

NLWJC - Kagan

DPC - Box 034 - Folder 013

**Immigration - Structural
Reforms [8]**

11-21

Doc Immigratic Mkt

- restructuring of non-immigrant programs - very important
- w/in dept - distrib of funds w/in dept could be rationalized/streamlined
- across depts - coord of DOC/ISS functions - 2 step: Labor → State
 ↳ take a step out
- also report on H2A program

Real ops for Admin to support w/out delay some of fully
 May's Center ~~needed~~ recommendations.

**INS Restructuring Meeting Agenda
Department of Labor
November 24, 1997**

- I. Overview on Labor Department's current immigration functions
 - a. Interaction with INS, State Department
 - b. MOU with INS

- II. Commission on Immigration Reform proposal
 - a. State Department assumes all functions for employment-based entry, work authorization
 - b. Enhanced DOL role for enforcement of immigration-related employer sanctions

- III. Improvements under existing structure

Immigrati - -
structural reforms

THE WHITE HOUSE
WASHINGTON

November 7, 1997

Lamar Smith
Chairman
Subcommittee on Immigration and Claims
Judiciary Committee
U.S. House of Representatives
Washington, D.C.

Dear Mr. Chairman:

Five weeks ago, the Commission on Immigration Reform issued its final report. As you know, the Commission recommends restructuring the immigration system by reallocating the main functions of the Immigration and Naturalization Service to other federal agencies. I understand you are holding a hearing on these recommendations today.

The President has directed the Domestic Policy Council to coordinate with those agencies that would most likely be affected by a restructuring to review the Commission's report and other proposals for improving the administration of the nation's immigration system. Based on this review, the Administration will formulate and submit its reform proposal to Congress by April 1, 1998. The proposal will build on the progress this Administration has already made on this issue, which includes substantially curtailing illegal immigration through tougher border control, strengthening worksite enforcement, removing a record number of criminal and other deportable aliens, and continuing to develop strategies to improve the naturalization process.

The Administration is committed to working with you as we move forward to improve the administration and management of our nation's immigration system.

Sincerely,



Bruce Reed

Assistant to the President for Domestic Policy

THE WHITE HOUSE
WASHINGTON

November 7, 1997

Melvin L. Watt
Ranking Member
Subcommittee on Immigration and Claims
Judiciary Committee
U.S. House of Representatives
Washington, D.C.

Dear Representative Watt:

Five weeks ago, the Commission on Immigration Reform issued its final report. As you know, the Commission recommends restructuring the immigration system by reallocating the main functions of the Immigration and Naturalization Service to other federal agencies. I understand that there will be a hearing on these recommendations today.

The President has directed the Domestic Policy Council to coordinate with those agencies that would most likely be affected by a restructuring to review the Commission's report and other proposals for improving the administration of the nation's immigration system. Based on this review, the Administration will formulate and submit its reform proposal to Congress by April 1, 1998. The proposal will build on the progress this Administration has already made on this issue, which includes substantially curtailing illegal immigration through tougher border control, strengthening worksite enforcement, removing a record number of criminal and other deportable aliens, and continuing to develop strategies to improve the naturalization process.

The Administration is committed to working with you as we move forward to improve the administration and management of our nation's immigration system.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Reed". The signature is stylized with a large initial "B" and "R".

Bruce Reed

Assistant to the President for Domestic Policy

**MEETING WITH INS ON REORGANIZATION
10/30/97**

- Thanks for inviting us to come over today to talk about the review process to consider proposals for reorganizing INS. I am sorry we have not been able to sit down sooner to go over these issues. As you know, several pressing immigration issues in particular have taken up a lot of our time -- the Central American legislation and the renewal of 245(I).
- Let me say that we have met once internally to discuss the proposed reorganization of the INS. This meeting included: DPC, OMB, NPR, NSC and White House Counsel. We all agreed that, before the end of the calendar year, we should hold several meetings with you, State and Labor to discuss the CIR's proposed changes, INS suggestions, Rep. Reyes' bill and ONDCP's border concerns. Ideally, by the end of the year -- and before the conclusion of the budget process -- we would have some indication of the types of reforms we would like to consider.
- Also, consistent with our September meeting, we have asked the President to support this process -- and not to let General McCaffrey initiate a separate review of larger border issues. As you know, since his visit to the Southwest Border, the General has gone to Members of Congress and the President and suggested that he and the Drug Policy Council look into improved management of border issues.
- In the meantime, we have also started to collect information for our review. The CIR has shared some of its background information with us from its hearings, site visits, recommendation from the National Academy of Public Administrators, etc. And your policy and planning staff recently shared a draft with us of the management reforms you are considering.
- Since we are just getting ready to embark on this process, what are your recommendations on how best to proceed?

10-30

Mtg w/ Meissner

controls in legal status - way we regulate run an immig syst

Modernization - data systems + automati-

facilities/equipment

changing culture

more strategic effort -

deference

ingerprinting

biometrics

coordination w/ State Dept.

Focused on customer

New - need to focus on customer service

customer system need to do this

Hill wants to bring to Board Hill

Feb - Omeri can show diff service system

(assuming it comes through)

Restructuring of agency - sep of cut from nat function -

but w/in 1 ag - working at same platform of agency.

Max: pay reform

career development

occupational reform

incentives for personnel

wh a/c customer orientati-

needed to change culture of ag

Consultants should be gotten in here to design above.

Deadline of April 1 to go to Cong.

Hope this can be done by Feb.

Some pieces - late December

Not for 99 budget directors review.

April - still can be added into Approps process

Dilutes ability to speak w/ one voice

Legal imm, service would be less of a priority for State Dept
And cut side would be that much less measured + humane

Popms want. battling van

Silver-Reaz - effective sythemic - us

Lamar Smith - to have hearings on
Cim'n proposal.

Need to be clear in our politic APPP,

Before metric ends - find a way to say - review under way
structural sep b/w cut + our underway - wh, w/ experts - to
design proposal

**Proposed 1997 Reorganization
of the Immigration and Naturalization Service**

I. STATEMENT OF PURPOSE

A. PROBLEM IDENTIFICATION AND DEFINITION

The proposed 1997 reorganization follows on and further implements institutional reforms that began in Fiscal Year 1994. The 1994 INS reorganization was the first step in a long-range managerial effort to overcome severe problems within the Service. Many of those problems were described in public reports released during the late 1980s and early 1990s. For example, the GAO 1991 Report, entitled "Immigration Management: Strong Leadership and Management Reforms Needed to Address Serious Problems," documented a series of organizational issues that INS management sought to begin to resolve with its 1994 reorganization.

The 1994 reorganization set out several new directions for the INS. First, it sought to institutionalize the INS Strategic Plan that outlined directions for organizational growth and focus through 1999. Second, it restored a regional field structure in the chain of command to narrow the span of control between headquarters and the districts and sectors. Third, it brought the Deputy Commissioner into the chain of command. Fourth, it divided a single Operations Division into the Office of Field Operations and the Office of Programs to bolster program review and development. Fifth, it created a new Office of Policy and Planning to provide strategic planning and policy formulation.

The proposed 1997 reorganization advances this long-range institutional reform. After several years of experience with the 1994 changes, INS management has identified the need for additional organizational change in several areas. In some cases, the need follows efforts to extend the 1994 reorganization. Other areas result from dramatic changes in the Service's work during the last three years. Foremost among these changes has been the dramatic growth in size and complexity of Service-wide activities. Since Fiscal Year 1993, the INS budget has increased by 105 percent, and in that same period, staffing increased by more than 6000 people. The consequences of this organizational growth for hiring, training, and supervising INS employees permeates the daily activities of every district and sector office. The expansion in INS workload requires new, intensified efforts to strengthen managerial authority and to enforce accountability. In late 1996, Congress also passed three new laws that will have a tremendous impact on how the Service does its job, its training needs, and its ability to fulfill heightened expectations.

In addition, the Government Performance and Results Act (GPRA) imposed new requirements on all agencies for strategic plans and annual performance plans and reports. These requirements are phased in over several years beginning in 1997. These new mandates call for a continuous cycle of planning, program development, measurement,

and evaluation, which requires closer coordination of policy development, planning, budgeting and program activities than in the past.

B. REASON FOR THE ORGANIZATIONAL CHANGE

1. How will the change resolve the problem?

The proposed 1997 reorganization responds to these new demands. Its goal is to deepen and underscore the integrity of Service-wide operational and program activities, to build a professional workforce for the 21st century, and to provide an organizational structure that facilitates effective and efficient implementation of the immigration laws. The proposed changes are based on the following principles:

- Clarify roles and responsibilities between programmatic and operational branches;
- Consolidate policy and program development, review and planning;
- Improve program development capacities;
- Enhance managerial accountability and career development;
- Improve clarity of communication and assure more integrated mission support in the field;
- Strengthen the chain of command by strengthening the regions and increasing the roles and responsibilities of the Regional Directors and the Office of Field Operations; and
- Improve records services and data integrity to support significantly expanded internal and external demands.

2. Purpose and rationale for the change.

a) Strengthen Field Operations: create a single unified field structure that achieves several critical reforms.

The proposed 1997 reorganization seeks to strengthen the regional field structure primarily in response to changes in workload in the last three years. An extraordinary growth in personnel, funding, and tasks has expanded the range and complexity of activities that field managers, especially the Regional Directors, must supervise. The passage of new immigration and welfare reform laws also changed the way fundamental enforcement tasks are conducted, added new priorities, and put greater demands on Service performance.

The following changes will improve communication between the Office of Field Operations and the field as well as increase accountability:

- Streamline the chain of command so that Regional Directors are in a direct reporting relationship with the Executive Associate Commissioner for Field Operations;
- Transfer Intelligence to Field Operations to ensure consistency and immediate access to intelligence information;
- Transfer Border Patrol Operations to the Office of Field Operations;
- Develop a formal rotation program for field managers to Headquarters positions to achieve a broader range of experience and perspective throughout the Service; and
- Realign Service Centers, Forms Centers, and Telephone Centers to Field Operations to support the field structure. This will provide better coordinated support to Field Operations. As a national resource, these centers will report directly to Headquarters Field Operations.

In addition, the proposed reorganization will increase the capacities and authority of the Regional Directors and Regional offices through the following changes:

- Provide increased spending authority and flexibility to Regional Directors and decreased dependence of Regional Directors on Headquarters Field Operations budget decisions, as recommended by the National Association of Public Administrators (NAPA) in their report on the INS budget process. Increased authority will be accompanied by closer monitoring of milestones, operational performance and the use of quarterly priority reviews to hold the Regional Directors accountable for the use of funds;
- Move Administrative Centers under the Regional Directors, as recommended by the Justice Management Division in their February 1996 report on INS Administrative Services; and
- Delegate additional authority to the Regional Directors to make personnel appointments at a higher grade level than was previously permitted.

Under the proposed reorganization, the job responsibilities and functions of management staffs in the field and the administrative centers will remain essentially the same. Currently, there are specific delegations of authority given to the regions, districts, and sectors as well as the administrative centers. The significant change will be a redelegation of most authority from the administrative center directors to the regional directors. This change will strengthen the necessary administrative control of the regional directors.

Delegations to specific administrative positions (i.e., contracting, personnel, etc.) which result from certain policies, regulations or laws would not be appropriate to change. Further, the authorities delegated to field officials, such as district directors and sector chiefs, to manage local operations would not be changed.

b) Realign and clarify the position of the Border Patrol in INS.

The 1997 reorganization proposal establishes a strong chain of command and improves field/headquarters communication by making the Chief of the Border Patrol the second-line supervisor over Sector Chiefs. Regional Directors will continue to be the first line of supervision. The Chief of the Border Patrol will provide strong leadership in uniform to ensure consistency of operations and full execution of strategies by officers in the field. The Chief of the Border Patrol will coordinate program implementation and serve as a representative of field interests to policy and program functions. In addition, the Border Patrol's visibility with the public and Members of Congress requires senior representation and advocacy. This move will raise the stature, management authority, and visibility of the Border Patrol within the Service.

c) Establish an integrated structure within the Office of the Executive Associate Commissioner for Field Operations.

More than ever before, it is essential to pursue a fully coordinated strategy across the entire border and to more fully knit together the Border Patrol with other Service activities on a daily basis. This proposal facilitates this essential coordination by establishing an integrated structure within the Office of the Executive Associate Commissioner.

A Deputy Executive Associate Commissioner and the Chief of the Border Patrol serve as deputies to the Executive Associate Commissioner. Reporting lines run directly from District Directors and Chief Patrol Agents to Regional Directors, and from the Regional Directors, to the Executive Associate Commissioner. In this model, the District Directors' second line of supervision is the Deputy Executive Associate Commissioner. Chief Patrol Agents' second line supervisor is the Chief of the Border Patrol. Regional Directors report directly to the Executive Associate Commissioner for rating and chain of command purposes. The Deputy Commissioner is the Regional Directors' second-line supervisor.

The Executive Associate Commissioner is supported by two Associate Commissioner – for Enforcement Operations and Service Operations – who serve a dual role. They directly supervise centralized operations, i.e., Intelligence, Asset Forfeiture, the Law Enforcement Support Center (LESC), Detention resources, and the Justice Prisoner Air Transportation System (JPATS) on the Enforcement side, and Service Center Operations, Telephone Centers, Forms Centers, and the National Fines Office on the Services side. In addition, they serve in a staff capacity and provide analysis and advice to the Executive

Associate Commissioner on matters relating to consistency and quality across Service operations.

The division of responsibility between the two Associate Commissioners is as follows. The Associate Commissioner for Enforcement Operations is responsible for Inspections, Investigations, Removals, Intelligence, Detention, Asset Forfeiture, and the Law Enforcement Support Center. The Associate Commissioner for Service Operations oversees Adjudications and Naturalization, Service Center Operations, Telephone Centers, Forms Centers, and the National Fines Office.

d) Improve program development capabilities.

The 1994 reorganization sought to create a capacity for program development activities separated from the demands of day-to-day operations. Relieved of responsibility for day-to-day activities, the attention of program offices shifted to program development, integration and effectiveness. The 1997 reorganization proposes not only to move some residual operational activities from Programs to Field Operations, but also to clarify and integrate programmatic efforts. This will be accomplished by realigning units along functional lines rather than along occupational lines as in the past. New divisions reporting to the Associate Commissioner for Program Development include: Border Management, Enforcement Programs, Adjudications and Services, Status Verification, and Information Systems Requirements.

The Office of Naturalization Operations is a special project office tasked to lead INS' efforts to implement the Naturalization Quality Procedures and improve the overall naturalization process. This special project office reports directly to the Commissioner. At the completion of the project, naturalization procedures, policy analysis, and project development functions will be merged into the Adjudications and Services Branch of the Office of Program Development; while the Naturalization Field Operations Branch will merge into Field Operations.

e) Consolidate policy and program development and review.

The 1994 reorganization sought to strengthen broad policy and planning capabilities at INS by creating an Office of Policy and Planning, and to bolster program development and review by dividing a single Operations Division into the Office of Field Operations and the Office of Programs. The next step in the evolution of policy and program development is to consolidate the non-operational aspects of the Office of Programs within the Office of Policy & Planning into a new Office of Policy and Programs. This responds to mandates of the Government Performance and Results Act (GPRA), which requires greater coordination of policy, planning, and program activities through a continuous cycle of planning, program development, measurement, and evaluation.

This realignment is also consistent with the principles guiding restructuring of the Office of Field Operations. The proposed realignment will streamline the headquarters organization, reducing the number of independent reporting lines to the Commissioner; improve integration of policy formulation and strategic planning with program development and evaluation; increase accountability and ensure consistent translation of policies and plans into programs; enhance communication across all analytic functions; and achieve effective allocation of resources by clarifying roles and responsibilities and avoiding duplication of monitoring and evaluation efforts.

The Office of Policy and Programs will consist of four major units:

1. Program Development;
2. Planning;
3. Statistics and Evaluation; and
4. Community & Intergovernmental Programs.

Benefits of this structure include: linking the Program Development function to statistical analysis and support; better integration of planning with program development; facilitating development of measures of Service activities; consolidating all evaluation functions under one Executive Associate Commissioner; and providing greater visibility and access to evaluation and statistics.

The Service's policy role will be strengthened by establishing a Policy Council, chaired by the Executive Associate Commissioner for Policy and Programs, and staffed through the Office of Policy and Programs. The Policy Council will initiate, develop, and make recommendations on selective issues that are of broad institutional and Administration-wide policy concern.

f) Restructure the Office of Management to focus management responsibility and to reduce a layer of oversight.

The reorganization proposes to create a Deputy Executive Associate Commissioner for Management to serve as a second in command for all activities in the Office Management and to act for the EAC in his absence. To further strengthen the office, two management positions that do not add value to the operation will be eliminated. This restructuring will eliminate the Associate Commissioner for Finance and the Associate Commissioner for Human Resources and Administration. Reducing this layer of senior-level management will improve the quality of service by focusing authority and responsibility at the operational level. Separating these subordinate offices will provide the proper management attention and oversight necessary to maintain controls over these critical functions.

Improved communications between Budget and Financial Management will continue to be facilitated by the Executive Associate Commissioner for Management, as INS' chief financial officer (CFO). In that role, the EAC will continue to improve and enhance

financial management within INS by streamlining the authority, responsibility and span of control for budget and financial management.

The Office of Administration and the Office of Human Resources and Development are very distinct and separate functions, and separating these offices will provide the proper management attention and oversight necessary to maintain controls over each. By eliminating an unnecessary layer of oversight, each will be better positioned to direct their critical duties. With the creation of the hiring center, all hiring functions are now placed under the direct management of the Associate Commissioner for Human Resources and Development, consistent with existing functional statements. What is new is the need to emphasize the critical importance of INS' personnel management and training.

Finally, this proposal consolidates the Office of Files and Form Management and the Office of Records into a new Office of Records Services. This consolidation will focus the management and operations responsibilities into one unit, improving the efficiency of these activities in the Service.

g) Streamline the Office of Management structure to reflect the realignment of the Administrative Centers and to assure more integrated mission support in the field.

Each of the Regional Directors will assume responsibility for coordinating program and administrative operations within their assigned geographic areas. This realignment will clarify and stabilize reporting and communication channels by establishing a one-to-one correspondence between regional and administrative service areas that will result in improved effectiveness. (Please see Attachment C for Administrative Centers proposal).

h) Consolidate hiring, records and financial functions to provide more effective, consistent services with finite resources.

In the areas of hiring, records and financial transactions, the Service has experienced rapid growth in demand on existing resources. Consolidation will allow the Service to provide more effective, consistent services with finite resources. Many Federal agencies have consolidated selected functions to produce more effective, consistent services with limited resources. This approach achieves a critical mass of staff in a single location; improves consistency and communication; saves on layers of supervision; and facilitates reengineering and automation of process and system improvements.

The consolidation of records management at INS will improve records and verification services, unify authorities, and clarify the responsibility for policies and procedures. It will also support a critical requirement to plan, implement and operate centralized records support activities for the Service.

Likewise, a centralized, consolidated personnel processing operation will provide for standardization of processes and efficiencies in monitoring, tracking and reporting on the

status of hiring efforts. The efficiencies and economies gained using the redesigned hiring process will lend itself to establishing a National Hiring Center that can assist field managers in meeting their hiring goals.

The four administrative centers and Headquarters accounting have similar staffs that perform similar transactional processing functions associated with recording, processing, reconciling, and reporting all obligations, payments, cash transactions, and receipts. This has caused a significant amount of inconsistency, making the compilation and reconciliation process impossible. Consolidation of these functions, especially when combined with INS' implementation of a new financial accounting system, will permit the Service to capitalize on the efficiencies and economies, and to overcome the inconsistencies that currently plague financial operations.

The overall collection of fees and fines by the Service is expanding quickly, providing a growing source of funding for mission objectives. However, debt management/collection activities differ in nature from standard financial transaction operations, and the management of these collection activities is currently fragmented and decentralized throughout the INS organization. The creation of a separate debt management/collection operation within INS will permit the consolidation of the numerous decentralized collection activities, thereby laying a solid foundation for improving the management of these efforts, supported by the efficiencies and economies of consolidations.

C. ADVANTAGES/DISADVANTAGES OF THE CHANGE

The proposed realignment will streamline the Headquarters organization, reducing the number of independent reporting lines to the Commissioner. It will tighten accountability within the field chain of command and ensure consistent translation of policies and plans into programs and consistent implementation of those programs in the field. It will enhance communication both within Headquarters and within the field chain of command. It will achieve effective allocation of resources by clarifying roles and responsibilities, consolidating and centralizing functions where appropriate, and avoid duplication of monitoring and evaluation efforts.

II. IMPLEMENTATION AND EFFECT OF CHANGE

A. IMPLEMENTATION PROCESS: BEFORE/AFTER COMPARISON.

<u>Before</u>	<u>After</u>
PROGRAMS	
Office of Programs manages all aspects of the Service's enforcement and examinations programs' development, review and integration.	The Office of Programs is renamed the Office of Program Development. The scope of responsibilities is redefined to focus on program development activities. It reports to a new EAC for Policy & Programs. Operational functions transfer to Field Operations.
Service Center Operations process and adjudicate benefits applications. The Operations report to the Associate Commissioner for Examinations in the Office of Programs.	Service Center Operations is realigned. It reports to the Associate Commissioner for Service Operations in the Office of Field Operations. Functions remain the same.
Telephone Centers answer public informational inquiries. The Centers report to the Associate Commissioner for Examinations in the Office of Programs.	Telephone Centers are realigned. They report to the Associate Commissioner for Service Operations in the Office of Field Operations. Functions remain the same.
Forms Centers distribute INS forms in response to public requests. The Centers report to Files & Forms Management in the Office of Management.	Forms Centers are realigned. They report to the Associate Commissioner for Service Operations in the Office of Field Operations. Functions remain the same.
Records develops policy and procedures for agency records on aliens. The unit reports to the Associate Commissioner for Examinations in the Office of Programs.	The unit is realigned and consolidated with Files & Forms Management. The merged unit is renamed Records Services in the Office of Management.
Administrative Appeals Office handles appeals of decisions on immigration benefits. It reports to the Associate Commissioner for Examinations in the Office of Programs.	The Administrative Appeals Office is realigned. It reports directly to the EAC for Field Operations. Functions remain the same.
Intelligence collects and disseminates intelligence information. It reports to the Associate Commissioner for Enforcement in the Office of Programs.	Intelligence is realigned. It reports to the Associate Commissioner for Enforcement Operations in the Office of Field Operations. Functions remain the same.
Border Patrol maintains control of U.S. borders by preventing illegal crossings by aliens between ports of entry. It reports to the Associate Commissioner for Enforcement in the Office of Programs.	Border Patrol is realigned. Program functions are assigned to the Office of Program Development. Management of Border Patrol line operations move to the Office of Field Operations.

<u>Before</u>	<u>After</u>
Asset Forfeiture manages the agency's asset forfeiture activities in accordance with the Attorney General guidelines. It reports to the Associate Commissioner for Enforcement in the Office of Programs.	Asset Forfeiture is realigned. It reports to the Associate Commissioner for Enforcement Operations in the Office of Field Operations. Functions remain the same.
National Firearms Unit manages inventory, sets standards and procures agency weapons. It reports to the Associate Commissioner for Enforcement in the Office of Programs.	National Firearms Unit is realigned. It is part of the Office of Administration in the Office of Management. Functions remain the same.
FIELD OPERATIONS	
Office of Field Operations manages most line operations of the agency.	The Office of Field Operations is clarified and enhanced. It directly manages all line operations and direct support functions, including: Intelligence, Asset Forfeiture, Border Patrol, Service Center Operations Phone Centers, Forms Centers, and Administrative Centers.
Regional Directors manage regional operations.	The regional directors' scope of responsibility is enhanced. Their scope of supervision now includes the Administrative Centers and their hiring and budgetary authority is enhanced. They continue to report directly to the EAC for Field Operations.
MANAGEMENT	
Administrative Centers provide administrative support for the agency.	Administrative Centers are realigned. Field administrative support functions move to Regional Directors. National administrative support functions are retained in the Office of Management. They will report to the Regional Directors in the HQ Office of Field Operations.
Files & Forms Management administers the Freedom of Information and Privacy Act Program as well as manages and develops policy for the Status Verification program. It is under the EAC for Management and is one of two offices performing records functions within the Service.	Files & Forms Management is consolidated with Records into a new Office of Records Services within the Office of Management. The new unit manages alien records files, the Freedom of Information and Privacy Act Program, and the Status Verification Program. Forms distribution moves to the Office of Field Operations. Policy development for the Status Verification

<u>Before</u>	<u>After</u>
	program moves to the Office of Program Development.
POLICY AND PLANNING	
Office of Policy & Planning manages the agency's strategic policy and planning functions.	The Office is renamed the Office of Policy & Programs. Policy and planning functions remain. Program development functions are incorporated.

B. EFFECT ON OPERATIONS

1. Changes in working relations between Headquarters and the field.

More than ever before, it is essential to pursue a fully coordinated strategy across the entire border and to more fully knit together the Border Patrol with other Service activities on a daily basis. This proposal facilitates this essential coordination by establishing an integrated structure within the Office of the Executive Associate Commissioner. The intent of the 1997 reorganization is to further strengthen reporting relationships for the field by adding within the Office of the EAC for Field Operations two deputies to the Executive Associate Commissioner – a Deputy Executive Associate Commissioner and the Chief of Border Patrol – to provide coequal yet mission-specific second-line supervision for the field. In this model, District Directors will report through their Regional Directors to the Deputy EAC. Chief Patrol Agents will report through their Regional Director to the Chief of the Border Patrol. Regional Directors and the Director of International Operations will continue to report directly to the EAC for Field Operations.

The Regional Directors will be the senior managers in the field. They will manage, oversee, direct, and monitor the activities of the Districts and Sectors within their geographic jurisdiction, including but not limited to: budget, facilities, automated data processing and systems implementation, personnel, planning and policy direction, and Congressional and media relations. They also will manage the activities of the Administrative Center in their region.

The Regional Directors will be line managers over the District Directors and Sector Chiefs within their jurisdiction, and in that context, coordinate activity between Sectors and Districts. The Border Patrol Chief's focus will be on nationwide planning and coordination for the Border Patrol, acting in consultation with the Regional Directors. Day-to-day supervision of the Sector Chiefs and tactical planning at the field level will be the responsibility of the Regional Director, with the Border Patrol Chief serving as the Sector Chiefs' second-line supervisor.

The working relationship between Headquarters and the field will also be positively changed by the creation of the Associate Commissioners for Service Operations and

Enforcement Operations, with functions arranged to mirror the organization of field offices. The Associate Commissioners for Service Operations and Enforcement will not manage or direct regional activities. They will serve in a staff capacity to the Executive Associate Commissioner. First, they will provide central supervision of the field's national support assets, including Intelligence, Service Center Operations, Telephone and Form Centers, Law Enforcement Service Center, and Asset Forfeiture. Second, they will provide staff support for the direction and oversight of day-to-day field activities to ensure operational consistency and quality across district, sector, and regional lines. The Associate Commissioners for Service Operations and Enforcement will report to the Executive Associate Commissioner through the Deputy Executive Associate Commissioner.

2. Change in the structure and functions of financial management.

INS recognizes that the Chief Financial Officers Act of 1990 and subsequent management reform acts have mandated improvements in virtually all aspects of financial management. INS also recognizes that the number of Federal financial management requirements have grown in quantity and complexity. In the last 12 months, INS has taken strong and effective measures to improve INS' financial management systems, to implement corrective actions to resolve identified financial management weaknesses, and to reorganize the Office of Financial Management, upgrading financial management positions to the GS-15 level for functions previously classified at lower levels.

The proposed reorganization is designed to significantly improve communications between Budget and Finance. Managing the budget and financial operations of complex INS programs requires discrete and specific skills and abilities. This proposal seeks to ensure that INS' top budget and financial management positions are appropriately structured and placed visibly within the organization to address the financial management goals and objectives of INS, DOJ, Congress, and the President. Through reallocation of an existing position, the position of Assistant Commissioner for Financial Management would be upgraded to the SES level and designated as the Associate Commissioner for Financial Management. This upgrade would address DOJ's concern about INS' ability to attract and/or retain highly qualified financial management professionals with the skills, education and experience needed to direct the complex INS financial duties and functions. This proposal also provides for an Associate Commissioner for Budget, replacing the current Assistant Commissioner for Budget. This upgrade recognizes the dramatically increased size, scope and complexity of INS programs and the level of coordination required at the Department, OMB and Congress to formulate and execute the INS budget.

Creation of a Chief Financial Officer position that reports to the Deputy Commissioner is not the answer. Given the already large portfolio managed by the Deputy Commissioner, this would not be practical. The Office of Budget, the Office of Financial Management, and the Regional Directors will all have key roles in improving communications and streamlining financial management functions of INS. The organizational changes for

these offices outlined herein will also empower the Executive Associate Commissioner for Management to function more efficiently and effectively as INS' Chief Financial Officer.

Office of Budget

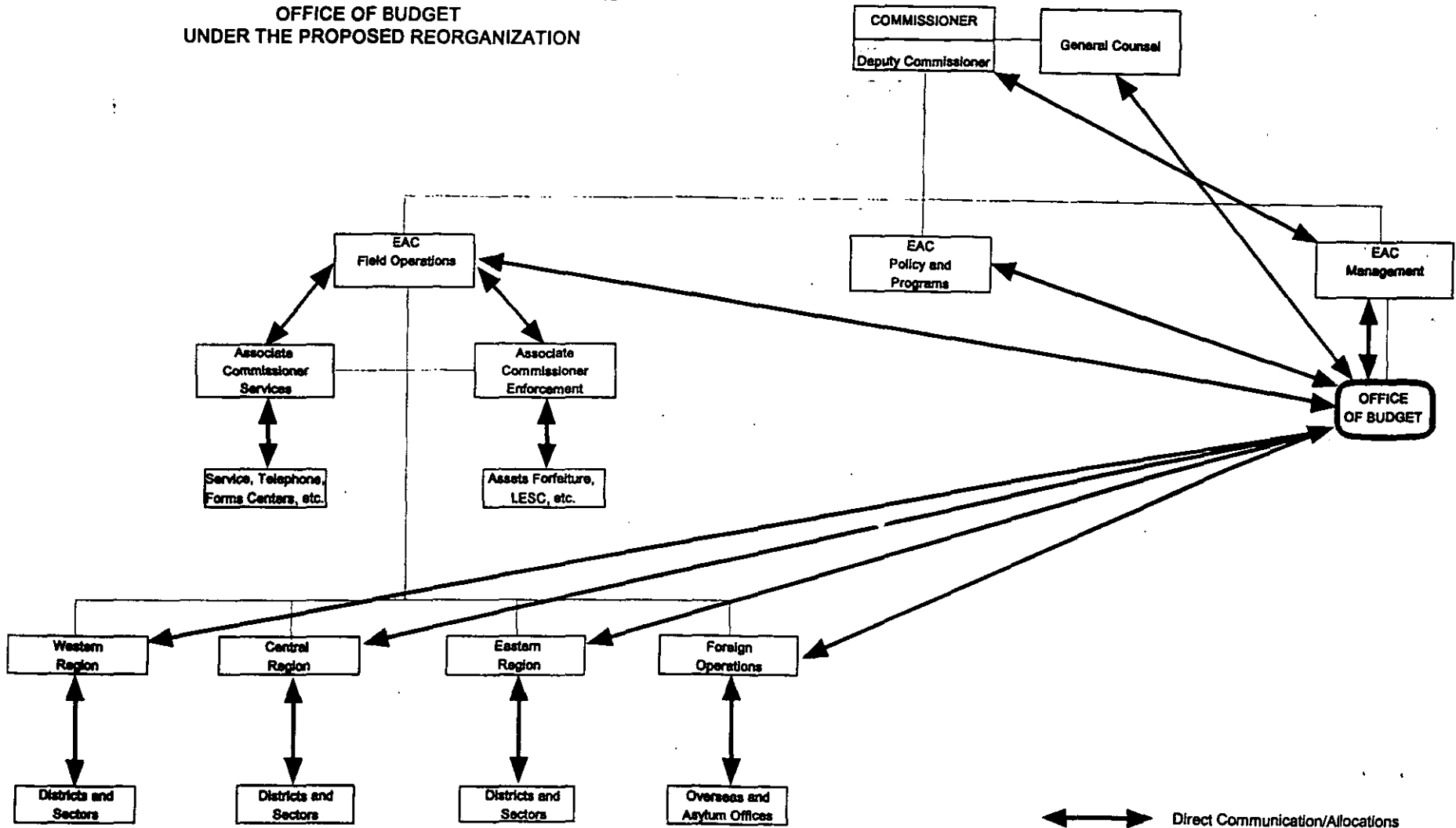
The Office of Budget is responsible for the accurate, timely and effective planning, execution and control of INS wide budgetary resources. For a number of reasons, accomplishment of these objectives has become unnecessarily complex, time consuming, and exceedingly difficult. This has added to the inefficiencies of the budget process within INS. A main focus of the reorganization proposal is to correct these inefficiencies. Implementation of the actions described below will substantially improve the efficiency and effectiveness of the INS budget processes (see Figure 1 attached).

- Include the Associate Commissioner for Budget as a member of the Commissioner's Executive Staff.
- Beginning with the FY 1998 Budget Execution Plan, hold all PS&B funds in the Headquarters Office of Budget rather than allocate to the EACs. Instead, all organizations would be given positions based on the Table of Organization and full time equivalents (FTEs) to fund other than permanent staff. The Office of Budget would work directly with the regional office staff to effect the allocations.
- Transfer responsibility for management of the Mandatories to Office of Budget. Mandatories are an uncontrollable cost that must be paid and crosses all EACs. The budget office would develop its own calculation for mandatories based on prior years' costs that are adjusted for annualizations, reprogrammings, transfers, and cost changes.
- Allocate general expense funding by quarter directly to the regional offices, which in turn would allocate resources to the districts and sectors. Offices would be required to provide operating plans for the use of GE funds. Funding that could not be justified based on spending rates and operating plans would then be used for the Commissioner's priorities such as facilities build-out, vehicles, etc. (This proposal would be implemented once a new financial management system is in place.)

The single most important factor affecting the successful implementation of the proposals recommended above is the redefinition of the roles of the Office of Budget and other resource management staffs within the recently proposed reorganization plan. Two significant recommendations of the recent NAPA report relate directly to organizational roles and relationships. The two recommendations are:

- Delegate authority for determining all sector and district allocations to the

FIGURE 1
LINES OF COMMUNICATION/FUNDS ALLOCATIONS
OFFICE OF BUDGET
UNDER THE PROPOSED REORGANIZATION



Regional Directors, and transfer from the EAC for Field Operations, Resource Management Staff, to the Office of Budget responsibility for allocating and managing funds designated for field use.

- Redefine and clarify the roles and responsibilities of all EAC's headquarters personnel involved in funds management and allocation functions.

While the organizational position of the Office of Budget is not planned to change, its relationships with the other INS components will be strengthened. Careful redesign of some lines of communication and functional responsibilities (and accountability) for funds management and allocations will be of paramount importance to improving the efficiency and effectiveness of the INS budget process.

Office of Financial Management

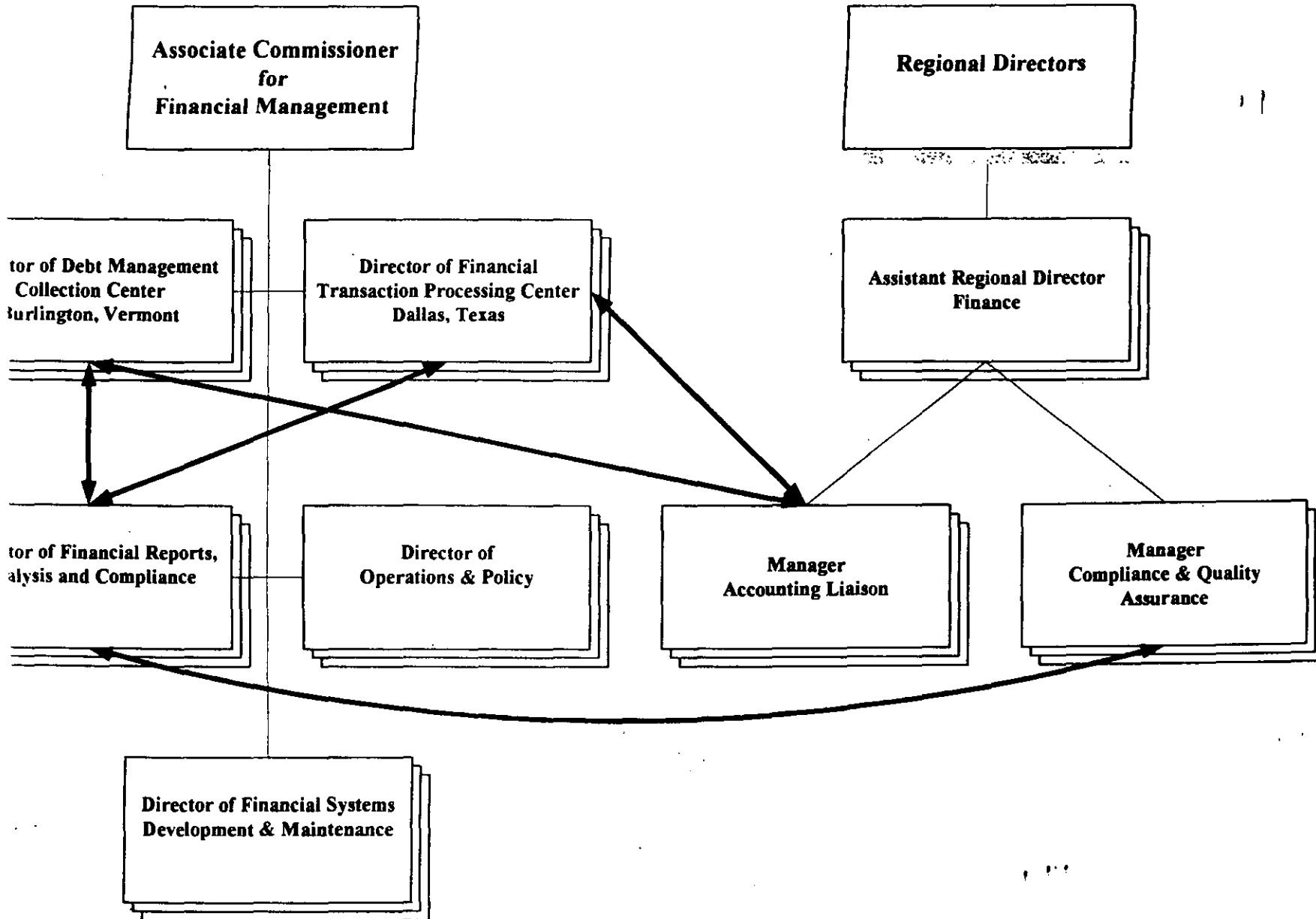
The head of financial management within INS is tasked with a myriad of responsibilities including ensuring accountability over all funds collected by, appropriated to, and expended by INS. In fiscal year 1996, INS' resources amounted to over \$2.6 billion. Other responsibilities include (1) implementing and maintaining integrated financial management systems by which to adequately account for, control, manage, and report on INS' resources; (2) developing and implementing financial management policies and practices to enhance effectiveness and efficiency of programs; (3) through recurring and ad hoc reports to OMB, DOJ and the Department of Treasury, providing assurance that assets are being safeguarded and financial results are reported accurately; and (4) working with budget program managers to achieve full integration of financial, program, and oversight information and processes.

The many diverse, complex programs and operations within INS require a high level of financial and budgetary customer support services. The effort to coordinate and consolidate budgetary and financial information that is maintained and manipulated throughout the complex INS organization requires extraordinary efforts. Strong financial management leadership is crucial to ensuring that INS' day-to-day and long-term budgetary and financial management needs are addressed and met. A major challenge of the Associate Commissioner for Financial Management will be to work with program managers throughout INS to ensure that they embrace responsibilities for management and reporting on financial resources at their local level. This effort will be facilitated by the proposed restructuring of financial management positions and functions throughout the organization to ensure adequate controls (see Figure 2 attached).

Regional Directors

Under the proposed reorganization, the Regional Directors will be responsible for ensuring that all financial information maintained within their respective regions is coordinated and consolidated with Headquarters Office of Financial Management. The Regional Accounting Liaison function will ensure that field offices and the Regional

Figure 2
Lines of Communication - Office of Financial Management
Under the Proposed Reorganization
 September 19, 1997



Offices provide the Financial Transaction Processing Center and the Debt Management Collection Center with all necessary information on obligations, payments, collections, debt, etc. The Regional Accounting Liaison function will also be responsible for providing the Assistant Regional Director for Finance with management oversight and analysis of general expenses, personal services and benefits, FTE's, and overtime for the Region.

The Regional Directors will also be responsible for coordinating and conducting financial compliance reviews in the districts and sectors within their respective Regions. The Regional Compliance and Quality Assurance function is sorely needed within each Regional Office to conduct compliance reviews and to provide ongoing guidance to field offices regarding internal procedures for the handling of fees, collections, vehicle seizures, obligation documents, imprest funds, VISA credit card usage, alien funds and valuables, PC TARE and Time and Attendance processing. A parallel Compliance and Quality Assurance function has also been established at Headquarters, and is tasked with conducting financial compliance reviews of the Financial Processing Center and the Debt Management Collection Center. The Headquarters Compliance and Quality Assurance function will also assume responsibility for coordinating the parallel efforts being conducted in the Regions, and with other financial compliance reviews being conducted by INS' Office of Internal Audit, and the DOJ Office of the Inspector General.

3. Impact on Information Resource Management

The management and working relationships among the field administrative and operational components of the INS and IRM will not change under the proposed reorganization. IRM is a national program that provides management oversight of all agency automation and selected technologies (e.g., radios, night vision, camera systems, and sensors). All ADP acquisitions are based on set national plans and standards, and require coordination and approval from IRM. These national plans and standards respond directly to national initiatives and operational demands.

IRM communicates these plans and program standards through the HQ Office of Field Operations to the Regions and the Sectors/Districts. On a practical, day-to-day basis, IRM also works at the lowest field levels to implement ADP programs and equipment. The ADP staffs in the Office of Field Operations and the three regions are customers of the IRM national program. Program needs and operational demands are communicated either directly to IRM or through the field command structure. In addition to continued Field Operation participation, INS program needs and operational demands will be determined by the new Executive Associate Commissioner for Policy and Programs.

To facilitate program delivery at the local levels, IRM staff also reside in the field at designated INS field offices. These positions are responsible for implementing the IRM national program. These staff facilitate communications with the field and the national program, plus execute within their theater of support the national programs, projects and contract resources.

4. Change in working relations between internal and/or external entities.

The establishment of clear lines of reporting and clarified roles and responsibilities within INS Headquarters and between Headquarters and the field will necessarily improve communication and working relations between the Service and the Department of Justice, other federal, state and local agencies, the Congress and non-governmental organizations.

5. Planned effective date for implementation.

The proposed effective date for the reorganization is six months after Congressional approval. In the interim, temporary reassignments may be expected in some critical functions.

C. EFFECT ON PERSONNEL

Changes in the Headquarters' organization will be accomplished by realignment actions. There will be no Reductions In Force and no forced physical transfers. The Service will minimize the adverse impact on individual employees to the greatest extent possible. The effect on personnel resulting from the Administrative Center reorganization is discussed in more detail in Attachment C.

A lesson learned from the 1994 Reorganization is that there must be more comprehensive follow up actions in implementing new roles and reporting arrangements. INS plans to conduct a series of in-depth training sessions for key staff. This entails creating scenarios to illustrate how the new structure is intended to work and to identify any unforeseen ambiguities in the new arrangement.

1. SES requirements

The Service is requesting five additional Senior Executive Service positions to implement the INS proposed reorganization. They are:

- **Associate Commissioner for Enforcement Operations**

This is a new position reporting to the Deputy Executive Associate Commissioner for Field Operations. The incumbent of this position will have direct line authority over national INS enforcement functions, including Intelligence, Asset Forfeiture, and the Law Enforcement Support Center. In addition, the incumbent will provide staff support for the direction and oversight of all law enforcement activities undertaken by the 33 INS domestic district offices. These law enforcement activities include investigations, anti-smuggling, detention and removal, and inspections.

- **Associate Commissioner for Service Operations**

This is a new position reporting to the Deputy Executive Associate Commissioner for

Field Operations. The incumbent of this position will have direct line authority over national INS service assets, including Service Centers, Telephone Centers, and Forms Centers. In addition, the incumbent will provide staff support for the direction and oversight of the adjudications and naturalization programs in the 33 domestic district offices, as well as the four Service Centers.

- Associate Commissioner for Records Services

This is a new position reporting to the Deputy Executive Associate Commissioner for Management. The incumbent of this position is responsible for the development, coordination, and administration of programs for the collection, access, maintenance and storage, security, and disposal of information necessary to support the enforcement and benefits programs of the INS. The employee verification program and records centralization project are also responsibilities of this position. Under a prior INS organization, this position was classified at the SES level.

- Assistant Commissioner, Border Management

This is a new position which will report to the Associate Commissioner for Program Development. The incumbent of this position will be responsible for the development of an integrated strategy to ensure border integrity while facilitating lawful entry into the United States. The Border Management unit will integrate the design of programs along the land, sea, and air borders, primarily involving the activities of the Border Patrol and Inspections, but also other operational units within the Service. It will also coordinate with related program development work in the Office of Enforcement Programs, as well as with other Federal agencies (Customs Service, Coast Guard, etc.).

- Assistant Commissioner, Enforcement Programs

This is a new position which will report to the Associate Commissioner for Program Development. The incumbent of this position will be responsible for the development of a comprehensive, integrated approach to expedite the identification, detention, and removal of aliens not entitled to be in the United States. The Enforcement Programs unit will analyze enforcement needs and requirements, establish consistent standards, and design and test methods to improve the effectiveness and efficiency of enforcement programs throughout the Service. Its focus will include removals, detention, criminal alien processing, fraud, alien smuggling, worksite enforcement, and absconders. The incumbent of this position will coordinate with other Service offices, as well as Federal, state, and local law enforcement and criminal justice agencies.

This request must be seen in the context of an outstanding request for 18 SES positions, 17 of which are for field managers. We are vigorously pursuing this request to support our goal of strengthening the field structure by shifting responsibility and accountability to field managers. The outstanding request for 18 positions in combination with the five positions for the Headquarters are key to this reorganization's successful implementation.

D. EFFECT ON DECISION UNIT

There is no reprogramming effect in this reorganization proposal.

E. EFFECT ON OTHER RESOURCE REQUIREMENTS

There will be minimal impact on equipment and space requirements. Existing resources will be utilized to accommodate the realignment of functions and reassignment of staff. Some minor costs will be incurred for moving personnel to new assignments within Headquarters facilities and for service changes, such as telephones and computer communications. See Attachment B for current and proposed staffing-level charts.

F. MEASURABLE IMPACT

In order to evaluate the success of the proposed reorganization, the INS will assess the extent to which the guiding principles and goals set out have been understood and effectively implemented. Measures of success might include the following: improved communication between Headquarters and the field; clearer lines of responsibility and accountability for programmatic and operational branches; greater consistency across Service operations; clearer lines of reporting through the chain of command; improved program development capacities; more effective allocation of resources; and more effective integration of mission tasks.

III. ORGANIZATION CHARTS (see Attachment A)

IV. MISSION AND FUNCTION STATEMENTS, CURRENT AND PROPOSED

EXECUTIVE ASSOCIATE COMMISSIONER FOR FIELD OPERATIONS

Executive Associate Commissioner for Field Operations – Current

The Office of Field Operations directs all aspects of the Service's field operations. The office has primary responsibility for oversight and coordination of all field operations relating to the administration of immigration law, including the granting of benefits and privileges to those qualified to receive them; withholding of benefits from those who are ineligible; control of the borders and prevention of illegal entry into the United States; detection, apprehension, detention and removal of illegal aliens; and enforcement of employer sanctions and other provisions of immigration-related law.

Executive Associate Commissioner for Field Operations – Proposed

The functions of this office will remain the same, with the addition of direct line responsibility for Intelligence, Border Patrol, Service Centers, Telephone Centers, Forms Centers, Law Enforcement Support Center (LESC), the National Fines Office, Asset Forfeiture and the Administrative Appeals Unit.

Deputy Executive Associate Commissioner for Field Operations – Proposed

The Deputy Executive Associate Commissioner for Field Operations serves as second in command of all operations relating to non-Border Patrol activities in the Office of Field Operations and acts for the EAC, Field Operations in his/her absence on these matters. The Deputy EAC for Field Operations has direct supervisory responsibility over the Associate Commissioners for Service Operations and Enforcement Operations and serves as the second line of supervision over District Directors.

Chief, Border Patrol – Proposed

The Chief, Border Patrol serves as Deputy and second in command of all operations relating to Border Patrol activities in the Office of Field Operations. The Chief acts for the EAC, Field Operations, in his/her absence on these matters. The Chief of the Border Patrol is the second line supervisor over Sector Chiefs. The Chief also provides senior representation and advocacy for the Border Patrol within the Administration and with Congress.

Regional Directors – Current

The Nation is divided into three Regions, each headed by a Regional Director, who directs all aspects of the Service's field operations relating to the administration of immigration laws within their assigned geographic areas. This includes the granting of naturalization and other immigration services and benefits to those qualified to receive them; withholding of benefits from those ineligible; control of the borders and prevention of illegal entry into the United States; detection, apprehension, detention and removal of illegal aliens, and enforcement of employer sanctions and other provisions of immigration law. Regional Directors direct and supervise regional operations staff, District Directors and Chief Patrol Agents. They also serve as representatives of the Service before state and local governments and the public.

Regional Directors – Proposed

In addition, the proposed reorganization will strengthen the Regions by giving them direct authority for supervising the Administrative Centers. They will also have increased spending authorities and additional authority to make personnel appointments.

International Affairs – Current

The Office of International Affairs is responsible for ensuring that the foreign affairs mission of the Service reflects a full partnership between INS, the Executive Branch agencies, and the Congress. Through subordinate District Directors, the Director of International Affairs is responsible for the administration of U.S. immigration law on foreign soil. The office also develops policy for refugee and asylum issues, directs a centralized political asylum program, and maintains a Resource Information Center to provide accurate and timely country conditions information.

International Operations – Proposed

Functions will remain the same; only the name of this office will change.

Associate Commissioner for Enforcement Operations – Proposed

This office will perform a dual role. It will have direct line authority over Intelligence, Asset Forfeiture and the Law Enforcement Support Center. In addition, it will provide staff support to the Executive Associate Commissioner and the Deputy Executive Associate Commissioner in all matters related to the inspections and enforcement missions of the service, to serve as Headquarters point of contact for the Regions and field offices in a configuration that mirrors the organizational structure in the field. Each component of this Office will afford field offices a single focus for their respective operational issues and concerns involving the enforcement mission of INS. In addition, the Associate Commissioner overseeing Enforcement Operations will ensure consistency in policy application and implementation of field programs through coordinated staff work within the unit.

Associate Commissioner for Service Operations – Proposed

This office will perform a dual role. It will have direct line authority over Service Centers, Telephone Centers, and Forms Centers. In addition, it will provide staff support to the Executive Associate Commissioner and the Deputy Executive Associate Commissioner in all matters relating to the processing and adjudication of applications for naturalization and immigration services under the Act. In addition, it will provide field offices with a Headquarters point of contact for issues arising from these areas. Each component of this Office will afford field offices a single focus for their respective operational issues and concerns involving the services mission of INS. In addition, the Associate Commissioner overseeing the Service Operations Division will ensure consistency in policy application and implementation of field programs through coordinated staff work within the unit.

Administrative Appeals – Proposed

The Administrative Appeals Office within the Office of Field Operations will be responsible for the timely adjudication of appeals and certification concerning applications and petitions for benefits available under the Immigration and Nationality Act (INA).

Office of Policy & Programs. The Office of Programs and the Office of Policy & Planning will be consolidated under the proposed reorganization into a new Office of Policy & Programs. Mission and Function statements for the current Offices of Programs and Office of Policy & Planning, as well as for the proposed Office of Policy & Planning follow.

EXECUTIVE ASSOCIATE COMMISSIONER FOR PROGRAMS

Executive Associate Commissioner for Programs – Current

The Office of Programs is responsible for all aspects of the Service's enforcement and examinations programs development, review, and integration. It has primary responsibility for the planning, oversight, and advancement of programs engaged in the enforcement of the immigration and nationality laws.

Investigations Division – Current

The Investigation Division within the Office of Programs is responsible for developing, planning, implementation, coordination and assessment of INS' investigation of criminal and administrative violations of the Immigration and Nationality Act (INA) and other federal statutes relating to illegal immigration. This involves detecting violations and apprehending and prosecuting violators of the criminal and administrative provisions of the INA and related federal statutes.

Detention and Deportation Division – Current

The Detention and Deportation Division within the Office of Programs is responsible for developing, planning, coordination, and assessment of the INS program for maintenance and custody of persons in detention under exclusion, expulsion or deportation proceedings; for exercise of other appropriate control during such proceedings for persons not detained; and for their removal from the United States or release under appropriate conditions upon the conclusion of proceedings.

Intelligence Division – Current

The Intelligence Division within the Office of Programs provides national coordination of the collection, analysis and dissemination of intelligence information in support of all mission activities Service-wide. It develops national intelligence and threat assessments and ensures that relevant tactical intelligence is provided to the appropriate field office in a timely manner. It also oversees the activities of the Forensic Document Laboratory.

Asset Forfeiture – Current

The Office of Asset Forfeiture within the Office of Programs is responsible for all policies and procedures relating to the seizure and forfeiture of assets and for ensuring agency compliance with the *Attorney General's Guidelines on Seized and Forfeited Property*. The office is also responsible for administration of the INS portion of the annual Assets Forfeiture Fund Budget.

Adjudications and Nationality – Current

The Division of Adjudications and Nationality within the Office of Programs is responsible for the development, planning, coordination and assessment of the INS programs' policy which provide to the public, both alien and citizen, the benefits and privileges to which the provisions of the Immigration and Nationality Act (INA) entitle them, and to prevent those benefits and privileges from being afforded to ineligible or unqualified persons.

Service Center Operations – Current

The Service Center Operations Division within the Office of Programs is responsible for providing program guidance and technical direction and support for program implementation and for providing line supervision to the four Service Center Directors and to the Immigration Card Facility Director.

Inspections Division – Current

The Inspections Division within the Office of Programs is responsible for the development, coordination and assessment of the INS program policy for the inspection of all person seeking admission to the United States.

Border Patrol – Current

The Border Patrol Division within the Office of Programs is responsible for developing, planning, coordination, and assessment of the INS program to maintain control of the international boundary between port of entry. This involves the prevention of illegal entry and transportation or smuggling of aliens into the United States, as well as the apprehension within the immediate border area of illegal entrants. An ancillary mission is to interdict narcotics and contraband while conducting operations in support of the Border Patrol's primary mission.

Administrative Appeals – Current

The Administrative Appeals Office within the Office of Programs is responsible for the timely adjudication of appeals and certification concerning applications and petitions for benefits available under the Immigration and Nationality Act (INA).

Records – Current

The Records Division within the Office of Programs is responsible for Servicewide development, planning, organizing, coordinating, budgeting, training and evaluating the Records Programs pertaining to records operations; records technology; and records systems. This includes the collection, storage, maintenance, and program use of alien data throughout the Service.

EXECUTIVE ASSOCIATE COMMISSIONER FOR POLICY & PLANNING**Executive Associate Commissioner for Policy and Planning – Current**

This Office of Policy and Planning serves as a clearinghouse for INS policy and as the clearance point for the coordination and dissemination of program-specific policy, regulations, guidelines, and directives. It informs the Administration position on broader-than-INS immigration policy questions, through the initiation of interagency deliberations, stimulation and sharing of non-governmental research, and the examination of broad policy questions. It develops and coordinates the agency-wide planning process, which includes long-range strategic plans and the annual Priorities Management System. It performs organizational analysis to assist in the proper allocation of resources, the identification of structural deficiencies, and avoidance of duplication of functions; implements federally-directed government-wide initiatives such as the National Performance Review; provides high-quality agency-wide statistical information for use in decision-making; and improves and expands technology assessment and research, ensuring that the Service's needs in the improvement of operations are met.

EXECUTIVE ASSOCIATE COMMISSIONER FOR POLICY & PROGRAMS

Executive Associate Commissioner for Policy and Programs – Proposed

The 1997 reorganization takes the next step in the evolution of policy and program development begun in 1994 by consolidating the Offices of Programs and Policy & Planning into a new Office of Policy and Programs. The Executive Associate Commissioner for Policy and Programs will serve as the principal advisor to the Commissioner and Deputy Commissioner on matters of policy, program development and planning. The Executive Associate Commissioner for Policy and Programs will also direct a Statistics and Evaluation program as well as Community and Intergovernmental programs. The consolidation of these programs under one Executive Associate Commissioner will promote greater coordination of policy, planning, and program development and evaluation activities and facilitate a continuous cycle of planning, program development, measurement and evaluation as required by the Government Performance and Results Act.

In order to further strengthen the Service's policy making role, the 1997 reorganization establishes a Policy Council.

Policy Council – Proposed

The Policy Council, consisting of the senior SES managers of the agency on a collateral basis and chaired by the Executive Associate Commissioner, will initiate, develop, and make recommendations on selected issues that are of broad institutional and Administration policy concern. The Council will have the lead on preparation of position papers for the Commissioner and will serve as the point of clearance for those policy issues.

The 1997 reorganization also proposes to create the following four divisions within the new office: Planning, Program Development, Statistics & Evaluation, and Community & Intergovernmental Programs.

The Office of Planning – Proposed

The Office of Planning will develop and coordinate the agency-wide planning process, which includes long-range strategic plans and the annual performance plans and priorities management system. It will also perform organization analysis to assist in the proper allocation of resources, to identify the implications of changing technology and workload shifts on the organizational structure, and to avoid duplication of functions. This division will also engage in long-range planning and research activities to develop and maintain the INS Strategic Plan; prepare the annual Government Performance and Results Act (GPRA) report; develop and monitor the Annual Performance Plans; and perform organizational planning and analysis on the short-term horizon.

Office of Program Development – Proposed

The Office of Program Development will develop and manage new or revised program designs and initiatives in response to emerging needs, changing conditions, new

legislation, internal/external program analyses or new technologies; write new and revised regulations, program guidance, operating instructions, procedural manuals, and materials for staff training and public education; develop performance measures and standards for individual program performance and establish annual program objectives; analyze program performance and effectiveness; identify and integrate program requirements for information systems; and develop and respond to proposals for legislative changes in programmatic areas.

The Office of Program Development divisions will be aligned along functional lines, rather than along occupational lines as in the past. Program Development will consist of the following five divisions:

Border Management Division – Proposed

The Border Management Division will focus on programs which ensure border integrity while facilitating lawful entry into the United States. The division will integrate the design and analysis of programs along the border and at ports of entry. It will also coordinate with related program development work in other Federal agencies such as the Customs Service and the Coast Guard.

Enforcement Programs Division – Proposed

The Enforcement Programs Division will develop programs to ensure a comprehensive, integrated approach to expedite the identification, investigation, detention and removal of aliens not entitled to be in the United States. It will analyze enforcement needs and requirements, establish consistent standards, and design and test methods to improve the effectiveness and efficiency of enforcement programs throughout the Service. The unit will coordinate with numerous other Service units, as well as other Federal, State and local law enforcement and criminal justice agencies.

Adjudications and Services Division – Proposed

The Adjudications and Services Division will focus on programs to determine the eligibility of persons seeking entry to the United States, permanent residence, and citizenship through naturalization. These include programs to qualify for the adjustment of immigration status, and naturalization; and also programs for admitting aliens on a temporary basis. The unit will develop effective methods and procedures for verifying the eligibility of persons applying for such statuses and deterring fraud, as well as ensuring efficient, timely and accessible services to applicants. The unit's responsibility also entails design of programmatic activities to provide information to the public. The unit's work will involve substantial contact and coordination with numerous other public and private organizations.

Status Verification Division – Proposed

The Status Verification Division will focus on developing the program which provides verification of individuals' immigration status to employers and public agencies. In particular, attention will be paid to developing criteria for appropriate access to information, addressing the need for efficiency, ease of use and privacy rights. The

Service's work in this area is expanding dramatically and includes rapidly changing technology, developing legal standards, and frequent legislative action, which all require thoughtful consideration in developing policies, procedures and standards.

Information Systems Requirements Division – Proposed

The Information Systems Requirements Division will have responsibility for establishing comprehensive information strategies and leverage the development of emerging technologies throughout the agency. It will coordinate and integrate the “customer needs” for developing information systems from various Service units -- a function that is currently being performed by users' groups. Within the ISR unit, analysts and operation experts will identify, assess and link the business needs (i.e., functional requirements) of each program, from which the office of Information Resource Management (IRM) will seek to develop integrated systems solutions. It will also serve as the ongoing liaison and “customer advocate” to IRM.

Community and Intergovernmental Programs – Proposed

Community and Intergovernmental Programs will promote mechanisms for building partnerships with state and local governments, community-based organizations and the business and legal communities in order to enhance Service effectiveness and to strengthen the stability and well-being of communities in which the Service operates. Outreach and programmatic activities will include working with local Law Enforcement Agencies (LEAs) to plan and implement new immigration legislation in ways that serve local governments and working proactively with an array of community-based organizations to build a broad understanding of immigration policies and practices. Methods for achieving these goals include but are not limited to public education campaigns, training, joint projects, including problem-solving forums and media workshops with ethnic press.

Statistics and Evaluation – Proposed

Statistics and Evaluation is responsible for developing policies and procedures to ensure the quality, relevance, and utility of the Service's evaluation and statistics activities; preparing, reviewing and coordinating evaluations of program initiatives and pilot projects; and providing technical and support services for studies developed within the office or by other offices within INS; collecting and maintaining high level statistical information from which to produce and disseminate timely statistical reports of direct relevance to program planning, monitoring and evaluation. This office will also be responsible for analyzing and reporting on the characteristics of immigrants, naturalized citizens, refugees, asylees and other specialized reports required by Congress.

EXECUTIVE ASSOCIATE COMMISSIONER FOR MANAGEMENT

Office of the Executive Associate Commissioner for Management – Proposed same as Current

The Office of the Executive Associate Commissioner for Management is responsible for the planning, developing, directing, coordinating and reporting on Service management

programs and activities. In addition, it promulgates Servicewide administrative policies and coordinates all budget, administrative, financial, security, human resources, training, records and verification, equal opportunity, and information resources management functions.

Deputy Executive Associate Commissioner for Management – Proposed

The Deputy Executive Associate Commissioner for Management serves as second in command of the Office of Management and acts for the EAC, Management, in his/her absence. The Deputy EAC is responsible for the management of routine activities within the Office of Management.

Office of Budget – Proposed same as Current

The Office of Budget's primary functions are to effectively and persuasively develop and advocate to the Department of Justice, the Office of Management and Budget, and the Congress the resources needed, both near and long term, to administer the Nation's immigration laws, facilitate and communicate efficient and effective distribution and use of resources within the Service, and ensure compliance with statutory requirements.

Office of Financial Management – Current

The Office of Financial Management is responsible for all financial accounting and reporting responsibilities for the INS nationwide, and to ensure that these activities are conducted in conformance with statutory requirements. It formulates, disseminates, implements, and interprets nationwide accounting, debt, cash and travel management and other financial policies and procedures for INS. OFM also produces timely and accurate internal and external financial reports and statements to support decision-making and to improve the effectiveness of financial programs within INS, provides analytical studies/reports to provide direction and guidance to INS financial programs and conducts compliance and quality assurance reviews. In addition, OFM acquires, develops, implements and maintains all aspects of automated financial accounting information systems for INS.

Office of Financial Management – Proposed

In addition, through a specialized service center to be located in Dallas, Texas, the Office of Financial Management will perform all financial and accounting functions that are transactional in nature for the entire Service, including preparation and certification of payments, maintenance of commitment/obligational accounts, auditing of all incoming invoices and vouchers. Also through a specialized service center to be located in Burlington, Vermont, the office will perform all financial functions related to debt management and collections, including the maintenance and management of INS' field deposits and fee/fine payments, management and accountability of all fee and fine income (including Carrier Fines currently managed from the National Fines Office), and support of aggressive nationwide debt collection activities.

Office of Administration – Current

The Office of Administration is responsible for the planning, development, implementation, and evaluation of Servicewide programs for facilities, procurement, personal property, firearms program, fleet management, printing and distribution, safety and health, internal controls and other administrative support services; the operation of centrally managed Servicewide support activities; and the delivery of direct operational support to Headquarters and overseas operations.

Office of Administration – Proposed

In addition, the Office of Administration will be responsible for the Firearms Unit, previously assigned to the Office of Programs.

Office of Security – Proposed same as Current

The Office of Security is responsible for all security programs to ensure the protection of the people, facilities, property, and information of the Service.

Office of Human Resources and Development – Current

The Office of Human Resources and Development is responsible for the development, planning, coordination, and assessment of the Service programs for personnel management and training; the operation of nationally centralized personnel and training activities; the provision of direct personnel support to the Headquarters, its attached centralized activities and for overseas operations; and the production of state-of-the-science design, development, validation, and evaluation of all tests and other assessments used by the Service for both entry-level selection and promotion.

Office of Human Resources and Development – Proposed

In addition, the Office of Human Resources and Development will be responsible for a centralized national hiring center to be located in the Twin Cities, MN.

Office of Information Resources Management – Proposed same as Current

The Office of Information Resources Management is responsible for the overall coordination, planning, technology strategies, evaluation, acquisition management, design, development, implementation, and sustaining engineering of automated data systems, data and voice communications, electronics technology equipment and related systems of the Service. These responsibilities include information technology policy, planning, and standards; the translation of functional customer requirements into technical alternatives and integrated systems solutions; the evaluation and selection of current and emerging technologies; and the management of technology and services acquisitions.

Office of Equal Employment Opportunity – Proposed same as Current

The Office of Equal Employment Opportunity is responsible for developing, planning, directing, managing, coordinating, and implementing equal employment opportunity programs and evaluating programs relating to the civil rights of all employees and applicants to ensure compliance with the law; and for coordinating the affirmative

employment and discrimination complaints programs of the Service and those of the Department of Justice as they apply to the Service.

Files and Forms Management – Current

The Office of Files and Forms Management within the Office of Management is responsible for planning, developing, evaluating, formulating policy, implementing and managing the Files and Forms Management Program.

Office of Records Services – Proposed

Created by the consolidation of Records and Files and Forms Management, the Office of Records Services will be responsible for planning, developing, organizing, training, evaluating delivering, and supporting Service-wide records programs and operations. This will include the collection, storage, maintenance, use, and verification of alien data throughout the Service. This office will also be responsible for providing and directing the application of agency capabilities for timely and accurate responses on the immigration status of individual seeking lawful employment and/or government entitlements as well as organizing and oversight of the Service Freedom of Information Act and Privacy Act.

Regional Administrative Offices – Current

The Administrative Centers Division within the Office of Management is responsible for planning, development, implementation, and evaluation of Servicewide programs for facilities, procurement, personal property, fleet management, printing and distribution, safety and health, management controls, and other administrative support services; for the operation of centrally managed Servicewide support activities; and for the delivery of direct operational support to the Headquarters and overseas operations. (Regional Administrative Centers will be transferred under the Regional Directors).

V. LEGISLATIVE AND/OR REGULATORY CHANGES

In accordance with the National Performance Review's regulatory reform initiative guidelines, the Service will publish a final rule to remove INS' Statement of Organization from Title 8 of the Code of Federal Regulations, Part 100.2. Once approved, the new organizational structure will be published separately as an agency organization manual.

Immigration - structural reform

Leanne A. Shimabukuro 10/06/97 09:27:50 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Jose Cerda III/OPD/EOP

cc: WARNATH_S @ A1 @ CD @ LNGTWY

Subject: immigration review process

Immigration Review Plan:

What:

Our review process should look into four things: 1) Commission's proposal; 2) INS's reform proposal; 3) Rep. Reyes' bill; and 4) ONDCP border proposal.

How:

Before we start meetings, I will pull together a document briefly summarizing the proposals and laying out some of the issues. We can distribute this memo internally to the interested WH offices. Since the review process strikes at the heart of institutional "turf", it would probably be wise to do an initial round of meetings with the affected agencies separately to discuss the proposals that would specifically impact their functions. We should have a list of questions that they should be prepared to answer at the meetings (e.g, feasibility, costs of proposals). We may need to meet with INS/DOJ twice, once to get briefed on their internal proposal and a second to get their feedback on other proposals. These meetings should begin next week.

Once we've heard from all the agencies, we will need to internally decide which option or combination of options we prefer. Then we should have an interagency meeting to discuss our preferred options and gauge the agencies' reactions.

Timetable:

Our internal goal should be to try to finish the process by the end of the calendar year. This would allow us to use the FY 99 budget as a vehicle if we choose. Since this will be fast upon us, I would like to shoot for one meeting per week, beginning October 13. As a goodwill gesture, I think INS/DOJ should be our first meeting.

Proposed internal timetable:

- Oct. 13-- INS/DOJ
Oct. 20- State
Oct. 27- Labor
Nov. 3- INS/DOJ
Nov. 10- internal WH meeting
Nov. 17- interagency meeting

This timetable is probably a little ambitious, but as early as possible, we need to have a sense of what things should be linked to the budget process (and ready by early December). The timing of the budget process may preclude certain dramatic changes-- and we should keep that in mind. While I think it is a useful concrete timeline for us, if we want to ultimately support something early next year, I think we should be able to do that as well.

External timetable: We should inform agencies that we plan on meeting with all of them this month and into next month, with an interagency meeting planned for mid-November. I think we should let

Leanne - This is a super plan - except that we're now behind. Let's catch up by scheduling some meetings. You have the summary document ready? Are we otherwise set to roll? Elena cc: TOS

them know that we are mindful of the '99 budget timetable, but that it will not dictate the final outcome either.

Let me know what you think of this plan, or if you have any other ideas as to how we should do this. Thanks.

**STATEMENT OF THE PRESIDENT ON THE FINAL REPORT OF THE COMMISSION
ON IMMIGRATION REFORM**

The Commission on Immigration Reform, chaired by the Honorable Shirley Hufstedler, and the late Barbara Jordan, issued its final report today. This report, which reiterates many of the excellent recommendations contained in the Commission's interim reports, further contributes to our country's understanding of the role of immigration in the United States. I commend the Commission's work and its contribution to the national dialogue on immigration policy.

America has always been a nation of immigrants, and I am proud of the significant progress my Administration has made toward improving America's immigration system. My Administration has curtailed illegal immigration through tougher border control, strengthened worksite enforcement, and the removal of record numbers of criminal and other illegal aliens. We have also worked to improve and tighten the naturalization process, and have made needed reforms to our asylum system for refugees fleeing persecution.

One of the Commission's recommendations is to restructure the immigration system by reallocating the main functions of the Immigration and Naturalization Service to other agencies. This proposal raises difficult and complex issues, which need further consideration. I have asked the Domestic Policy Council to coordinate with the affected federal agencies to evaluate carefully the Commission's proposal and other reform options designed to improve the executive branch's administration of the nation's immigration laws.

With this report, the Commission completes its work. I want to thank all of its members and staff for their service and contribution on these important issues.

Leanne A. Shimabukuro 09/23/97 04:30:53 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Jose Cerda III/OPD/EOP
Subject: today's immigration meeting

Sorry we missed you at today's meeting. A brief run down:

WH Statement: We agreed that we should have a statement prepared for release on 9/30, when the Commission releases its report. We (DPC) will draft the statement and circulate it internally by Friday. The statement will be general: thanking the Commission for their work, saying that we will seriously review their recommendations, etc. We will **not** mention our internal follow up process in the statement. We will also coordinate some Q&A for McCurry in case we get asked about issues we do not want to put in our statement.

Process: We agreed to form an informal WH-led work group to specifically review three things: 1) Commission's proposal; 2) INS reform plan already in existence; and 3) ONDCP's recommendations on border/enforcement issues. The work group will coordinate an interagency process explore the feasibility of these recommendations. Our internal goal to finish the process is the end of the calendar year, which would allow us to use the FY 99 budget as a vehicle if we choose. I will work with Jose' and Steve to set up these meetings.

Follow Up Meeting with AG/Meissner: Chuck suggested that a small WH group meet with the AG and Meissner next week after the Commission's report is released to inform them of our process.]

** You may want to put in a call to Chuck regarding today's meeting and to check in with him on the follow up meeting with the AG.

**STATEMENT OF THE PRESIDENT ON THE FINAL REPORT OF THE
COMMISSION ON IMMIGRATION REFORM**

The Commission on Immigration Reform, chaired by the Honorable Shirley Hufstедler, and the late Barbara Jordan, issued its final report today. This report, which reiterates many of the excellent recommendations contained in the Commission's interim reports, further contributes to our country's understanding of the role of immigration in the United States. I commend the Commission's work and its contribution to the national dialogue on immigration policy.

America has always been a nation of immigrants, and I am proud of the significant progress my Administration has made toward improving America's immigration system. My Administration has curtailed illegal immigration through tougher border control, strengthened worksite enforcement, and the removal of record numbers of criminal and other illegal aliens. We have also worked to improve and tighten the naturalization process, and have made needed reforms to our asylum system for refugees fleeing persecution.

One of the Commission's recommendations is to restructure the immigration system by reallocating the main functions of the Immigration and Naturalization Service to other agencies. This proposal raises difficult and complex issues, which need further consideration. I have asked the Domestic Policy Council to coordinate with the affected federal agencies to evaluate carefully the Commission's proposal and other reform options designed to improve the executive branch's administration of the nation's immigration laws.

With this report, the Commission completes its work. I want to thank all of its members and staff for their service and contribution on these important issues.

Immigration -
Structural reforms

Ron Klain @ OVP
09/22/97 03:26:43 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: Two Things 

I think that the immigration review process should be led by DPC, at NPR's request. There is some precedent for this. Jeff Morales will be our person on this, and you should chat with him. Thanks.

immig-structural returns

SCHEDULING REQUEST

September 15, 1997

ACCEPT

REGRET

PENDING

TO: Stephanie Street, Director of Scheduling and Advance

FROM: Bruce Reed, Assistant to the President for Domestic Policy
Rahm Emanuel, Senior Advisor to the President

REQUEST: Meeting with Shirley Hufstedler, Chair of U.S. Commission on Immigration

PURPOSE: To brief the President on the upcoming U.S. Commission on Immigration Reform Report.

BACKGROUND: The Chair of the U.S. Commission on Immigration Reform Shirley Hufstedler would like to brief the President on the final Commission report to Congress, which will be released on September 30. Since the Commission's creation in 1990, the Commission has released interim reports on the immigration-related issues facing the U.S. This final report to Congress will pull together the interim reports on illegal and legal immigration, refugee policy, proposals to restructure INS and new proposals on "Americanization"/ assimilation of new immigrants into American society.

PREVIOUS PARTICIPATION: In the past, the former Chair Barbara Jordan has briefed the President on two of the interim reports.

DATE & TIME: The best time is September 29 because the Commission has a press conference the following morning.

LOCATION: Oval Office.

PARTICIPANTS: The President, US Commission on Immigration Reform Chairperson Shirley Hufstedler, Commissioner Bruce Morrison, Commissioner Robert Charles Hill and Commission Executive Director Susan Martin.

OUTLINE OF EVENTS: Briefing.

REMARKS REQUIRED: No.

**MEDIA
COVERAGE:**

No. Only White House still photos.

RECOMMENDED

BY:

**Bruce Reed
Rahm Emanuel**

CONTACT:

**Bruce Reed x6-6515
Christa Robinson x6-5165**

Immigrati~~on~~ - structural
returns

THE WHITE HOUSE
WASHINGTON

CC: SHIMA

EK:

HERE'S THE DRAFT
McCAFFREY LETTER
DISCUSSED @ TODAY'S
MTG. W/ THE AG. PAGE
3 OF THE ATTACHED
REPORT (TOP 2 BULLETS)
IS WHAT THE AG WAS
MOST CONCERNED ABOUT -
BUT THE OVERALL TONE
IS A BIT PRESUMPTIOUS
ON THE GENERAL'S PART
(OVER)

ANNA LIKELY TO SET OFF
ALL OR MANY OF THE
INVOLVED DRUG-CONTROL
AGENCIES. FINALLY,
FEINSTEIN AND OTHERS
HAVE BROADER ISSUES
IN THIS WHOLE AREA
THAT WE NEED TO BE
CONCERNED ABOUT (NAFTA,
FAST TRACK, APPT. OF NEW
CUSTOMS COMMISSIONER, ETC).

John



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF NATIONAL DRUG CONTROL POLICY
Washington, D.C. 20503

September 10, 1997

Dear Senator Feinstein:

Enclosed in three volumes is the Administration's report on key questions related to the entry of illegal drugs into the United States. Volume I is a comprehensive response to your letter of May 2, 1997 regarding progress made by Mexico in its efforts against illegal drug traffickers. That volume also contains a report on Enhanced Multilateral Drug Control Cooperation, which is an assessment of the prospects for multilateral hemispheric cooperation against illegal drugs. The second volume focuses on our Southwest border. It contains the trip report from an ONDCP led August 24-29 interagency review of the situation along the border, as well as a detailed discussion by Customs of enhanced truck inspections along the Southwest border. The last volume is classified and includes material relevant to U.S. and Mexican efforts to eliminate drug trafficking in our two nations.

Mexico has made tremendous strides in preparing the legal and institutional infrastructure to combat drug trafficking in a systematic manner. That approach, and the U.S. policy of cooperation with the government of Mexico as an equal partner in the struggle against illegal drugs, have created a better opportunity than we have heretofore seen to permanently reduce the flow of drugs from Mexico to the United States. Mexico has initiated fundamental reform of the governmental institutions essential to the destruction of major drug trafficking organizations. As a result we are seeing an end to impunity and the best opportunity yet for the destruction of major trafficking organizations

Reform has been painful, dangerous, and time consuming. Reform has exposed Mexico to detailed scrutiny in the international community, as the extent of drug corruption was made public with each new arrest. Nonetheless, President Zedillo has relentlessly pursued a policy of investigation, arrest, and prosecution of corrupt public officials regardless of their positions in government. In the past six months the United States and Mexico released a U.S. Mexico Bilateral Drug Threat Assessment, which represents the first time our two nations have jointly defined the drug threat. It will be followed in December by a U.S.- Mexican strategy for mutually reinforcing cooperative action against illegal drugs. Mexico created a Special Prosecutor's Office for Crimes Against Health (replacing the National Counter-Drug Institute (INCD) which had been compromised by General Gutierrez Rebollo). They have started a comprehensive vetting program which will ultimately reach all employees of the Office of the Prosecutor General of the Republic (PGR). They have also passed new legislation which provides an arsenal of investigative and prosecutorial tools for use against drug traffickers. Our two governments are now also beginning to work closely within the framework of our legal systems to achieve delivery of our most wanted criminal fugitives. We are beginning to establish

DRAFT

historically better cooperation and more deliveries of fugitives, including approval of extradition of Mexican citizens on drug charges. The U.S. Government is confident that with the continuing support of Congress over the coming years our two nations can significantly reduce our common drug threat.

The Secretary of State's enclosed report on Enhanced Multilateral Drug Control Cooperation underscores our optimism that a basis for a hemispheric alliance against drugs can be put together. We favor establishment of such an alliance through further development of hemispheric drug control standards and institutions, including better implementation of the follow-on mechanisms to the 1994 Summit of the Americas in Miami. The Narcotics Action Plan developed at that Summit recognized the need for a broad coordinated hemispheric strategy to reduce drug use and production, including new enforcement methods to disrupt trafficking and money laundering networks. At the 1995 Summit of the Americas Ministerial Conference on Money Laundering, in Buenos Aires, hemispheric leaders developed a plan of action that included legal, regulatory, and enforcement actions, and called for ongoing assessments of progress. In 1996 in Uruguay the nations of this hemisphere endorsed an Anti-Drug Strategy in the Hemisphere. In 1997, through the Organization of American States, Inter-American Drug Abuse Control Commission (OAS/CICAD) the same nations developed 40 action items for implementation of the strategy. As these international plans are put into effect, and if new elements of an alliance such as measures of effectiveness and institution of an evaluation process are adopted, we expect to substantially increase cooperation and coordinated action against drugs in the hemisphere.

The Secretary of the Treasury's report by the United States Customs Service on the Feasibility of Enhanced Truck Inspections Along the Southwest Border (Vol. II) outlines steps that are being taken to prevent drug trafficking through trucks and trailers. Over the past six years the number of trucks entering the United States has doubled to more than 3.3 million. A truck enters the U.S., on average, every five seconds every day of the year. In 1996, more than 25 percent of trucks entering the U.S. were inspected for drugs. As a result of improved inspection systems, drug seizures in commercial cargo have increased more than 600 percent since 1990. Our continuing capital improvements, infrastructure enhancements, and more comprehensive examination procedures promise more success in the future. The U.S. Customs Service will continue its integrated deployment of personnel and technology to defeat this drug trafficking threat.

Also enclosed are comments and conclusions about federal drug control programs and cooperation with Mexico along the Southwest border. These are based on an ONDCP led, August 24-29 inter-agency review of the situation along the 2,000 mile border. Our principal conclusion is that our ongoing and extensive federal efforts need a new concept for coordination. The border is too vast, too busy, and the gateway for too much legitimate trade, for us to expect

we can prevent drug smuggling without significant technology and coordination improvements. The Administration has requested approximately \$1.8 billion to support more than 8,300 inspectors and agents along the border in FY 1998. However, in addition to providing adequate resources against the drug threat we must assure that those resources are employed intelligently through advanced technology in support of our Customs inspectors and agents. Our interdiction strategy must be vertically and horizontally integrated at the federal, state, and local levels. This strategy must include cooperation with Mexican law enforcement along the border in a manner that is practical, flexible enough to account for local circumstances, and which provides for the safety of law enforcement officers on both sides of the border. ONDCP will develop, in conjunction with all federal drug control program agencies, an overarching organizing concept for federal drug control programs along the border. In addition, the ONDCP Director, in conjunction with the Attorney General and the Director of Central Intelligence and other Department Secretaries, will review all intelligence collection activities which support our national drug control strategy.

All of us in the Administration appreciate your continued support of our efforts to shield America's air, land, and sea frontiers from the drug threat. We are committed to the development of regional multilateral initiatives to curtail drug production, trafficking, and abuse. We are also confident that the comprehensive, long-range 1997 National Drug Control Strategy which enjoys broad bipartisan support will accomplish its overall goal of significantly reducing both drug use and its consequences over the coming decade.

Very respectfully,

Barry R. McCaffrey
Director

Senator Dianne Feinstein
SH-331 Hart Senate Office Building
Washington, D.C. 20510-1004

9/8/97

INS ^{organizational} Restructuring Briefing

Ann'n - 9/30/97 - structural reform

4th report issued - this builds on prior reports

1. illegal immunity
2. legal admissions
3. refugees

This is last report - e'n summary at end of yr.

e'm has identified 2 probs.

1. Mission overload - see last page of handbook

Too many diff. things, resp'ing diff. & expensive etc.

Even INS internal org. doesn't track these functions - instead lots of melding & combining

2. Diffusion of respons. In cert. func's

e.g. on benefits - where INS, State, Labor all have a role

a lot is done sequentially - e.g. first to ^{Job opening / NY / WA / other} DOL / INS / State takes 30 mos. to go through this process.

Appeals are equally diffuse

Looking for out of structural reform giving clear respons. to a few each of major functions

a. Immig. ent → DOT (no res on internal DOT stuff)

b. Benefits → State

greatest existing capability for this on this respons.

right msg - legal admissions not criminal / ent - has

relat' to diplomacy. They would like this.

c. Undersecy w/ 3 bureaus - refuge/arylum

immigrat - citizenship services - incl. naturalizati -

c. DOL -

Penix - ER sanctions don't work
Need lit. process for verification

Doc. Then does as part of its enforcement -

did ER verify? (Don't go behind this to ask whether person was in fact an illegal)

More effective post-hire enforcement (pre-hire stuff now is a waste of time)

d. Indep. agency to do appeals -

Need indep. body from orig. adjudicators

Especially now that fed. CT juris is reduced.

1000 now - 24,000 in ent.

4,000 in benefits

the one overwhelms the other

and the linkages just don't work for the positive

If we had accepted synergy arguments, we would have argued for consolidation - w/in one EPA-type agency.

But - way time to try to create new depts

marginalizes immigr. issues even more than now

NSC/DPC - bigger role than ever before

Policy capability should exist at each dept.

Policy councils need to do interagency coord.

WH needs to play strong role

Shouldn't just be reading to Congress.

Cost issues -

Ent. would proceed down same line of appropriated funds -

the use should be more efficient

Almost all services (state) are now fee-funded - on immigr. + citizenship (not re. refugees). This should continue.

Vera propra

Timing - report is due Sept 30.

Recs also on "Americanization" -
integrati- of immigrants -
goes in both directions
Major grant program to states -
Also some recs on K-12, ed + other ed.
New public-private partnerships.
Very related to initiative across
Will get recs to us.

Process -

Done to site visits around country

Also visits abroad

30 expert consultations - e.g. w/ ^{admin} ~~current~~ ^{current} ~~current~~

commissioned research - e.g. NAS report (we gave explants to Pres)

Shared w/ lots of people -

in Admin / Cong / outside

Can't tell ~~that~~ ^{Cong} that this can't be imposed on exec.

Cong can only tell Admin ^{to} review + come back w/ plan

One approach - 4 mems of Admin / 3 commissioners

On 30th - morning press conference

29th/30th - briefings to Sen/House jud. coms

Habotettler wants to brief Pres

Done that on lot 2 reports

Concern from some advocates about

1. giving state juris over asylum - prob OK if apuse indep appellate functi-

2. nationalizati- - ^{much} ~~state~~ like state - don't want foreign ~~types~~

Current U.S. Immigration System				
FUNCTION AGENCY	IMMIGRATION ENFORCEMENT	BENEFITS	LABOR STANDARDS	APPEALS
DEPARTMENT OF JUSTICE				
Immigration & Naturalization Service	✓	✓	✓	✓
Executive Office for Immigration Review				✓
DEPARTMENT OF STATE				
Consular Affairs		✓		
Bureau for Population, Refugees & Migration		✓		
DEPARTMENT OF LABOR				
Employment Standards Administration			✓	
Employment Training Administration		✓		
Board of Alien Labor Certification Appeals				✓

**Proposed
U.S. Immigration System**

FUNCTION AGENCY	IMMIGRATION ENFORCEMENT	BENEFITS	LABOR STANDARDS	APPEALS
DEPARTMENT OF JUSTICE Bureau for Immigration Enforcement	✓			
DEPARTMENT OF STATE Undersecretary for Citizenship, Immigration, and Refugee Admissions		✓		
DEPARTMENT OF LABOR Employment Standards Administration			✓	
AGENCY FOR IMMIGRATION REVIEW				✓

*finding
any diff here look
process.*

**Proposed Restructuring of the
Immigration System**

<p>DEPARTMENT OF JUSTICE</p> <p>BUREAU FOR IMMIGRATION ENFORCEMENT</p> <p>Immigration enforcement at the border and in the interior of the United States</p>	<p>DEPARTMENT OF STATE</p> <p>UNDERSECRETARY FOR CITIZENSHIP, IMMIGRATION, AND REFUGEE ADMISSIONS</p> <p>Adjudication of eligibility for immigration, refugee and naturalization applications</p>	<p>DEPARTMENT OF LABOR</p> <p>EMPLOYMENT STANDARDS ADMINISTRATION,</p> <p>Enforcement of immigration- related employment standards</p>	<p>INDEPENDENT AGENCY</p> <p>AGENCY FOR IMMIGRATION REVIEW</p> <p>Administrative review of all authorized immigration- related appeals</p>
---	--	---	---

9/14/97
+ Immigration
~~INS Restructuring~~

DISCUSSION DRAFT
Immigration - structural reforms

May 7, 1997 [UPDATED]

**STRUCTURING, ORGANIZING, AND MANAGING
AN EFFECTIVE IMMIGRATION SYSTEM:
Options For Reform**

INTRODUCTION

In its first two reports to Congress and through subsequent study, the Commission has identified a number of significant areas in which the federal government is not structured, organized, or managed in a way to most effectively develop and implement immigration policy. Many of the identified problems have existed through various Administrations and cut across department or agency lines. Solutions to some of these problems have been proffered in years past by previous commissions, government agencies, and outside observers.

Restoring credibility and setting priorities—themes at the center of the Commission's policy recommendations on illegal and legal immigration, respectively—will not happen unless the government is set up to deliver on these policies. The Commission established a simple yardstick for measuring the effectiveness of the U.S. immigration system: people who should get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave. That simple yardstick should be applied to several departments, each having several agencies responsible for various immigration functions. The question is: What structural, organizational or management improvements could enable the overall immigration system to function effectively and efficiently?

This first section of this paper briefly provides an overview of the organizational roles and responsibilities of the principal departments involved in immigration policy development and implementation: Department of Justice [DOJ]; Department of State [DOS]; and Department of Labor [DOL]. The Customs Service, which does

DISCUSSION DRAFT

not have explicit responsibility for immigration but whose officers are cross-designated to perform immigration functions, is also discussed.

The second section focuses on three specific issues requiring attention in an improved immigration system—policy development, organizational relationships, and program accountability—and presents options for addressing each.

ORGANIZATIONAL ROLES AND RESPONSIBILITIES

Under the current system, immigration responsibilities are located in several Departments, and within each Department, in several agencies or subagencies:

Department of Justice [DOJ]

The Attorney General is responsible for administering and enforcing the Immigration and Nationality Act [INA] of 1952 and all other laws relating to the immigration and naturalization of aliens, including, but not limited to, the Immigration Reform and Control Act of 1986 [IRCA], the Immigration Act of 1990 [IMMACT], the Violent Crime Control and Law Enforcement Act of 1994 [VCCLEA], and the Antiterrorism and Effective Death Penalty Act of 1996 [AEDPA], and most recently the Illegal Immigration and Immigrant Responsibility Act of 1996 [IIRAIRA]. In turn, the Attorney General has delegated various aspects of this authority to a number of offices, divisions, and agencies (independent or otherwise), located throughout the Department of Justice.

The *Immigration and Naturalization Service* [INS], an independent agency within DOJ has frontline responsibility for administering and enforcing the immigration laws relating to provision of benefits, to enforcement of border, interior, and worksites, and to exclusion and removal of aliens from the United States. "Between FY '86 and '97, the INS budget authority grew from approximately \$584 million to almost \$3.1 billion. During the same period, its full-time equivalent

DISCUSSION DRAFT

[FTE] staffing increased from 11,767 to 23,863." [See *Budgeting for Performance: Strategy, Flexibility, and Accountability to Meet a Demanding Mission*, Report by a panel of the National Academy of Public Administration for the INS, p. 1, January 1997. Other sources indicate that the authorized staffing for INS is more than 26,500.]

The *Executive Office for Immigration Review* [EOIR], established by regulation in 1983, oversees the system of immigration courts, the Board of Immigration Appeals [BIA], which is the final administrative voice regarding the interpretation of certain laws (including those relating to the exclusion and deportation of aliens), and the Office of the Chief Administrative Hearing Officer [OCAHO], which is responsible for administering the hearing process issues arising under the employer sanctions, antidiscrimination, and document fraud provisions of the INA. [See *Organizational Chart for EOIR*, May 17, 1995.] EOIR has 503 permanent positions authorized with a budget of approximately \$61.5 million. Under the Violent Crime Reduction Program initiative, EOIR was authorized an additional 514 positions and \$48 million dollars. Combining these authorizing and budgetary sources, EOIR has a total of 1,017 positions and a budget of approximately \$109.5 million.

Under the present DOJ organizational structure, both INS and EOIR report to the Deputy Attorney General, as do a host of other agencies, divisions, and offices including the FBI, DEA, Executive Office for United States Attorneys, Criminal Division, U.S. National Central Bureau Interpol, United States Marshals Service, Bureau of Prisons, Office of the Inspector General, Office of Intelligence Policy and Review, Justice Management Division, United States Parole Commission, Office of the Pardon Attorney, the Office of Professional Responsibility, Office of Policy Development, Office of Legislative Affairs, Office of Public Affairs, and Office of Legal Counsel. [See DOJ Organizational Chart, October 9, 1994.] Hence, many components compete for the time, attention, and decisionmaking of the second in command at DOJ.

In addition to INS and EOIR, other components within DOJ are specifically charged with administering and enforcing aspects of the immigration laws. The *Office of*

DISCUSSION DRAFT

Immigration Litigation [OIL], housed in the Civil Division, defends in the federal courts administrative judgments regarding alien admissions and removals as well as challenges to the government's immigration laws and policies. OIL is assigned 54 permanent positions and has a budget of slightly more than \$7 million. It appears that as part of the DOJ Violent Crime Reduction Programs initiative, OIL also has been given another 71 positions funded by an additional \$7.75 million. Assuming this to be correct, OIL then has a total of 125 positions with a budget of \$14.75 million. In terms of lines of authority, OIL reports to a Deputy Assistant Attorney General, who reports to the Assistant Attorney General for the Civil Division, who reports to the Associate Attorney General, who reports to the Deputy Attorney General, who, in turn, reports to the Attorney General. [See Organizational Charts for the Civil Division, July 3, 1990 (as included in DOJ's budget for FY '97), and DOJ, October 9, 1994].

United States Attorneys prosecute certain immigration violations that provide for criminal sanctions. Most recently, U.S. Attorneys on the southwest border have begun enforcing an immigration provision of the 1994 Crime Bill, which provides enhanced penalties for the crime of being a deported alien who reenters or attempts to reenter the U.S. illegally, after having been convicted of a felony. U.S. Attorneys are also now prosecuting felony cases against aliens who reenter or attempt to reenter illegally, after having been deported pursuant to a final removal order.

Also, the *Criminal Division* has responsibility for litigating immigration-related matters involving forfeitures or civil penalty actions, for advising the Attorney General regarding the exercise of parole authority concerning aliens who are excludable under certain sections of the Act, for civil litigation seeking exclusively equitable relief against laws, investigations, or administrative actions designed to protect the national security, and for civil litigation involving writs of habeas corpus not challenging exclusion, deportation, or detention. [See 28 C.F.R. §§ 0.55 and 0.61 (1997)]. The Criminal Division reports through an Assistant Attorney General to the Deputy Attorney General. [See DOJ Organizational Chart, October 9, 1994].

DISCUSSION DRAFT

The *Office of Special Counsel for Immigration-Related Unfair Employment Practices* [OSC], formerly operating as a separate component in DOJ but now located in the Civil Rights Division, is charged with enforcing the antidiscrimination provisions of the INA as amended by IRCA. OSC is assigned 29 positions (30 FTEs) and has a budget of approximately \$5.4 million. The OSC reports to a Deputy Assistant Attorney General, who reports to the Assistant Attorney General for Civil Rights, who, in turn, reports to the Associate Attorney General, who reports to the Deputy Attorney General. [See Organizational Charts for Civil Rights Division (May 17, 1995), and DOJ (October 9, 1994)].

Immigration-related functions, although lesser in scope and frequency, also are performed by other parts of DOJ. For example, the *Community Relations Service* [CRS], an agency whose mission is to prevent and resolve disputes, disagreements, and difficulties relating to perceived discriminatory practices based on race, color, or national origin, anticipates that due to community tensions over national changes in immigration enforcement generally, activities at worksites, and recent welfare reform initiatives there will be an increased demand for its mediation and conciliation services in FY '97 and '98 that will require considerable resources. CRS participation and resources also are included in the DOJ mass immigration response planning. For example, in FY '95/'96, CRS participated in *Operation Safehaven* at Guantanamo Bay and at Howard Airforce Base in Panama. In the event that *Distant Shore* or the *Southwest Border Enforcement Plan* are implemented, CRS would be called upon to provide mediation and conflict resolution services to the detained population and the local community.

The *Office of Legal Counsel* [OLC], headed by an Assistant Attorney General, assists the Attorney General in her role as legal adviser to the President and the Executive Branch agencies and as arbiter of legal disputes within the Executive Branch. As such, OLC plays a critical role in writing decisions in the cases in which the Immigration and Naturalization Service seeks reversal of a decision by the Board of Immigration Appeals. A recent example of this effort is the Attorney General's decision in *Matter of Soriano*, rendered February 21, 1997 and holding that AEDPA's

DISCUSSION DRAFT

restrictions on a lawful permanent resident's eligibility for relief under section 212(c) apply to cases already pending before EOIR.

Department of State [DOS]

The *Bureau of Consular Affairs* [CA] is a long-established bureau covering the issuance of visas abroad to foreigners wishing to enter the U.S., the issuance of passports to American citizens, and assistance to American citizens living and traveling abroad. All of these responsibilities have both foreign policy and domestic policy considerations and involve legal, humanitarian, and management concerns. From 1952 to 1978, the Bureau was known as the Bureau of Security and Consular Affairs [SCA]. CA, which employs approximately 1,000 employees, has three major directorates, each headed by a Deputy Assistant Secretary: the Visa Office; the Passport Office; and the Office of Overseas Citizens Services. The Bureau has a staff of approximately 315 in its Washington office and some 474 permanent staff plus an additional 200 seasonal and part-time hires at its 15 passport and processing agencies around the U.S.

The *Bureau of Democracy, Human Rights and Labor* [DRL] was formed in 1994 under the policy direction of the Under Secretary for Global Affairs [G] and included the previous Bureau of Human Rights and Humanitarian Affairs [HA]. While there is growing recognition that human rights problems sometimes form the impetus for migration flows, the Bureau's main role in migration affairs continues to be through its Office of Asylum Affairs [DRL/ASY].

The *Bureau of Population, Refugee and Migration Affairs* [PRM] develops policy for U.S. positions on international population issues, works with both refugees entering the U.S. and organizations that provide assistance to refugees abroad, and has the coordinating policy role in DOS on 'migration issues' outside the U.S. The addition of a greatly expanded population portfolio to the former Bureau of Refugee Programs provides for greater emphasis on population matters when migration policy is considered.

DISCUSSION DRAFT

The *Office of the Legal Adviser* [L] serves as the DOS lawyer on migration issues, with one office dealing with legislation and policy issues on consular affairs and a second office dealing with human rights and refugees.

The *Bureau of International Narcotics and Law Enforcement Affairs* [INL], contains an Office of International Criminal Justice which deals in part with migration issues affecting some law enforcement issues (particularly alien smuggling).

Department of Labor [DOL]

Several agencies within the DOL share responsibility for immigration programs and issues. The main efforts of the *Employment and Training Administration* [ETA] focus on processing the various applications/attestations that are filed by employers seeking to hire immigrant and nonimmigrant workers. Within ETA, the immigration function is based in the Division of Foreign Labor Certification [DFLC] that works through State Employment Service Agencies [SESAs]. In FY '96, the DFCL National and Regional office staffs involved in immigration totaled 16 FTEs and 82 FTE, respectively. Total funding for ETA staff involved in alien labor certification was \$8.9 million, with grants to SESAs totalling \$45,713,000. It is estimated that, as a result of FY 1997 budget cuts, the SESAs will receive approximately 50 percent of what they received in FY 1996.

The *Employment Standards Administration* [ESA] is primarily responsible for all enforcement related to immigration, including both directed and complaint-driven investigations. Within ESA, the Wage and Hour Division [Wage/Hour] has primary compliance responsibility in the area of immigration; it is charged with investigating possible violations of the regulations, contract requirements, or attestations under the H-2A, H-1A, H-1B, D-visa and F-visa programs. It also is involved with enforcing the SAW reporting requirements and, with the Office of Federal Contract Compliance Programs [OFCCP], in reviewing employment eligibility verification requirements (I-9s) as part of its regular investigatory duties. Of the 30,000 investigations conducted by Wage/Hour in 1995, less than 5 percent of

DISCUSSION DRAFT

all investigative time, excluding I-9 reviews, was attributable to immigration enforcement.

The *International Labor Affairs Bureau* [ILAB] and *Office of the Assistant Secretary for Policy* [ASP] concentrate on policy and research aspects of immigration. ILAB represents the DOL on the President's Task Force on Immigration and Refugee Policy. Within ILAB, the *Division on Immigration Policy and Research* [DIPR] aids in development of the DOL immigration policy and is responsible for research and reporting responsibilities associated with a number of immigration-related reports mandated by IRCA and the *Miscellaneous Technical Immigration and Naturalization Amendments* [MTINA]. The Director of DIPR is one of the staff-level cochairs of the DOL Immigration Policy Task Force.

ASP provides the Secretary with analytical support on economic policy issues; assists the Secretary, Deputy Secretary, and DOL agencies in the design and evaluation of programs by providing analytical support and research direction; and performs and/or oversees the performance of research in areas of special interest to the President and the Secretary. Its particular involvement with immigration issues stems from the responsibilities ASP assumed in 1987 for implementing IRCA and assigning research functions among DOL agencies. Since that time the ASP Office of Program Economics [OPE] has remained involved in specific immigration-related activities.

The *Board of Alien Labor Certification Appeals* [BALCA] is empowered to review all denials of applications for labor certification for which review is requested. Previously, appeals were adjudicated by individual administrative law judges within DOL. The BALCA mandate is to provide uniformity and consistency of decision. Under the regulations, BALCA is chaired by the DOL Chief Administrative Law Judge and consists of other DOL Administrative Law Judges designated by the Chief Judge.

The *Office of the Solicitor* [SOL] provides legal support for all DOL immigration programs and functions, including: providing advice and opinions in support of

DISCUSSION DRAFT

policy and program decisions; reviewing and, in some cases, drafting regulations and policy issuances that govern program operations; reviewing and clearing various correspondence; and litigating cases that arise under the various immigration programs.

Customs Service

The Customs Service of the Department of the Treasury has principal responsibility for inspection and clearance of goods entering the U.S. During the course of primary inspections, Customs officers are cross designated to inspect persons seeking entry (as INS inspectors are cross designated to inspect goods during primary inspection). Each agency's inspectors send suspected violators to the appropriate agency for secondary inspection and a final determination of admissibility. In addition to its inspection functions, the Customs Service also is responsible for "examining imported cargo and related paperwork to ensure compliance with federal laws governing international trade and to ensure that appropriate duties, taxes, and fees are collected. Customs also enforces certain provisions of the export control laws of the United States. Further, beyond the efforts of Customs inspectors to interdict narcotics and other contraband at ports of entry, Customs also employs special agents to investigate allegations of smuggling and commercial fraud" [GAO 1993].

MANAGEMENT ISSUES

National Policy Development

At this Commission's first public hearing, Doris Meissner [not yet nominated to be INS Commissioner] urged the Commission to address itself to gaps she identified in the immigration policy development capacity of the federal government [Testimony, January 5, 1993]:

DISCUSSION DRAFT

I propose that the Commission think about how a more sustained, active and forward-thinking role [in policy development] could come from the executive branch. Its purpose would be to establish an executive branch focal point that is increasingly needed and unlikely, because of history and outlook, to arise from within the agencies that discharge immigration functions.

Mrs. Meissner suggested that a policy development body should be responsible for: overseeing federal immigration policy development across all of the departments responsible for immigration matters; monitoring the execution and impact of new legislation, policies, and programs; generating research and analysis; serving as a forum for discussion of new ideas; and relaying the resulting recommendations to the Congress and the President.

Four years later, some progress has been made, but policy development still remains a weakness in the overall immigration system. INS has moved towards developing an improved internal agency policy development and monitoring capacity, but much more is needed in the way of a focal point for developing, articulating, and coordinating immigration policy within and across the major departments responsible for its implementation.

A number of options may be considered to improve policy development both within and across departments. [Please note that some of these options could be combined with some of the structural reforms discussed in the next section. Depending on some of the following structural reforms, the need for other options may be eliminated.]

Strengthening the Domestic Policy Council [DPC]. One administrative way to address the need for a national policy focal point would be to establish a new policy development and coordination mechanism at the Domestic Policy Council. Just as the National Security Council [NSC] Office of Democracy, Human Rights and Humanitarian Affairs has done regarding refugee and humanitarian matters, a DPC

DISCUSSION DRAFT

Office for Immigration Policy could articulate national policies and strengthen interagency cooperation.

The White House has foreshadowed such an option. On February 7, 1995, President Clinton issued a directive to the heads of Executive Departments and Agencies on deterring illegal immigration. The directive provided "a blueprint of policies and priorities for this Administration's continuing work to curtail illegal immigration." The directive required, for example, a White House Interagency Working Group to make certain recommendations for administrative initiatives and legislative reform on visa overstay deterrence; the INS and Social Security Administration to establish, implement, monitor, and review certain workplace verification pilot projects; DOJ in consultation with the Interagency Working Group to develop a National Detention, Transportation, and Removal Policy; and the Interagency Working Group to coordinate the development of a comprehensive package of deterrence strategies in selected metropolitan areas by multiple federal, state, and local agencies.

Creating Offices at the Departmental Level to Coordinate Immigration Matters. Each of the major departments diffuses responsibility for immigration matters across a number of different agencies, some with only immigration duties and others with a much broader range of activities. Because of the dispersal of functions, the relevant departments tend not to develop coherent policy positions reflecting the totality of their responsibilities regarding immigration. Often, immigration agencies become step-children, and immigration policy receives attention at the department level only when emergencies intervene.

Consolidating responsibility for all immigration matters into a single office at a sufficiently high level within each department could improve policy development. Consider the DOJ example in which responsibility for immigration decisionmaking, policy, and its implementation are located in many parts of the Department; some offices/agencies report to the Attorney General first through their respective Assistant Attorney General, then to the Associate Attorney General, and then to the Deputy Attorney General through his or her staff; others, including INS and EOIR, report to the Deputy Attorney General, again through his or her staff.

DISCUSSION DRAFT

To some, this organizational structure is very institutionally fragmented. Further, it fosters a situation where conflicts in, and coordination of, policy and oversight within and between the interested agencies/divisions/offices are not fully fleshed out before reaching the Deputy Attorney General for decision, and, in any event, are not resolved fully at an appropriately early level. The result is a lack, or perceived lack, of a coordinated and effective DOJ immigration policy.

To further coordination and effectiveness, some observers suggest that the responsibility for all immigration functions (e.g., policy, planning, coordination, benefits, border enforcement, interior enforcement, worksite enforcement, administrative review, court litigation, etc.) be housed under one roof—either at an Assistant Attorney General level or at an Associate Attorney General level. Under such a plan, this office would have full responsibility for developing policy related to all of these functions and would coordinate and oversee their implementation.

A similar option could be implemented at the DOL, with creation of a new Assistant Secretary for Immigration Affairs. The activities now performed by ETA, ESA, and ILAB could be brought together in one agency whose primary focus would be the development and implementation of DOL-related immigration policy. This agency would be responsible for policies regarding admission of skills-based immigrants and nonimmigrants, enforcement actions to determine if employers meet their responsibilities under the various skills-based categories, investigation of compliance with employer sanctions, etc. It also would undertake the research and analytic activities now performed by ILAB and ASP.

Establishing a Standing Body Responsible for Immigration Policy. In her 1993 testimony to the Commission, Mrs. Meissner recommended a standing commission to oversee immigration policy development. She suggested that a standing body, which could be structured along the lines of the Civil Rights Commission or with regulatory powers, such as the Federal Communications Commission, would be responsible for policy development but not for policy implementation.

Structural Problems Related to Operations

The immigration system is one of the most complicated in the federal government bureaucracy. In some cases, one agency has multiple, and sometimes conflicting, operational responsibilities, and in other cases, multiple agencies have responsibility for elements of the same functions. Both situations create problems:

Mission Overload. Some of the agencies that implement the immigration laws, INS in particular, have so many priorities that they have proved unable to manage all of them effectively. Between Congressional mandates and administrative determinations, these agencies have too many responsibilities that are given equal weight. Such a system is set up for failure and, with such failure, further loss of public confidence in the immigration system.

The Commission noted in its 1994 Report that the credibility of immigration policy can be measured by a simple yardstick: people who should get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave. Our legal immigration should strive to serve the national interest in helping families to reunify and employers to obtain skills not available in the U.S. labor force; our refugee system should reflect both our humanitarian beliefs and international refugee law; and our enforcement system should seek to deter unlawful immigration through employer sanctions and tighter border control and have an effective mechanism for removal of those who do enter illegally.

No one agency is likely to have the capacity to accomplish all of these goals equally well. Immigration law enforcement requires staffing, training, resources, and a work culture that differs from what is required for effective adjudication of benefits or labor standards-related regulation of U.S. businesses.

Diffusion of Responsibilities Among Agencies. Responsibility for many immigration functions are spread across numerous agencies within single departments or between departments. For example, responsibility for making decisions on skill-based immigrant and nonimmigrant applications is dispersed among DOL, INS, and

DISCUSSION DRAFT

DOS. In addition, the United States Information Agency [USIA] has responsibility for the J visa under which some exchange visitors work in this country. DOL is expected to make a determination as to whether Americans are available for certain work and is also responsible for *post facto* enforcement activities to ensure that employers comply with the requirements of the specific visa category. INS determines whether the individual alien has the qualifications required by the job once DOL certifies that the employer has attempted to recruit and been unable to find a minimally qualified U.S. worker. Further, INS makes the determinations without any DOL involvement on an entire range of skill-based immigrant categories, including individuals with extraordinary ability, outstanding professors and researchers, multinational executives and managers, and professionals with advanced degrees who don't require labor certifications. INS also handles adjustments of status to permanent residents for workers who are already in the U.S. DOS issues visas overseas to would-be immigrants who meet the requirements under the DOL and/or INS review.

Border management exemplifies a different type of diffusion of responsibility. INS and Customs inspectors are both stationed at ports of entry for inspection of persons and goods entering the U.S. INS is responsible for ensuring that individuals have the legal right to enter the U.S., and Customs is concerned with the goods they are bringing. Because both agencies must perform an inspection, many previous studies had recommended that inspectors to be "cross designated" to make inspection easier. This "one stop" inspection was finally adopted in the late 1970s. Now either Customs or INS personnel perform both inspections, facilitating entry of persons and eliminating duplication of effort.

While cross-designation helps avoid a duplication of effort during primary inspection, it presents certain challenges. Customs staff must be trained to identify *mala fide* bordercrossers, and INS staff must be trained to identify individuals attempting to smuggle goods. In interviews conducted by Commission staff, line personnel of both agencies questioned the competence of colleagues from the other agency to perform their functions. They pointed to the limited training that the other agency is able to provide on what are, in essence, secondary responsibilities for which the

DISCUSSION DRAFT

staff member will neither be recognized nor promoted. Both agencies also complained that the dual management structure does not allow one agency to be in charge of and accountable for overall port operations. When the agencies do not coordinate the deployment of their staff, too few or too many staff may be assigned to work the inspection lanes.

A third area in which responsibility is diffused is worksite enforcement. Both INS and DOL investigate employers to determine if they have violated the rules triggering sanctions against employers who knowingly hire unauthorized workers. The Office of Special Counsel has related responsibilities in determining if employers are engaging in immigration-related unfair employment practices. Despite continuing efforts on the part of these agencies to improve cooperation and coordination, it is clear that the agencies have different, if not conflicting, missions. INS officers, while recognizing that effective employer sanctions may deter entry, generally see their principal responsibility as the apprehension and removal of illegal aliens. DOL officers see their principal responsibility as protection of workers from exploitive practices, such as wage and hour violations. Although recognizing that illegal immigration gives employers opportunities to violate labor standards because of the unwillingness of illegal aliens to complain, DOL inspectors fear that too close an identification with INS will hamper their ability to get information needed to prosecute employers. The OSC principal responsibility is to protect authorized workers from discrimination by employers. When OSC and INS disagree, however, on what constitutes vigilance in verifying work authorization (to avoid hiring unauthorized workers) and what constitutes discrimination, employers become confused and feel themselves caught between a rock and a hard place in complying with both parts of the law.

A fourth area in which responsibilities are diffused—and good arguments can be made for keeping or even increasing the organizational separation of responsibilities—involves the mechanisms for review and appeal of decisions. For example, INS apprehends illegal aliens but EOIR determines if they are deportable. Similarly, ETA makes the initial determination on labor certifications, but BALCA hears appeals of these decisions. The separation of responsibility ensures a fairer review.

DISCUSSION DRAFT

However, issues of coordination regarding policy, operations, and resources remain. For example, if INS investigations lead to an increase in apprehensions and referrals to the immigration court, will EOIR have sufficient judges for the increased caseload? In turn, if EOIR applies a tougher standard [for example, because of a Board of Immigration Appeals decision] and therefore issues more orders of deportation, will INS have the resources to remove the individuals?

Options for addressing the complex, sometimes confusing distribution of responsibilities for immigration operations include:

Improving coordination between and among existing agencies. The option that would require the least structural reform would improve coordination of the agencies currently involved in immigration functions. Better coordination could be achieved in a number of ways. For example, regular meetings of an Interagency Taskforce composed of the three principal agencies responsible for immigration benefits/services could identify ways to streamline and make more efficient the legal immigration and nonimmigrant systems. Similarly, working groups of Customs and INS at the headquarters and field levels could help address some of the problems encountered in the dual management of the border.

Reorganizing responsibilities along functional lines. A preferable option is to isolate the various functions encompassed in an immigration system and assign responsibility for each to a single agency. For example, the immigration system could be conceived to have four principal operations: (1) border and interior enforcement; (2) adjudication of benefits and visas [immigrant, nonimmigrant, and naturalization]; (3) immigration-related labor standards enforcement; and (4) appeals of administrative decisions. Defining separate responsibility to cover these functions would mean consolidating certain responsibilities now found in several agencies and breaking up some agencies into their component parts.

Immigration enforcement. A functional approach would consolidate border management (Border Patrol and Inspections), investigations, detention, and deportation into one agency. The principal responsibilities would be apprehending

DISCUSSION DRAFT

and removing illegal aliens, identifying and removing criminal aliens, breaking up smuggling rings and counterfeiting operations, etc. These functions already receive priority at INS, but identifying them as the sole mission of a single agency would avoid some of the conflicting priorities referenced above.

A consolidated enforcement agency could follow a more traditional law enforcement model structure, focusing on police activities, pre- and post-trial probation services, and prosecution. The police function would be carried out by *uniformed services*, such as Inspectors and Border Patrol Agents, and *detectives*, who would conduct investigations and collect intelligence at the border and in the interior to deter smuggling, facilitate removals and accomplish other similar goals. An effective *pre- and post-trial/hearing screening* and/or *supervised release* process would ensure that detention is available for those who are most likely to abscond or present a danger to the community. Another function of the law enforcement model would be *prosecution* by an Immigration Enforcement Agency or U.S. Attorney's office.

Immigration benefits/services/visas. Consolidation of activities now performed by DOL, INS, and/or DOS would mean a more efficient, smoother operating service system. The possibilities range from bringing together functions performed by two or more of these agencies to the establishment of an independent agency. Potential advantages of consolidation might include: an opportunity to create a more efficient and effective labor market test mechanism for skill-based immigrants; a one-stop determination system; and a higher degree of importance attached to the function by the responsible agency if benefits/services were the principal responsibility. For example, if all responsibilities were consolidated in the Department of State, there would be a seamless process beginning with nonimmigrant and immigrant processing through naturalization to passport issuance and overseas citizenship services. DOS already has responsibility for many of these functions and has the domestic infrastructure (through its passport agencies) and international presence to accomplish all aspects. Similarly, DOJ already performs some functions and could add others.

DISCUSSION DRAFT

Immigration-Related Employment Standards Enforcement. Consolidation of responsibility for immigration-related activities at the worksite would mean a single agency would have responsibility for all enforcement efforts involving employers hiring foreign workers. More specifically, this option would consolidate responsibility for enforcing sanctions against employers who fail to verify work authorization as well as enforcement of skills-based immigrant and nonimmigrant admission requirements. While the Department of Labor has principal responsibility for the latter actions, responsibility for employer sanctions enforcement is shared between DOL and INS, creating duplication of efforts and inefficiencies.

Appellate process. This could be handled in a number of different ways. EOIR could continue to serve as the agency to hear appeals of enforcement related actions. Appeals of the immigrant services/benefits decisions could be undertaken by a separate agency that combined what is covered by BALCA and the Administrative Appeals Unit at INS. A more effective structural change would establish an independent review agency that would hear appeals of all immigration-related administrative decisions.

Establishing a Cabinet Level Department or Independent Agency. A new Department or independent agency similar to the Environmental Protection Agency [EPA] would potentially provide the basis for leadership on immigration issues. Immigration issues affect many millions of Americans. A Cabinet secretary or independent agency head focused exclusively on migration matters would command attention both on policy and implementation matters. The difficulties of coordinating lower level agencies at various departments would be significantly addressed by this option. The resources now applied to such issues are comparable to those applied to matters handled in certain Cabinet level departments (e.g., Interior and State).

As Milton Morris points out in *Immigration—The Beleaguered Bureaucracy* (1985), combining several agencies into a single new independent agency with complete responsibility for administering a policy area has been used successfully in other areas of government to improve the quality of policy implementation. The EPA was established in December 1970 by consolidating the tasks of eleven agencies that

DISCUSSION DRAFT

had environmental responsibilities. He observes that with the creation of the EPA came a greatly increased federal commitment to environmental protection.

Dr. Morris notes that the reorganization did not solve all the problems encountered in implementing environmental policy and that some might argue that it merely created new problems. Also, objections would likely be raised that creation of a new agency or department cannot be justified, particularly in a climate that promotes eliminating federal government offices or merging them into already existent departments. Dr. Morris believes that the most compelling reason to oppose a new department is that the distribution of responsibilities accurately reflects the character of immigration and the diverse interests it affects. In particular, he observes that important foreign policy interests justify the extensive involvement of DOS. As a practical matter, he notes the convenience of having consular officials handle visa issuances.

Priorities, Resources and Accountability

The many years of neglect of immigration issues within the federal government, combined with recent major increases in resources and responsibilities, creates challenges in improving accountability throughout the various agencies implementing immigration policy.

INS is the agency that has received the most attention and criticism (as well as the largest infusion of new resources), but many of the problems identified there pertain as well to other federal agencies with immigration responsibilities.

Government budgeting cycles are lengthy and complex, complicated by the doubly bifurcated processes of first authorization and then appropriations occurring separately in both the House of Representatives and the Senate, and then together in conference. Further complicating the situation, INS and DOS Consular Services report to one appropriations subcommittee while DOL and Customs report to others. Repeatedly, this situation has led to problems of imprecise articulation of

DISCUSSION DRAFT

priority actions within the budget authorizations process, followed by often inadequate appropriation of funding sufficient to accomplish those authorized actions successfully. There presently is no accountability between Congressional committees to ensure a congruence between any agreed-upon priority expectations and the resources actually allocated to do the job. Nor has it been easy for Executive Branch Departments to identify exactly how much money they need to accomplish the entirety of a specified goal—and then to scale back or increase that goal depending on the resources appropriated.

This overall problem is compounded by inadequate identification of the various elements of a priority action—and of the interrelationships necessary to accomplish a specified goal. For example, a priority to vastly increase the number of deportable aliens removed from the U.S. each year is composed of many interrelated and interdependent elements, involving, at a minimum, funding for EOIR Immigration Judges, INS trial attorneys, investigators, deportation officers, detention/deportation drivers, air and ground transportation (vehicles, equipment, and upkeep), government and/or contract detention space, travel documentation and authorizations [often necessitating intercession of DOS], deportation guards, etc. Although these elements are contained in many different line items in several different agency budgets, they are all essential to the accomplishment of this one seemingly simple removal priority. However, if any one of these elements is inadequately funded [e.g., detention space, investigators, or detention staff, etc.], then the ability of the government to produce the results expected often is drastically reduced. Yet, there currently is no way to present and then have approved the resources needed to accomplish such goals and objectives.

This situation is exacerbated by the need for agencies to deal simultaneously with various budget aspects involving four different fiscal years. For example, for the second quarter of FY 1997 (i.e., January-March 1997), federal agencies simultaneously are performing the following budget-related tasks:

For FY 1996 Completing work on 1996 year-end statistics and reports;

DISCUSSION DRAFT

For FY 1997 Continuing work on implementing FY 1997 goals and priorities;

For FY 1998 Putting final touches on the President's February "FY 1998 Budget Submission to the Congress" and then explaining/defending it at hearings before the appropriate Congressional committees;

For FY 1999 Developing within Executive Branch agencies the FY 1999 budget initiatives, priorities and strategies to be submitted to OMB under the "Spring Plan" planning process.

As noted above, though many of these problems pertain to all of the federal agencies responsible for immigration, INS has received the most attention because of its central role and responsibilities. The National Academy for Public Administration [NAPA] in its recent report on the INS financial management and budget systems, states that INS has three major processes in place to set directions and track progress for its programs: strategic planning; the Commissioners's priorities; and the budget. NAPA also reports that the Government Performance and Results Act [GPRA] recently added a fourth element: performance measurement.

NAPA concludes that the DOJ strategic plan lacks concrete performance goals and was completed after, rather than before, the INS strategic plan. The INS strategic plan is compared favorably with those of many other agencies, but, according to the NAPA study, also lacks specific performance criteria.

In discussing the INS priorities management process [PMP], NAPA concludes that among other purposes, the PMP serves as a management oversight mechanism. It reports, however, that the PMP is "not anchored in INS's operating systems," meaning that the process could end with a change of Commissioner. NAPA also points out that, although regional directors have some input through the executive associate commissioners, they are not substantive players in the PMP process.

DISCUSSION DRAFT

The NAPA report further states that, although INS has adopted most of the essential elements of an effective strategic management system, the parts of this system do not mesh well. The most prominent disconnects relate to timing. The budget cycle continues to drive the planning process. Priorities and their goals are often not finalized until well into the budget year. NAPA acknowledges that the budget occupies a legitimate central role in program management but concludes that budget should not have the lead role. The lead role should be reserved for the planning function.

The report also points out that INS does not have a multiyear, program planning component for each of its program areas that incorporates strategic long-term plans with the priorities process' annual implementation plan. NAPA recommends including multiyear, as well as annual, program planning related to the strategic plan and to the Commissioner's priorities in the annual planning cycle. The report points out that, without multiyear planning at the program level, it is difficult truly to operationalize priorities. The report states: "An annual plan can have no substantial utility unless it is considered in relation to a multi-year plan. A multi-year plan can have no substantial utility unless it is reviewed annually."

Effective systems of accountability require mechanisms to ensure that promotions and other forms of recognition are tied to performance. Too often, throughout the federal agencies responsible for immigration, too little recognition is given to effectiveness of operations and even less to innovation. Nor do agencies identify the outcomes by which personnel will be measured, instead relying on measures of output. For example, a Border Patrol officer or INS investigator generally will be judged by the number of apprehensions. More difficult to measure is whether an apprehension results in either a deterrence outcome [reducing new illegal entries] or a removal outcome. A further problem is that performance of certain activities appears to be given less credit than other activities. For example, INS examiners are generally on a different career track than INS enforcement personnel. Even when promoted to management positions with responsibility for overseeing both enforcement and service operations, staff members who rise through the service track are paid less total compensation at the same grade than persons who rise

DISCUSSION DRAFT

through the enforcement track (with its law enforcement pay incentives and earlier retirement benefits).

The federal agencies responsible for immigration policies have considerable discretion to find and implement solutions to the problems discussed above. Some have called in outside experts to help identify such solutions. In addition, Congress has enacted legislation regarding government performance that encourages greater efficiency, effectiveness, and accountability. Two specific approaches hold potential for improving the priority setting, allocation of resources and accountability

Implementing the Government Performance and Results Act. The Government Performance and Results Act [GPRA] was enacted in July 1993, "To provide for the establishment of strategic planning and performance measurement in the Federal Government." In particular, Congress found that "waste and inefficiency in Federal programs undermine[d] [public] confidence . . . in the Government. . . ." and that "Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness because of insufficient articulation of program goals and inadequate information on program performance," and "Congressional policy-making, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results."

GPRA was passed in order to "systematically hold Federal agencies accountable for achieving program goals," to "improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality and customer satisfaction," and to "improve Congressional decisionmaking" and "internal management of the Federal Government."

To accomplish the GPRA purposes, the Act requires each federal agency [currently defined by OMB as Departments and not such subordinate entities as the INS, FBI, etc.] to develop strategic plans for Fiscal Years 1999 onward. [GPRA requires planning for a minimum of five years, OMB says it should be for six years.] The strategic plan is to include "a comprehensive mission statement covering the major functions and operations of the agency general goals and objectives, including

DISCUSSION DRAFT

outcome-related goals and objectives" and a "description [strategy] of how the goals and objectives are to be achieved." In developing the strategic plan, the GPRA required agencies to consult with the Congress. Strategic plans are to be "updated and revised at least every three years." Annual performance plans will request the resources and authorities needed to successfully accomplish the goals and objectives of the strategic plan for that fiscal year. Agencies are to develop performance indicators and the information technology and management capabilities needed to measure program efficiency and effectiveness. Agencies are then required to submit to the Congress, annual performance reports six months after the end of each fiscal year.

A September 1995 memorandum to all heads of executive Departments and establishments from the Director of the Office of Management and Budget provided instructions on preparation and submission of agency strategic plans. For DOJ, the Assistant Attorney General for Administration started coordinating work on the DOJ strategic plan in August 1995. The GPRA requires agencies to complete their strategic plans "[n]o later than September 30, 1997."

To assist Department managers, the Justice Management Division issued a "DOJ Manager's Handbook on Developing Useful Performance Indicators" in April 1995. In June 1996, GAO issued an "Executive Guide: Effectively Implementing the Government Performance and Results Act." The Acting Comptroller General of the United States provided testimony to the Congress on "Managing for Results: Using GPRA to Assist Congressional and Executive Branch Decisionmaking" in February 1997.

On February 25, 1997, a joint Senate-House letter was sent to the Director of the Office of Management and Budget summarizing in considerable detail the kind and content of Executive Branch consultations that the Congress envisages under GPRA. The Congressional letter expressed the hope that rather than merely consult with Congress, agencies would "come to a reasonable degree of agreement with the committees as to what performance measures will be used to gauge program success."

DISCUSSION DRAFT

Once these strategic plans have been reviewed and approved, full implementation of GPRA also seems to imply closer Executive Branch consultation with the Congress on long-term [three-year] *and annual* goals and objectives and, therefore, also may result in a closer congruence between the goals finally adopted and the resources actually appropriated to accomplish those goals.

Implementing the NAPA Recommendations. As a result of its study "Budgeting for Performance: Strategy, Flexibility, and Accountability to Meet a Demanding Mission," NAPA made a series of forty recommendations in the areas of strategic planning, priorities, performance measures, budget formulation, and budget execution.

With respect to planning, performance, the budget, and financial management, NAPA recommendations included: development of a strategic plan and priorities with detailed assumptions leading to action plans by major program areas that include five-year dollar projections; development of performance measures tied to accomplishing the priorities and to the five-year program plans; development of a program evaluation capability to ensure effective measurement of whether there is movement toward the goals; and development of a strategy for acquiring financial accounting and reporting systems that adequately supports all financial management activities, including the budget process.

In the area of budget account structure, recommendations include adoption of a simpler decision unit structure by consolidating decision units on a programmatic basis. For budget formulation, NAPA recommended that both the base and enhancements in a budget formulation process focus on accomplishing goals within the context of a strategic plan and five-year program plans. With respect to budget execution, NAPA recommended soliciting field input to the base budget execution plan. Field input on both plans should be within guidelines on resource limitations provided by headquarters to prevent wish lists.

On organizational issues affecting budgeting, NAPA recommended delegation of authority for determining all sector and district allocations to regional directors and

DISCUSSION DRAFT

transfer to the Budget Office of all responsibility for allocating and managing funds designated for field use. NAPA further recommended clarification of the roles, responsibilities, and authorities of headquarters programs and field operations offices and assessment of whether resources are adequately distributed to each office to enable them to fulfill their responsibilities.

INS has begun to implement some of these recommendations. Many of these proposals also would improve operations in the other major agencies with immigration-related responsibilities.

CONCLUSION

The federal government has sole jurisdiction over immigration matters. Responsibilities are spread over numerous federal agencies. This paper sets out concerns regarding inadequate systems for setting national policy and priorities, allocating resources, implementing effective and accountable operations, and measuring and rewarding performance. Many of the identified problems have existed through various Administrations and cut across Department or agency lines. The options presented here are offered to stimulate discussion and debate on proposals to improve the development of federal immigration policy and its implementation.

**OFFICE OF NATIONAL DRUG
CONTROL STRATEGY**

**Report to Congress
September 1997**

SOUTHWEST BORDER TRIP REPORT

DRAFT

(R.Housman/B.Hittle 09/08/97)

Draft**24-29 August 1997 Southwest Border Trip Report**

From August 24-29, 1997, the Office of National Drug Control Policy led a delegation of federal officials on a fact-finding trip along the U.S. Southwest border with Mexico. During this trip the delegates met with state and local officials in each of the border states, as well as with officials from the Mexican government at Ciudad Juarez, Nuevo Laredo, Nogales, and Tijuana. Objectives of the trip were:

- Review the organization of U.S. law enforcement along the border with an eye to producing an overarching organizational concept for drug control programs.
- Consider how best to deploy resources more effectively to stop the flow of drugs across the border.
- Meet with U.S. and Mexican law enforcement officers and civic officials on the front lines against drugs
- Gather information about intelligence collection activities in support of our national drug control policy.

The U.S.-Mexico border is vital to both the security and economic well-being of the United States. U.S.-Mexico trade has more than doubled from 1990 through 1996. U.S. exports to Mexico grew by 36.5 percent (\$15.2 billion) from 1993 to a record high in 1996. For the second quarter of 1997, Mexico surpassed Japan as our second largest export market. In 1995, five Southwest border POEs were among the twelve busiest U.S. POE's, and the statistics suggest that this trend continues today. U.S.-Mexico trade supports roughly 600,000 jobs in the United States. NAFTA generated increases in exports to Mexico have created between 92,000 and 160,000 new U.S. jobs. The U.S.-Mexico border is one of the world's the most open borders and both of our nations strongly benefit from that openness.

At the same time, the Southwest border is the primary foreign access point to the United States for cocaine, marijuana, and methamphetamine. It is also the entry point for significant amounts of heroin. Traffic in illegal drugs makes up an insignificant fraction of the total volume of goods that cross between the U.S. and Mexico. Traffickers take advantage of the openness of our border and the volume of trade with deadly results. Drug-driven violence along the border as reflected in shocking and brazen murders is a new and growing phenomenon that may be related to a power struggle following the death of Amado Carrillo Fuentes. For years, drug monies have contributed to corruption on both sides of the border that has hampered legitimate growth and fostered illegal enterprises.

Despite the relatively recent high-profile drug murders in Mexico, the additional federal

Draft

Draft
24-29 August 1997 Southwest Border Trip Report

- 2 -

resources that this administration has devoted to the border are making a difference. From 1993 to 1997, Customs drug control budget for the Southwest border increased by 72 percent; translating into 15 percent more inspectors on the border. The number of Drug Enforcement Administration (DEA) agents on the border has increased 37 percent from FY 1990 to FY 1997. During this same period, the number of Border Patrol agents has increased 97 percent. From new agents to new fences, these increased assets are showing results. For example, violent crime in all of the U.S. border states, with the sole exception of Arizona is down. During 1996, the DEA in this region seized 7,711 kilograms of cocaine, 51 kilograms of heroin, 250,433 kilograms of marijuana, and 264 kilograms of methamphetamine. In FY 1996, the Border Patrol seized 75,000 pounds of marijuana at the U.S.-Mexico border; up from 50,000 pounds in FY 1994.

It is imperative that we continue to increase the effectiveness of counter-drug law enforcement efforts along this border. Based upon our observations during the Southwest border trip, we believe that the following initiatives, which are explained in greater detail in the following section, are necessary to meet this goal:

1. Improve accountability;
2. Maintain and improve bilateral cooperation with Mexico;
3. Develop a coordinated intelligence framework for the entire border region;
4. New technologies are the answer to policing the border;
5. Strengthen the HDTAs;
6. Build infrastructure to support the rule of law;
7. The private sector must support these efforts;
8. Put in place a systems approach to counter-drug efforts; and,
9. Continue non-law enforcement military support efforts.

Discussion:

1. **Improve accountability.**
At least ten federal agencies and scores of state and local governments play a direct role in anti-drug efforts along the Southwest border. No one person or agency is accountable for operations along the border as a whole, or even at a specific POE. At the flagship POEs, on-site commanders from the various agencies are taking the initiative and forming quality improvement committees to strengthen coordination and command. These initiatives are a step in the right direction. However, they lack overall coordination and do not provide clear lines of authority and responsibility at Ports of Entry or between the ports. In order to maximize the efficient use of federal resources in combating drug

Draft

Draft
24-29 August 1997 Southwest Border Trip Report

- 3 -

trafficking, and assist the state and local entities in their similar efforts, the lines of responsibility and oversight must be strengthened. Beginning with:

- One federal official must be given direct responsibility for overseeing all federal counter-drug efforts along the Southwest border; and,
- One federal official must be given direct responsibility for the operations at each POE.

2. Maintain and improve bilateral cooperation with Mexico.

Acting alone, the United States cannot halt drug trafficking along the Southwest border. Cooperation between the United States government and the government of Mexico is vital to the success of anti-drug efforts in the region. Coordination and cooperation at the national capital level has already progressed significantly. Counter-drug policy is being formulated and implemented independently to meet the needs of each nation, but the U.S. and Mexico are also consulting closely to assure that to the extent possible our efforts are complementary and are likely to achieve shared objectives against a common enemy. Efforts at the local, state and national district levels -- such as local police and FBI training of Mexican police officials -- are contributing with little fanfare to common-sense cooperation, case by case problem-solving, and growing trust between U.S. and Mexican law enforcement and government officials. Existing local Border Liaison Mechanisms are extremely effective in this regard. We should build upon this foundation:

- The organizations which make up Border Liaison Mechanisms ought to be strengthened so that people living in the border communities have the wherewithal to operate effectively against the drug threat and can rapidly adjust their actions in response to changing circumstances. Cooperation with Mexican counterpart organizations which is already widespread should be encouraged.
- The Southwest border High Intensity Drug Trafficking Area (HIDTA) programs should begin to include Mexican liaison authorities in their operations, while taking due precautions to protect operational security.

3. Develop a coordinated intelligence framework for the entire border region.

Current Southwest border intelligence capabilities are inadequate. The present intelligence architecture fails to provide federal, state and local law enforcement officials

Draft

Draft
24-29 August 1997 Southwest Border Trip Report

- 4 -

conducting counter-drug efforts the information they need in a timely manner. This problem is particularly acute with respect to state and local counter-drug efforts, which are now receiving little if any effective federal intelligence support. A new intelligence architecture for this region must be developed with all deliberate speed. This architecture must:

- Encompass federal, state and local intelligence gathering operations;
- Create a seamless intelligence operation running the entire 2000 miles of land border, as well as the airspace and the waters adjacent to these lands;
- Provide law enforcement officials at all levels with operational and strategic intelligence to supplement the current tactical intelligence;
- Provide information that actively supports the planning and implementation of specific law enforcement efforts -- "client-oriented;"
- Provide information in a timely manner to its law enforcement clientele;
- Develop "one stop shopping" intelligence points of contact for law enforcement clients to use; and,
- Include appropriate levels and degrees of information sharing with counterpart Mexican authorities.

4. **New technologies are the answer for countering drug smuggling along the border.** The enormous and growing volume and importance of legitimate commercial trade in goods and services between the United States and Mexico is good news for America. No number of new agents alone can adequately prevent the influx of drugs into the United States. Technological advances hold the key to allowing the relatively unfettered flow of legitimate trade, while capturing from this flow illicit traffic in drugs, drug money, and precursor chemicals. The technology currently being deployed is, for the most part, inadequate and/or already outdated. Hundreds of Border Patrol agents conduct dangerous night operations without basic equipment such as night vision optics. On a border with 39 crossings at 24 POEs, through which 340,000 railcars, 2.8 million trucks, 84 million cars, and 232 million people cross each year, there are only two fixed unit x-ray machines currently in operation. Another three are being installed, and one mobile unit is in use, with another being built. Both are prototypes. We need to ensure that authorities manning this border have access to the most up-to-date counter-drug technologies possible. Areas that are ripe for technological improvement include:

Draft

Draft
24-29 August 1997 Southwest Border Trip Report

- 5 -

- Every truck and train that crosses the border into the United States must be subject to inspection by reliable non-intrusive technologies to identify and capture illegal drugs. Multiple competing types of technologies should be considered to increase reliability and chance of drug detection.
- Technical capabilities to detect the physical and electronic transfer of drug monies out of the United States must be developed.
- Sensors and remote night vision optical equipment is necessary to monitor areas between the POEs.
- In general, law enforcement officials along the border must be equipped with digital communications, observation, and other technologies as necessary to their tasks.

5. Strengthen the HIDTAs.

The five High Intensity Drug Trafficking Areas must coordinate all federal, state, and local counter-drug activities in their counties. Although the degrees of success vary, the five Southwest border HIDTAs are each substantially improving the ability of law enforcement officials to combat drug trafficking. The success of the HIDTA programs along the border can be improved by:

- Increasing the coordination among the border HIDTAs (for example, facilitating the flow of intelligence information on a real time basis, creating exchanges about programs that work, and coordinating programs on a regional basis);
- Building into the HIDTA programs coordinating efforts with counterpart Mexican authorities; and,
- Building into the HIDTA programs coordination with other agencies and constituencies that play a major role in dealing with the drug threat, most notably the POEs, the treatment community and prison authorities.

6. Build infrastructure to support the rule of law.

At present, we lack the required infrastructure necessary to prevent the flow of illegal goods and persons, in particular drugs and drug traffickers, into the United States. In those few areas along the border where such infrastructure has been constructed within the last five years, the results have been remarkable. Three years ago, there were 60 murders along the Imperial Beach, San Diego section of the border. That same year,

Draft

Draft
24-29 August 1997 Southwest Border Trip Report

- 6 -

some 10,000 pounds of marijuana was seized on this same stretch. In response to these threats, fences and lights were installed and the law breakers moved away. Last year, only six pounds of marijuana were seized and there were no murders in this area. Infrastructure improvements ought to include:

- Rapid means of access for law enforcement officials to patrol the border;
- Fences and lights are needed in high trafficking areas; and,

7. The private sector should be asked to support these efforts.

Some members of the private sector, in particular those who hold substantial stakes in the success of U.S.-Mexico relations, are already voluntarily acting to combat the drug threat. We should encourage private sector action, in particular insofar as it can:

- Speed development and deployment of new technologies to both speed up the movement of goods and services across the border and capture illegal traffic in drugs, drug monies and personnel. (For example, at the Otay Mesa POE, importers and the railroad industry are financing improvements to the POE to help with drug detection.)
- Assist law enforcement authorities detect illegal activities, as for example with voluntary carrier inspections, warehouse monitoring actions and similar activities.

8. Put in place a systems management approach to counter-drug efforts.

Over-emphasis on any one aspect of the federal drug effort -- or inadequate attention to any aspect -- undermines the overall success of our efforts. Increases in the number of law enforcement agents without concomitant increases in the number of prosecutors to handle the added cases ultimately unbalances the system. The United States should develop and implement a systems management approach to counter-drug efforts that:

- Ensures the right size and structure of counter-drug efforts;
- Modifies the makeup of these efforts based upon real-time information concerning the dynamic nature of the drug threat (if, for example, hardening the POEs pushes the threat to sea, we must take notice of this, and be ready and able to redeploy our efforts accordingly);
- Meets the emergency needs in the immediate term; and,

Draft

Draft
24-29 August 1997 Southwest Border Trip Report

- 7 -

- Develops a five-year plan, with intermediate objectives, to address the longer-term counter-drug needs.

The development of such a systems management technique would be greatly assisted through "program package budgeting" -- budgeting individual programs, such as increases in Border Patrol agents, along with the necessary increases in, for example: POE Inspection Customs staff, detention capacity, prosecution staff, and DEA investigators to ensure balanced and efficient anti-drug program results.

9. Continue non-law enforcement military support efforts

From AWAC planes providing airborne radar surveillance to National Guard engineer units supporting Border Patrol efforts, the U.S. military provides invaluable support to our Southwest border anti-drug efforts. Military units should not conduct civilian law enforcement activities; however, the support active and reserve units provide to law enforcement authorities along the border is vital to halting the flow of drugs across this border and should be continued.

Conclusions:

- The men and women of the Federal Agencies and the U.S. Armed Forces who carry out our Southwest border anti-drug efforts are working hard to stop the flow of illegal drugs, and drug-related crime and corruption, into the United States.
- We have made some dramatic progress, and have substantially increased the costs of doing business for drug traffickers. The risks these criminals face of capture, prosecution, and punishment is significant.
- However, drug trafficking and violence along the Southwest border remains a persistent and growing threat to the citizens of this nation. The obstacles our dedicated law enforcement officials face in stemming this threat are significant, but not insurmountable.
- The future success of their efforts is largely dependent upon providing the technology, doctrine, and human resources necessary for our success.

The nine areas for action we have laid out above would serve as the basis for a plan to reduce the drug flow across our border. ONDCP is committed to translating these objectives into actions in the near term. We will work in a partnership with the members of the Drug Cabinet Council to develop sound concepts for your approval which will achieve these results. The Attorney

Draft

Draft
24-29 August 1997 Southwest Border Trip Report

- 8 -

General, Secretary of the Treasury, Secretary of Defense, the Secretary of State, and the Drug Cabinet Council are central to this planning effort. We will present a preliminary plan before New Year's Day.

Draft



U.S. COMMISSION ON IMMIGRATION REFORM

September 10, 1997

The Honorable William J. Clinton
President of the United States
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

The U.S. Commission on Immigration Reform will issue its final report, *Becoming an American: Immigration and Immigrant Policy*, on September 30. The report sets out policy recommendations on three major subjects: the Americanization and integration of immigrants; credible immigration and immigrant policies, including a reiteration of the Commission's view that legal immigrants should be treated as future citizens and protected by the safety net; and how to reengineer and streamline Executive branch responsibilities for immigration to address weaknesses in the current system.

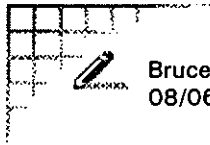
I will be in Washington on September 29 and 30 to brief key government officials on these recommendations and to release the report. I would like to meet with you to explain the Commission proposals at that time. Of course, I will make myself available to you on either day.

I want to thank you once again for having appointed me to chair this Commission. I have found it both challenging and rewarding, and believe deeply that the Commission's recommendations can move America forward in dealing with these very important issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley M. Hufstedler".

Shirley M. Hufstedler
Chair



Bruce N. Reed
08/06/97 03:26:03 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Jose Cerda III/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP, Paul J. Weinstein Jr./OPD/EOP

cc:

Subject: Commission immigration recommendations

So, do you think we can turn the most incompetent agency in America around with existing staff, or should we ask for an extra slot?

----- Forwarded by Bruce N. Reed/OPD/EOP on 08/06/97 01:08 PM -----



WARNATH_S @ A1
08/06/97 10:15:00 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Commission immigration recommendations

FYI -- The Commission on Immigration Reform includes other options that it presents favorably in its draft report that you may not be aware of:

- 1) Establish a new Cabinet Level Department or Independent Agency -- One option is creation of a new Department or independent agency "similar to the Environmental Protection Agency" to provide leadership on immigration issues.
- 2) "Strengthening the Domestic Policy Council" -- The Commission believes that it would be a good idea to establish a new policy development and coordination mechanism at the Domestic Policy Council -- an "Office for Immigration Policy". It cites as a possible model the NSC's Office of Democracy, Human Rights and Humanitarian Affairs.
- 3) Creating New Offices at the Departmental Level to Coordinate Immigration Matters. This would entail consolidating all immigration matters into a single office at each department. For example, at DOL, there would be a new Assistant Secretary for Immigration Affairs.
- 4) "Establishing a Standing Body Responsible for Immigration Policy." Perhaps something along the lines of the Civil Rights Commission or the FCC that would be responsible for policy development but not policy implementation.

So these are some of the ideas the Commission is advancing as options to improve immigration policy and operations.

I have discussed with Jose some of merits of the severing DOJ/INS responsibilities and spreading them across the Administration.

A couple of more thoughts: The immigration debate remains highly political and highly-charged and the Commission's views must be interpreted in that context. This remains a minefield and these "good government" proposals are not necessarily as neutral as they appear on their face.]

There are reasons why Harold Ezell -- the father of Prop. 187 -- supports breaking up the INS. There are reasons why Lamar Smith and Pete Wilson like the idea while taking every opportunity to criticize the President on immigration. Many of these attacks of the Administration's immigration efforts are not designed to improve anything, they are simply a means of politically attacking the Administration and also immigrants. I understand, for example, that the fees for immigration services might have to be raised beyond the ability of many to pay if immigration activities are split across the Administration. The Commission does not address this concern. |

It is worth noting that the Commission's report acknowledges that the other agencies that would take on new immigration responsibilities have their own operational problems, but the Commission makes no attempt to assess whether they could overcome those problems to improve upon DOJ's work in immigration.

In addition, as has always been the case, the Commission makes recommendations without considering cost. That has always been part of their problem -- they make recommendations without any consideration for cost effectiveness or total costs for implementation. |

Obviously, none of this means that substantial reform to improve immigration enforcement and services is not appropriate -- obviously it is crucial -- but that is not necessarily what is going on here.

There are some who believe strongly that one of the reasons that the Commission wanted to review INS management (which is NOT part of their statutory charter) is because when the Commission goes out of business after its final report this Fall, a few members of the Commission and some of its staff would like to be put in charge of any new Department or independent agency or office that might be created. Who knows.

Anyway, I hope that some part of this is helpful to you.

Thanks.