at least she can make some preliminary judgments on it, I would hope that would be the case.

Just finally, we did not and will not have the chance to get into the exploitation of women who are subject to a good deal of the abuses if they are illegal and deportation. That has been an increasing phenomenon in many different parts of the country. I do not know whether there is anything—maybe I will submit a written question on that, or Doris Meissner might be able to get into that.

Finally, what do you anticipate in terms of the Haitian situation? Do you expect to have additional numbers that are going to be coming as a result of the economic sanctions and the other actions that the administration is taking? What do you anticipate over the next few days, I suppose, or weeks? What is the Department doing? What can we expect? And how are the new arrangements in terms of processing working out? What are the principal problems? And what is happening to any of those that are being returned? Is your

record demonstrating that those people—that your review procedure is such that people that are being returned have been the subject of violence, or have they been free from it?

Attorney General RENO. I will let Doris speak to that because I have asked and we have worked with the administration to do everything we could to check to make sure that there is no violence occasioned by the return. But in the context of the broader review of Haitian policy, the President, as you know, made a decision to provide for refugee processing outside of Haiti because of the circumstances there.

We are being assisted in this effort by the U.N. High Commission on Refugees, Jamaica, and the Turks and Caicos Islands. Shortly, Haitian immigrants encountered by the Coast Guard will be brought to a refugee-processing center on board the U.S. naval ship *Comfort*, anchored in Jamaican territorial waters, and soon we will be establishing a land-based processing site on the Turks and Caicos Islands, which would be preferable for us.

We are working with all concerned, with the Department of State, and we have tried to plan this effort, and a very careful effort, and Doris will be able to give you more of the details on the exact processing that will occur.

Senator KENNEDY. Doris, would you make a little note? Since we only have the General here for a certain period of time, if you could make little notes on some of these matters, and I think in terms of the procedures of the committee, maybe we would just direct attention to the General and then after she has to leave, I would ask Doris Meissner to elaborate on these matters because I would like to get into it.

Senator Simon?

Senator SIMON. Yes; General, in your written statement, you talk about the procedure on asylum, and you say, "If the applicant does not appear for the deportation hearing, the immigration judge may issue a deportation order in absentia."

What percentage just disappear and do not show up for hearings?

Attorney General RENO. Doris?

Ms. MEISSNER. The new asylum procedures are not yet in place, so we will not know.

Attorney General RENO. But historically?

Ms. MEISSNER. In general, the numbers vary depending on different parts of the country, but it is a substantial proportion and much higher than it should be.

Senator SIMON. That is what I hear.

Our detention centers seem to discourage this type of illegal immigration. Is that an accurate appraisal? And if that is, are we preparing to have some additional detention centers?

Attorney General RENO. As I mentioned, I think the classic example is with the illegal immigration coming through Kennedy and that process. The increase in detention at Kennedy served a purpose, to the point where we are bringing on 300 new beds this summer that should again serve as a deterrent in that particular situation.

Senator SIMON. My understanding is as we put a detention center in one spot, the illegal immigration may shift to another. Is that correct?

Attorney General RENO. That is correct, and that is the reason, Senator, that it is so important that we get these processes in place. We have got to double the number of asylum officers and immigration judges available to adjudicate asylum claims so that it does not last for 18 to 24 months and people fade into the woodwork. That is critical. We need that funding for 1995, and we need your support.

By not granting work authorizations except when a claim is not decided within 6 months of the application date, that removes the incentive for filing a false claim. Integrating and streamlining the affirmative claims procedure by quickly identifying bona fide refugees through asylum officer interviews and referring denied claims to immigration judges for adjudication as part of the exclusion or deportation proceedings will be one of the centerpieces of this effort.

We have also recommended establishing a \$130 fee for the asylum adjudication, which can be waived for hardship but which will be available to help offset the cost.

I think we have got to provide a process that makes sense. If the criminal justice system in Dade County, FL, was run the way the asylum system has been run with the limited resources, I do not think that it would work very well. And we have got to make sure that this process is prompt and able to respond to the situation, because I do not think we at the present rate we are going could ever build enough detention facilities to address the issue.

Senator SIMON. General, you have been through this process before. We have a roll call on, and Senator Simpson will be back very shortly.

Attorney General RENO. I will be here.

Senator SIMON. We will have a 5-minute recess.

[Recess.]

Senator SIMPSON [presiding]. We will go forward, please. I am sorry we have this disjointed schedule. I have been waiting to get this gavel in my hand for months. I just feel crazed. [Laughter.]

No, no, I must stop.

Well, General Reno and Commissioner Meissner, it is nice to have you here, and Mr. Hobbs. I remain impressed with your awareness of our immigration enforcement problems and also the needs of the Immigration Service. And, General Reno, as you pointed out to me in our very first meeting, one cannot grow up in southern Florida nor be involved in law enforcement in southern Florida without understanding the need for a strong Immigration Service. We need adequate resources to enforce our immigration laws. I know of your commitment and I know personally of Ms. Meissner's commitment.

I was wondering aloud here about the President's personal involvement with this immigration issue and these problems that we are grappling with. Have you personally visited with the President regarding the matters discussed in your statement?

Attorney General RENO. I have not, not since the statement was prepared, but this is the heart and soul of the administration's pol-

icy. And from the time I first came to Washington, that early February day when I first met him for the first time, he talked about immigration as being one of the most critical issues that the administration would face.

I have talked with him on several occasions since then about our initiative, first to control the border, to get the criminal aliens deported, to work with local law enforcement in the right way, to reform the asylum process, to do something to improve the enforcement of employer sanctions, and yet at the same time to emphasize that word "service" in Immigration and Naturalization. And he has had his experience in terms of the time he was Governor, and we have been able to talk and compare notes. He is very sensitive to these issues. He is very committed.

When I talked to him about my recommendation of Doris Meissner as Commissioner of Immigration and Naturalization and told him that she was asking me point-blank was this administration going to back her up, was it going to make this issue a priority, was the Attorney General going to back her up, his response was an emphatic yes. And I do not think she would have taken it if she had not—because she was sure looking at me suspiciously when she first came in to talk to me.

Senator SIMPSON. And how often do you and the Commissioner get together to discuss these policies and strategies and resources?

Attorney General RENO. I would say that Doris and I meet at least once a week, and there are some days that we probably meet two or three times a day on different issues. I think that she will tell you I obviously have learned an awful lot about immigration in the last 15 months. I do not profess to be an expert, and I rely on her so very much. But I try to work with her.

When I go to the border, when I went to Nogales, I came back and said we have got to look at these issues, and we worked together, working with the Border Patrol. I think it has been an excellent working relationship, and I think she feels very comfortable to sit me down when she thinks I need to take action to back her up.

Senator SIMPSON. I think that is so important because of my years in the issue—I have not always had the support of my own party. It is not a partisan issue; immigration and refugee issues are not partisan. But certainly some Presidents have paid more attention to it than others. Some Commissioners have been more intrigued. Certainly the Attorney General has a role that has often not been thoroughly used. So I think that is most helpful. Knowing Doris Meissner for many years, I know her extraordinary capabilities, even though some of her thoughts are not in my ambit.

Attorney General RENO. We cannot always agree on everything, Senator.

Senator SIMPSON. No, no. We would not want that. And we do not have it.

In 1981, the Hesburgh Commission which I was involved with, recommended that the United States close the back door on illegal immigration and then, in Father Ted Hesburgh's words, "open the front door a little more to accommodate legal immigration in the interests of country" or "in the national interest of the country."

Following that principle, I sponsored the 1986 legislation aimed at controlling illegal immigration. Then, based on the belief that the 1986 act was "working," I cosponsored legislation increasing legal immigration in 1990.

Apprehensions of illegals by the INS, a statistic regarded as probably the best measure of the flow of illegal aliens, had reached an all-time high of almost 1.8 million in 1986 before the enactment of IRCA.

Then the apprehensions fell to under a million in 1989, the lowest figure for a decade. It increased to more than 1.3 million by 1993. Based on those figures, it would appear that, following a temporary reduction, employer sanctions have only succeeded in slowing illegal immigration rather than significantly curtailing it, as we believed was the case. Of course, the issue of fraudulent documents is a key to this extraordinary adventure, and it has been very interesting to hear people on both sides of the aisle talking clearly of the need for a tamper-resistant, counterfeit-resistant identifier.

You noted in your testimony that the illegal alien population is 3.8 million, and it is increasing by 300,000 a year. Now, those figures are very similar to those cited by the Census Bureau analysts prior to the enactment of IRCA. In 1990 Congress significantly increased legal immigration. We went up a real chunk. The groups were pleased, which is what had me on the alert. Congress increased legal immigration based on the overly optimistic assumption that illegal immigration was "under control."

Why should not the Congress now act to decrease legal immigration to its previous level given the clear evidence that illegal immigration is, in fact, continuing at approximately its previous level? And what about the proposed temporary decrease or breathing room? Why is that some unapproachable goal?

Attorney General RENO. I think it is an issue that should be addressed, and I would like, before addressing it in any sort of conclusory way, to wait to receive the recommendations of Congress' Commission on Immigration Reform chaired by Barbara Jordan. Those recommendations should be received in the near future, and I think we need, before we go further, to do it in a thoughtful way. And I think that Commission may be a very appropriate instrument for giving us sound recommendations.

Senator SIMPSON. I know that argument. When the Select Commission did its work, at the same time there were terrible problems with refugee issues, yet Congress proceeded and processed and enacted the Refugee Act of 1980. Congress did not wait for the Commission's report although our work was coming. The Congress did not wait for the Commission because our refugee laws needed to be changed.

It is my experience that people find it safer to do nothing. We often use that. Now the public is begging the Congress to "do something." In my experience, I have never seen four or five U.S. Senators so deeply involved in immigration issues as those at the table and Senator Feinstein. We are going to "do something."

Do you have any further views after those comments?

Attorney General RENO. I could not agree with you more. The American people want something done, but I do not think they want something done precipitously. If the Jordan Commission was

not going to render a report for another year or 2 years, I would say, yes, you should expect something from me. But when Congress' own Commission is about to render a report in the not-too-distant future, I think it behooves us to look at what they say before we come down on the side of something that might be wrong.

I think on all of these issues it comes back to developing a sound plan. As you have pointed out, immigration has been too neglected. It is important that we proceed with the course we are on now of building an Immigration and Naturalization Service that has the personnel, has the resources, has the technology to operate in this coming century and this century. It has been totally ill-equipped to do that.

When I got to the border, I found that there were Border Patrol agents standing there without cars and radios, and there were some sitting behind desks because they did not have the technology to support them on the border.

We are changing that. We are getting officers on the border, more each month. I think it is important that we look at the processes. What the American people are fussing about are processes that do not make any sense, and it does not make any sense for an immigration officer to process an asylum claim, see that it is clearly a false claim, and then have to do all the paperwork and write it out and refer it for a de novo hearing to an immigration judge. With the regulations proposed that hopefully will be put out in August, we can address those issues.

I think what they want are good, sound solutions, and I think we should look at this report and see so we make the best judgment possible. But if it gets delayed, you ought to fuss at me.

Senator SIMPSON. Well, I will.

Attorney General RENO. I know you will.

Senator SIMPSON. I very much enjoy working with you both. I have not had that opportunity to work with Mr. Hobbs as much. You sent to the Congress an expedited exclusions and anti-smuggling bill. That has been at the top of the Judiciary Committee's agenda for many months. Ted and I worked on a few minor changes, and we have cosponsored that. I have introduced several immigration reform bills, including the comprehensive one which is part of these proceedings, in part to provide statutory assistance to you. It is my experience that INS is more vulnerable when it promulgates regulations without direct status authority. If we can do the statutory route, it will serve you better. There are many who talk a good game and then will undercut your efforts through all sorts of litigation and other activity. Others, as you see, have put in comprehensive reform bills and bills addressing specific areas.

The administration's bill has not yet been processed, and there have been many reasons. The chairman has been carrying a yeoman load with his issues. There are those who want to wait, as you have suggested. There are those who believe it is not good policy to amend nongermane legislation on the floor with immigration bills or parts thereof. I assume the administration supports that view. We all, I think, agree that piecemeal amendments on the floor is not the best way to legislate. But I have been here enough to know that someone will do it in an election year, and they will just say, hey, I cannot wait. I am not waiting for commissions; I

am not waiting for anything; I have got an election in November, and I have got that thing laying there, and here it is and it is going to gather support. It will also gather amendments, and it will gather a little chaos, too, perhaps. But that will happen. Somebody will do that.

So in the midst of that, I would think it desirable and ask if the administration plans on sending an immigration reform package for Congress to consider in a specific way.

Attorney General RENO. As you know, the President announced expedited exclusion legislation in July, and we have worked closely with the committee on this and other immigration legislation. Much of what is contained in the proposed legislation is now contained in the crime bill, aside from expedited exclusion, and it is related to the immigration legislation in the House.

This administration is firmly committed to this legislation as part of our overall immigration strategy plan for asylum reform and for combating illegal immigration, and we will work with you in every way we can, sir.

Senator SIMPSON. There will be a piece of legislation coming forward?

Attorney General RENO. No, sir. You have got the legislation pending now before this committee. We have been working with the committee. We support that legislation with respect to expedited exclusion.

Senator SIMPSON. I am talking about general immigration matters, not just asylum and expediting exclusion procedures—an immigration reform measure.

Attorney General RENO. Again, what we are trying to do, what is absolutely critical to our initiative, is the passage of the crime bill with the funding to support the initiatives for control of the border, to support the asylum reform, to provide for asylum hearing officers, and to provide for the deportation of criminal aliens.

I think that the initiatives that are pending, it goes to money, and we can tinker with things, but it is the support we need. It is vital that we have your support to get these agents on the line, to get the technology to go with it, to get the asylum officers necessary to get these cases processed so that we get current and we match the cases coming in, and then we address the backlog.

Senator SIMPSON. Well, I have certainly exceeded my time, and Senator DeConcini has questions, I know. Thank you very much.

STATEMENT OF HON. DENNIS DeCONCINI, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator DeCONCINI [presiding]. Senator Simpson, thank you. As usual, you have gotten to the core of the problem; that is, the need for legislation.

I am, first of all, pleased, Madam Attorney General, that I was reviewing your confirmation hearings, and you told this committee on several occasions that you were going to be involved in immigration and naturalization matters, and particularly the Border Patrol. Indeed, you said, "Remind me if I forget." Well, I do not have to remind you, and I thank you for the time you are devoting. I know you have a lot of things to do.

In the course of your strategy, Commissioner Meissner, you have elected to single out—and I have no quarrel with it—on the Mexico-United States border, two choke points or two points of gravest concern where undocumenteds are coming across: El Paso and San Diego. I notice in your statement, Madam Attorney General, you say, among other things:

If we conclude that illegal entries are shifting to other areas, we will assign resources to those areas to keep deterring illegal immigration. We will place the new agents we are able to hire as a result of the crime control fund in the area of greatest need in response to changing border-crossing patterns.

Now, as I have sent to you information from the standpoint of a number of things, I hope you are aware that 87,000 illegals have been arrested from October 1993 to May of this year in the Tucson sector. And that represents a 65-percent increase from the same period last year. In May 1994, 18,000 illegal immigrants were arrested, which represents a 136-percent increase over last year. In fact, twice as many illegals were arrested in the Tucson sector in May 1994 as were in the El Paso sector in May 1994.

Now, having said that, you also received information from me pointing out the Customs information that they have, and I left you a map on it, showing where the increase of flights have come and then not penetrated the border but stopped short of the border, and now it is over 400 in the Tucson sector. It is down to 50-some in the San Diego sector and down to 60-some in the El Paso sector. So on the one hand, I would say, hooray, congratulations, your strategy has worked.

Now, when do you think we can expect this shift of assets, Madam Attorney General, based on, I think, overwhelming evidence that—as you said, you are monitoring Arizona—the time has come to shift some of those assets?

Attorney General RENO. First of all, I want to thank you because you have made clear how important the border is, and for somebody who has never been to the border, it is important to go and to see the differences. I have been to the border, to the San Diego border, to San Ysidro, with Senator Feinstein, and to Nogales with you. They are different borders, totally different situations. And to the whole general issue, one of the things I have asked Commissioner Meissner to do is to develop an ability to look at that border as a whole and not just to focus on one particular sector of the border, but to be able to respond, respond quickly and flexibly to changes on the border, because I think that is the only way we are going to be able to control it.

We started looking, and at first, we looked at figures. We have been monitoring them very carefully. I have your Customs map on my desk, and it is a constant reminder. We are responding to the increased pressure in Arizona. I have worked with Commissioner Meissner. We have met on three separate occasions just on this issue. The Border Patrol's tactical unit has been detailed into the sector to augment the permanent staff during anticipated periods of high-level activity, and we are going to be prepared to do what is necessary to try to balance this the right way.

It still is important. We need your support for those requests for 1995 to get the new agents on the line.

Senator DECONCINI. You will get that, and I have already talked to Chairman Hollings and to Ranking Member Domenici. Maybe Ms. Meissner could answer the specifics, if there are any, Commissioner. Is there any planned date to give additional assets to the Arizona sector?

Ms. MEISSNER. Well, at the present time, we have changed our tactics in Arizona sectors to put maximum strength on the line in the same way as we have been doing in the other sectors.

Senator DECONCINI. Has that already occurred?

Ms. MEISSNER. That has been occurring since January. We have had special details coming into Arizona on a regular basis, having patterned when the high crossing periods are occurring, and part of the numbers that you are citing are a result of those special details, because we are apprehending far larger numbers than we have in the past as a result of the deployment of existing staff as well as the details of special staff from other sectors.

We have also done more, as you know, with fencing. We have three additional helicopters coming in this summer which will be of exceptional assistance with the drugs, and we have all of the new support personnel that are being hired in the next 3 months. So that between now and September—

Senator DECONCINI. Excuse me. That support personnel replaces those people that you are going to deploy or that is in addition?

Ms. MEISSNER. No, these are additional personnel; they will, in the same way as we have been talking about in San Diego, take up the job of bus drivers and computer clerks and maintenance technicians. So that frees up more Border Patrol for the border.

Senator DECONCINI. I want to put Senator Feinstein at rest. I am not suggesting here that you take away from San Diego because—

Ms. MEISSNER. No, and we are not doing that.

Senator DECONCINI. What I am interested in is that during the course of your announcement of some—I think it was 300—some new Border Patrol agents, Arizona was finally told they would get 33, I believe. Have those 33 been deployed?

Ms. MEISSNER. Those are that 33 I am talking about that are being hired between now and September, and they were always part of the original plan. They represent about a 10-percent increase in your resources.

Senator DECONCINI. They have not been deployed yet?

Ms. MEISSNER. They are being hired between now and September. We only had partial-year funding for those positions.

Senator DECONCINI. I thought that the plan—and correct me—was to take the existing agents who were in administrative headquarters positions and immediately send them to the border, and you were going to replace those administrative people that did not take as long as it does to train a Border Patrol agent down at Glynco. Is that correct?

Ms. MEISSNER. That is the idea, but the salary money for those positions was only—

Senator DECONCINI. Months?

Ms. MEISSNER. Exactly. So that is why it is going on at the end of the year. So you are still going to—I mean, that is happening as we speak.

Senator DECONCINI. When will we have the full complement of 33?

Ms. MEISSNER. September.

Senator DECONCINI. Not until September?

Ms. MEISSNER. Not until September. But it is beginning in July. It is July, August, and September. And then we have, of course, the resources we hope will be coming in the next fiscal year, and those we would hope to—

Senator DECONCINI. Now, on that subject, you have two possible sources of funding. The obvious one in the State-Justice-Commerce bill Senator Hollings is going to mark up sometime in the next week or two. And I compliment you. I think it is the first time in 18 years here any administration has asked for additional Border Patrol. Congress has given it to them many times, and it has never been implemented. You have done that, and you said you would do it, Madam Attorney General.

Then there is the crime bill that we are talking about, \$400, \$500 million or so in there. If you get the complement of new Border Patrol, some 380, or correct me, whatever it is in the budget request, how many, assuming the statistics remain similar or close to what we have today in the Arizona sector, how many of those would be anticipated for the Arizona sector?

Ms. MEISSNER. I do not know the answer to that. We have not made that designation. We have done a thorough review of all of the sectors across the southern border. As the Attorney General has said, she has asked for a comprehensive southern border plan, and that is what we are producing.

We have just now finished that survey in June, and we are now looking at it from the standpoint of anticipated resources.

Senator DECONCINI. Is it fair to say, Madam Commissioner, that if the statistics stay anywhere near what I just cited to you, that there would be substantial additional assignments of border patrol to the Arizona sector?

Ms. MEISSNER. It is fair to say that the Arizona sector is our first priority in this next fiscal year beyond San Diego and El Paso and what we are achieving there.

[The prepared statement of Commissioner Doris Meissner follows:]

PREPARED STATEMENT OF COMMISSIONER DORIS MEISSNER

Mr. Chairman and Members of the Senate Judiciary Committee, thank you for inviting me here today to discuss my goals and accomplishments to date as Commissioner of the Immigration and Naturalization Service. Eight and a half months ago I appeared before this Committee for my confirmation hearing for that position. At that time, I outlined three broad goals which I intended to pursue as Commissioner.

First, is professionalism. To meet the demands imposed by increasingly global immigration issues, INS must perform its duties according to the highest professional standards.

My second goal is control of immigration with compassion. This goal has become the hallmark of this Administration's position on immigration policy. In order to continue a generous legal immigration policy, the United States must be effective in gaining control of its borders and deterring illegal immigration. Immigration enforcement, however, must be done with respect for all persons with whom INS comes into contact.

Finally, INS must become a leader in immigration policy. Not only must INS be a source of innovation for the future, we must play a central role within the Administration and in working with Congress to address the major national and international issues which are increasingly being posed by immigration policy. I am

pleased to say that in the time I have been Commissioner, I have found strong support for these goals among the dedicated men and women throughout the Immigration and Naturalization Service. Together, we have taken some strong first steps toward realizing these three goals. I would like to describe briefly a few of the efforts we have underway.

PROFESSIONALISM

First, to further my goal of increased professionalism within INS, I submitted a plan to Congress last February to reorganize INS. This reorganization directly responded to the widely-held view that the existing organizational structure was not working well.

The plan, which included the views of Internal INS personnel as well as external stakeholders, was intended specifically to reduce the span of control, and as a result, improve supervision, program integration, and communication throughout INS. It also established mechanisms to bolster INS' policy and planning capabilities and communication and coordination with Congress, outside groups, and the public.

As a part of the reorganization, we are streamlining regional operations and organizing administrative functions to facilitate creative approaches in the future. We are also empowering field managers and encouraging employees to rethink the way we do business. For INS to be the world class leader in immigration policy, we must create innovative solutions for doing our work and addressing the new situations with which we are continually faced.

We are implementing the new chains of command as of July 1, with full implementation of the reorganization by October 1. I have recently begun making appointments to fill jobs created under the new organization. I am focusing on appointment of career INS managers who have demonstrated their ability to manage effectively while empowering employees, to be professional and consider the broad operational and policy impacts of their decisions, and to help take the bold steps necessary to make INS the agency we want to lead us into the next century.

CONTROL WITH COMPASSION

As long as I have been working with immigration issues there has been a debate over the compatibility of INS' service and enforcement missions. Many have said that these two forces are contradictory and incompatible within a single agency. I strongly disagree with this view.

Anyone familiar with immigration issues can attest that such issues generally defy categorization as strictly "service" or "enforcement." I see the service and enforcement components as mutually supportive parts of effective regulation of immigration processes. It is the responsibility of every INS employee to take this attitude in the accomplishment of his or her work. We must remember that behind every case is a human being, and that ultimately our customer is also the American public and the good of the nation.

Control of immigration transcends border enforcement. While effective border management must include the Mexican land border, it also must include the northern border and seacoasts, airports, and must be reflected in decisions made in our district offices and service centers and the American consulates abroad. Border management must facilitate the entry of persons who are legitimate travelers and allow denial of admission to those that are coming for unlawful purposes. We are working on improvements in our ability to make these distinctions fairly and accurately, relying heavily on increased use of technology and streamlined work processes.

We are also involved in an extensive strategic planning effort to define how we see ourselves as an agency, to establish a philosophic framework for decision-making, and to set goals and objectives to ensure that, as an agency, we are all moving in the same direction over the long term. This effort, which will provide a sound basis for fostering professionalism within INS, is about to be completed.

The strategic plan includes strategies to further my three goals for INS—professionalism, control with compassion, and policy leadership. It also relies on strategies to integrate efforts within INS and through partnerships with other agencies; ensure a well-managed, technologically state-of-the-art agency; empower employees and customers; concentrate resources effectively; and communicate information within and outside INS. The strategic plan will help us move ahead, to rethink how we do things, to accomplish our mission in new ways, and to improve and innovate.

POLICY LEADERSHIP

The array of immigration issues with which we deal is vastly different than those on the forefront when I left Government service 8 years ago. Immigration has be-

come, even since I became Commissioner, an increasingly important national and international issue. I cannot recall a time in the 20 years I have worked in immigration when the issues have been more numerous or volatile, or the debate more contentious. Moreover, the focus is no longer specific to limited groups or geographic areas. The debate is now at the forefront of state and national interests.

Fortunately, I have an unprecedented level of support within the Administration from the Attorney General and the President on the many issues we face. As a result, we are moving aggressively on key policy fronts.

Asylum policy was one of the critical areas I wanted to improve upon becoming Commissioner. INS' inability to process applications in a timely fashion resulted in abuses of the system and spiraling numbers of applications compounding the problem. The delays inherent in the system created further problems by failing to provide the legal protections needed for legitimate asylum seekers.

In March, we proposed new asylum rules and procedures which will streamline the process, significantly increase the number of asylum officers and immigration judges, and improve the timeliness of decision-making. The proposal will also reduce the incentives for unfounded asylum claims by granting work authorization only for aliens granted asylum and applicants whose cases have not been decided within 6 months. We are also proposing a fee of \$130 for each asylum claim to cover part of the cost and discourage non-meritorious claims. Of course, a fee waiver will be available for those unable to pay.

Another policy area in which we have made significant progress is development of sound estimates of the resident undocumented migrant population to help shape the debate over the size and impact of this population. Estimates of the undocumented population have been subject to particular speculation and hyperbole in the past, with little regard for factual information to support these figures.

INS, working with Bureau of the Census and other researchers, has recently completed an extensive analysis of the size, origin, and state of residence of the resident undocumented migrant population. This analysis is based on INS and Census data, and has been embraced by experts as the best estimates available. According to these estimates, there are currently about 3.8 million undocumented migrants residing in the United States.

This analysis dispels some myths about undocumented migration flows and raises some interesting policy questions. Contrary to popular opinion, only about half of the unlawful residents entered unlawfully across the borders. The remainder initially entered the United States as visitors but did not leave. More than traditional border enforcement efforts, therefore, are required to deter the undocumented flow. Unlawful residents come from all parts of the world. Only 39 percent of the total are estimated to be Mexican nationals. Sizable flows also have come from Central America, Canada, Haiti, the Philippines, and Poland. Like legal immigrants, the undocumented population clusters in just a few states—85 percent reside in six states: California, New York, Texas, Florida, Illinois, and New Jersey.

A final accomplishment I want to mention is establishment of the Citizen's Advisory Committee, which I will chair. This committee is being established to review citizen complaints of excessive use of force by INS officers and procedures for responding to these complaints, and to recommend elimination of causes of legitimate complaints. Following our solicitation of possible names for this committee, we had unexpectedly high levels of interest. We are currently reviewing lists of nominees and will submit recommendations for this 13-member committee to the Attorney General in the next few weeks.

Taken together, these initiatives, along with a host of others which I do not have time to discuss with you here today, will build an Immigration and Naturalization Service worthy of the public confidence. We want to ensure that INS has a work force which is dedicated and professional. We are building integrated processes to demonstrate that we can administer the immigration laws to preserve our tradition of generous legal immigration policy while deterring illegal immigration effectively and administering our admissions policy fairly in a world beset by economic and human rights deprivations. Finally, through these efforts, we are increasingly augmenting our capability to take the leadership role necessary to recommend and implement policies that meet the needs of the nation.

ADMINISTRATION'S IMMIGRATION INITIATIVES

We feel that the fiscal year 1995 immigration initiatives announced by the Attorney General in February, which include a \$368 million Department-wide appropriations request for critical investments, can provide INS with the opportunity to move forward in an integrated, comprehensive and meaningful way in five very important areas—border control, removal of criminal aliens, asylum reform, reducing the mag-

net of job opportunities and naturalization. The Attorney General has discussed these initiatives in her statement. I would like to focus my remarks about the initiatives on their implications for INS as an organization and our planning for their effective implementation. The initiatives represent a substantial investment in INS infrastructure, focusing heavily on a carefully balanced mix of people, technology and automation directed at strengthening the aspects of the immigration system needing the most attention. Moving INS technologically into the 21st Century with new equipment and automation is an underlying principle in the initiatives and is critical to our ability to be successful in better accomplishing our mission within the existing statutory framework.

INS has traditionally accomplished its mission through labor-intensive processes, adding more personnel but not providing the tools and supporting infrastructure needed to do an effective job. A new approach is inherent in these immigration initiatives. We will add more officers, because more are needed. However, we will no longer take piecemeal steps to address the problems facing the INS. These initiatives will provide the technology, automation, and information networking with other Federal and state agencies that will intensify the impact and effectiveness of our resources and allow the Service to work smarter.

STRENGTHEN BORDER CONTROL

I am pleased to report that we have made significant progress in implementing the Border Patrol enhancement we received for fiscal year 1994. As soon as it became evident that Border Patrol might be receiving a substantial increase in fiscal year 1994, we began reworking our recruitment and hiring approach as an Office of Personnel Management "lab" under the auspices of the Vice-President's National Performance Review. We are very happy with the results. Forty newly trained Border Patrol agents were deployed to San Diego in April. Later this month 24 newly trained agents will be deployed to San Diego and 23 to El Paso. Classes are scheduled and already recruited agents are prepared to begin the 18-week basic training at the Border Patrol Academy in Brunswick, Georgia, throughout this year. Classes of approximately 50 agent trainees will begin at the rate of at least one per month between now and the end of the fiscal year, resulting in the deployment of 350 new agents to San Diego and El Paso. Further, before the end of the fiscal year, support personnel and contractors will be in place, allowing for the redeployment to direct border enforcement tasks of 270 additional agents in fiscal year 1994 in all of our Southwest border sectors.

In addition to personnel accomplishments, we have made great strides with military-supported construction projects. Roads have been constructed along the border to allow agents greater mobility to more easily intercept drug and alien smugglers. Border fences have proven to be very effective, particularly in those areas along the border which do not benefit from natural barriers, such as rivers or mountains. This year, we have expanded fencing along the California and Arizona borders in particular. In San Diego, with support of the California National Guard, 3.5 miles of stadium-type lighting have been installed near Otay Mesa. This lighting has served as an important deterrent to night entry, and has significantly increased safety in the area and working conditions for our agents. These examples illustrate the physical infrastructure improvements which enhance our ability to control the border.

The Attorney General and I recently unveiled new technology which is critical to making our agents more efficient, allowing them more time for line duty and minimizing paperwork, and making them more effective by allowing for positive identification of those apprehended. A prototype of the ENFORCE automated case tracking system, is being tested in San Diego throughout the month of June, and, if successful, will be installed for full implementation at three San Diego Sector locations on July 1 and in the District Office on December 1. The ENFORCE system compiles 51 forms into an integrated computer database which will significantly reduce the amount of time agents will spend processing aliens. The AFIS (Automated Fingerprint Identification System) is also being tested, and in this new configuration, will be immensely useful to the agents as it will act as a "pointer" to identify repeat or criminal offenders within INS databases. It also makes possible recidivism analysis to know the actual number of persons arrested versus total apprehensions.

The fiscal year 1995 immigration initiative to strengthen border control bolsters enforcement at the border by building on our accomplishments in fiscal year 1994. Coupled with the fiscal year 1994 enhancement, this initiative will put 1,010 additional Border Patrol agents on the line to provide a visible presence at high-risk border areas to strongly discourage illegal entry. We will make significant equipment and technology enhancements that will enable the INS to make better use of automation in combating alien smuggling operations, while at the same time freeing

agents from time consuming paperwork, and allowing agents to spend more time on the line. The 1,010 will be reached by adding onto the 620 agents on the line in fiscal year 1994, 150 new agents and 240 redeployed in fiscal year 1995 based upon efficiencies of new automated systems.

We are also moving forward administratively to increase the number of land border inspectors for fiscal year 1995. A regulation was published this year to assess charges for certain services provided at land border ports-of-entry. New automation efforts, which will be available at land and air ports-of-entry will provide our inspectors with critical information on criminal aliens and other mala fide entrants, and will allow our land border inspectors to make more informed entry decisions. The increased automation will make our inspectors better able to facilitate the entry of bonafide travelers and prohibit the entry of mala fide entrants.

Investments in the Interagency Border Information System (IBIS) are upgrading its capacity to inform border inspectors about criminals, terrorists, and other excludable applicants for admission. In May, INS inspectors at the Miami International Airport intercepted Alain Daniel Mesili, a French national and international terrorist sought by the U.S. and Bolivian governments for the attempted murder of Marine guards at the American Embassy in La Paz, as well as kidnapping, murder, terrorism and insurrection. We plan to expand IBIS in fiscal year 1995 and also provide direct linkage for overseas American consulates to this law enforcement data base.

Senators Feinstein, Simpson and Reid have all proposed a land border crossing fee to provide revenue for border enforcement, facilitation and other immigration-related purposes. We believe this proposal merits serious consideration and are carefully examining it to develop an Administration position on such a fee.

INTERIOR ENFORCEMENT

Immigration enforcement in the interior of the United States is based on effective collaboration with other Federal, state and local agencies, as well as employer sanctions to curb illegal alien participation in the American labor market. Over half of the illegal alien population initially entered the United States through a legal process, but then overstayed their period of admission. Given the diverse nature of the American population, there is no effective means to locate and arrest these aliens on a wholesale basis. Therefore, our attention is directed toward persons who commit criminal acts and second, toward denying the job opportunities which drew most of these aliens to the United States and which sustain them once here.

Effectively identifying and removing criminal aliens requires close cooperation across the law enforcement community. INS continues its collaborative efforts with Federal, state and local law enforcement agencies to arrest criminal aliens. Over 115 Special Agents work in the Organized Crime and Drug Enforcement Task Forces in 42 cities. One hundred and fifty other INS investigators work in Violent Gang Task Forces which are focused on alien gang activity. Both Federal and local law enforcement agencies have welcomed INS expertise on the alien community and authority to deport illegal aliens and lawful aliens with criminal convictions.

To remove criminal aliens efficiently, we have requested \$27 million to expand the Institutional Hearing Program in the five states with the largest concentration of incarcerated aliens and in several Federal prison facilities. This program allows the INS to assume custody and promptly remove deportable aliens when they complete their sentences. In addition to the proposed increase of 211 investigators, attorneys, immigration judges and related support staff positions to conduct more deportation hearings, we will use video teleconferencing technology to enhance productivity, allowing hearings to be held using video equipment located at detention sites and the judges' court rooms. By reducing the amount of time spent traveling to deportation hearings, judges will be able to conduct more hearings and we will make more cost-effective use of judge and attorney time. In order to rapidly respond to Federal, state and local law enforcement officers requests on alienage of criminals, resources of \$28 million are requested to provide INS with the capability to capture and relay fingerprint information on any individual at any location.

This Administration also has devoted significant attention to deterring alien smuggling and prosecuting smugglers, and our efforts have produced notable results. Last summer, President Clinton announced a broad-based effort to deal with alien smuggling and abuse of the asylum system. In July, he transmitted legislation to Congress that included important provisions to increase criminal penalties for alien smuggling, expand forfeiture authority for alien smuggling, authorize wiretap authority for alien smuggling investigations, and authorize the use of the Racketeering-Influenced Corrupt Organization (RICO) statute to pursue alien smuggling orga-

nizations. We continue to work for enactment of these provisions, which will provide us with important tools in our continued fight against smuggling.

We already have seen a decrease in alien smuggling activity. The number of illegal boat migrants has dropped as a result of concerted Administration actions taken over the past year and a half. In the spring of 1993, the Administration formed the Chinese Boat Migrant Task Force with representatives of the Departments of State, Justice, and Defense and the Coast Guard. This group began monitoring the high seas for vessels attempting to bring illegal migrants to the United States and finding and intercepting those vessels. In addition, INS personnel and U.S. embassy staffs have worked with the People's Republic of China (PRC) and other governments to forestall departures of illegal migrants or their movement through third countries by organized crime groups. These efforts have been quite successful as boat smuggling of Chinese aliens into the United States virtually halted from June, 1993, through the present. In addition, the PRC government has been cooperative by penalizing smugglers caught in the PRC and warning local officials not to cooperate in the smuggling endeavors.

Overall, illegal arrivals of boat migrants on U.S. shores have been reduced from boatloads of 100-350 illegal aliens during the spring of 1993 to a minimum. While boat traffic has not completely halted—arrivals of small numbers of Chinese in Puerto Rico and Haitians in Florida have continued—those who do arrive illegally are being deported. This calendar year, INS has deported 209 PRC nationals who arrived illegally.

As a further deterrence to alien smuggling, INS has been working closely with the U.S. Attorneys Offices and the Organized Crime and Racketeering Section to pursue aggressively the smugglers connected to organized crime syndicates that traffic in human cargo and exploit the asylum system. For example, 20 prosecutions—against 13 crew members and 7 "enforcers"—resulted from the incident last June where 300 Chinese aliens arrived illegally in New York on the Golden Venture vessel. All 20 defendants have pled guilty or been convicted of alien smuggling and related conspiracy. In addition, the vessel owner pled guilty to the maritime offense of misconduct on the high seas for which a life was lost (at least six Chinese migrants died attempting to reach the shore after the vessel became stuck on a sand bar).

Since August 1991, U.S. Attorneys have secured indictments of over 100 alien smugglers, and 90 already have been convicted. Law enforcement authorities identified 15 major PRC boat smuggling operations from August 1991 to the present. Six of those latest 15 investigations have direct connections to boat cases, and the others involve efforts to target related drug smuggling rings. The most recent investigation began on February 10th in Los Angeles. Since October, 1993, we have identified an additional eight boat smuggling operations in Puerto Rico, involving Chinese and Dominican aliens. Most recently, in May, INS and the Coast Guard prevented the entry into southern California of a Taiwanese ship with 124 Chinese aliens.

INS also recently completed a four-year task force operation targeting a criminal organization specializing in the smuggling of Polish nationals. This operation resulted in the arrest of 89 aliens and the indictment of 16 smugglers. INS agents also seized six tractor trailer trucks, four vans, and over \$3 million in contraband.

We also have successfully worked to decrease the number of airline passengers arriving in the United States with fraudulent or no immigration documents. In the past, these passengers often requested to apply for asylum. Because INS had severely limited detention space near the busiest international airports, these passengers often were released into the community, and many failed to appear for their asylum hearings.

Today, however, I am proud to report to the Committee that, by expanding the carrier consultant program, we have reduced the number of airline passengers who even board an airplane bound for the United States with fraudulent or no U.S. immigration documents. Under this program, INS trains foreign government officials and airline personnel to screen passengers before boarding. For example, INS posted an experienced immigration officer at the Pakistan airport for six months in 1993 to train and consult with government officials and airline employees. This step significantly reduced the number of mala fide arrivals in the United States from Pakistan. More recently, INS officers have been detailed to Amsterdam to monitor flights to the United States.

The number of mala fide arrivals at JFK and other international airports has decreased dramatically, particularly in the second half of fiscal year 1993, and INS is detaining and deporting a greater percentage of those arriving illegally. At JFK, the number of asylum seekers declined by 30 percent from fiscal year 1992 (9,180) to fiscal year 1993 (6,144). The decline has continued, with only 4,523 mala fides arriving at JFK during the first six months of fiscal year 1994 (down 35 percent

from fiscal year 1993). In the second quarter of fiscal year 1994, only 864 individuals requested asylum, which is the lowest number since 1991.

Those individuals who have arrived at the airports and sought to enter illegally are being placed in exclusion proceedings and given an immediate date for a hearing before an immigration judge. As a result, the "no-show" rate by non-detained aliens for their hearings has dropped, and immigration judges have issued in absentia exclusion orders for 89 percent of all aliens failing to appear. INS identified additional funds to detain more excludable aliens (10 percent more detainees at JFK) until their hearings and any appeals are completed. (When an additional 300-bed detention facility opens at the end of June in Elizabeth, New Jersey, INS will be able to detain up to 40 percent of all aliens arriving illegally at JFK. Currently, there are only 100 detention beds at JFK.) Aliens denied asylum are being deported promptly—[firm and continuing] detention of the maximum number of mala fides at JFK has resulted in the deportation of eight percent of the overall excludable aliens at JFK.

The numbers of mala fide aliens at Los Angeles International Airport (LAX) have been dropping since 1991, when 4,547 aliens requested asylum. Since February, 1991, all excludable aliens have been detained. In fiscal year 1992, only 250 asylum seekers arrived at LAX; only 46 arrived in fiscal year 1993. We expect JFK to experience a similar decline in the number of mala fide arrivals.

Employer sanctions remain our key enforcement strategy against non-criminal aliens who remain illegally in the United States. A full third of our Special Agents are devoted to employer sanctions compliance and fraud investigations. The requested fiscal year 1995 budget increase will allow us to investigate the abundance of leads which we receive from the Department of Labor and the general public. We will focus on businesses that have historically hired illegal aliens. INS will conduct follow-up investigations of previously sanctioned employers to identify repeat offenders, to both impose penalties and evaluate our effectiveness.

INS is committed to providing employers with information about their responsibilities and to making the employment authorization process as understandable as possible. The Attorney General has explained the expansion of the pilot Telephone Verification System. We also intend to develop a "1-800" hotline to assist employers in fulfilling their responsibilities.

As you may know, INS published a regulation on November 23, 1993 to reduce the number of documents for use on the I-9 employment eligibility verification form from 29 to 13. We have reviewed the comments and are preparing the final rule and modifications to the Form I-9 for publication in the *Federal Register* later this summer. These changes will become effective six months after publication, allowing time for distribution of the new Form I-9 and conducting an educational campaign to inform the public of these changes. We believe that reducing the number of forms will simplify the verification process, while not creating a burden on citizens or aliens authorized to work in the United States, as they will have ready access to other acceptable documents.

I would also note that Senators Simpson and Reid suggest improvements to the employment authorization verification process. We are studying what the systems they recommend would require, since they clearly could be helpful to INS in its efforts to overcome the use of fraudulent documents. However, we must consider whether we can effectively ensure the confidentiality of the government database needed to support such verification systems. Absolute bars to the use of these data systems for unauthorized purposes would need to be included along with strong penalties for violations. Senator Simpson included in his bill that if a counterfeit-resistant document is the basis of such a system, it "shall not be used as a national identification card." While these proposed verification systems appear attractive, creating and implementing them would be expensive and must include protection against violations of civil liberties.

IMPLEMENT COMPREHENSIVE ASYLUM REFORM

As I mentioned earlier, we have issued a proposed regulation to significantly streamline asylum procedures, providing a framework which can allow INS to stay current with incoming applications and focus our enforcement efforts on fraudulent applications. Both of these measures should reduce the incentives for asylum abuse and protect the process for those who are legitimately seeking asylum. Critical to the success of these reforms is funding for an increase in personnel to process asylum applications in a timely manner. This will mean increases for INS asylum officers, the Executive Office for Immigration Review (EOIR), U.S. Attorneys and the Civil Division.

The Attorney General has described how we are moving against unscrupulous immigration counselors who provide abusive, boilerplate applications. We have taken several steps to curb the incidence of asylum abuse and the related enforcement problems from asylum-seekers arriving at international airports, particularly in New York. The Attorney General has detailed our expanded efforts at overseas deterrence through international cooperation against criminal smuggling syndicates as well as training of government and airline personnel in detection of fraudulent travel documents. In New York, we have made a more effective use of detention space and will add 300 beds in the New York/New Jersey area by the end of the month. We have coordinated closely with EOIR to ensure that aliens are issued notice of their hearing date in person while they are still at the airport.

SERVICE TO THE PUBLIC

My approach to immigration is two-pronged—facilitating legal immigration and curbing illegal immigration. I have explained my approaches to illegal immigration and would like to detail some of the efforts we have made on the legal immigration front.

Our proposal to encourage naturalization through public education and streamlined INS procedures is a response to the need to help bring newcomers into full participation in our society. The timing of this resource request is critical as 1994 is the first year the Legalization population begins to become eligible for naturalization. This population represents a large one-time increase in naturalization cases and requires special investments for INS to respond to the large anticipated jump in workload. It also offers a unique opportunity to target an identified population for this benefit. The resources requested will provide INS with sufficient personnel to adjudicate the increased number of applications for naturalization without which the backlogs could grow. Information services dealing specifically with naturalization topics will be expanded by the addition of "1-800" phone lines and additional personnel.

Building upon success of the legalization program and the critical role of the voluntary organizations, this initiative contains finding which will be used for cooperative agreements with community-based, ethnic group networks, and educational institutions to do public outreach, provide language and civics instruction, and assist in the preparation of naturalization applications.

This initiative also includes some streamlining procedures for naturalization applications processing, including alternative means of meeting eligibility requirements that demonstrate English literacy and knowledge of government and history, as well as revision of naturalization forms to make the entire process more user friendly. Most of the streamlining changes will be accomplished through administrative reforms.

The automation enhancements included in the fiscal year 1995 budget request will further support INS service to the public. During fiscal year 1995, we expect to expand the CLAIMS system to all major district offices. This automated system allows for tracking applications, scheduling interviews, automated responses and decision correspondence, updating INS databases, and preparing statistical reports. It both supports prompt adjudication and notification of applicants, but also provides the management information to assess individual office and overall work performance.

CONCLUSION

I welcome this opportunity to present the actions this Administration has taken to address immigration problems and to reform procedures that hamper our administration of the law.

Senators Reid and Simpson have proposed significant changes to the legal immigration system. As the Attorney General has testified, the Administration believes it is premature to overhaul the legal immigration system at this time. We will continue to analyze, along with the Commission on Immigration Reform, the effect of amendments made by the Immigration Act of 1990. We only have data from the first two years of these amendments and the diversity immigrant provisions are just now going into effect. We look forward to working with the Members of Congress as we assess what further changes, if any, should be made to the policy for immigrant and non-immigrant admissions.

I would be pleased to answer any questions you may have at this time.

Senator DECONCINI. Thank you. I have further questions. I will wait for another round.

Senator SIMPSON. I feel I am not in charge here anymore. I would leave the gavel here.

Senator DECONCINI. Senator Feinstein, then.

Senator SIMPSON. When I was alone here, I was having a great time. [Laughter.]

But now you are back.

Senator DECONCINI. You were doing very well as the chairman and ranking member both.

Senator SIMPSON. It felt good. It did.

Senator DECONCINI. I am surprised you did not pass some legislation.

Senator SIMPSON. Well, we could have if you had not come back.

Senator FEINSTEIN. Thank you very much, Senators.

General and Commissioner, I just want to thank you for your cooperation in beginning, I think, to look at some new things with respect to border enforcement. I said, I think before you were in the room, General, that when I went back to the border a week ago Saturday, I saw an enormous change on the San Diego border. I told Commissioner Meissner that when I came back. I now know that this can work, that we can, in fact, control our borders.

I have some questions of both of you this afternoon, and the first one I would like to ask about is alien prisoner transfer, and perhaps Mr. Hobbs. The United States has a prisoner deficit, and by that I mean there are approximately 58,000 noncitizen prisoners in U.S. prisons and 2,500 American prisoners in foreign prisons. As was said earlier, about 30 countries have prisoner treaties with the United States, but since 1977, only 1,200 foreign prisoners have been transferred from the United States and 1,400 American prisoners have been transferred back to the United States. So there are far more prisoners from other nations serving time here than of our people serving time elsewhere.

Senator Lautenberg and I have sponsored what is called the prisoner transfer bill. You have also greatly expedited discussions, and I want you to know I appreciate those. But the numbers are very slight. If I look at—and I believe these are the correct figures, that anywhere from 13,000 to 15,000 illegal aliens are serving time in California State prison today, returning just a few hundred aliens a year is just a drop in the bucket.

What more can be done to improve the International Prisoner Transfer Treaty Program?

Mr. HOBBS. The Department of State is, of course, in favor of increased prisoner transfer treaties. Right now the Organization of American States has been negotiating a treaty for the whole Organization of American States, which we would support joining, which would include then all the South American countries in prisoner transfer treaties. Right now we only have Peru and Bolivia and Mexico who have prisoner transfer treaties with us.

But as far as the actual mechanism of prisoner transfers, the Department of Justice is the central authority on the prisoner transfer treaties, so I think I would leave that to the Attorney General.

Attorney General RENO. Senator, I think one of the major issues is concern—we are trying to work with State officials in the right way—of identifying those that would be eligible and that would agree to the transfer. Considering the harsh conditions in some of

the prisons to which they would be transferred, we do not get that many takers. But I think if we work with State prison officials and with State law enforcement officials identifying who we would just as soon have return as stay in jail and work with the Mexican Government as we have been able to work with them in terms of this innovative transfer, we can do a great deal. And we will continue to try our best with the countries most affected to develop what we have done with Mexico. But everything that I have done in terms of this issue or in terms of law enforcement, it really requires a partnership with State and local officials as to who they want transferred, who are they willing to take a risk on not returning and not causing further problems here. It is a difficult issue but one that we will continue to work at.

Senator FEINSTEIN. Thank you, Attorney General. I suspect you will get a lot of cooperation from California when it comes to that.

Attorney General RENO. But let me just caution you because it is important to note we have had a great working relationship with the State of New York, but New York is somewhat distant from the border. Florida has the water border. There are perhaps more concerns on the part of the State of California, and legitimate concerns, about how effective deportation can be and what the circumstances are. So we need to work with each State to tailor it to the interests of that State and the people of that State, and we are dedicated to trying to do that.

Senator FEINSTEIN. So this would leave open the ability to develop a transfer in which the individual would serve the same amount of time he was given in a California prison, let's say, in a prison in the country of his origin.

Attorney General RENO. That is correct. But my understanding is that it requires the consent of the prisoner.

Senator FEINSTEIN. Yes, it does require the consent of the prisoner himself.

Attorney General RENO. And they do not want to go back to prisons that are considered much harsher.

Senator FEINSTEIN. That is correct. And, Senator Simpson, I think this is a very important point. My legislation would take that right away of a prisoner to say, no, I do not want to go back and serve time. Clearly I do not see why the option should be with the inmate. The option ought to be with the State to make a determination. We have 15,000 prisoners who qualify for this. It seems to me that giving the prisoner of the option, everybody is going to opt to do time in America, not do time in their country of origin. It is a lot easier time to do in America.

Attorney General RENO. We are reviewing your proposal, but I think we also, as I understand it—and I will be happy to work with you on this—have to review it in the context of the treaties as well.

Senator FEINSTEIN. I understand that. Thank you.

Now, let me ask a question on public assistance. There may be some inconsistencies here between various branches of the administration. On the one hand, what I hear is a call for administrative remedies, higher appropriations, and waiting for future reports. Yesterday President Clinton unveiled a significant immigration reform as part of welfare reform, as you know. According to what I have read, like my bill, the Clinton proposal further restricts bene-

fits to unlawful aliens. It would strengthen sponsorship requirements. It would protect States from cost shifting by authorizing them to deem sponsor income as the Federal Government already does.

I think these are very significant and important reforms, and I am hopeful that this will be the position of the administration. Could you comment, please?

Attorney General RENO. I do not profess to be an expert on welfare reform, Senator, so let me tell you that we want to work with you. But, clearly, that is the position of the administration. I met today with Secretary Shalala, and we discussed just that point. And that is clearly one of the provisions. My understanding is that where the sponsor is at poverty level, it varies, and I am not sure of all the technical aspects of it. But we will work with you and the administration to address those issues.

Senator FEINSTEIN. Thank you. My bill would make it that the sponsor would be responsible, financially responsible. The individual that is sponsored would not be able to apply for welfare benefits during the period of sponsorship. And so it defines what a sponsor is and that that sponsor is financially responsible, and I believe the Clinton legislation does the same thing.

Attorney General RENO. We need to be as specific as we can with you, and what I would like to do, since it involves a piece of legislation that I am not that directly familiar with, is make sure that you are furnished with the full information concerning it.

Senator FEINSTEIN. Thank you very much. I appreciate that.

Now, let me speak about visa——

Senator KENNEDY. We have a couple more. Senator Simon is back. We have an 8-minute round, so we would be glad to have——

Senator FEINSTEIN. I did not think I took 8 minutes, but if you say I did, I guess I did.

Senator KENNEDY. That is what I am informed. Did you want to finish your question there?

Senator FEINSTEIN. Go ahead. I will wait.

Senator SIMON. I got in 2 minutes just before the vote. Let me ask just one question, and that is regarding Haiti.

I have been part of saying we have to give preferential treatment in terms of refugees to one group or another because of special problems that arise, whether it is Cuba or the old Soviet Union in terms of Jewish immigration, or special problems that people in the Polish community face. I guess I am at the point where I wonder whether it is not wise that we say all refugees have to be given the same status. I am curious, General, Commissioner, Mr. Hobbs, what your reaction would be to that. Is this wise? Would it be good policy?

Ms. MEISSNER. Where refugee policy is concerned, we probably are due for some review of the policies that we have had in place over time. Most of our refugee policy was born of the cold war, of assumptions that existed during the cold war given the linkage between refugees as part of our humanitarian responsibilities and interests around the world, the way in which that meshed with our cold war objectives. Obviously we are in a different international situation at the present time, and I think it is interesting that you

are making the observation that perhaps it is time for some rethinking.

I think that the administration is moving in that direction as well, and I think we would welcome a dialog on those issues.

Attorney General RENO. But I think it is as important, Senator, that for all refugees we get this process geared up so that it is right for all refugees, and we are dedicated to trying to do that by the initiatives that I have described, so that it is prompt, it is fair, that we eliminate the backlog, that we go after those that file boilerplate-type applications and try to abuse the system just for work opportunities or otherwise. And I think that is key to anything and everything we do.

Ms. MEISSNER. I am sorry, because I was answering your question in light of overseas admissions, which I thought you were asking. Clearly, as the Attorney General has said, where domestic asylum processing is concerned it is, in fact, a case-by-case adjudication with no preferences for any particular groups.

Senator SIMON. Yes, and clearly the asylum problem that you are addressing is key, but I appreciate your response.

Let me just add, everything that is part of the administration package right now, unless my colleagues, Senator Kennedy and Senator Simpson, who are more knowledgeable than I am in this area—but everything in the package seems to me to make a great deal of sense, and I appreciate it.

I will be good to you, Mr. Chairman.

Senator KENNEDY. I think we have all had a round. I know there are other questions, General. I want to try and be accommodating to you. You have been very generous with your time. I do not know what your—

Attorney General RENO. I am happy to try to answer your questions.

Senator KENNEDY. I will take maybe just a few. I will try to take 4 minutes, and others can take 8 minutes. OK? And we will see. We will go through another round on this.

I think all of us have been absolutely mortified by what has happened in Rwanda in recent times. You know, our basic historic issues and jurisdictions have been as a result of the cold war period and the adjustment of the status and how we are going to deal with the issues on humans rights issues and other factors. And we have worked closely with the Foreign Relations Committee.

But I would hope—and maybe it is best to do this through writing, about whether those who are part of the Rwandan Embassy here have been in support of governmental policies there which have resulted in the continued killings of individuals and whether there have been efforts to set up bank accounts and that sort of thing in this country for some of those that are part of the government leadership over there. That has been at least reported to me. I would like to have you take a hard look at that, if you would, because we have to wonder whether that is taking place, whether that person or persons involved in the Embassy activities should not be *persona non grata*.

Attorney General RENO. We will review that and report back to you, sir.

Senator KENNEDY. Thank you very much.

Would you comment just briefly on the illegal immigration and the legal immigration specifically with regards to where you perceive the central challenge? I think for most Americans some things are a big problem, and it is very easy to get sort of caught up with just the general kinds of concern, and that can lead to other kinds of misunderstanding. What is your basic position with regards to both the legal and the illegal issues?

We are going to hear from Barbara Jordan who is head of the Commission that is doing a good deal of the study of most of the matters that I have listened to from our colleagues here today and others as well. But would you address in terms of your own perception where the real problems are? I think, you know, you have referred to asylum. You have talked about the illegal crossings that are resulting. And then I would just ask you finally what efforts you are making with regards to the discrimination against American citizens who are attempting to get jobs under the sanctions issues. I know you have had what they call the pilot project, which, as I understand, has been quite successful in reducing those matters of discrimination.

But can you tell us where you are going on that issue in terms of discrimination? Are you looking for patterns or practices? Are you looking for particular groups that have been involved in the past and what the policy is?

Attorney General RENO. We will be seeking an increase in the number of personnel assigned to ensure that employers do not discriminate. This is extraordinarily important. Wherever I have gone across the Nation, people have addressed this issue and raised this concern. We will expand employer education about the anti-discrimination requirements of the employer sanction laws, and we will prosecute those who do discriminate.

But, Senator, you hit on a point that I think is central to everything we do in civil rights enforcement in efforts to prevent discrimination. Coming from 1,000 miles away, there is so much language—Roman numerals, alphabets, names—that the average American person does not understand. There are rules and regulations that are so commonplace to us that they do not understand. And everything that we are trying to do in civil rights enforcement is an effort to make the law clear to people so that they can understand that those people who in good faith want to comply know how to do so in a cost-effective, reasonable manner, and then serve notice that for those who do not, those who continue to discriminate, we are going to be as vigorous as we possibly can in enforcement.

To that end, we have restructured the office and shifted it into the Civil Rights Division. I have talked with Deval Patrick about this issue, and it is of concern, it is a priority.

With respect to the larger issue, I think I have a special responsibility as the Attorney General to speak out, to say that this Nation has a great tradition of legal immigration, that I want to make the service part of Immigration and Naturalization Service mean something. I understand Dear Abby had to wait 45 minutes to talk to a real person or something. I do not want that to happen, whether it be Dear Abby or whether it be a person who wants to be naturalized.

My wonderful secretary from Miami went through a terrible time because the whole process was delayed. I want to make it responsibility for those who are entitled to American citizenship and have and want to contribute so very much. At the same time, I think one of the most important efforts that I can undertake is to prevent the illegal immigration. If I can get a handle on it, if I can do at Nogales what you say we have done in San Diego and what we have done in El Paso, that is one of the most effective steps. If I can address the issues at Kennedy Airport, if we can continue to limit the smuggling across the Pacific that we have seen—we have made great progress in that regard—that is the best way to address this issue. And to continue to speak out and to say we have got to do so much in terms of maintaining the tradition, while at the same time preventing the abuse and dealing with those who would trample on our laws.

Senator KENNEDY. Senator Simpson?

Senator SIMPSON. Thank you, Mr. Chairman, and I do appreciate your patience—we just have this great opportunity. You are very generous to give us this time. We all agree with what you have just said. That is a noble statement, and it is one we all concur with. Unfortunately, I have seen people mouth it and then figure ways to just abuse it, and do it magnificently. And then under the guise of those marvelous types of phrases, they get away with the gimmickry that goes on in this system.

One of the things you mentioned was employers. Imagine the employer who does not quite know what is going on but knows that the person in front of them looks foreign, and so asks them for a specific document, which is a violation of the law. They are stunned by that. They say, wait a minute, he looked like he might have been one of those illegals, so I asked him for a specific document. And you cannot do that. That is a violation of the law.

There needs to be education. It needs to be done. As far as refugees, I have been crying for years let's just do it on a case-by-case basis. But go to the floor and you will not get anything like that. EVD and programs for persons from the former Soviet Union give blanket protections to groups of people. The Cuban Adjustment Act says all you have to do is come here and be here for a year, regardless of how you got here, and you are legal. You get a green card. We do not do that with anybody else. People do not even know that. We have repealed that twice here in the U.S. Senate. Then it got to conference, and, boy, the groups got all worked up on that one.

We do not do anything temporarily in immigration law here. We do something temporarily, and then it becomes permanent. And that is the way we do it. But that in itself sometimes is fraught with gimmickry.

But let me just ask a few more questions. In your letter of June 13th with attachments, you present the administration's recommendations on the Senate crime bill. The funding mechanism is obviously in here, and we all need to know that. You support the objectives of criminal alien provisions added in the Senate-passed crime bill which was cosponsored by Senator Bryan and myself. Those provisions are substantially the same as those in my bill.

On the provision broadening the definition of aggravated felony, you recommend that the definition be revised to "delete certain less serious, non-violent offenses from the list of aggravated felonies that would justify denying withholding of deportation or imposing some limit on the scope of the definition in terms of the length of the sentence imposed for the offense."

Could you share with us what offenses you might delete from the aggravated felony definition which you would limit by length of the sentence imposed? Perhaps you would like to furnish that.

Attorney General RENO. If I may, let us be accurate and furnish it to you in specific, and we will get that to you right away.

Senator SIMPSON. That would be very helpful, it really would, because we have the list of the definitions in the current law and the additions in the bill. And if you could tell us which fit, that will be helpful for us in the conference.

Attorney General RENO. We will try to follow up right away, sir. [The information was not available at presstime.]

Senator SIMPSON. Then in the same letter you expressed support for the provision giving you the authority to enter an order of deportation for nonpermanent resident aliens convicted of aggravated felonies and limiting judicial review to the issues of identity and alienage and conviction of an aggravated felony.

In your letter you write, "However, we believe that safeguards are necessary to protect against the mistaken deportation of U.S. citizens and permanent residents." What safeguards do you suggest, and do they require legislative authority? And maybe you would like to furnish that.

Attorney General RENO. We will furnish both of those in writing so that we are very explicit.

[The information was not available at presstime.]

Senator SIMPSON. Also in the letter you expressed support for the provision in my bill which gives you the authority to conduct deportation hearings by electronic or telephonic means. However, you recommend deleting the clause "with the consent of the alien."

Could you explain your reasons for that recommendation? And give an example of when it would be desirable to conduct telephonic or electronic deportation without the consent of the alien?

Attorney General RENO. I think that we are looking at a situation—we used closed-circuit TV for jail arraignments in Dade County. I think that there is so much that can be done consistent with due process using modern technology, and I think that in these situations where a person may not have a constitutional right in a certain hearing to this process, that it should not require his consent.

Senator SIMPSON. Let me just say, knowing you as I have come to, I know that you are interested in working with us, and you have, all of us, regardless of party, on these provisions. If you would please give us these recommendations, your thoughts, then our staffs can meet early on to go over recommendations, and we might have some additional recommendations. I think it is so important we work together on these provisions. Do you concur with me?

Attorney General RENO. I absolutely concur, and as you know, on this, Senator, and on your initial remarks this round, I know that

if it starts to just be rhetoric on my part, you will call me up and I will be over there answering. So I think that immigration is not a partisan matter, and I really want to work with you to try to address these issues, both in terms of the crime bill and in terms of immigration issues as carefully as we possibly can.

Senator SIMPSON. Well, you have been generous. One other thing, just as a feeling of mine, in the crime bill there is a provision requiring State and local agencies to communicate with the INS, and it conditions crime funding on that communication. You indicated that the administration opposed that provision because you felt that it might be unnecessary and, as currently drafted, could have unintended consequences that would impede law enforcement activities.

If you could tell us what those are or what you think would be impeded. I think that a provision in my legislation which prohibits Federal, State, and local government entities from prohibiting or restricting communications with the INS but does not mandate cooperation might satisfy your concerns about impeding law enforcement activity.

Attorney General RENO. I think if we could work along those lines, on language like that, we would be happy to sit down with you and see what could be done. As soon as we are through, I will follow up this evening.

Senator SIMPSON. Thank you very much. The situation has reached an absurdity where government officials could not report from a State or local agency that there was a criminal violation. I suppose it came from a misguided civil libertarian impulse, but it was also matched by stupidity. Now we are going to correct that in the crime bill. When things have happened, you pass on information that has to do with criminal intent and activity.

Thank you very much, and I really look forward to working with you. I have a myriad of further questions, obviously, but a fine opportunity to visit with you, and I appreciate it very much.

Attorney General RENO. Thank you.

Senator SIMPSON. Thank you, Mr. Chairman.

Senator KENNEDY. Thank you very much.

Under our new proposal, Senator Feinstein is recognized under the early-bird rule that Senator Biden established yesterday.

Senator FEINSTEIN. Thank you very much, Mr. Chairman.

If I may, Attorney General, people in my State who are involved in the immigration community are saying, you know, you are concentrating all on border enforcement, why don't you take a look at visa overstays? And so I have just begun to do that, and I wonder. I am told that 40 percent of all illegal aliens come in through visa overstays. Is that a correct figure? If not, could you give me the correct figure?

Attorney General RENO. It may be closer to 50 percent.

Senator FEINSTEIN. Maybe 50 percent. How many gross numbers would that be a year?

Ms. MEISSNER. If we go according to the recent estimates of a population of 3.8 million illegal immigrants in the country, and if about half of them have come with visas, then it is about half of the 3.8 million. So the visa overstay is a serious part of our illegal immigration problem, and it is why when we talk about a com-

prehensive strategy we are talking obviously about the border as a first order of business, but we are also talking about strengthening all of our administrative systems and particularly about information sharing and the data systems that support information sharing between the Immigration Service and the State Department so that consulates abroad have up-to-date automated information on people who have been deported, people who are possible high-risk, things like that.

Senator KENNEDY. Would the Senator yield just on that point?

Senator FEINSTEIN. Yes, certainly.

Senator KENNEDY. As I understand it, though, it is only less than 1 percent of all the visas that are given.

Ms. MEISSNER. Oh, there are very high numbers of visas that are given. That is correct.

Senator KENNEDY. It is over 20 million, as I understand, annually.

Ms. MEISSNER. I will defer to my State Department colleague.

Mr. HOBBS. We issue around 7 million visas. Actually we have about 7 million applications. We issue around 5½ million.

Senator KENNEDY. What percent of all the visas fall into this category, the overstays of the illegals?

Mr. HOBBS. Well, also in addition to the visas we issue, there are—

Senator KENNEDY. I am not asking that. Just can you give me what percent—

Mr. HOBBS. I would guess about—well, what I calculate, about 2 percent.

Attorney General RENO. But in that connect, Senator, again, this is part of our effort to upgrade the Immigration and Naturalization Service to give it the computer technology and the technology to do the job, to link not just with the Department of State but with Customs, to be able to communicate with law enforcement agencies, and that is so critical. But we are also trying to focus on visa and document fraud and, working with U.S. attorneys, go after that type of activity so that we might serve as a deterrent to that.

Senator FEINSTEIN. See, one of the problems is, I go home and I get one set of figures, and I come here and I get another set of figures. And it gets very confusing. I have been told that in California, a year we add about 700,000 illegal immigrants a year. Would that include visa overstays in that 700,000?

Ms. MEISSNER. It would, and we would say that that figure is too high. But if one can find accurate counts of the illegal population, it should be including visa overstays.

Senator FEINSTEIN. All right. Very good.

I was wondering if I could do this: I would like to submit my legislation to you and have you just go over it section by section—I can give it to you right now—and say what you agree with and what you disagree with. Because I am really very serious about the need to take some action now, and I think the worst thing we can do is do nothing.

Let me give you an example. Senator Simpson brought up the question about the green card, and an employer—until I heard an INS radio spot, I did not know that an employer could not say, "May I see your green card?" All an employer can do is say, "Would

you please submit to me documentation?" And the employer has to accept whatever documentation it is that the individual submits.

I think for an employer that is very confusing, because you could have a forged birth certificate, you can have a forged Social Security card, you can have a forged driver's license. And this is one of the reasons that I believe so strongly that we need some kind of counterfeit-proof card that is issued as to a legal right to work; otherwise, I think the employer sanction becomes unduly hard on the employer.

Ms. MEISSNER. The legislation itself requires that a variety of types of documentation be able to be shown, so this is something that would need to be addressed in statute.

Senator FEINSTEIN. All right. Well, you will then give me your views on my little section on that.

Ms. MEISSNER. Yes, we certainly will.

Senator FEINSTEIN. I appreciate it very much. And let me just end by saying I know this is a hard area. Senator Simpson warned me when I got into it that I was damned if I did and damned if I did not. And to an extent, he has been a bit prophetic. But I also really believe that we can do the right thing by the American people and by the immigrant community by protecting our front door by closing our back door. And I just want to thank you for everything that you have done to use your resources as well and wisely as you possibly can. And I think it is just a beginning, but I think that beginning is a strong one, and I want to thank you very much.

Ms. MEISSNER. Thank you.

Senator SIMON [presiding]. If I may, General and Commissioner—incidentally, it is good to have a Commissioner who understands immigration, too.

Attorney General RENO. Believe me, it is.

Senator SIMON. Just to follow through on Senator Feinstein's question on visas, and then one other question. You mentioned 50-percent overstays, roughly. Of that, student visas, are they 50 percent?

Ms. MEISSNER. We do not know the breakdown among types of visas.

Senator SIMON. You do not know it under work or visitors or anything?

Ms. MEISSNER. No.

Senator SIMON. I have also heard the suggestion that for visas that there should be some kind of a bond posted and that bond is forfeited when there is a visa overstay. Do you have any reaction to that?

Mr. HOBBS. That could be done, but we have 5.5 million visas issued around the world each year, and to post that many bonds would be an enormous administrative issue, people to take the bonds, to keep records, and then to give them the money back if they return. So it would add a tremendous amount to our workload.

Senator SIMON. All right. I would be interested in someone taking a look to see whether—if it is a workload, but if, in fact, you reduce the abuse of visas, maybe it would be worthwhile. I am not advocating it. I am just asking a question.

Mr. HOBBS. Then there is also, of course, the visa waiver; a number of countries, people can enter without visas, and overstays are still possible.

Senator SIMON. Yes.

Mr. HOBBS. So we do not even see those people, except at the port of entry when the Immigration Service inspects them.

Senator SIMON. But those are not from countries where we have a problem at this point?

Mr. HOBBS. Well, I do not know. We have not seen the data for the Immigration Service report to know whether the overstays are visas alone or visitors who come to the United States who may enter without visas. I do not know whether that includes that.

Ms. MEISSNER. Well, I think that part of it comes down—of course, one could post bonds and so forth, but, again, it does come down to what the incentives are for people to stay in the country, and the primary incentive for people to overstay is work. And that gets us back to the discussion on employer penalties.

Senator SIMON. Then shifting to another subject, I chair the Subcommittee on Africa in the Foreign Relations Committee, and I just returned from a visit to Angola and Liberia, two countries that have civil wars.

In Liberia, we have special historic responsibilities, and you have a civil war that is basically divided about four ways there. But one of the complaints of the U.N. people, one of the complains of the transitional government, one of the complaints from our Ambassador, U.S. Ambassador there, is that there are people in the United States who have green cards who are going around raising money for weapons for one side or another in the civil war.

Now, if people want to express their opinion on that civil war, I will defend them on that right to do it. Do we have the ability to say to someone who is here on a green card you cannot raise money for weapons for a civil war? Do we have that ability?

Attorney General RENO. Senator, we are exploring that now, and what I would like to do, if I may, so that I do not misstate and I am as accurate in my representation as possible, is give that to you in writing very shortly.

Senator SIMON. I would like to have that, and let me add, my own personal belief is if we do not have that ability, then we ought to change the statute so we have that ability. I think this is a very practical way where we can be of assistance, and my guess is it is a problem—it is the first time I have encountered this problem, but my guess is it is a problem that has occurred before and will occur again in other countries.

Attorney General RENO. There are some clear provisions that prevent certain conduct, but then the more difficult issues are when you get into raising money for an effort or a program that is totally nonmilitary but there are spinoffs and there are different groups. So that I do not misstate anything, let us provide that to you and work with you.

Senator SIMON. I appreciate that. Thank you very much.

[The prepared statement of Acting Assistant Secretary David L. Hobbs follows.]

PREPARED STATEMENT OF ACTING ASSISTANT SECRETARY DAVID L. HOBBS

SUMMARY

The Department of State believes that it would be premature to undertake a comprehensive revision of our immigration law so soon after enactment of the Immigration Act of 1990.

The Department strongly desires the extension or permanency of the Visa Waiver Pilot Program which is due to expire on September 30, 1994. Expiration of the program would have heavy resource costs to the government and would be disruptive of the U.S. travel and tourism industry.

The Department urgently needs amendment of section 301 of the Immigration and Nationality Act, as amended (INA), to conform to the decision of the U.S. Court of Appeals for the Ninth Circuit in *Wauchope v. the Department of State*. As a consequence of that decision the Department is unable to administer this section of the law uniformly, with the success or failure of some citizenship claims being dependent on the circuit in which the claimant resides or has filed a passport application.

The Department seeks amendment of section 245(c) of the INA to permit certain intending immigrants physically present in the United States to adjust status to permanent resident here, rather than have to travel abroad to obtain immigrant visas. This measure would bring substantial resource savings to the government, which could be applied to countering illegal immigration efforts and to providing better service to legitimate travelers.

In addition to these three major items, the testimony addresses desirable changes in several other sections of the INA which have been proposed in legislation already introduced in the Congress, and suggests a technical change that would resolve an unintended situation arising out of the Immigration Act of 1990 that is a disincentive to naturalization.

On behalf of the Department of State, I thank you for the opportunity to meet with you today.

The Department of State does not believe that comprehensive immigration reform legislation is necessary so soon after enactment of the Immigration Act of 1990. Some of that Act's provisions, for example the Diversity program, are only now coming into full effect. We would prefer to address evident needs and potential improvements in the areas of immigration, naturalization and citizenship through amendment of the Immigration and Nationality Act, as amended (INA), rather than undertake a wholesale revision at this time.

The following comments on specific sections of the INA have been provided to the Congress previously through testimony, reports, and other channels. I repeat them now to emphasize the Department's continuing interest in the issues they address.

NONIMMIGRANT VISAS

Section 217: A paramount concern of the Department is to continue the Visa Waiver Program which has operated since 1988 as a pilot program pursuant to section 217 of the Immigration and Nationality Act, as amended (INA). Over 30 million visitors from the 22 participating countries have entered the United States since the program's inception in October 1988. It has allowed us to divert resources from the non-productive processing of visitor visa applications in countries with very low refusal rates, to other important priorities. The savings in government resources have been substantial.

The pilot program is to expire on September 30, 1994. Unless it is either made permanent or extended further, the Department will have to devote scarce resources to expanding nonimmigrant visa operations in the participating countries. It must be expected that the U.S. tourism industry, our major foreign exchange industry, would also be adversely affected by a renewed visa requirement in the countries from which our largest numbers of foreign tourists come.

CITIZENSHIP AND NATURALIZATION

Section 301: The Department would like to emphasize once more its strong interest in amending section 301 of the INA to enable children born outside of the U.S. before May 24, 1934, of U.S. citizen women who were married to aliens, to become citizens. The law in effect at that time, Section 1993 of the Revised Statutes, did not permit U.S. citizen mothers married to aliens to transmit citizenship to their children born abroad. The U.S. Court of Appeals for the Ninth Circuit, in *Wauchope v. Department of State*, recently found this gender distinction to be unconstitutional.

and chose to remedy Section 1993's constitutional defect by extending the statute's coverage to the plaintiffs.

The Department's long-standing view is that only Congress, not the courts, can grant citizenship. This view is based on the fact that the Constitution vests in Congress the power to establish a uniform rule regarding the citizenship of those not born in the United States, and is supported by the Supreme Court's analysis in, among other cases, *INS v. Pangillinan*, 486 U.S. 875, 882-85 (1988).

As a result of the *Wauchope* decision, the Department is now in the position of being unable to administer section 1993 uniformly, with the success or failure of a citizenship claim made by a child born abroad before May 24, 1934, to a U.S. citizen mother and an alien father being dependent on the circuit in which that individual resides or has filed a passport application. Remedial legislation, such as that provided in section 202 of H.R. 783, is needed to rectify this undesirable situation.

As stated in previous Department testimony, the Department understands that persons acquiring citizenship under the proposed subsection 301(h) who desire to transmit citizenship to their children will have to meet the pertinent transmission requirements (i.e. those in effect on the date a child was born). We also, however, support subsection (b)'s waiver of any retention requirements when applicable to the descendants of persons who, by virtue of subsection 301(h), acquired U.S. citizenship.

Section 322: Among other provisions of H.R. 783, the Department fully supports section 206 which would amend section 322 of the INA to facilitate the naturalization of children born outside the U.S. This proposal permits citizen parents who have not fulfilled the physical presence requirement to transmit U.S. citizenship to their child by having the child expeditiously naturalized in the U.S. if the child is residing permanently in the U.S. with the citizen parent or if a citizen parent of the citizen parent fulfilled the transmission requirements now prescribed by law for children born overseas.

Section 324: The Department similarly supports section 207 of H.R. 783, proposing to amend section 324 of the INA. This section would provide a remedy for people who failed to satisfy, for various reasons, the retention requirements of former section 301(b) of the INA. That former law, repealed by the Congress in 1978, required the children born abroad of a U.S. citizen parent and an alien parent to come to the United States and remain physically in the United States for a period of time (originally five years, later reduced to two) before their twenty-sixth birthday in order to retain citizenship acquired at birth.

The Department estimates that at least 4,000 people are on record as having lost citizenship previously due to this provision, but there could be thousands more affected. The majority of affected persons are in Eastern Europe, Canada, Mexico and the Philippines. This change would offer an opportunity for former U.S. citizens to regain citizenship by utilizing a simple procedure. From an administrative point of view, we believe this procedure would also simplify and facilitate the adjudication of citizenship claims, as we would not have to examine the reasons for failure to meet the retention requirements.

Section 340(d): The Department supports also section 208 of H.R. 783, which eliminates Section 340(d) of the INA. Section 340(d) establishes a presumption that could lead to the cancellation of the Certificate of Naturalization of any naturalized citizen who takes up permanent residence in a foreign country within one year of naturalization. In practice, the presumption of foreign residence is easy to rebut, and therefore the statute has little utility.

IMMIGRANT VISAS

Section 245(c): An amendment to the Foreign Relations Authorization Act for fiscal years 1994 and 1995, which was deleted in conference, would have amended section 245(c) of the INA to permit certain intending immigrants physically present in the United States, who currently must travel abroad to receive their immigrant visas, to adjust their status to that of legal permanent resident by application to the Immigration and Naturalization Service. The provision would affect primarily illegal immigrants and persons who have overstayed their authorized limits or somehow violated their immigration status.

Experience shows that aliens illegally in the U.S. and entitled to immigrant status typically do not seek immigrant visa appointments at our posts overseas until they meet all requirements for the visa. Thus the Department is spending resources on thousands of cases where there is no real adjudicatory function required, i.e., the almost pro forma processing of immigrant visa applications of aliens traveling from the U.S. to consular posts for the interview.

The proposed measure would give no immigration advantage to the applicants. They still would need the same entitlement for status and would have to wait until their priority dates were current. The prospect of eventually being able to adjust status rather than have to travel abroad for an immigrant visa would not be a new incentive for aliens to enter the U.S. and stay illegally. Requiring them to return overseas for their immigrant visas obviously has not proven to be a deterrent to illegal immigration.

Amendments of section 245(c) as proposed would result in significant resource savings through reducing our immigrant visa workload overseas. The Department is most appreciative of this innovative proposal. It offers an opportunity to use our resources more effectively in meeting today's border security concerns, through more effective control of those who seek to enter the United States. The use of resources freed up by this change would help us combat the ever-more sophisticated fraud and other criminal activities now being perpetrated against our visa system, and improve our ability to assist the Immigration and Naturalization Service by investigating questionable cases overseas before a petition has been approved or a benefit has been granted. Additional resources are also sorely needed for nonimmigrant visa processing given the more labor-intensive nature of our enhanced-security visa issuance system. The Department urges the Congress to give positive consideration to this proposal.

Section 202(e): Implementation of the Immigration Act of 1990 has revealed an inequitable situation that we believe was not intended, and that is amenable to technical correction. The situation arises out of the distribution of visa demand in the Philippines. Under the terms of section 202(e) visa prorating, the Philippines Family First Preference cut-off date is two years earlier than the Family Second Preference (2B) date. U.S. citizens are thus at a substantial disadvantage, compared to permanent residents, when seeking immigrant visas for adult sons and daughters in that country.

A very large part of the First Preference case load comes from 2B cases that automatically convert to First Preference upon the petitioner's naturalization. For example, a beneficiary could be almost ready to receive a 2B number but then, when the petitioner naturalizes, is automatically converted to First Preference and suddenly faces another waiting period of two years or more. As well as being manifestly unfair to the beneficiaries, this phenomenon is a disincentive to naturalization.

No country other than the Philippines is yet affected by this situation, although the Dominican Republic may reach this point within the next few years. We know it is of concern to Members of the Congress, because the Department receives five to ten Congressional letters a month on this problem, and Manila also receives frequent complaints. We believe a solution could be found quite easily that would not change the total country numbers of overall immigration figures, and we would be happy to work with the Congress to that end.

Thank you for the opportunity to express our views and concerns to your committee.

Senator SIMON. Senator DeConcini, do you have any questions?
Senator DECONCINI. Thank you, Mr. Chairman.

Ms. Meissner, are you still planning a trip to the Arizona border?
Is that still on your agenda?

Ms. MEISSNER. Yes; I am intending to come in July.

Senator DECONCINI. In July; thank you.

Also, Ms. Meissner, in February your staff advised my staff that the INS fully intended to shift agents should there be a need. However, in response to my questions submitted to you at your fiscal year 1995 budget hearing which I could not make before the State-Justice-Commerce Appropriations Subcommittee, you stated that agents would not be shifted. Could you explain what the policy is? Do you shift agents or do you not shift agents as the demand for INS agents increases or decreases?

Ms. MEISSNER. I think we may have been talking about different fiscal years, although I would have to check the context. As we have discussed, we did not believe we should be doing shifting during this fiscal year other than the hiring behind, so that support

tasks could be done by support people and agents could be doing on-the-line work.

However, with regard to the coming fiscal year and the new personnel that we would hope to be receiving in fiscal year 1995, we very much are prepared to shift to changing patterns, and we do believe there most likely are changing patterns.

Senator DECONCINI. Is it safe to say that if you get some additional agent personnel for INS in 1995, your policy would be to shift based on the need?

Ms. MEISSNER. Well, let me be very precise. We would be hoping to assign new hires and new personnel to the areas of highest need. We also are looking toward a far more flexible workforce on the border overall over time so that we can be shifting. At this point, for the next fiscal year it would be a question of assigning incoming resources to the places of greatest need.

Attorney General RENO. And, Senator, let—

Senator DECONCINI. And assigning or shifting could be synonymous as far as what I am saying?

Ms. MEISSNER. It would have the effect for you. For us, it would be a question of whether we are transferring people or whether we are assigning.

Attorney General RENO. Senator, I want to make this clear, because after going to Nogales, after watching that highway beginning to open up with all the semitrailers down there and just seeing, I came back and together Ms. Meissner and I are working on what I call a comprehensive border strategy that makes sure—I mean, it is in Senator Feinstein's interest. If Nogales opened up and became the funnel, much of that traffic would go on through and right on back to southern California. It is everybody's interest to have a comprehensive flexible border strategy that can accommodate the demand as it occurs, and I want to send a message that no place is going to be open on that border so that nobody thinks that—I do not want people thinking they can get through one place because we have announced another. This is a comprehensive border strategy.

Senator DECONCINI. That is very important and very encouraging, Madam Attorney General. My problem is that so far we have been left out, and I do not say that as criticism, because you are addressing it, and that is important. And, Ms. Meissner, you are addressing it also. I am just trying to get a handle on what we can expect in Arizona because of the tremendous problem, and that is why I raise this shifting or assigning, and I was a little bit concerned about whether or not you were—and you are going to assign people to wherever the need is.

Ms. MEISSNER. That is correct.

Senator DECONCINI. I have used the word "shift," but maybe it is just a matter of definitions, assuming you get some additional people.

Ms. MEISSNER. That is right.

Attorney General RENO. And I think it is important to look at the other issues, too, because the Nogales border and the Tucson sector is an entirely different situation, just those miles and miles of beautiful dunes. It is a different situation than at San Ysidro. We are providing additional aircraft. We are addressing the issue

of fencing. We are addressing the issue of the tunnel. And we are trying to—and with your support and assistance, it has been very helpful to us, you and Congressman Pastore, being there to remind us of how important each individual initiative is. But that is the reason I have again talked with Commissioner Meissner about making sure we have somebody who is responsible for that whole border to understand the impact of what we do in one place on another and plan it accordingly.

Senator DECONCINI. Ms. Meissner, my office has been unable to get an analysis of the overtime that is paid to the Border Patrol in all sectors of the Southwest border. Can you get that for me, please?

Ms. MEISSNER. I certainly will. I did not realize that that was a request that was unmet.

Senator DECONCINI. I just cannot seem to get it, and I would appreciate it.

Ms. MEISSNER. I apologize for that, and we will respond.

Senator DECONCINI. It is one of those things, it is going to come, but it just does not.

My constituents in Nogales, AZ, advise me that it takes up to 6 months to receive a temporary border crossing card for Mexican nationals. I am also advised that only two INS staffers handle the processing of these cards on a part-time basis. This cumbersome process has led to illegal crossings, loss of revenue, and loss of good will. It is in everyone's best interest to have adequate staff to process legal entries to avoid illegal entries. Over 85 percent of those that are granted are considered safe cases, not even questionable. And I realize that on April 12 INS issued proposed rules to charge a fee for the processing and the issuance of certain documents at land border port of entries to enable the INS to improve service at these locations. However, what can be done now to speed up the processing of border-crossing cards, Ms. Meissner?

Ms. MEISSNER. Well, as a matter of fact, we have made a lot of progress on that front, sparked by the Attorney General's visit to Nogales and her discussions with you and others at the local level.

We are down to a 4-month time from the 6 months that you have cited. We have increased our productivity by a third in the issuance of the cards. We also have a fast procedure; for everybody that applies that does not have any previous negative information with us, we issue on the spot. And we are beginning now—

Senator DECONCINI. That is a temporary card?

Ms. MEISSNER. A temporary card, exactly, which works. And we are now beginning to work with the employers on the Mexican side of the border, particularly the maquila industry, to do the issuances through them because those are our most reliable border-crossing card customers.

In addition to that, we have established a common standard across the entire Southern border so that districts will be using the same evidence and documentary information so there is not the capriciousness that sometimes has been at least perceived to be part of the issuing procedure.

Senator DECONCINI. So you have instituted a new management plan on operations of this process.

Ms. MEISSNER. That is right, and new standards for issuing, and we have increased our productivity quite substantially.

Senator DECONCINI. I have more questions. Thank you. My time has expired.

Senator SIMON. Senator Simpson?

Senator SIMPSON. Not a full round, Mr. Chairman, but I would like, if you could, General, if you could present—Senator Feinstein I think had a good question about asking you for section-by-section comments on her bill. If you could do that on the bill I have proposed, I would appreciate that, even though I know you have a difference of opinion with regard to the legal immigration issue. But I would appreciate that, your review of that also on the temporary reduction or cap and numbers.

Then I hope you will have an alternative funding proposal in place or in your ideas if the crime bill gets mashed around.

Attorney General RENO. Don't let it get mashed around, Senator.

Senator SIMPSON. Well, it is ghastly to watch. It is like bear meat. The more you chew it, the bigger it gets.

Attorney General RENO. Senator, I look forward to working with you to get a crime bill passed that America can be proud of.

Senator SIMPSON. Oh, we are going to get something, I think, but that trust fund money in there, if you are putting every bit of the weight on that, I think we had better be very careful. There are \$300 million for 6 years through the trust fund, and then that trust fund is going to be subject to appropriation. We want to be very careful there that we have, I think, a more potent device there for that. I think that we must be very careful there. And if you could outline what alternatives you have if we do not get the trust fund money, because \$32 billion, now we are down to \$28 billion, you know when we get to conference, it will come to \$12 billion, and then they will get the fluff and then they will get the fat, and nobody knows, you know, how that can be unless you have been in it.

Attorney General RENO. I am going to depend on your wise counsel, because one of the things I told you long ago is, having seen action and then not seeing the funds, I do not want to be a party to that. If you see the bear after it, let me know.

Senator SIMPSON. Well, I think we will really have to watch that, but Senator Kennedy is a conferee, and I will be a conferee.

I have a myriad of other questions about affidavits of support and processing and things of that nature and the deeming issue—Senator Feinstein has talked about that. I just thank you for your willingness to listen. I can say very clearly, and I will say it very publicly, that I have been in it for a long time, but I have never had a better feeling about the grasp of the issue by you in your role and Doris Meissner in hers. There were many times when I could go to the President, President Reagan, President Bush, and get their ear. I managed to get over the top of the bureaucracy who were always trying to strike at the 1986 legislation, and even had a recommendation to veto the original IRCA legislation. A rich discussion took place at which I was present. I will not go into it. It was so earthy and profane that it hardly bears touching upon.

Well, I think that is it, for me anyway, and I thank you. We will look forward to working with you, especially with the funding

mechanism, and listening to your approaches, both of you, as we go into some kind of immigration—we are going to go into some kind of immigration on the floor. It will come either through the committee or it will come from some nongermane bill and an amendment process, because there is enough discussion of it here, and then the House will want to do something. My old colleague, Ron Mazzoli, this is his last year, they will want to be doing some movement of some kind of legislation there. And there are many people on both sides of the aisle there wanting to press. And even though it is not appropriate, we have to be ready to be sure that we do not get into something where we are blind-sided by something that we will pass by people who are driven by the emotion or the electioneering aspects of it, because you cannot miss. If you are good and tough on this, you would pick up a lot of votes.

So we will be submitting questions from myself and Senator Roth, I believe, wanted to submit some questions. And there you are.

[The questions were not available at presstime.]

Senator SIMON. Senator DeConcini, you have a final question or two?

Senator DECONCINI. Yes, I do, Mr. Chairman, and I appreciate the time and tolerance of our witnesses.

Ms. Meissner, maybe you can help me on this one, too. There have been several recent Arizona press reports about the INS Phoenix office and its inability to adequately address the increasing rate of illegal aliens. Based on the statistics that I have given you, many of them are getting up into the Phoenix area. I would like to include these articles, and will for the record.

[The articles were not available at presstime.]

Senator DECONCINI. One articles states that 25 investigators in the Phoenix office are able to handle less than 1 out of 20 reports of undocumented aliens activity which has been increasing at a rate of 10 percent per year or more. It seems to me that this office is woefully understaffed and needs more resources to enforce the existing laws.

Can you or will you look at this? And do you have any short-term goals to assign-shift, or whatever we do when you have an operation that is just absolutely not working because of the inundation of undocumented aliens, as Phoenix is not working, in my opinion?

Ms. MEISSNER. Well, the investigator resources in the Immigration Service are—the investigations program may very well be the part of the Immigration Service where there are the most difficult competing choices where we need to set priorities.

We have focused our priorities for investigations on criminal aliens and on employer sanctions and on fraudulent documents, and those have by and large limited our ability to respond to other issues and other kinds of requests where illegal aliens within the country are concerned.

Now, we think those priorities—criminal aliens, fraudulent documents, and employer sanctions—are the proper priorities. But they do mean that there are other things that simply do not get the attention that we would like to give them.

In this funding package for fiscal year 1995, in the proposal that we have given you and that the Attorney General has explained,

we have additional resource requests in those proposals for criminal aliens, for employer sanctions. Those are investigator resources. We need those additional resources in order to be more effective in those areas. But I do believe that we have to make a dent in those problems, a more dramatic dent in those problems, before we will be able to be across the board.

Senator DECONCINI. Well, I wonder, first of all, if you are aware of reports of the very low morale in the Phoenix office because of the number of cases that they cannot do anything about. Are you aware of that? It really creates a morale problem. Second, do you have any management plan to attempt to address this? I do not know if you can do it through cooperation with other agencies or with memorandums of understanding with any other agencies, or get some local support or something? But in Phoenix, it has just absolutely fallen apart.

We had one instance here on the Black Canyon Highway, which is north of Phoenix, where they stopped a bus with 46 illegal aliens, and then they let them go because they did not have the personnel to take them back to Phoenix, to process them, or do anything.

Ms. MEISSNER. Well, actually, in fact, that was not a resource problem. That was a pure and simple mistake where an agent simply was not sufficiently familiar with what the guidelines are.

When a large group of aliens are intercepted, whether or not they are criminal aliens, whether or not they fit into the fraudulent document category, our people are to respond. And in this case, it simply was not done properly, and we have changed the supervision and we have changed—

Senator DECONCINI. Your assistant director said it was a judgment call, and maybe it was not the best judgment.

Ms. MEISSNER. It was not the best judgment. But as to working cooperatively, in fact, we do work very cooperatively with other Federal law enforcement agencies. We work in the violent gang area. We work in the drug area cooperatively. We work in strike force capacities cooperatively. So we do what we can to leverage our resources in ways that—

Senator DECONCINI. Well, the bottom line, and I have a question here and I will let you all go. I could talk about this for a lot longer, but I know you have other things to do. Can you do anything in that Phoenix office, or can you look at it and see if there is any possibility of—I do not know if you need new management or if you need new processing or you need new quarters, or if there is anything that can be done to make it a little bit more effective.

Ms. MEISSNER. Well, I would be happy to take a look at the Phoenix office. We are beginning to do the kinds of office-by-office reviews on exactly these issues that your question implies. So we will do what we can.

Senator DECONCINI. Thank you.

Senator SIMON. Thank you. General, you switched your schedule completely to stay with us, and we appreciate it. Commissioner, I understand you missed a trip to San Francisco testifying here, and, Secretary Hobbs, I do not know your story, but we appreciate your being here also.

Senator DECONCINI. I did not know you were going to San Francisco. I would not have asked that question.

Ms. MEISSNER. It was for work. And I will still go.

Senator DECONCINI. OK.

Attorney General RENO. We want to thank all of you again for your interest in this whole area. It is very, very helpful to us to know that you care, to have been able to work with you, to be educated by you on a number of issues, and we look forward to continuing to work with you.

Senator SIMON. And if I could just add, I think Senator Simpson is correct that if we do not come up with good, solid answers, emotional answers are going to prevail on the floor of the Senate. So it is important that we work together.

Attorney General RENO. Thank you.

Senator SIMON. Our hearing stands adjourned.

[Whereupon, at 5:58 p.m., the committee was adjourned.]

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