

OVERSIGHT OF IMMIGRATION AND NATURALIZATION SERVICE PROGRAM CITIZENSHIP USA

HEARINGS

BEFORE THE

SUBCOMMITTEE ON NATIONAL SECURITY,
INTERNATIONAL AFFAIRS, AND CRIMINAL JUSTICE
OF THE

COMMITTEE ON GOVERNMENT
REFORM AND OVERSIGHT
HOUSE OF REPRESENTATIVES

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OVERSIGHT OF IMMIGRATION AND NATURALIZATION SERVICE PROGRAM CITIZENSHIP USA

TUESDAY, SEPTEMBER 10, 1996

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL
AFFAIRS, AND CRIMINAL JUSTICE,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:30 p.m., in room 311, Cannon House Office Building, Hon. Mark E. Souder (member of the subcommittee) presiding.

Present: Representatives Souder, Ehrlich, Schiff, Mica, and Souder.

Also present: Representatives Clinger and Hastert.

Staff present: Robert B. Charles, staff director and chief counsel; Jim Y. Wilon, defense counsel; Andrew Richardson, professional staff member; Ianthe Saylor, clerk; Cherri Branson, minority professional staff; and Jean Gosa, minority staff assistant.

Mr. SOUDER. Good afternoon. Thank you all for coming. The Subcommittee on National Security, International Affairs, and Criminal Justice will come to order.

Our hearing today is concerned with the topic of naturalization testing fraud. The United States of America is and always has been a Nation of immigrants. Our country has a long and illustrious history of providing political freedom and economic opportunity to immigrants from every part of the world. Historically, granting the prize of U.S. citizenship to immigrants is one of the most important and solemn tasks performed by our government.

Immigrants who wish to become U.S. citizens must meet a number of legal requirements. They must reside in the United States for a set period of time and during that time they must follow our laws and show themselves to be of good moral character. In addition, they must learn to write, speak and understand English and they must learn some basic facts about American history and government. We require new Americans to learn English and civics so that they may participate fully in political and economic life rather than being marginalized.

Recently, however, the naturalization process has become cheapened by corrupt testing practices. For many years, the Immigration and Naturalization Service was the exclusive administrator of English and civics tests. However, in 1991, the INS began to license private organizations to administer the test. To date, six organiza-

tions have been licensed by INS for citizenship testing, and these six organizations have over 1,000 affiliated testing sites throughout the United States. The largest of these organizations is a company called Naturalization Assistance Services, or NAS. NAS has over 400 testing sites and tests over 125,000 immigrants a year. This subcommittee has been conducting an investigation of the INS Citizenship USA program which is designed to naturalize 1.3 million new citizens during the 1996 fiscal year.

We have been reviewing information and documents from numerous sources, including 30,000 pages of documents turned over by the INS. Our investigation has uncovered a pattern of naturalization testing fraud within the NAS organization, and furthermore, there is also significant evidence that the INS has knowingly continued to rely on NAS for more than a year after becoming aware of this pattern of fraudulent testing.

First, documents produced to the subcommittee strongly suggest that NAS should never have been approved by INS as a testing organization. The INS requirements for approval state that each testing organization must demonstrate experience and expertise in the administration of testing for English and civics. However, when NAS filed its application with INS, NAS was simply a driver education school based in central Florida with no experience in either English or civics testing. Nonetheless, NAS was swiftly approved as a testing organization in August 1994. This approval was apparently the work of an INS employee named William R. "Skip" Tollifson who recently retired from the INS and now works for NAS. Since at least June 1995, NAS has been plagued by revelations of fraudulent and abusive testing practices at many of its testing sites.

The implications are enormous. Tens of thousands of applicants who do not speak or understand a word of English and who cannot possibly pass a legitimate English and civics test are receiving passing certificates from NAS testing sites. This is done through blatant cheating orchestrated by test administrators who make the test as easy as possible, give applicants the correct answers and sometimes even fill in the answers themselves. In return for this service, the applicants are paying hundreds of dollars, sometimes as much as \$850 an applicant, which is ostensibly a charge for same-day training courses, but is really a high fee in exchange for a sure pass.

This has caused problems when applicants with an NAS pass certificate go to final interviews with the career INS officer who can immediately tell that the pass was fraudulently obtained. The applicant is rejected after spending hundreds of dollars on his test or, more often, he is naturalized by INS employees rushing to meet the production quotas even though he is not yet qualified.

Both INS and NAS have long been aware of this problem, but neither has reacted by policing NAS affiliates or cracking down on fraud. Instead, NAS officials have consistently pressured local INS officers to accept its pass certificates even if the applicant cannot speak or understand any English.

Documents provided to us by the INS show that NAS has no systematic or effective program to prevent fraud. On the contrary, NAS allows and may even encourage fraudulent testing, hence rev-

enue. To date, NAS fraud has been exposed by the media in testing sites in Dallas and St. Paul, and an INS investigator in Honolulu uncovered fraud in testing sites there which led to criminal convictions.

However, that is only the tip of the iceberg. Documents provided to us by the INS reveal similar fraud from dozens of cities, in fact, at least 10 different States. Even though NAS does not regularly inspect its testing sites, enough fraud has come to light so that NAS was recently forced to close down 41 testing sites over a 6-month period. Still, the INS continues to rely on NAS as their major tester. Documents indicate that virtually every time an NAS testing site is examined or investigated by a third party, the testing process is found to be fraudulent.

Meanwhile, the INS has taken the position that it is not the INS's responsibility to inspect testing sites; instead, inspection is the responsibility of the parent organizations, like NAS. After reviewing 30,000 documents provided by INS, we have found no INS inspection checklist or reports or any other evidence of systematic inspections by INS.

In addition, although INS says that its district offices are authorized to inspect testing sites in their respective areas, we have seen no evidence that this is actually happening. On the contrary, the documents show that in at least one instance where an INS district office tried to schedule inspections of the local testing sites, Mr. Paul Roberts, the CEO of NAS, refused to provide the necessary information to allow the inspections to take place. The bottom line is that INS is exclusively focused on maximizing naturalizations in 1996, and has paid only lip service to the idea of antifraud enforcement.

By all appearances, the INS has reacted to NAS testing fraud only when an embarrassing report appears in the media. For example, although INS was apparently aware of widespread NAS fraud from June 1995 to November 1995, it took no action until a St. Paul television station aired an expose of NAS testing fraud. At that time, the INS temporarily suspended NAS operations, but it was reinstated 2 weeks later.

Similarly, although the fraudulent testing continued from December 1995 to June 1996, it appears to be still continuing. INS took no action until a "20/20" expose was about to be aired in early July. INS sent NAS a "Notice of Intent to Suspend" letter on June 27, 1996, but did not suspend NAS, and NAS is still in business today.

Finally, INS documents plainly show that INS Headquarters has put great pressure on its field offices to accept NAS testing certificates, even when the holders of those certificates cannot speak or understand a word of English. This has been made easier by the hiring of thousands of temporary examiners at INS offices in conjunction with the Citizenship USA push. The new examiners are inexperienced, and are inclined to approve all naturalization applications.

At this time, I now recognize the chairman of the Government Reform Committee, Mr. Clinger, if he has an opening statement.

Mr. CLINGER. Thank you very much, Mr. Souder. I want to express, first of all, my appreciation to the subcommittee for holding

what I consider to be an extremely important hearing. I appreciate Chairman Zeliff's and your efforts, Mr. Souder, in what has really been an ongoing and pretty methodical investigation of flagrant abuses in the so-called Citizenship USA program.

As part of its mission, the INS processes the citizenship applications of legal immigrants. Consistent with its mission, INS has an interest in ensuring the efficient processing of applications of qualified—underline “qualified”—individuals. Efficiency, however, requires not only speed, but also accuracy and integrity. Equally as important as swiftly processing qualified candidates is the confident assurance that all of those naturalized are indeed legally admissible. At issue here is the degree to which the quality of the INS's work is being willfully compromised, and I think there is evidence that would substantiate that it has been willfully compromised for the sake of quantity.

The Citizenship USA program was designed to naturalize 1.3 million new citizens during fiscal year 1996 alone. That is the highest number of new citizens in American history, and nearly triple the total of over 459,000 which were naturalized in 1995. This extremely ambitious goal, whatever its motive, has produced errors that go well beyond a few I's left undotted, a few T's left uncrossed. This subcommittee's investigation, including the careful examination of over 30,000 pages of INS documents, has uncovered nothing short of gross mismanagement. Just as alarming, the response from the Immigration and Naturalization Service has been—I think I can only characterize it as—careless indifference.

The subcommittee has ample evidence that one of the INS's six licensed testing organizations, Naturalization Assistance Services, or NAS, has issued thousands of pass certificates, as you indicated, Mr. Souder, to applicants who cannot pass legitimate civics exams or speak or understand English. NAS officials make tests shamelessly simple, give applicants correct answers, and sometimes, as you have suggested, even fill in the exams themselves, all for a fee. INS officers, under intense pressure to process as many candidates as possible, sometimes look the other way when faced with unqualified candidates. Even in the wake of media exposes and repeated findings of fraud at NAS testing sites, the organization continues to profit and to churn out, “successful applicants.”

This has to be a matter of great concern to this committee, as the chief oversight panel of the House of Representatives. We have to maintain the credibility of legal immigration in this country. These antics and these procedures that we are going to hear about today are hostile, totally hostile to that aim. So I hope that the INS and this administration will take necessary steps promptly to stop this blatant fraud. The committee will continue its work to see that they do.

Again, I thank you, Mr. Chairman, for presiding at this hearing.

Mr. SOUDER. Do any other Members have opening statements?

Mr. HASTERT. Very quickly, Mr. Chairman, I have a great deal of interest in this. It seems to me that the whole good government issue of, first of all, the responsibility of the INS doing its job, taking immigrants, people who come to this country for a better life, a better economic way of life, and to adopt the rules and the values

and the ambiance of this country, become part of that. That is their job.

Their job is to move them through a process and bring people to a citizenship status so that they can move and be participants in the American process. But what has happened here, what appears to have happened here—and we will have testimony today to validate it—is that the INS is taking shortcuts; that they are bringing in this organization, NAS, a for-profit organization, not a government organization, and letting them take the shortcuts, letting anybody who can get over the border, whatever border that may be in this country, and take a shortcut. It does not make any difference if they go through the test; that they go through the process; that they take the courses that they are supposed to be taking; that they go through the interviews; that they go through all of the things that have to be done. But, no, you just come in; we will take the money, we will process you, and all of a sudden you become a citizen.

I don't know why this is happening. I don't know why INS is letting this happen, but it is here and the testimony today will prove that it is happening.

We have to—for the taxpayer dollars that we spend, we are basically throwing those dollars away. We need to change that. I don't know if there are other motives out there or not, but this is where we have to get to the bottom of today, at this hearing, and I look forward to the testimony.

Mr. SOUDER. Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman.

The first thing is, I want to thank you for having this hearing. I think it is on a very important subject. Second, I want to thank the news media, particularly the "20/20" program for publicizing this issue and the problems associated with testing for the citizenship exams.

After I became aware of this particular problem—and here we are talking about the testing of individuals being prepared to take the citizenship tests—an article on a similar subject kind of leapt out at me. It is a Scripps-Howard News Service article; it appeared in the Albuquerque Tribune on September 5th. I would like to read just very briefly from the beginning of it.

It reads as follows: "Clinton administration officials work to speed the base of naturalizing legal immigrants, anticipating a political advantage in the votes of new citizens according to government documents and memos. But in rushing the process, mistakes were made. Criminals became citizens, said officials with the Immigration and Naturalization Service. At least three dozen people who were naturalized are having their citizenship revoked after it was discovered that they had criminal records and shouldn't have been passed through, officials said.

"Tens of thousands were granted citizenship before they were cleared by FBI investigations. Some INS officials, Immigration and Naturalization Service officials, said political pressure to push people through the system led to widespread problems."

Now, we have an identical circumstance on the identical subject on what we are examining at this hearing today. I want to say that if in fact the political motivation is true—and I say if it is true; I

can't document it, but if it is true—it is really presumptuous, I think, to assume how any citizen is going to vote in advance, whether they are a natural born citizen or the most recently naturalized citizen.

But I would say this: Even if we knew for sure that most new citizens were going to vote for the Clinton—for President Clinton's candidacy, I would still say that we should naturalize these individuals who are seeking citizenship as soon as possible. Because they have a right, once they become citizens, as all citizens do, to vote any way they please. Whether I would agree with the vote or not is not important. But we shouldn't be sidestepping the system that was set up to make sure that only qualified individuals become citizens of this country, and I am concerned that whether it is for a political motivation or not, we are not adequately ensuring that the people whom our laws intended to become citizens of this country are the only ones who in fact are becoming citizens. I think this hearing is a very important step to try to clear that up.

Thank you, Mr. Chairman.

Mr. SOUDER. Thank you. We will leave the record open for 3 days for other Members who may desire to put in opening statements.

We are privileged on our first panel to have Ms. Jewell Elghazali here. She is a former employee of the Naturalization Assistance Services, Inc., NAS. Will you please stand? We administer an oath in this committee, since we are an oversight committee.

[Witness sworn.]

Mr. SOUDER. Let the record show that the witness responded in the affirmative.

Ms. Elghazali, will you give us your testimony?

**STATEMENT OF JEWELL ELGHAZALI, FORMER EMPLOYEE OF
NATURALIZATION ASSISTANCE SERVICES, INC.**

Ms. ELGHAZALI. I do not have a prepared statement.

Mr. SOUDER. We were initially going to run the tape of the "20/20" segment that you were in, which would have set this up a little bit better, but we decided that the two tapes were going to take a good chunk of the hearing with three panels.

Could you describe what your duties were with NAS?

Ms. ELGHAZALI. When I first started at NAS, I was a receptionist and I eventually moved into the duties of an administrative assistant. My duties as administrative assistant were dealing with compliance issues, compliance with NAS policies. I was directly under the supervision of Mr. Jeffrey Paren, the senior vice president. Whenever clients would go to INS with a passing certificate and be turned away, they would contact our office and I would handle those calls. I would take down all the information and pass it on to Mr. Paren.

At times, I graded tests, I actually graded the tests. I processed new agency applications, I did credit checks, I checked with the Better Business Bureau, city hall, anyone I could find to try to verify the information that was listed on the application. I did business reference checks, NBR checks, and basically I did anything that I was told to do by Mr. Paren or Mr. Durseau or Mr. Roberts.

Mr. SOUDER. What problems did you see with this testing process? As you worked with this and as you did some of the back-

ground checks, and as you looked at the organizations, did you describe any evidence of any fraudulent testing you saw? How did management react when you expressed concerns?

Ms. ELGHAZALI. Well, I noticed through simply being a receptionist when people would call in and, you know, ask for their test results or they would call in about the subject of being turned away by INS, many times they couldn't even converse with me in English enough to ask me about their test or to tell me what happened. They would have someone speaking for them, and they would be translating. I also noticed through grading tests, I saw a lot of handwriting similarities, the same pencil strokes on 100 tests, for example, and I just thought it was next to impossible for so many people from so many different countries to have the exact same handwriting. I also noticed that on occasion an entire batch of tests, every test would have the same answers wrong. The same answer would be wrong on every test, which gave me the indication that they were either coached on that test or that someone else took that test.

When I brought the similar handwriting issue to the attention of Sharon Class, who is a data processing supervisor, her response many times was to put it off to the side so she could look at it later; or if she actually looked at it right then, if I had concrete examples right there in front of her, she would look at it and say, well, yeah, that looks like the same handwriting, but we can't fail them.

So I would then go over her head to Mr. Durseau, who—when Mr. Paren was out of the office, that is who I was to report to. I would take it to his attention, and this was more specifically in the last 2 weeks I was with NAS, because I graded tests the entire time. I took test batches to him many times and I showed him. He said, yes, I believe this is the same handwriting.

One of the major ones I had a problem with in those 2 weeks is an organization called Hermanade, Mexican National in California. I brought this to Mr. Durseau's attention, and he told me that Mr. Paren was out in California then taking care of that and that it wasn't going to happen again and I should just do my job and grade the tests. If they have a passing grade, if all of the words are there, I am not a handwriting expert, so I just need to do my job.

Mr. SOUDER. Were the types of questions on the test—you said that often they couldn't carry on even basic English discussions with you?

Ms. ELGHAZALI. Right.

Mr. SOUDER. Were the questions on the test even more difficult than the conversations that you were trying to engage them in?

Ms. ELGHAZALI. Well, I have some knowledge of the Arabic language, if people called in who spoke Arabic, I could feel my way through the conversation. They would speak to me in Arabic and I would answer them in English. Sometimes people couldn't even understand when I was trying to use minimal English, trying not to speak like the average American person speaks, you know, like trying to make them understand—like control number, test control number. I tried my best to make them understand, and many times they wouldn't be able to even carry on a simple conversation.

What is your control number, or where did you take your test? They would answer: I am sorry, I don't understand. No understand.

Mr. SOUDER. Did you ever ask them how they passed a test or presumed to pass it?

Ms. ELGHAZALI. Yes.

Mr. SOUDER. What would they say when you would ask them?

Ms. ELGHAZALI. Well, on one occasion the week prior to my departure from NAS, someone called in and wanted to know about the test results, and I said are you the person that took the test? She said, "No, it's my mom." I said, well can I speak to your mom—or my friend or something. She said, "She doesn't speak any English."

So I pulled the control number up, and if the control number starts with EN, that is an English test, so I knew right away that the person had taken their test in English. I said, "Well, did this person take the test in English?" She asked them in Spanish, and she said, "Yes."

I said, "Well, you do realize that when she goes to Immigration, she is going to have to demonstrate the ability to read, speak and write and understand English?" I said, "How did she take the test in English?" She said, "I don't know. You tell me. I just want to get her test results."

I mentioned that to Mr. Durseau, and he got very upset about my telling that person that, and some of the other employees went into closed-door meetings with him about that subject, I believe.

Mr. SOUDER. Thank you.

Mr. Clinger.

Mr. CLINGER. Thank you. Thank you for your testimony. I think most of the people that would be calling in were people seeking the results of their tests?

Ms. ELGHAZALI. They would call in for that or to be referred to a testing site.

Mr. CLINGER. Those who were calling for a determination as to the success or failure of the test, had most of them succeeded? Had most of them passed the test?

Ms. ELGHAZALI. Yes.

Mr. CLINGER. So these were not people who had failed because of lack of understanding the language or anything else?

Ms. ELGHAZALI. Right. I would say the majority of the people that called in and could not speak English, once they were able to find someone who could understand what I was saying enough to give me their control number, I found out they did actually pass their test in English; and they would in fact—

Mr. CLINGER. Right. But you would have to get somebody to interpret to you?

Ms. ELGHAZALI. They would get angry if they spoke Spanish and there was no one in the office who spoke Spanish.

Mr. CLINGER. NAS has a number of testing sites all over the country, as I understand it.

Ms. ELGHAZALI. Yes.

Mr. CLINGER. About how many?

Ms. ELGHAZALI. I am not sure exactly how many, but as this gentleman said, about 400, I would assume. I thought the number was higher than that.

Mr. CLINGER. Do you know what steps, if any, NAS management took to proctor how these centers were conducting the tests?

Ms. ELGHAZALI. Well, they had a booklet that stated what was to be done in the testing and what was not to be done in the testing. I know that when they discovered problems, they tried to correct the problems, they would try to get in particular, Spanish Business Services. Mr. Paren had asked him to start videotaping his sessions because of the fraud, and I believe he started that in January of this year; and when I left in March, he was still sending him letters telling him, if you do not start taping your sessions, your license will be canceled, but it was not at the time that I left.

Mr. CLINGER. Despite a number of—

Ms. ELGHAZALI. Despite a number of—

Mr. CLINGER [continuing]. Directives that he should do that.

Ms. ELGHAZALI. Right. In spite of a number of times that they suspected fraud in the testing.

Mr. CLINGER. But they didn't send representatives around to monitor or check on the procedures.

Ms. ELGHAZALI. Well, they had field investigators out, they had one in California that I know of, and she would go into the testing centers as a student wanting to take the test and she would rate the center on how it presented NAS, if they were charging the fees like they were—if they were overcharging students, that they were allowed to take only the test, or if they had to take other—if they had to have other services. At the point when I left, she was about to be going into the testing sites and actually taking a test, participating in a testing session, but that didn't happen while I was there.

Mr. CLINGER. Now, you tried to bring to the attention of your superiors the issues that you felt were—part of the problem?

Ms. ELGHAZALI. Yes.

Mr. CLINGER. I gather that as a result of their seeming indifference to those concerns that you—did you go to the INS to try to convey these concerns to the Immigration and Naturalization Service?

Ms. ELGHAZALI. Well, the last 2 weeks I was there was when I was grading tests, and that is when I saw it the most. Now, prior to that, on breaks and outside of the office, there were other employees that had voiced their concerns and they told me on the occasions that I would grade tests, don't even bother, you are just wasting your breath and their time. They are not going to fail them. We are just going to pass them. We see that it's the same handwriting, but it doesn't do us any good.

Mr. CLINGER. Did you notify the INS about these?

Ms. ELGHAZALI. I notified—well, when I left, I contacted Mr. Lear, because I remembered him from KSTP.

Mr. CLINGER. He was with the INS?

Ms. ELGHAZALI. No. He was a reporter. I didn't know where to start. I remembered him because I had answered the phone many times when he had called, and I just happened to remember his name; and I contacted him, and he put me in touch with ABC, and then in turn put me in touch with INS.

Mr. CLINGER. What was the nature of your contacts with INS?

Ms. ELGHAZALI. Immigration and Naturalization Service sent Ramona McGee and Dan Strong from the St. Louis office and I believe Ramona McGee is from the general counsel's office out to Springfield, MO, where I live to, I guess, interrogate me or interview me. They were there for about 10 hours. They asked me several questions. They got it all on tape, and they told me that they had ended up with 90 pages of transcript from our conversation. They told me that there was a possibility of criminal charges, you know, for the alleged political corruption.

Mr. CLINGER. When did this interview take place?

Ms. ELGHAZALI. Two weeks after the "20/20" show aired, so late July, early August.

Mr. CLINGER. Have you seen any evidence that anything has transpired as a result of those interviews?

Ms. ELGHAZALI. Well, they told that me that NAS had asked for more time on their Notice of Intent to Suspend. So after the last week of August, I contacted Dan Strong at the St. Louis office of the Immigration and Naturalization Service twice and asked him what had happened. He said, "Well, we are scheduling conference calls, and I will be getting back with you as soon as I know something." He never called me.

Mr. CLINGER. And you haven't, to this day, heard from him?

Ms. ELGHAZALI. To this day, I have not heard from him.

Mr. CLINGER. Thank you.

Thank you, Mr. Chairman.

Mr. SOUDER. Mr. Hastert.

Mr. HASTERT. Thank you, Mr. Chairman. Just to qualify, the Notice to Suspend, was that to suspend you?

Ms. ELGHAZALI. Notice of Intent to Suspend NAS and their alternative citizenship testing program.

Mr. HASTERT. All right. Let me ask you a question. In your work—how long did you work for NAS?

Ms. ELGHAZALI. Five months.

Mr. HASTERT. During that period of time, you would go out and stay in an office and you would grade tests that were given out in other centers? There are about 400 centers around the country?

Ms. ELGHAZALI. I didn't do that full-time. My actual job was either receptionist or administrative assistant, but on occasion, when they had a lot of tests come in, they would have all of the administrative assistants stop what they were doing and grade tests.

Mr. HASTERT. So you weren't necessarily qualified to be a teacher or a test grader? All you had to do was to be able to read it, and as an assistant then they put you in a position of being able to go out and read these and evaluate tests?

Ms. ELGHAZALI. As far as I know, there are no qualifications to grade those tests. You have a template that has the answers cut out. It's graded by hand. You place the template, the series template, over the test and you mark the wrong answers and then you read the sentences, and if all of the words are there, then you—then the person passes. That is how you grade the test.

Mr. HASTERT. So the basic concept or idea, you say all the words are there?

Ms. ELGHAZALI. All the words, yes.

Mr. HASTERT. That people have to say as a response to a question about the Constitution or voting or whatever it would be.

Ms. ELGHAZALI. Well, those are all multiple choice. There are 20 multiple choice questions and two English sentences.

Mr. HASTERT. Well now, multiple choice questions, especially in English, are sometimes quite—it takes some understanding of the language and you're saying that from your understanding a lot of people who took these tests couldn't speak English, but yet they were taking this test.

Ms. ELGHAZALI. They were passing—I was noticing, this is just in the cases where people called in.

Now, there are several people out there who worked very hard to pass that test, and those people deserve every right to have that citizenship.

Mr. HASTERT. What do you think the pass-failure rate—I know you didn't do that in your job officially, but did over half the people pass these tests?

Ms. ELGHAZALI. Oh, well over half. I'd say 90 percent.

Mr. HASTERT. Ninety percent. What did you have to do to fail the test?

Ms. ELGHAZALI. You had to miss, I believe it was more than 7.

Mr. HASTERT. Out of how many?

Ms. ELGHAZALI. Out of 20. And you only had to get one of the English sentences correct, you didn't have to have both of them correct, and they were not counted off for spelling.

Mr. HASTERT. So it wasn't a very, very—

Ms. ELGHAZALI. It was geared to a low literacy level.

Mr. HASTERT. It wasn't there to weed people out.

Now, the other issue that you talked about was that you found that a lot of these were in the same handwriting?

Ms. ELGHAZALI. Yes.

Mr. HASTERT. When you took this to the officials of NAS, they just kind of overlooked it, and your colleagues who also did that same job, you reported that they said, well, you just don't worry about that anymore, nobody ever pays attention. Is that correct?

Ms. ELGHAZALI. Right. They said it is like beating your head against the wall.

Mr. HASTERT. How are these people that may have written the test, test after test after test, how do these centers get selected?

Ms. ELGHAZALI. Well, I don't know how the process was before I was there.

Mr. HASTERT. Well, while you were there.

Ms. ELGHAZALI. While I was there, there was an application that they would fill out and they would send that in along with—

Mr. HASTERT. "They" being? Is it an organization or somebody out to make money, or what?

Ms. ELGHAZALI. Well, it was just an application generated by NAS. They would fill out the application and they would include it with their business licenses and leases—the lease for the premises.

Mr. HASTERT. So what kind of businesses are they?

Ms. ELGHAZALI. Well, a lot of them are—they are companies that do tax returns that also do citizenship testing. There are companies that offered English tests, English language classes, English as a

second language classes, and they will offer the test. They are non-profit organizations such as Catholic Charities.

Mr. HASTERT. Were they also profit organizations?

Ms. ELGHAZALI. Well, the majority of them were for-profit organizations.

Mr. HASTERT. Were for-profit organizations?

Ms. ELGHAZALI. Yes.

Mr. HASTERT. Now, their remuneration, or pay, was it by the number of people that they passed or the number of people that came through their doors? How did they get paid?

Ms. ELGHAZALI. By the test, each test.

Mr. HASTERT. So for each test they got paid?

Ms. ELGHAZALI. Yes.

Mr. HASTERT. And each—whether they passed or didn't pass, or just—

Ms. ELGHAZALI. Well, the person had to pay for the test whether they passed or not, and if they failed it the first time, they were allowed to take it one more time at no additional charge.

Mr. HASTERT. Do you remember seeing a lot of these repeat tests, or would you have no way of knowing whether they were repeat or not?

Ms. ELGHAZALI. Well, there were, on occasions, you know, like if the people actually did the handwriting themselves, there were times when, you know, their English was just so bad they would leave out words and they wouldn't pass the test. I did notice, there were people that failed. You know, I am not saying that there is dishonesty in every testing center, but there is a lot of fraud going on. There is a lot of fraudulent testing going on.

There are, however, a lot of people out there that are actually taking the tests themselves, and sometimes they have to take it four or five times before they pass.

Mr. HASTERT. But you say, repeatedly you saw tests come in with the same handwriting, the same answers, the same pencil marks time after time after time after time?

Ms. ELGHAZALI. Yes, sir.

Mr. HASTERT. I was in education for 18 years; I taught the Constitution and gave a Constitution test, not for aliens or people coming in to get—but I understand how to process works.

So you say basically this was a test mill, that people were taking this thing and moving through the process, and there wasn't a lot of discretion on whether it was fair or honest or under the type of situation that tests like this should be given?

Ms. ELGHAZALI. Well, the individual organizations, you know, they were the ones—I know that NAS was ultimately responsible for the consequences, but the individual organizations were actually the ones that were committing the fraud.

Mr. HASTERT. One last question, Mr. Chairman. So it was pretty easy for the NAS to give instruction to its employees to just look the other way?

Ms. ELGHAZALI. Yes.

Mr. HASTERT. Thank you.

Mr. SOUDER. Mr. Mica.

Mr. MICA. I believe you said you worked for NAS for 5 months, was it?

Ms. ELGHAZALI. Yes, sir.

Mr. MICA. When did you first realize that there was a scam or fraud in the testing going on?

Ms. ELGHAZALI. Well, about 2 weeks after I started, or I believe at Thanksgiving when we came back from the Thanksgiving weekend, we had the Notice of Suspension. INS had suspended us from the testing program because of the Simon Chung Friendly Teaching and Testing Service, because of that organization; that was when I first became aware that there was some fraud out there.

Mr. MICA. So this is almost immediately?

Ms. ELGHAZALI. Yes.

Mr. MICA. There was a notice from INS of suspension?

Ms. ELGHAZALI. Yes, we did—or they were suspended, NAS was suspended for about 2, 2½ weeks in late November, early December.

Mr. MICA. When they were suspended and then reinstated, did anyone come in and question the employees who had participated in the previous testing?

Ms. ELGHAZALI. No.

Mr. MICA. And you worked—you said the administrative assistants did the actual evaluation of the tests?

Ms. ELGHAZALI. No. Our jobs were more administrative. However, on occasion, when there were too many tests for data processing to process, they would pull us off of our normal duties and have us grading tests.

Mr. MICA. So some was done automatically and some was done by hand?

Ms. ELGHAZALI. No. It was all done by hand. All the grading is done by hand.

Mr. MICA. How many people were grading by hand? Were there dozens?

Ms. ELGHAZALI. No. At the time that I left there were, I believe there were five or six people.

Mr. MICA. And about the time that they were first taken out of the business, about the same number when you started were grading tests?

Ms. ELGHAZALI. When I started there were three or four. They added two more.

Mr. MICA. With any of those employees, did you discuss with them what you had seen?

Ms. ELGHAZALI. Well, you know, like I said, on occasion in the beginning I would grade tests and I would notice that and—

Mr. MICA. And were all of the employees pretty much aware of what was going on?

Ms. ELGHAZALI. Yes, but they were doing their jobs.

Mr. MICA. No one came forward? You are the only one that came forward? None of them came forward and expressed any—

Ms. ELGHAZALI. Well, to my knowledge, they are all still employed by NAS and they are afraid they'll lose their jobs.

Mr. MICA. Did you feel like you were being threatened or could lose your job if you ratted?

Ms. ELGHAZALI. Well, when I started bringing it to their attention, to Mr. Durseau's attention, about 3 weeks prior to my termination from NAS, I had been told by Mr. Paren what a great job

I was doing. I went into work one day and Mr. Durseau—this was after grading tests for 2 weeks and bringing these things to his attention, and mentioning to the other employees that I thought, there was fraud and this was highly illegal—I went into work on the following Monday and I was terminated.

So I cannot believe that my performance—

Mr. MICA. Is that the first time you expressed to the higher-ups that you felt fraud was being perpetrated?

Ms. ELGHAZALI. Well, that was the first time—well, no, I had taken tests to Jeff Paren before, and when I took them to him, his response was to fail the entire group. He would fail the entire group.

Mr. MICA. If he felt that there was fraud?

Ms. ELGHAZALI. Right.

Mr. MICA. So there was some indication from—at least from this first level.

The second level, when you expressed that there were problems and felt there was fraud, is that when they came down on you, or that individual?

Ms. ELGHAZALI. Well, he said that the decision had been left up to him, and he said that my performance was not up to NAS standards, but it was 2 to 3 weeks prior.

Mr. MICA. No one else, to your knowledge, complained to any of those supervisors?

Ms. ELGHAZALI. Well, they had—they would go a couple of times, and then when they saw it wasn't going to get them anywhere, they would just stop.

Mr. MICA. So they did go at least to the first level, but not the second level?

Ms. ELGHAZALI. They went to the first and the second level, and when they did that a few times and got no results, they stopped.

Mr. MICA. Again, when they were suspended, at the beginning, no one from INS came and talked to any of the NAS employees that were doing to processing?

Ms. ELGHAZALI. You mean about the suspension and fraud in testing?

Mr. MICA. Right.

Ms. ELGHAZALI. No.

Mr. MICA. When did you first talk to INS officials? Was that after you had gone to the reporter?

Ms. ELGHAZALI. That was after the "20/20" show. She kept my location confidential until that show aired.

Mr. MICA. Are they threatening you with any type of charges? Was that the implication that you made?

Ms. ELGHAZALI. No. They haven't—you know, I am not under investigation for charges because I don't know, they haven't mentioned anything about that to me.

Mr. MICA. All right. Thank you.

Mr. SOUDER. Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman.

I would like to ask first, if I can: It is my understanding that one of your duties, at least partially, was to approve franchise requests by businesses who wanted to do this business as a franchisee of NAS; is that right?

Ms. ELGHAZALI. I didn't approve them. I processed the applications and passed them on for board approval.

Mr. SCHIFF. Processing them, then, did that include indicating whether you thought they were qualified or unqualified as businesses to get a franchise from NAS?

Ms. ELGHAZALI. Well, there were several steps to the process. I would check their credit, and if their TRW report was really bad, then a lot of times it wouldn't go any further than that. I would just hand it to Mr. Paren and he would write on there whether he—well, he would usually write on there that he didn't think it should be approved.

Mr. SCHIFF. Are you aware of any franchisees being approved by NAS who, based upon your investigation, you thought should not have been approved?

Ms. ELGHAZALI. Well, I know when I went to speak with Immigration, they had a list of every one of the testing affiliates in the country, I couldn't give you specific names because I didn't write them down. I wasn't allowed to do anything like that. I couldn't write anything down from that list, but there were, I noticed, two or three on there that had been approved since I left that, at the time that I left, had not been approved. I guess their application had been reopened and reprocessed.

Mr. SCHIFF. Did you bring that to the attention of the Immigration and Naturalization officials?

Ms. ELGHAZALI. Yes, I did.

Mr. SCHIFF. Pardon?

Ms. ELGHAZALI. I did.

Mr. SCHIFF. All right. So you told them there were at least some franchisees who had not been approved when you were there, but now they appear to be functioning as franchisees?

Ms. ELGHAZALI. Yes, sir.

Mr. SCHIFF. All right. To the best of your knowledge, did INS do anything about those franchisees who were operating who were originally not approved by NAS itself, or not with your recommendation?

Ms. ELGHAZALI. To my knowledge, I don't know. They had me go through this list and they had me check off every one that I recall there being some type of problem with, because I had access to the agency files. I did a lot of the filing, so I had access to the files, and I was at one point combining files from Mr. Roberts' office and Mr. Paren's office, and in doing that, I was straightening investigative material. For instance, if this particular agency had had some type of investigation, if they had been closed, I had access to all of this information. I told INS—you know, I went down this list, and I checked off all of the agencies that I believed had had some type of problem. I can't tell you what those problems were, but I recall there being some type of investigative material in their files.

Mr. SCHIFF. To the best of your knowledge, has the INS closed up any one of those franchisees?

Ms. ELGHAZALI. That I checked off? I don't believe so.

Mr. SCHIFF. Thank you.

Let me go back. You talked about your own termination from working at NAS. I am wondering if you could go back on that a

little bit. Who actually said that you are terminated from employment at NAS? Who told you that?

Ms. ELGHAZALI. Bill Durseau.

Mr. SCHIFF. What was his position?

Ms. ELGHAZALI. Vice president of operations.

Mr. SCHIFF. Did he give you anything in writing at that time?

Ms. ELGHAZALI. No, he did not.

Mr. SCHIFF. Did he give you orally a reason at that time as to why—

Ms. ELGHAZALI. My performance was not up to NAS standards is the reason he gave me.

Mr. SCHIFF. Did he give you any reason why your performance was not up to NAS standards?

Ms. ELGHAZALI. No, he did not. I was never written up or counseled. It was a shock to me. I worked overtime the prior Saturday, and I went in to work the next day and I was terminated. I was shocked. I didn't expect it.

Mr. SCHIFF. To the best of your knowledge, had the NAS officials been complimentary of your performance up until then?

Ms. ELGHAZALI. Yes, up until then. The agencies had too. In fact, I had just spoken with an agent in Dallas the prior Friday, the last official duty I did at NAS with a client, with an agency, and she was thanking me for the referrals that she was getting and telling me that the people were so happy and it was a less intimidating environment than INS.

Mr. SCHIFF. Up until then, had you—I should say, up until then, you had been raising questions to NAS officials about certain practices within their organization; is that right?

Ms. ELGHAZALI. Yes.

Mr. SCHIFF. As of that time, had you also raised questions with the Immigration and Naturalization Service about NAS?

Ms. ELGHAZALI. No, I had not.

Mr. SCHIFF. All right. So you kept your remarks within the organization?

Ms. ELGHAZALI. Right. I told Immigration if I had continued my employment at NAS and I had not seen changes, then I would have, you know, because they told me that things were being taken care of, that it was not going to happen again, and I believed them.

Mr. SCHIFF. But my point is, at the time that you were terminated, you had kept whatever observations you made within the chain of command at NAS?

Ms. ELGHAZALI. Yes.

Mr. SCHIFF. Thank you. I have no further questions.

Thank you, Mr. Chairman.

Mr. SOUDER. I want to just for the record ask again—I know you have dealt with this question a couple of different times—when you notified NAS, their reaction was that they were going to fix it?

Ms. ELGHAZALI. Right.

Mr. SOUDER. But when you specifically—I mean, I don't think there is anything much more upsetting than we heard the idea that there are hundreds of names in the same pencil and similar writing. What was their specific response so that?

Ms. ELGHAZALI. Their specific—

Mr. SOUDER. That you are not a handwriting expert? Is that what I understood you to say?

Ms. ELGHAZALI. Right. They told me at one point, we are not handwriting experts and if we actually fail these people, we could get sued. They said, we don't want to do anything to encourage litigation.

Mr. SOUDER. How often did you see that?

Ms. ELGHAZALI. Well, when I graded tests, every occasion when I graded tests, I saw that. At least in one batch I saw it every single time I graded tests.

Mr. SOUDER. How many times would you say you graded tests? Are we talking 10 times here, 50 times, hundreds of times?

Ms. ELGHAZALI. I probably spent about 1 month out of my employment at NAS grading tests at different intervals. You know, a day here or 2 days there.

Mr. SOUDER. We thank you for your—does anybody else have further questions?

Mr. MICA. I have just a quick question, if you wouldn't mind, Mr. Chairman.

You said that over 90 percent of the applicants that were being tested passed; is that correct?

Ms. ELGHAZALI. Yes.

Mr. MICA. What percentage would you estimate that were really qualified, say overall, that should have in fact passed?

Ms. ELGHAZALI. Well, I can't answer that based on every test that they have done, but I can answer that, based on the tests that I graded personally, I would say maybe 20 percent, 25 percent.

Mr. MICA. Should pass?

Ms. ELGHAZALI. I would say about 25 percent of those people that I passed I believed actually did their own test. The handwriting was obviously someone who had English as a second language.

Mr. MICA. So over 60 percent?

Ms. ELGHAZALI. Yes. I would say one way that this could be either proven correct or incorrect—and I realize that this is an awful lot of work—if every test that NAS has ever given could be turned over and put through some type of analysis, this is one way that this could be verified, that there is in fact similar handwriting. Because, there is widespread fraud in this situation.

Mr. MICA. Thank you, Mr. Chairman.

Mr. SOUDER. I thank you for your testimony. I think we—I want to reiterate that we have no opposition to legal immigration through a process. We need to encourage that. Most of us came through a similar pattern somewhere in our background. My campaign chairman and good friend is Armenian, who came over here; and America is a place of refuge, and he is so proud of his American citizenship. So many people around this area and around the Nation, in Minneapolis, different people who are proud of that.

This is a cheapening of being an American, and it is really discouraging, because we want to try to encourage it, but it should mean something when people go through it; and what you have described is frightening. I thank you for your testimony.

Mr. HASTERT. Mr. Chairman, just as a sideline, it was just yesterday that I had some time back in my district, and I met a young man who has started a business, applied to the INS, went through

the process, took his test, waited a whole year, waited a whole year to ever get the interview. So I think maybe there is a little different treatment for different people here. It is disturbing to me.

Thank you very much.

Mr. SOUDER. Thank you. You are excused.

Will the second panel please come forward, Mr. Paul Roberts and Mr. William Tollifson.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that both witnesses responded in the affirmative.

Mr. SOUDER. Mr. Paul Roberts is the chief executive officer of the Naturalization Assistance Services, Inc.

Mr. Roberts, we thank you for coming, and if you would like to give us your opening testimony.

Mr. ROBERTS. Yes, thank you.

Mr. SOUDER. We usually have 5 minutes for the opening testimony, and we will insert the rest into the record, and then follow-up questions. If you want to summarize that, feel free to do that too.

STATEMENTS OF PAUL W. ROBERTS, CHIEF EXECUTIVE OFFICER, NATURALIZATION ASSISTANCE SERVICES, INC., ACCOMPANIED BY WILLIAM R. TOLLIFSON

Mr. ROBERTS. I am Paul Roberts, chief executive officer of Naturalization Assistance Services. I would like to thank Chairman Zelif and members of the subcommittee for the opportunity to appear before you today concerning the INS standardized citizenship testing program and the role NAS has played in partnership with INS in making the program a success.

NAS has over 2 years' field experience in the delivery of the standardized citizenship testing program, and although the program has not been flawless, we are proud that we have tested almost 150,000 prospective Americans and enabled many to become part of the American dream. We are constantly striving to improve testing security and integrity, and to that end, we have increased security measures to further ensure that our licensees strictly adhere to all rules and regulations. We have a zero-tolerance policy for cheating, and the record will reflect that we have acted swiftly to revoke all licensees discovered engaging in improprieties.

Initially, I will provide a brief overview of the naturalization process to illustrate how the program functions; the benefits of the program to the government, to persons seeking to become citizens, and to the American people.

Next, I will address issues concerning the program raised by the committee, particularly relating to testing integrity and security.

To understand the program, it is useful to review the process of becoming a U.S. citizen, naturalization, and how it works. First of all, it is important to remember that only legal, permanent residents of the United States, those with so-called "green cards," are eligible to apply for U.S. citizenship. To reach this point, an applicant must have been admitted as a lawful, permanent resident and be a person of good moral character and meet statutory requirements.

The first step in this process is to file an application with INS. The second step consists of a comprehensive interview with an INS examiner, which cannot generally be waived. At the interview, the prospective citizen is questioned on information provided in the application and testing in English on the fundamentals of U.S. history and government and ability to read and write English.

As an alternative, an applicant may take a standardized citizenship test administered through a national testing entity, such as NAS, and then would not be retested on U.S. history and government at the INS examination. However, the applicant must still demonstrate English language ability by answering questions in English concerning the application. Once again, the interview is conducted in English.

In other words, the INS examiner tests on both English—tests on spoken English, while the NTEs test on history, government and written English. INS always has a double-check on an applicant's qualifications for citizenship. INS does far more than rubber-stamp a test given by an entity such as NAS.

Finally, if the examiner approves the application, the applicant will be scheduled for a naturalization ceremony where citizenship is officially conferred after a final review of qualifications.

On June 28, 1991, INS published in the Federal Register a Notice of Program that solicited qualified organizations to submit proposals to become approved to develop and administer a standardized citizenship test for naturalization applicants.

In July 1994, we submitted a proposal to INS to become an NTE. After a review period, we received notification from INS requesting additional information and clarification of some issues regarding the contents of our proposal. After submitting our clarifications, we received approval as an NTE on August 22, 1994.

I see that my time is running out and I would like to make one last point. Though there are many myths surrounding the program, some of those myths, we hope that we can get through today so you understand how the program works.

NAS licensees include some of the following organizations: Catholic Charities, American Red Cross, United Farm Workers; Dade County, FL, public schools; Collier County, FL, public schools; Riverside, CA, public schools; New Haven, CT, adult education centers; Solano County, CA, Department of Health and Social Services; San Luis Obispo, CA, Literacy Council. NAS licensees are all subject to the same guidelines and procedures for maintaining examination security and integrity.

Mr. Chairman, I would like to make sure that this gets into the record.

Mr. SOUDER. We will insert the entire statement in the record, and if you have other materials at some point you want to submit, as well.

[The prepared statement of Mr. Roberts follows:]

STATEMENT OF
PAUL W. ROBERTS
CHIEF EXECUTIVE OFFICER
NATURALIZATION ASSISTANCE SERVICES, INC.
SEPTEMBER 10, 1996 (1:30 P.M.)
BEFORE THE
GOVERNMENT REFORM AND OVERSIGHT COMMITTEE, SUBCOMMITTEE ON NATIONAL
SECURITY, INTERNATIONAL AFFAIRS AND CRIMINAL JUSTICE

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Initially, I will provide a brief overview of the naturalization process to illustrate how the Program functions; the benefits of the Program to the government, to persons seeking to become citizens, and to the American people.

Next, I will address issues concerning the program raised by the Committee, particularly relating to test integrity and security.

After this brief statement, I will be pleased to answer questions concerning our standardized citizenship testing program.

I. **Standardized Testing in the Naturalization Process**

To understand the program, it is useful to review the process of becoming a U.S. citizen -- naturalization -- and how it works. First of all, it is important to remember that only *legal* permanent residents of the United States -- those with so called "green cards" -- are eligible to apply for U.S. citizenship. To reach this point, an applicant must have been admitted as a lawful permanent resident and be a person of good moral character, and meet statutory residency requirements.

The first step in the process is to file an application for naturalization with the INS. The application requests the information needed by the INS to determine whether the applicant is eligible for citizenship. There are many requirements to become a citizen; passing the standardized citizenship test is only one part of the complex process.

The second step consists of a comprehensive interview with an INS examiner which cannot generally be waived. At the interview, the prospective citizen is questioned on the information provided in the application and tested in English on the fundamentals of U.S. history and government and ability to read and write English. As an alternative, an applicant may take a standardized citizenship test administered through a National Testing Entity (NTE), such as NAS, and then would not be re-tested on U.S. history and government by the INS examiner. *However, the applicant must still demonstrate English language ability by answering questions in English concerning the application.* Once again, the interview is conducted in English.

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II. Program History -- INS and NAS

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In July 1994, we submitted a proposal to the INS to become an NTE. After a review period, we received notice from the INS requesting additional information and clarification of some issues regarding the contents of our proposal. After submitting our clarifications, we received approval as an NTE on August 22, 1994.

At the time of our NTE application, I ran an educational program, approved by the State of Florida, educating young adults in the areas of civics, their responsibilities as adults, and awareness of the detrimental effects of drugs and alcohol, as well as testing the knowledge of the students for certification to the State of Florida. Contrary to published reports, I was not running a "driving school".

From the onset of our participation in this program, it was evident to us that the concept of a partnership between government and private industry would require constant vigilance and cooperation between the two parties to ensure that the program's objectives, and requirements were met to the satisfactions of all parties. In that light, we have continually striven to inform the INS of our activities and operational methodologies with the goal of demonstrating our fulfillment of the standards of the program and the expectations of the INS.

Examples of our efforts in this area have included the following:

- Participation in numerous conference calls between the Service and the other five nationally approved testing entities concerning voluntary modifications of program delivery standards.
- Participation in a national meeting of the NTEs and the Service at INS Headquarters, in which each of the NTEs shared proprietary information concerning testing techniques, security procedures, and item development criteria.
- Organization and presentation of national conferences for all NAS licensees in which the latest standards and procedures are reviewed and implemented.
- Maintain ongoing dialogue with designated INS liaison officials.

NAS spends substantial resources on monitoring; that is, ensuring that our licensees administer the standardized citizenship test in a manner that preserves examination security and integrity. We employ security and compliance personnel who make random and unannounced visits of our licensees' test sites, including undercover investigations. NAS screens and monitors its licensees and, if need be, will continue to suspend and/or cancel any licensees who depart from NAS' standards of test integrity.

III. Benefits of the Standardized Citizenship Testing Program.

The Program has numerous benefits to the government and taxpayers. First, by re-allocating time normally spent conducting citizenship examinations, INS officers are able to concentrate on a more thorough review of the applicant's qualifications and eligibility as a potential United States citizen. This "freeing up" of time allows officers to better screen citizenship applicants

Second, by utilizing the standardized citizenship examinations, INS officers' productivity is increased, thereby reducing the need for additional INS personnel.

Third, this program is not funded by tax dollars.

Fourth, the expertise of the NTE in delivering *standardized* examinations affords applicants a more uniform, less subjective, test of their proficiency.

IV. Clarification of Myths Surrounding the Standardized Citizenship Testing Program

Perhaps the most popular myths surrounding the Program are that an applicant who passes a standardized citizenship test will:

- automatically become a U.S. citizen; or
- will be “guaranteed” U.S. citizenship.

This clearly is not the case. The standardized citizenship test does not certify an applicant’s eligibility for citizenship, nor does it certify one’s proficiency in English. As discussed earlier, after filing an application for naturalization, an applicant must appear for an interview with an INS examiner. At the interview the examiner questions the applicant concerning the application for naturalization to determine eligibility for citizenship. If the applicant has failed to fulfill any of the many requirements for naturalization, the application will be denied. *The naturalization interview is conducted in English, with some exceptions.*

Another myth is that taking a test with an NTE puts an applicant at the head of the citizenship queue. This is simply not true. All applicants are interviewed at INS in order of application filing, whether previously tested by an entity or at INS.

Yet another myth is that the Program is not administered with the highest level of test security and integrity. NAS strives to ensure propriety in the testing process. NAS’s vigilance in this area has led to the investigation and cancellation of licensees who have not met our high standards for test administration and security. We have always worked in cooperation with the INS, and in more than one instance, we worked directly with INS agents in the investigation and, when necessary, prosecution of persons and/or firms involved in alleged impropriety. We recognize that these efforts require continual review to improve our investigative techniques. As a result, NAS has employed Mr. Mike Williams, who is seated directly behind me, the former Chief of the United States Border Patrol, to direct our monitoring and security program on a national level. Mr. Williams has over 28 years of experience in law enforcement. This Subcommittee should be familiar with him as he testified before this Subcommittee on three occasions while he was with the Border Patrol. Mr. Williams enjoys a reputation for the highest integrity and honesty and NAS welcomes his addition to its team.

Finally, another myth is that the standardized citizenship test is primarily delivered by small, unreliable licensees. NAS includes among its licensees the following:

- Catholic Charities
- American Red Cross
- United Farm Workers
- Dade County Florida Public Schools
- Collier County Florida Public Schools
- Riverside California Public Schools
- New Haven Connecticut Adult Education Centers
- Solano County California Department of Health and Social Services
- San Luis Obispo California Literacy Council

Finally, all of NAS' licensees are subject to the same guidelines and procedures for maintaining examination security and integrity.

Mr. Chairman, I thank you for your time and attention. I would be happy to answer your questions.

Mr. SOUDER. Mr. Tollifson.

Mr. TOLLIFSON. I have no opening remarks.

Mr. SOUDER. OK. Thank you. We appreciate you coming.

Let me start with one question that we have raised in our opening statements and want to have both of you be able to address this. I know Mr. Tollifson was at INS at the time your application came in; and up to the point when I think there were three companies that were added, there seemed to have been a pretty strong track record, a history and background in testing, yet from your application, it didn't seem like there was as much background. Drivers training was the primary expertise. Driver testing was the primary expertise of NAS, and a core question immediately jumps out, that you are now the largest testing service in the United States.

What were your qualifications, and first, if Mr. Roberts could elaborate a little bit on that, and then, Mr. Tollifson, if you could explain why they would have been selected?

Mr. ROBERTS. OK. In the State of Florida, we are approved under Florida statutes to conduct three programs, three curriculums. They are all classroom-based. One of the programs was a drug/alcohol traffic education program, which is required of all new drivers in the State of Florida. That program consists of classroom material and work, which talks about the rules and responsibilities of young adults in the world once they were getting a driver's license. It has to do with the use of drugs and the bad effects of that, the results on their driving ability, and the results of their bad behavior on them as a citizen and of their consequences.

It was not a typical behind-the-wheel program, teaching people left turns and right turns. It was a class that was required by the State of Florida to get a driver's license. We ran that program in central Florida as well as two other programs that were similarly accredited by the State of Florida.

Each one of these programs had with it standardized tests that were given, the DATE program, the D-A-T-E program; if somebody passed the standardized test, they would present their certificate to a driver's license examiner and would be issued their initial driver's license.

Mr. SOUDER. Had you had much experience with immigrants in that?

Mr. ROBERTS. We did have some because of new people coming into the State that were required to get driver's licenses through IRCA or whatever.

Mr. SOUDER. But you didn't primarily have south Florida? It was more central Florida?

Mr. ROBERTS. Mostly central Florida.

Mr. SOUDER. Mr. Tollifson, could you explain, while there is nothing necessarily wrong with that background, certainly they had some experience, it is not to the level of experience of ETS, or the companies that have given a lot of those national tests and had more experience in the past.

Why were they cleared as one of the major providers, and were there others who were applying at the same time? What kind of standards did you have that would have allowed them to become a testing service or a clearinghouse for that, particularly since they seemed to have had the least experience of those doing it?

Mr. TOLLIFSON. Sir, the decision to approve Naturalization Assistance Services was on the basis of a single program that was published as a notice in the Federal Register. I believe you will find, if you examine that Notice of Program, that it talks about organizations that are capable. This would be certainly at variance with some types of selective criteria that would ask to find the most qualified.

It was not my interpretation then, nor is it now, that the INS could only approve organizations that were of the standing and the experience of Educational Testing Service, that they had to be a not-for-profit organization, et cetera. I think it is something that has been misunderstood about this program.

Mr. SOUDER. Is it your opinion that—it says, a testing entity must demonstrate experience in developing and administering reliable standard examinations of the English language and civics areas. Did you consider what they had been doing in driver's education a civics area?

Mr. TOLLIFSON. Mr. Chairman, I considered the fact that they were licensed by the State of Florida, that civics is as it is set forth within the meaning, as I understood it, for the Notice of Program, does not mean a graduate-level program at Harvard University in civics. It is simply a program that would run to the simple dictionary definition of civics, and that is teaching people, exposing people, to the responsibilities of individuals vis-a-vis the law and how to live in society. I found that NAS had clearly been involved in a civics area.

Mr. SOUDER. I understand that we weren't proposing, and I don't think anybody was proposing, a Harvard education. I think that there is a question of where you have people who do driver's ed; and I think there is some expectation when somebody comes and says they want to come to the United States, that there is a little bit more background than that, and that it is considered in the regulations. I understand that there is a lot of tension here, but you—the sarcasm about Harvard, when in fact it was a driver's ed firm, is a little bit of a gap.

Mr. TOLLIFSON. If I may, sir, I apologize if I appeared sarcastic. I was not. What I am merely pointing out is that this notice of program sets no standard. It was not up to Skip Tollifson or Stella Jurina or Tom Cook or any of the other people at INS to impose their subjective standards; and when a clear reading of this Notice of Program says that the testing entity must demonstrate experience in delivering and administering reliable standard examinations in the English language and civics areas, I didn't feel that I had to get an interpretation of that. I relied on what INS had used previously to approve Educational Testing Service and comprehensive adult student assessment system.

Mr. SOUDER. I think, for the record, I also want to read that there is a specific example in this. It says, for example, those that are currently recognized and accepted by an established public or private institution of learning, recognized as such by a qualified State certifying agency. And in this—for Right-Way Driving Schools, Inc., in their application, is there anything in there that suggests that they had any experience in the English language or

in civics, as this would suggest? In your opinion, you are stating that this does meet that standard?

Mr. TOLLIFSON. Sir, I am merely stating that I was not in a position to impose a subjective standard. The plain reading, as I understood it, was that an organization such as NAS that was licensed by a State to give not instructions in how to drive an automobile, but the nature, as Mr. Roberts can explain to you, of his business—

Mr. SOUDER. I know what a driver's ed—I mean, it's basically a driver's ed course like my kids took and I took.

Mr. ROBERTS. It's a little different than a basic driver's ed. Like I said, it was a 4-hour concentrated program on drugs and alcohol, the responsibilities of individuals in obtaining their driver's license and such.

Mr. SOUDER. I gave you the benefit of the doubt; a driver's ed course is usually longer than 4 hours. But it is a compacted form of that.

One thing that is extra troubling with this is that had you not gone to work for that firm, we would have even less probable scrutiny on it. But are you saying you didn't have any contact. Did you have any familiarity with that firm when they were applying, or did your contacts and development of relationships that eventually led you to go to that firm occur after they were approved?

Mr. TOLLIFSON. Excuse me, I don't think I understand.

Mr. SOUDER. In other words, you didn't approve the firm knowing that at some point you might go to work for them?

Mr. TOLLIFSON. I certainly did not, sir.

Mr. SOUDER. OK. Thank you.

Mr. Hastert.

Mr. HASTERT. Thank you, Mr. Chairman.

Mr. Tollifson, it never occurred to you, or I don't know what the ethics of the INS are, but it seems to me that even a person who would have OKed or approved somebody going into business, then you going back in and working for that agency would smack of some type of complication. That never entered your mind?

Mr. TOLLIFSON. No, sir.

Mr. HASTERT. It never entered your mind?

Mr. TOLLIFSON. It never entered my mind, sir.

Mr. HASTERT. It is not in the rules of the INS that would prohibit you from doing that?

Mr. TOLLIFSON. Sir, I received from an ethics officer, Frederick Tournay, a specific reading on this.

Mr. HASTERT. So you did check with an ethics officer?

Mr. TOLLIFSON. Yes.

Mr. HASTERT. So it must have entered into your mind.

Mr. TOLLIFSON. I am sorry, sir.

Mr. HASTERT. You said you checked with an ethics officer. There must have been a question.

Mr. TOLLIFSON. Excuse me, sir. I thought we were talking about a point in time. Am I mistaken on that?

Mr. HASTERT. I asked you if it ever entered your mind that it was a breach of ethics to do this.

Mr. TOLLIFSON. To do what, sir?

Mr. HASTERT. To go into their employ after you approved these people.

Mr. TOLLIFSON. If I may correct the record, I did not per se approve NAS. I was a staff officer at INS. I received work assignments, I completed those work assignments as best I could; I passed on those work assignments to my superiors.

Mr. HASTERT. So you never had anything to do with the approval of this organization?

Mr. TOLLIFSON. I did not per se approve this application.

Mr. HASTERT. I said did you have anything to do with the approval of this agency?

Mr. TOLLIFSON. No.

Mr. HASTERT. No? Thank you. You remember that you are under congressional oath.

Mr. Roberts, I have internal documents from the Department of Immigration services here, and it says, quote—I just want to know if you know of this or not; while it is hearsay, it has been reported to HQBEN, which is the home offices, by more than one source—that “NAS CEO Paul Roberts has stated in public forums that he did not view it as his role to police its affiliates, but rather that it was the role of INS.

“In addition, it is not unreasonable to conclude that NAS plans now on file were taken directly from copies of the other testing organizations’ quality control plans. For several weeks, those plans were under the charge of Mr. Tollifson, who was assigned to adjust them and write a report prior to his retirement.”

Do you have any knowledge of that, Mr. Roberts?

Mr. ROBERTS. I don’t have any knowledge of that memo.

Mr. HASTERT. How about the activities?

Mr. ROBERTS. One part of that about the monitoring programs, we were under the direction of INS to submit our monitoring program within 30 days of December 13th.

Mr. HASTERT. How about the statement, it wasn’t your job to know the quality of your—

Mr. ROBERTS. I don’t ever recall saying that. It is obviously our job to police our organization.

Mr. HASTERT. This is in a memo, it says—written by a Mrs. Chang. It says, “The fact is, problems largely stem from its choice of testing,” referring to NAS, “partners, mainly ethnic community entities that are too eager to help the applicants pass the tests.”

Is that something that you would generally do?

Mr. ROBERTS. Could I see the paper that you’re—

Mr. HASTERT. Well, we will make this available to you. You can answer this or not answer. Would you rather not answer it?

Mr. ROBERTS. Would you repeat it again, please.

Mr. HASTERT. Well, the statement is a memo to the head office of INS from a Ms. Pearl B. Chang, and it refers to NAS saying, “The fact is that NAS’s problem stems largely from its choice of testing partners, mainly ethnic community entities that are too eager to help the applicants pass the tests.”

Mr. ROBERTS. I would really like to see the paper. That is very complex, so that I may read along with you.

Mr. HASTERT. We will get it to you.

Mr. SOUDER. We are getting it to you.

Mr. HASTERT. Further, have you ever been—felt like you were under any pressure to get a lot—is there a quota of how many people that you have to get through these tests?

Mr. ROBERTS. No, sir.

Mr. HASTERT. To be interviewed?

Mr. ROBERTS. No, sir.

Mr. HASTERT. Do you know about how many have applied for tests for these programs?

Mr. ROBERTS. No, no, I don't.

Mr. HASTERT. No idea at all how many have passed the education program, and I would suppose, the test? Is there a requirement you have to go to so many classes or anything like that?

Mr. ROBERTS. Our responsibility is to administer the standardized citizenship test, the 20-question multiple choice test and the two written sentences. Many of our licensees have ongoing, long-going English-as-second-language classes or some kind of educational program such as the Dade County public schools, Collier County public schools, that at the end of this educational process, the test is administered.

Mr. HASTERT. So you have no idea what your success rate is?

Mr. ROBERTS. Our passing rate varies somewhere between 89 to 91 percent.

Mr. HASTERT. We have here a notice from the INS that it is 93 percent.

Mr. ROBERTS. Like I said, it varies. The average is 89 to 91. We give quota reports.

Mr. HASTERT. It says your average is 93 percent.

Mr. ROBERTS. We give quota reports to INS.

Mr. HASTERT. So you have quotas. Is it quarterly?

Mr. ROBERTS. Quarterly reports to INS on our test site activity, the number of people that have passed, the number of people that have failed.

Mr. HASTERT. Mr. Chairman, my time is up, but I would be eager to come back.

Mr. SOUDER. Mr. Schiff.

Mr. SCHIFF. Thank you, Mr. Chairman.

Mr. Tollifson, you now work at NAS, Naturalization Assistance Services, Inc.; is that right?

Mr. TOLLIFSON. Yes, sir.

Mr. SCHIFF. How long have you worked at NAS?

Mr. TOLLIFSON. Since April of this year.

Mr. SCHIFF. Do you have a title with NAS?

Mr. TOLLIFSON. Yes, sir. I am a technical advisor.

Mr. SCHIFF. You are a technical advisor. All right. Where did you—where did you work prior to going to work for NAS?

Mr. TOLLIFSON. At the U.S. Immigration and Naturalization Service.

Mr. SCHIFF. For the INS?

Mr. TOLLIFSON. Yes, sir.

Mr. SCHIFF. How long did you work for the INS?

Mr. TOLLIFSON. Over 27 years, sir.

Mr. SCHIFF. Over 27 years. When did you leave the INS?

Mr. TOLLIFSON. March 29th, sir.

Mr. SCHIFF. So you left the INS on March 29th of this year?

Mr. TOLLIFSON. Yes, sir.

Mr. SCHIFF. In April of this year you went to work for NAS?

Mr. TOLLIFSON. Yes, sir.

Mr. SCHIFF. On what date in April did you go to work for NAS?

Mr. TOLLIFSON. I believe it was April 1st.

Mr. SCHIFF. So you were unemployed for 2 days?

Mr. TOLLIFSON. Yes, sir.

Mr. SCHIFF. You left INS on March 29th, I presume by retirement?

Mr. TOLLIFSON. By retirement, sir.

Mr. SCHIFF. You went to work for NAS on April 1st?

Mr. TOLLIFSON. Yes, sir.

Mr. SCHIFF. About 3 total days later, right?

Mr. TOLLIFSON. Yes, sir.

Mr. SCHIFF. Now, did the application by NAS to be approved by the INS, Immigration and Naturalization Service, to give these tests, did that application pass through your hands at all?

Mr. TOLLIFSON. Yes, sir.

Mr. SCHIFF. It did. When was that?

Mr. TOLLIFSON. In 1994, sir.

Mr. SCHIFF. In 1994. Do you remember when in 1994?

Mr. TOLLIFSON. I am not certain of the date, sir.

Mr. SCHIFF. First half of the year, last half of the year?

Mr. TOLLIFSON. The first half of the year.

Mr. SCHIFF. What exactly did you do with that application, or to rephrase it, why did the application go through your hands?

Mr. TOLLIFSON. I was part of the naturalization branch, and I had a collateral duty and the collateral duty was dealing with the testing program. As such, I answered the telephone and handled inquiries of various kinds pertaining to the standardized testing program.

Mr. SCHIFF. What did that have to do with approving NAS's application to administer the program?

Mr. TOLLIFSON. Sir, it only meant that as a staff officer I gathered the application in its final form as submitted by an organization, in this instance, NAS; I presented the application to my supervisor, my supervisor took it from there.

I recall in the instance of the NAS application that it was out of my hands for quite a while. It came back to me through my supervisor with a note on it. One of the assistant commissioners wanted clarification on something, and I had to go to the general counsel section and get clarification; I did. I gave the application back to my supervisor, and then it was up to him to deal with it.

The INS staff officers don't, in my experience, my own experience, do not per se approve things, sir.

Mr. SCHIFF. But the staff officer, which was yourself, does essentially the investigation upon which that decision is finally made; isn't that right?

Mr. TOLLIFSON. I prefer—I don't prefer the word "investigation"; I don't mean to quarrel semantics with you, sir.

Mr. SCHIFF. What word would you use?

Mr. TOLLIFSON. "Examine the application," "adjudicate it," "assemble it."

Mr. SCHIFF. I will accept all three of those.

You said that it was in early 1994 that you reviewed the application. When did it come back to you through your supervisor for additional work?

Mr. TOLLIFSON. I am not certain. I do recall that it came back to me in final form with a letter that one of the clerical people had prepared, that was signed by the assistant commissioner, approving NAS; and it was my job to just assemble the folder and then begin to collect various reports that the company would send in.

Mr. SCHIFF. When were they finally approved?

Mr. TOLLIFSON. Sometime in August 1994, sir.

Mr. SCHIFF. August 1994. All right.

What do you do as a technical advisor for NAS since April 1, 1996?

Mr. TOLLIFSON. Well, among other things, I have been working on a preparing-for-citizenship book that will be a commercially available product. It is a study guide. Various—within the NAS, there really is no technical expertise. They are not aware of the Immigration Act, they are not aware of the technicalities with the regulations.

Mr. SCHIFF. But they don't have to be aware of that to be approved; they have already been approved?

Mr. TOLLIFSON. Well, yes, sir, but in the course of their business, the licensees will pose various questions back to the NAS Headquarters, and then those questions would, in turn, be referred to me.

Mr. SCHIFF. One last question, Mr. Tollifson. What is your salary at NAS? What salary did you go to work for on April 1st?

Mr. TOLLIFSON. \$70,000.

Mr. SCHIFF. Thank you.

Yield back, Mr. Chairman.

Mr. SOUDER. Mr. Ehrlich.

Mr. EHRLICH. Sir, is it true, Mr. Roberts, that INS suspended NAS's testing authority from November 22, 1995 through December 13, 1995?

Mr. ROBERTS. The initial letter was for November 22nd, yes. But once we were reinstated, the date was changed from the 22nd, I believe, to November 25th, the suspension.

Mr. EHRLICH. So we are talking about approximately a month?

Mr. ROBERTS. I think it was about 3 weeks.

Mr. EHRLICH. Sir, during that time, did you have an opportunity to discuss the suspension with Mr. Tollifson?

Mr. ROBERTS. I don't believe I discussed the suspension with him. As I recall our conversation, I merely told him that we were suspended.

Mr. EHRLICH. Is that the singular or the plural? Did you have one conversation with him or numerous conversations with him?

Mr. ROBERTS. I don't recall. It was probably a couple of conversations. He was not in Washington, DC, at that time. He was on an assignment outside of INS Headquarters.

Mr. EHRLICH. Sir, your best recollection—that is all I can ask, your best recollection—is that during the time of the suspension, you had more than one conversation?

Mr. ROBERTS. Yes, more than one.

Mr. EHRLICH. Sir, to the best of your recollection, I believe you just testified that your conversations only concerned the fact of the suspension; is that correct?

Mr. ROBERTS. I believe the conversation was that we were suspended, that we had a letter from INS that was faxed to us that we were suspended.

Mr. EHRLICH. Sir, what else can you remember concerning—that seems to be an interesting way to begin a conversation; that certainly is not the way you end a conversation. What else can you remember concerning those conversations?

Mr. ROBERTS. It was a conversation that—when we received the notice over the fax machine, part of the notice was that we needed to contact somebody at INS about the letter, that we received it; and upon doing that, we couldn't get hold of this person. It was very difficult to get hold of them.

Mr. EHRLICH. Do you remember who that person was?

Mr. ROBERTS. I believe it was Mr. Cook. Once we got hold of them for clarification, we were constantly leaving messages on the voice mail. It was a very important item to be taken care of.

Mr. EHRLICH. I understand why.

Mr. ROBERTS. I recall a conversation with Mr. Tollifson asking him if he knew of anybody else at the service where we might direct a letter or direct our attorneys to talk with.

Mr. EHRLICH. Do you have a specific recollection of any other inquiries you may have made to Mr. Tollifson during that timeframe with respect to the suspension?

Mr. ROBERTS. No, I don't recall anything else.

Mr. EHRLICH. Do you recall what, if anything, he reported to you concerning the suspension?

Mr. ROBERTS. I don't recall anything.

Mr. EHRLICH. This was a pretty important time?

Mr. ROBERTS. Yes, it was.

Mr. EHRLICH. You do not have any recollection concerning any statements he may have made to you which—I am not saying they are inappropriate, I am just asking a question here.

Mr. ROBERTS. Like I said, I remember a couple of conversations about why we were suspended. Once again, we were dealing with trying to contact INS and the attorneys and trying to get everything going. It was a very, very difficult time.

Mr. EHRLICH. I don't want to put words in your mouth, but is it your recollection that he gave you any advice with respect to how to proceed through the suspension process?

Mr. ROBERTS. No, he did not give us advice on how to proceed through it. I do not recall anything like that.

Mr. EHRLICH. OK. Thank you very much. Appreciate it. I yield back.

Mr. SOUDER. Mr. Mica.

Mr. MICA. Mr. Roberts, it appears from some of the information that I have that your organization, NAS, has had sort of a record of a very rough time in meeting the requirements set forth by NAS, and under review by—I am sorry, INS—review by INS for improper actions. When did you first get the contract to begin this service?

Mr. ROBERTS. We were approved by a letter that was signed by Lawrence Weinig, I believe it was August 22, 1994.

Mr. MICA. In 1995, INS was investigating some of the problems with your organization and issuing certificates along with a local organization called Friendly Administrative Services. Were you aware of that problem?

Mr. ROBERTS. We were aware of the problem. We investigated the problem, and we suspended and ultimately canceled their license. I believe we notified the Dallas district office of our problems with Friendly Administration Services.

Mr. MICA. After you suspended your relationship with Friendly Administrative Services, did you have any further relationship with Mr. Kevin Hun Lee who, I guess, had signed certificates by that organization?

Mr. ROBERTS. No other relationship.

Mr. MICA. One of the charges that was brought about by INS said, several applicants indicated that, through interpretation, testing was done—this is in 1995—in the native language of the applicant, not in English. One person indicated that the English sentence that was to be written for the test was put on the blackboard and the person being tested could merely copy it. Most of the applicants reported being charged approximately \$285 for this service.

Were you aware of these problems?

Mr. ROBERTS. That is one of the reasons we suspended them, one of the major reasons that we suspended them. When we became aware of that, that they had done native language testing, that sentences were written on the board, they were immediately suspended and canceled. So when that came to our attention—

Mr. MICA. Were you aware that a Ms. Young (Adrian) S. Han, a proctor and instructor working for one of these organizations, was dismissed for passing five applicants who were later determined to have failed their examinations, and then was employed by you?

Mr. ROBERTS. She was never employed by NAS.

Mr. MICA. She was never employed by NAS?

Mr. ROBERTS. No, sir.

Mr. MICA. Mr. Roberts, you were suspended in November of last year?

Mr. ROBERTS. Yes, sir.

Mr. MICA. Was there any suspension or problem this year?

Mr. ROBERTS. We received a Notice of Intent to Suspend—

Mr. MICA. That the first witness had testified about? What was that date?

Mr. ROBERTS. I am not sure when we got the Notice of Intent to Suspend this year, but it was July or August.

Mr. MICA. At the beginning of the employment of the young lady who testified, sometime during her employment?

Mr. ROBERTS. That was the first notice in November 1995 that she was employed.

Mr. MICA. I would like to ask Mr. Tollifson, were you involved in trying to regain the certification and participation of NAS when that suspension was noticed?

Mr. TOLLIFSON. No, sir, I was not.

Mr. MICA. You were not involved in any way?

Mr. TOLLIFSON. I was not involved in that, sir.

Mr. MICA. Did you talk to INS at all about that suspension?

Mr. TOLLIFSON. To INS Headquarters, sir?

Mr. MICA. Pardon?

Mr. TOLLIFSON. Do you mean to INS Headquarters?

Mr. MICA. Anyone with INS.

Mr. TOLLIFSON. No, sir, I didn't. I was not at Headquarters during that time.

Mr. MICA. No. You were with NAS this year, right?

Mr. TOLLIFSON. I thought you were talking about the suspension, sir.

Mr. MICA. Yes.

Mr. TOLLIFSON. That was in 1995.

Mr. MICA. I am talking about another suspension in 1996.

Mr. ROBERTS. We were not suspended in 1996. We had a Notice of Intent in which we were required to submit documents and rebuttal—

Mr. MICA. Right. I guess it was 2 weeks that the first witness talked about—

Mr. ROBERTS. No. The first witness was employed in November 1995, when the first suspension notice was given.

Mr. MICA. OK. But there was a second notice.

Mr. ROBERTS. The second notice was the Notice of Intent to Suspend which came in July or August of this year.

Mr. MICA. And she was still there?

Mr. ROBERTS. No, she wasn't.

Mr. MICA. I am sorry then.

Were you involved in preparing any documents or work on the second notice when they got the second notice that they were going to be suspended?

Mr. TOLLIFSON. Yes, sir, I was.

Mr. MICA. You were involved in that?

Mr. TOLLIFSON. Yes, sir.

Mr. MICA. What did you do and whom did you contact?

Mr. TOLLIFSON. Well, I was contacted by Mr. Roberts and various legal counsel for NAS, and I prepared a lengthy statement that was a report, historical report, on the testing program and where it came from.

Mr. MICA. Did you directly contact anyone employed by INS about the proposed suspension?

Mr. TOLLIFSON. No, sir, I don't recall doing that.

Mr. MICA. No one?

Mr. TOLLIFSON. But if I might add, having just recently left the agency, I do have friends within the agency that I do speak to on occasion, less frequently as time goes by.

Mr. MICA. Did you talk to any of them about the pending situation?

Mr. TOLLIFSON. I don't recall that I did.

Mr. MICA. Thank you. I yield back.

Mr. SOUDER. Mr. Roberts, you said that you suspended different firms you have contracted with, depending on your uncovering information. Have you ever suspended a firm or can you give me some examples of some who would have been suspended from providing services to you other than when media have already identi-

fied them, or INS—in other words, that you have uncovered through your own investigation?

Mr. ROBERTS. Yes, we have many of those. I would like to supplement the records with those kinds of letters and actions that we did do. I believe even in the opening statement you had said that NAS has suspended or canceled 43 test sites. Obviously most of those are done on our own since the media has only uncovered two of them. So the majority of those that you gave in the opening statement were—

Mr. SOUDER. In other words, those were ones that you discovered?

Mr. ROBERTS. Yes, sir.

Mr. SOUDER. OK. We heard from the lady on the first panel that many of the people she talked to couldn't speak English, or didn't appear to speak English, and we have seen that in other places. How do you think that somebody could pass a test if they don't have the ability to speak or understand English?

Mr. ROBERTS. That is a very good question, and we have talked about that in many circles, including Ph.D.'s that are on our advisory board, people that teach English as a second language. We have talked about the issue at length. I don't know what the answer is.

I would say, once again, our part in the standardized citizenship testing is a multiple choice test and sentences that are written in English. I can't answer your question how that happens. I am not an expert in linguistics or learning or any of that. But there is—I will tell you there is great debate in the academic world on how that happens.

Mr. SOUDER. According to some of the documents we have seen, it wasn't just a question of whether the people could understand what communism was or capitalism or a form of government, they couldn't even answer basic questions like, where did you take the test? That brings into mind a core question.

If we don't quite understand how they can pass a test if they don't speak English; we don't want to make a judgment—and we don't want to make a judgment that the pencil markings all seem to be from the same pencil; we don't want to jump to any conclusions about the fact that only one of the two sentences has to be correct in the first place; that anybody who has ever been to college or high school or elementary school knows how multiple choice test information is not exactly a litmus test of your ability to understand in the first place. If somebody merely gives you the letters, you don't have to understand English to put the letters down. A fundamental charge is being made that it looks like, when you combine those things, if you were in this seat as opposed to your seat, it is not just enough to say, oh, well, there is a debate about this.

Mr. ROBERTS. I think it is a high-stress, high-anxiety type situation they are placed in when they come into the INS office.

Mr. SOUDER. On the phone, too?

Mr. ROBERTS. On the phone, I don't know. My response to that is, I don't understand it myself. I am listening to what everybody is telling me. People that speak many languages say that they can write and they are able to understand, but when it comes to talk-

ing, to communicate with somebody else in that language, there is great difficulty doing that.

Mr. SOUDER. I can understand the stress, and I certainly would understand stress, but to even not know what city you took it in is—suggests that it is a more fundamental problem.

There is also a memo—do we have a copy of this to give? It is an internal memo from Cynthia Lee to Benedict Ferro where she recounts a conversation she had with you that says, “Paul Roberts of the Naturalization Assistance Service called me today, informed me that two people had contacted him regarding the NAS approval letters. I told him that many of the applicants could not speak English, in fact, many of them could not even be sworn in to conduct the interview. In those cases, I explained that we do not accept the approval letter. At this point, he became somewhat angry and said that we should then be denying those cases on the applicants’ inability to speak English, not on their ability to read and write, pass the history and government portions.

“I did state that I had no idea how these people were able to pass a written history, government and English test when they could not even conduct the most basic conversation in English, and the conversation became sort of ugly. I told him that he should contact my supervisor. I checked the regulation, section 1.21, understand and demonstrate and speak words in ordinary usage of the English language.”

Are you familiar with—have you ever seen this document before?

Mr. ROBERTS. I have not seen this document.

Mr. SOUDER. Are you familiar with the conversation?

Mr. ROBERTS. I vaguely remember a conversation, yes, sir.

Mr. SOUDER. Are you maintaining here that—because INS clearly has reservations, too, that theirs is a technical reservation, that they should object to it on language grounds, not on the fact of a written test? Do you want to try to clarify your discussion here?

Mr. ROBERTS. Once again, I think this falls back to what we test for is the multiple choice and the sentences. We do not test on somebody’s spoken English ability. I believe the 312 section, or some section of the code, states that if the person presents the certificate, they are not supposed to be retested on history and government. It is the duty and the authority of INS, if this person does not speak English, to fail them because of their inability to speak English. That is my recollection of what this conversation was; I was simply asking her to accept the certificates, but if people do not speak English, note that they fail because of their inability to speak English.

Mr. SOUDER. Why would you have gotten angry over that?

Mr. ROBERTS. Pardon me?

Mr. SOUDER. If they were not going to be approved anyway, why did you get angry?

Mr. ROBERTS. I think we were in a technical debate of a point, and that issue is, they were routinely denying our certificates. All they simply had to do was say, the person didn’t speak English, they had the authority, the right, and the—

Mr. SOUDER. Was your payment based on acceptance?

Mr. ROBERTS. On acceptance of?

Mr. SOUDER. In other words, what did it matter to you? Technically, since you already have a fail rate that is only one-half of everybody else, why would this have gotten you so angry?

Mr. ROBERTS. Like I say, I remember parts of the conversation. There might have been other things that she said that I don't recall the entire conversation.

Mr. SOUDER. OK. Thank you.

Mr. Ehrlich.

Mr. EHRLICH. Mr. Roberts, if it was February 1995 and I walked in to see you and said, "Hi, my name's Ehrlich. I run Ehrlich's Testing Service and I want to become your licensee." What steps, what procedures would you implement to check me out?

Mr. ROBERTS. Did you give a point in time? I didn't hear the very beginning.

Mr. EHRLICH. Beginning of 1995.

Mr. ROBERTS. There was an application to be filled out, your name, your business name, where you intend to do business, the site where you were going to give the test, general overview. Could you secure the test booklets? Did you have proper staff to make sure they were secured so no one could leave the offices? It was an application procedure.

Mr. EHRLICH. Proper staff to secure the books?

Mr. ROBERTS. Yes. Or the books could be properly secured at your location.

Mr. EHRLICH. Let me ask you specifically, what about inquiries into the technical abilities of the folks that I have on my staff?

Mr. ROBERTS. To what extent?

Mr. EHRLICH. Were you looking into the people that were working for me?

Mr. ROBERTS. I think in 1995, we did have a separate individual application. I think it was that—I don't recall for sure—that we could ask everybody that is involved with the testing program to fill out—we implemented this at some point, I am not sure exactly when this was phased in. So anybody who was going to proctor a test or administer the test, we would ask information on them.

Mr. EHRLICH. OK. Do we have that? Could I ask you to provide that?

Mr. ROBERTS. I sure will. I will provide the whole application, if you would like.

Mr. EHRLICH. Thank you so much. I appreciate it. Thanks.

I yield back.

Mr. SOUDER. Mr. Hastert.

Mr. HASTERT. Mr. Roberts, just a couple of recollections here. I have a letter to you from INS dated November 26, 1995, that says that upon review of videotape and the recent broadcast on a St. Paul television—on and on—and it says, we have found the following: Asian Pacific Resources test proctors assisted applicants with test information by indicating the correct answers to test questions. Asian Pacific Resources test proctors permitted applicants to amend their test answers after the examination time expired and the test papers were examined. Asian Pacific Resources test proctors drilled or tutored applicants on the test questions prior to the administration of tests.

Another statement that is in here also, INS to William McNamee, complaining that through the last several months, there have been numerous reports of applicants for citizenship who were given letters from NAS which indicate that they have satisfied the section 312 requirements which, for a number of reasons, field offices believe were improperly issued.

Another letter, a news release, U.S. Department of Justice, Honolulu. Special agents of the Immigration and Naturalization Service today arrested four employees of a Honolulu testing service on charges of conspiracy in defrauding the INS. It goes on to say that this organization was a branch of the Naturalization Assistance Service, which is currently authorized by INS to administer the INS citizenship test.

Another letter, again to Mr. McNamee from the INS. It says in a memo dated 1-9-95, the OIC indicates an auditor for the State of California examined a large number—it didn't say how many—of the tests and found that they were all in the same handwriting and everyone passed. This is something that comes out of, again, your organization.

Well, we can go on and on and on. But, you know, this is taxpayer money, money paid by the Federal Government. It happens over and over and over again. A series of letters here are complaining to the INS that your applicants are being turned down.

Also a letter from our friend—well, the person here making this request is Mr. Tollifson to INS employees complaining, this is dated 4-26-96, complaining that "Skip" has no right to intervene, even if there is some kind of a problem, let alone when BAL is only applying prescreening procedures.

There is an established routine that any entity may follow to work in the—I guess you never worked with these people, Mr. Tollifson, but I think that is probably an impropriety. It goes on and on.

I think maybe you could define, what is the fine line here? When were you committing fraud and when were you not committing a fraud here, taking Federal dollars and doing what you are doing?

Mr. ROBERTS. We are not supported by one Federal dollar. There is no tax money given to NAS, period.

Mr. HASTERT. All right. What happens—who are these people who are paying you?

Mr. ROBERTS. The applicants.

Mr. HASTERT. The applicants. What do the applicants get in return?

Mr. ROBERTS. They pay a \$30 fee to take the test.

Mr. HASTERT. What did they get?

Mr. ROBERTS. If they pass the test, they get a certificate issued that says they passed the test.

Mr. HASTERT. They get citizenship then, right? You're the doorway to citizenship, right?

Mr. ROBERTS. No, sir, I would not characterize it that way. There are many, many requirements to become a citizen.

Mr. HASTERT. But you are a key requirement. They have to pass the test.

Mr. ROBERTS. We are one of many requirements to become a citizen.

Mr. HASTERT. How many?

Mr. ROBERTS. There's all kinds of them.

Mr. HASTERT. Tell me. You're the expert. You have to apply, take the test, you have to have an interview.

Mr. ROBERTS. You have to have residency requirements, there are a number of questions that have to be satisfied. Once again, I am not a technical expert. We give the standardized test.

Mr. HASTERT. But you can't get citizenship without passing the test; is that right.

Mr. ROBERTS. That is one of the requirements.

Mr. HASTERT. So you are the key to the door. And when they are a citizen, what are the benefits they get?

Mr. ROBERTS. The benefits of becoming a citizen?

Mr. HASTERT. Yes.

Mr. ROBERTS. There are numerous benefits.

Mr. HASTERT. Sure. I rest. Thank you.

Mr. SOUDER. Mr. Mica.

Mr. MICA. Mr. Roberts, Ms. Han that I spoke of, you are sure that NAS never hired Ms. Han?

Mr. ROBERTS. Ms. Han was not an NAS employee.

Mr. MICA. At any point?

Mr. ROBERTS. At any point. I do not recall her being on the payroll at all.

Mr. MICA. Mr. Tollifson, I asked you the question about contacting any INS employees dealing with the potential suspension this past year. Again, I will ask you the same question. Did you contact any INS employees, any active Federal employees of INS, relating to or regarding this situation?

Mr. TOLLIFSON. If I may, if I understand the question—

Mr. MICA. You told me you had friends and you had contacts, but I am not sure if I got a direct answer. The question is, this proposed suspension—most recent, when you were there—you said you prepared documents and some other background for going back to INS with. And then you said, you had friends, et cetera. I am not sure if you answered my question if you contacted any of those individuals who are actively full-time employed or part-time employed INS employees about the situation.

Mr. TOLLIFSON. Subsequent to leaving INS, NAS has become involved in a Notice of Intent to Suspend situation.

Mr. MICA. Right.

Mr. TOLLIFSON. I asked that that not be confused with a November 1995 suspension, of which I had zero part.

Mr. MICA. Right.

Mr. TOLLIFSON. The 1996 Notice of Intent to Suspend, yes, I did participate in preparing documents for NAS, and I did on a few occasions contact people within the agency pertaining to that suspension, yes, sir.

Mr. MICA. I thank you.

I want to go back to Mr. Roberts, if I may, again.

Mr. Roberts, I have read some of the various memos from INS. I have one in October, October 6, 1995—can staff take a copy down to him, please—and it is from the acting Assistant Commissioner of Adjudications, or signed by that individual; and at this time you were also concerned—this may be, in your defense, in some of the

steps that you took. You had contacted, and I guess we had had some other questions about NAS being a bit confused about what the language requirements were and testing requirements, and you had made contact and expressed your concern. On October 6th, they issued this memo.

It says, "The applicant's inability to speak English may not be the sole reason for finding that the test results were obtained through fraud or misrepresentation." That is the end of the quote. All district office adjudication offices should be aware of this change.

Then on January 26, INS sends out a new memo, and that is Michael Aytes, acting Assistant Commissioner of Adjudications, and he says, "It is to all adjudication officers who deny or continue a naturalization case because the applicant holds any standardized citizenship test certificate, but cannot communicate in English words of ordinary usage and is not otherwise exempt from the English literacy requirements of CFR 212.1, must note in writing—in parentheses—in the record and ensure that the applicant understands that the applicant's failure to demonstrate English literacy in accordance with CFR 212.1 is the reason for the denial or continuance."

In your opinion, was INS trying to move these folks through in an expedited fashion? Did you have any—did you feel that you had any leeway to waive or to—not to waive, but that they were trying to move folks through in an expedited manner?

Mr. ROBERTS. I don't have any opinion that way. Once again, our business was administrating the test and sending out the test results. As far as their application process, you are going to have to talk to INS about that and what their motivations were.

Mr. MICA. Well, did any of this seem contradictory in any fashion, or did you feel you had the license to proceed and move these people posthaste, regardless of their ability to read or write or conduct the exam in English?

Mr. ROBERTS. We just administer the test to the licensees in the communities. When people come in and request to take the test, they are given the test. So I can't answer your question.

Mr. MICA. So you didn't feel like you were under any—it is a bit confusing, because you seem to have had an argument with INS about the interpretation of this.

Mr. ROBERTS. That is because that was already written in code. That is what is in Federal law or rules that this particular quote was in the rules.

Mr. MICA. You didn't notice any change from their standpoint in the interpretation? You didn't feel like you were doing anything different all the time?

Mr. ROBERTS. No, sir.

Mr. MICA. Always interpreting it the same way?

Did you want to respond, Mr. Tollifson?

Mr. TOLLIFSON. Yes, if I may, sir. May I see the Cynthia Lee document?

Cynthia Lee in her memo, or whatever this is, refers to section—Title 8, Code of Regulations, section 312.1.

I believe she should have referred to 8 CFR 312.3, standardized citizenship testing, specifically, section (a)3. What it clearly says is

that an applicant who passes a standardized citizenship test, as provided in paragraph 1, shall not—and in Immigration, one of the first things we are taught is “shall” is a strong word—shall not be re-examined at the naturalization interview as to his or her inability to write English and history and form of government of the United States unless the examining officer has reasonable cause to believe, subsequent to verification of the applicant’s test results with the authorized testing entity, that the applicant’s test results were obtained through fraud or misrepresentation. The applicant’s inability to speak English may not be the sole reason for finding that the test results were obtained through fraud or misrepresentation.

If I can just make one comment—

Mr. MICA. Go right ahead.

Mr. TOLLIFSON. Educational Testing Service is one of the organizations that gives this test. Educational Testing Service has provided standardized tests to just about everybody in the whole world, certainly in our Western world and in this country.

I believe, since I know that the people who are responsible for this specific wording, that that was put in as a flag for an adjudications officer not to go behind the work of an Educational Testing Service lightly, that what Cynthia Lee was reacting to is why this person doesn’t speak English. I am going to read the wrong section of law.

I don’t believe that Mr. Roberts was totally in error for trying to point out to an adjudication supervisor that you are looking on the wrong page, ma’am. Mr. Roberts and I have discussed that, and that is what I believe is what happened.

Mr. MICA. I just wanted to hear your interpretation. I thank you and yield back.

Mr. SOUDER. We are done with our questioning. I wanted to make a couple of comments here at the close. I think that there is a distinction. I found your last reading and interpretation interesting. There is a distinction when we have the accelerated rate that we are seeing currently, when we have a firm that has been suspended multiple times, has had multiple subcontractors terminated, has 41 of the 52 cases in July that are in question, when we have allegations on national television that there are “hundreds of names in the same pencil” things, it becomes more of a debate as to which clause is covered there, because there was a question, even as you were reading that, of what is the intent and whether or not there is reason to be suspect as far as which one would even apply.

So I don’t think it is quite as clear-cut as that, but I understand that there could be some debate as to which takes preeminent effect. But here my understanding is not the argument over whether or not the applicant would be denied, but denied on what grounds.

Mr. ROBERTS. Sir, may I make a comment, please?

Mr. SOUDER. Yes, go ahead.

Mr. ROBERTS. You mentioned that there were tests with—100 tests with the same pencil mark on them that were passed. I believe Ms. Elghazali said in her testimony that when that occurred, Mr. Paren said that everybody in the class was failed. I think if you will review the record, she testified that if there was a batch

with 100, there was a batch with 100, and Mr. Paren said, everybody in that batch failed.

I would just like to make that point for the record.

Mr. SOUDER. What we are going to do, because a lot of the answers here, in our opinion, were unclear and we are still sorting some of that out, is to keep the option open for two things; one is written questions, as well as additional inserts that you may have or that we may have, and also have the right to call back if, as we do these investigations, we decide we need to have another public inquiry.

I thank you for coming today.

Will the third panel please come forward, Mr. Alexander Aleinikoff, Mr. Louis Crocetti.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that the witnesses responded in the affirmative.

Mr. SOUDER. Mr. Alexander Aleinikoff is the Executive Associate Commissioner for Programs at the Immigration and Naturalization Service.

Mr. Lewis Crocetti—is that—

Mr. CROCETTI. Yes, that is fine.

Mr. SOUDER [continuing]. Is the Associate Commissioner for Examinations at the Immigration and Naturalization Service.

Mr. Aleinikoff, do you want to go first?

STATEMENT OF ALEXANDER ALEINIKOFF, EXECUTIVE ASSOCIATE COMMISSIONER FOR PROGRAMS, IMMIGRATION AND NATURALIZATION SERVICE, ACCOMPANIED BY LOUIS D. CROCETTI, ASSOCIATE COMMISSIONER FOR EXAMINATIONS, IMMIGRATION AND NATURALIZATION SERVICE

Mr. ALEINIKOFF. Mr. Chairman, I think my oral statement here may go just a minute or two over the 5 minutes, if the committee would permit me to have the extra 2 minutes.

Mr. SOUDER. Yes. We would like you to try to stay within 5, but we give a little leeway.

Mr. ALEINIKOFF. Thank you for the opportunity to appear before you today. I am pleased to discuss with you our naturalization testing program. But I would like to take a minute or two, to start, by laying out the groundwork for a better understanding of the Citizenship USA program. There have been some recent reports in the media about the INS citizenship program, and I would like to take a few minutes to review the origins.

Quite simply, the numbers tell the story, Mr. Chairman. In previous years, naturalization applications had averaged about 2- to 300,000 per year. I have a chart here which shows the applications in recent years. I hope the committee can see it, or I can make it available to you, Mr. Chairman.

In fiscal year 1994, that number rose to 550,000 and in fiscal year 1995 it leaped to more than 1 million. Already this fiscal year more than 1 million persons have filed for naturalization, and we expect these record levels to continue next year as well.

By early 1995, these record-breaking numbers had created a huge backlog for us. Without increased resources for the program, processing times rose dramatically. By the summer of 1995, the

INS had conceived of Citizenship USA, a program designed to return our processing times to acceptable levels.

We announced Citizenship USA in August 1995. Our stated goal was to get current with naturalization applications by the summer of 1996. By getting current, we meant a processing time of 6 months from time of filing an application to swearing in as a new citizen. That goal was subsequently slipped a bit to the end of this fiscal year, September 30.

While Citizenship USA is a nationwide program, we initially focused major resources in the five district offices with the greatest number of pending cases: Chicago, Los Angeles, Miami, New York, and San Francisco. At the time, these five offices had about 75 percent of our pending caseload and the waiting times for interviews were patently unacceptable.

This is a chart that shows the waiting times at the initiation of Citizenship USA. An applicant filing for naturalization in Los Angeles would have waited more than 2 months—I am sorry, 2 years. These numbers are in months. In Miami, it would have been over 4 years. In short, Citizenship USA strived to put both naturalization and service back in the Immigration and Naturalization Service.

Naturalization applicants are long-term, permanent residents who pay a significant fee for a service, the efficient adjudication of their application under the law. Had we not taken steps to meet the tremendous challenge of the huge increase in applications, I think we would now be facing criticism for inaction and dereliction of duty.

The importance of U.S. citizenship cannot be gainsaid. Both for the applicant and for the Nation he or she seeks to join, it is a decision of singular significance. It is the highest benefit, some might justly say "honor" that this Nation bestows on immigrants.

Because of the tangible and symbolic importance of the granting of citizenship, INS's increased efforts must be carried out in a manner that does not compromise our standards. This we have done. No policy directive, no guidance has been issued that reduces the standards we apply to naturalization proceedings. There have been no instructions from Headquarters that have pressured people to approve unqualified applicants for naturalization. Indeed, our denial rate under Citizenship USA is at or above historic levels.

Furthermore, our efforts have received bipartisan support from the Congress. The reprogramming for this purpose have been approved by our Appropriations Committees. The second, in January 1996, expressly identified the means and the goals of Citizenship USA. Chairman Harold Rogers' Notice of Approval states, that he is, "pleased that the INS is reprogramming"—I am sorry. He is "pleased that the INS is recognizing the significant workload and addressing it in this reprogramming."

I believe Citizenship USA is a responsive and a responsible program of which the INS is justly proud.

Let me add that the program will not be completed this fiscal year. While we have significantly reduced processing times, we will continue to face an avalanche of naturalization applications in days ahead and it require continued efforts to stay current with our backlog.

Recent accounts in the media have also focused on the INS program which authorizes private companies to test naturalization applicants on their knowledge of written English and American civics. While some of these accounts have been exaggerated, to my mind, the INS acknowledges that the program has experienced problems centered around allegations of fraudulent testing practices. We are committed to correcting these problems in the citizenship program, and we will outline for you today steps we have taken and will be taking to address the problem.

Let me start, though, by stressing an important fact. Even if an applicant holds a certificate from a private citizenship testing service, noting the successful completion of a standardized test on written English and civics, the certificate does not guarantee an applicant's naturalization. Every naturalization applicant is interviewed by an INS adjudications officer. During this interview, an applicant must demonstrate that he or she is a person of good moral character, has been a lawful, permanent resident of the United States for the required time, is personally attached to the principles of the U.S. Constitution and possesses a functional knowledge of the English language, including the ability to read, write and speak words in ordinary usage unless the applicant is statutorily exempt. Applicants who cannot communicate in English to the adjudicator and who are not exempt by statute from the English requirement are not eligible for naturalization, even if they possess a certificate from a private citizenship testing organization.

If I might add, I was interested in Ms. Elghazali's testimony this afternoon, Mr. Chairman, where she said she received numerous calls from people who were complaining that they had received a certificate from NAS, but were not permitted to naturalize because an INS officer said, you can't speak English, we cannot approve your application.

Therefore, I guess, in response to Mr. Hastert's opening comments here, there have been no shortcuts taken. The applicant still sees an INS adjudicator and they test on the English requirement. If they cannot speak English and they are not exempt from the statute, they will not be granted citizenship.

We established the testing program in 1991 to provide an alternative venue for naturalization applicants. Assertions by some that the INS has ignored the problem of testing fraud, or only responded following press reports, I do not believe are supported by the record.

Over the past year, the Service has taken a number of significant steps to improve the process. Since the suspension of NAS in November 1995, we have undertaken the following enforcement efforts. We have demanded and received monitoring plans from NAS and other testing entities. We have instructed our field offices to undertake announced and unannounced visits to testing sites.

Pursuant to INS efforts and monitoring by the national testing organizations under our instructions, 42 testing sites have been closed in this calendar year. Based on an INS-initiated investigation, the operators of a testing site in Honolulu were prosecuted and convicted in May. I understand they were sentenced yesterday, but because of the time delay with Hawaii, we were unable to learn what the sentence was, but we will supply it to the committee.

[The information referred to follows:]

In the case of Friendly Testing Services, a NAS licensee in Honolulu, Hawaii, 4 defendants were indicted on charges of Conspiracy to Defraud the INS. One, Kyung Sup Chong, plead guilty and was sentenced by the U.S. District Court in Honolulu, Hawaii to 2 years probation and a fine of \$1,200. Sentencing of the three other defendants is scheduled for November and December.

Mr. ALEINIKOFF. There are currently 17 investigations in INS field offices. In June we ordered NAS to suspend a Dallas affiliate and issued to NAS a Notice of Intent to Suspend and possibly terminate their entire testing program. Our review of NAS's response, which in fact totaled nearly 1,500 pages, is nearing completion.

Also in June, INS program officers met with representatives of the national organizations to discuss test security. Based on those discussions and our independent analysis, we are today notifying the organizations of new procedures and policies they must adopt by October 1st to further ensure a credible and secure testing program. These include:

All new testing affiliates must be approved by INS Headquarters and we will make that decision after consultation with appropriate local INS offices;

All new affiliates must demonstrate educational testing experience;

Tests may not be scored in the presence of test-takers;

More stringent requirements for the dictation of the English sentence used for proof of written English proficiency are provided;

A prohibition against the practice of combining testing fees with fees for other services is included so that local affiliates do not circumvent the requirement that the testing fee be reasonable;

National organizations will be required to report to INS the monthly results of the organization's own monitoring efforts, including any sites closed for cause, and shall set up a special telephone service for INS officers use to be able to verify the validity of a test certificate;

Finally, we have initiated a high-level policy review of the overall testing program. Policy options are now being prepared and considered that examine the outside testing—whether the outside testing program should continue, and if so, in what form.

These actions, I believe, demonstrate a serious commitment by the Service to ensure a sound and secure testing program, one that will allow the American public to have confidence that only those persons eligible to naturalize are being naturalized.

Thank you, Mr. Chairman, for your indulgence on the extra several minutes here.

Mr. SOUDER. Thanks you for your testimony.

[The prepared statement of Mr. Aleinikoff follows:]

Testimony of

T. Alexander Aleinikoff

Executive Associate Commissioner for Programs

Immigration and Naturalization Service

before the

House Committee

on Government Reform and Oversight

Subcommittee on National Security, International Affairs
and Criminal Justice

concerning

Naturalization Testing Fraud

September 10, 1996 at 1:30 p.m.
311 Cannon House Office Building

Thank you for inviting me to address the Subcommittee on the issue of naturalization testing fraud. The granting of United States citizenship is the highest benefit the Immigration and Naturalization Service (INS) can bestow upon a qualified applicant. For this reason, maintaining the integrity and security of the naturalization process, and in particular ensuring that the process of testing naturalization applicants on knowledge of English and United States history and government (civics) is without fraud, is critical and of paramount importance to the INS.

Recent accounts in the media have focused attention on the INS program which authorizes private companies to test naturalization applicants on their knowledge of written English and American civics. While some of these accounts have been exaggerated, the INS acknowledges that the program has experienced problems centered around allegations of fraudulent testing practices. The INS is committed to correcting the problems in the citizenship testing program and to eliminating instances of fraudulent activity. We will outline for you today the steps we have and are taking to address these problems.

Before outlining these steps, we would like to stress a few relevant facts. First, even if an applicant holds a certificate from a private citizenship testing service noting the successful completion of a standardized test on written English and civics, this certificate does not guarantee an applicant's naturalization. Second, seventy percent of our naturalization applicants are tested by the INS on English and civics during the naturalization interview while only thirty percent use the services of the private testing organizations. Every naturalization applicant is interviewed by an INS

Adjudications Officer. During this interview, an applicant must demonstrate that he or she is a person of good moral character, has been a lawful permanent resident of the United States the required amount of time, is personally attached to the principles of the United States Constitution, and possesses a functional knowledge of the English language, including the ability to read, write, and speak words in ordinary usage, unless the applicant is statutorily exempt from the English requirements. Applicants who cannot communicate in English to the adjudicator, and who are not exempt by statute from the English proficiency requirement, are not eligible for naturalization even if they possess a certificate from a private citizenship testing organization.

History of the Citizenship Testing Program

The INS established the citizenship testing program in 1991 to provide an alternative venue for naturalization applicants to fulfill some of the testing requirements found in Section 312 of the Immigration and Nationality Act (English proficiency and knowledge of United States history and government) prior to the actual naturalization interview. The program was designed to make the testing process more consistent and to increase accessibility to applicants by providing testing sites outside of INS offices, where applicants might feel more comfortable. The concept was modeled after a similar civics testing program undertaken during the Legalization Program, which was a part of the Immigration Reform and Control Act of 1986.

The document upon which the program is based and currently operates, a 1991 Notice of Program (56 FR 29714), establishes criteria that an organization must meet in order to be authorized

to conduct testing on behalf of the INS. Once authorized, a national testing organization is permitted to administer the test via a network of authorized testing affiliates.

By taking and passing a citizenship test administered by an outside testing agency, a naturalization applicant has demonstrated his or her skill at written English and knowledge of American history and government. Applicants holding a passing certificate issued by these organizations are not questioned on these requirements during their mandatory, in person naturalization interview by the INS unless the INS officer has reason to believe that the applicant's test results were obtained through fraud or misrepresentation. In addition, applicants who possess these test certificates must still be examined on oral English ability during their interview with an INS officer, except for those statutorily exempt (legal residents over the age of 50 with 20 years residency, legal residents over the age of 55 with 15 years of residency or certain disabled individuals). Only certain disabled individuals are exempt from the American history and government knowledge requirements.

The first two organizations authorized to conduct testing, the Educational Testing Service (ETS) in 1991 and the Comprehensive Adult Student Assessment System (CASAS) in 1992, had both been involved with civics testing during the Legalization Program. The other four national organizations presently authorized to conduct civics testings are Southeast Community College, authorized in 1993, The Marich Associates and Naturalization Assistance Services (NAS), authorized in 1994, and American College Testing (ACT), authorized in 1995. These six national organizations to date have approved approximately 1,000 testing sites around the nation to conduct

testing. We estimate that during this fiscal year, approximately 300,000 naturalization applicants will take a citizenship test administered by the national testing organizations.

Monitoring by Testing Organizations and INS

The six national testing organizations are required under the Notice of Program to maintain a secure testing environment during the administration of the test. While the language of the Notice does not specifically delineate all the requirements for monitoring and quality control procedures, all of the six organizations have instituted internal monitoring plans to oversee the area of testing security. These plans, coupled with the authority of the INS to make unannounced on-site visits to any test site, are designed to ensure that testing is conducted in the proper manner.

The monitoring plans of the six national testing organizations provide for announced and unannounced site visits to testing sites by authorized testing monitors. Most of the organizations maintain a regular inspection schedule for their affiliates. This schedule is augmented by inspections which result from reports received from either the public or the INS that a local site is engaged in unauthorized or unethical testing practices. These inspections can result in disciplinary action by the national organization, ranging from suspensions to terminations. For example, our records show that from January 1 thru September 1, 1996, the national testing organizations have closed a total of 39 testing sites for such violations as charging customers too much for services, offering unauthorized immigration services, and unethical proctoring practices observed during unannounced inspections. One national organization has also required 20 affiliates to withdraw from the testing

program because of an unwillingness on the part of the affiliates to attend mandatory retraining sessions. Testing organizations also review all testing booklets and scoring sheets for evidence of similar handwriting which could point to fraudulent activity and warrant an inspection.

Some national testing organizations also use procedures such as post-testing telephone conference calls with their affiliates to determine if the affiliate has administered the test in accordance with the organization's standards. This protects the integrity of the testing process and, if necessary, can be the catalyst that would institute unannounced inspections or sanctions.

The INS has responsibility for oversight of the national organizations and shares the responsibility for monitoring local testing affiliates. Program officers in INS Headquarters conduct regular conference calls (every six to eight weeks) with the national testing organizations to inform the organizations of policy or procedural changes and initiatives which would have an effect on the testing process. The INS also contacts the appropriate national testing organization when we learn of an allegation of unethical testing practices conducted by a local testing affiliate, and we require a response back on the organization's findings, generally within ten days. These reports have led to investigations and terminations of local affiliates by the parent national organization. We also have the authority to suspend a national organization for violations of acceptable testing procedures, and to require a national organization to close immediately local affiliates for testing violations. To date, the INS has suspended one national organization for violations and has required that organization to terminate three local testing affiliates.

The Notice of Program gives the INS the authority to make unannounced inspection visits to any testing site in order to maintain the integrity of the testing process. With increased filings for naturalization over the last two years, INS offices are aware that they must become more proactive with fulfilling their inspection responsibility. In one instance, an unannounced undercover investigation by the local INS office led to grand jury indictments and successful criminal prosecutions of the employees of a local testing affiliate. Local INS offices were directed in April and May of this year to institute an unannounced inspection schedule of citizenship testing affiliate locations if the office did not have an inspection/monitoring plan already in place. Local offices have also been directed to work closely with the local United States Attorney's Office in the event of a potential criminal investigation of a local testing affiliate.

Actions/Improvements in Progress

Over the past year, the INS has taken a number of significant steps to improve the process under which the testing organizations operate. We are working to improve monitoring compliance which will directly reduce the opportunity for fraud. All of the testing organizations have submitted their monitoring plans to us, which we are in the process of reviewing. We conduct regular conference calls, as noted earlier, with all the testing organizations to inform them of policy and procedural changes which affect their operations, and recently held a meeting with all the organizations at INS Headquarters to discuss key issues such as testing/proctoring procedures and monitoring. We have also reminded all field offices of their monitoring and inspection responsibilities with regard to the private testing organizations.

In order to minimize the potential of fraud, the INS is strengthening existing procedures for the outside testing program. Pursuant to the INS authority in the 1991 Notice of Program to oversee the outside testing program, the six national testing organizations must now comply with the following requirements:

- ▶ All new testing affiliates must be approved by INS Headquarters. We will make that decision after consultation with the appropriate local INS office;
- ▶ All new affiliates must demonstrate educational testing experience;
- ▶ A prohibition on scoring tests in the presence of test takers;
- ▶ Increased scrutiny of identification documents of test takers to eliminate the possibility of a person substituting for another during test administration;
- ▶ More stringent requirements for the dictation of the English sentences used for proof of written English proficiency; and
- ▶ A prohibition against the practice of combining testing fees with fees for other services, so that local affiliates do not circumvent the requirement that the testing fee be reasonable.

In addition, the INS is clarifying the reporting requirements currently placed upon the nationals. National organizations will be required to report to INS:

- ▶ the complete testing schedule for all affiliates;
- ▶ the names of all persons passing a test, and shall set up special telephone service for INS officers' use to be able to verify the validity of a test certificate; and
- ▶ monthly results of the organization's own monitoring efforts, including any sites closed for cause.

In addition to curing the problems within the current citizenship testing process, the INS is in the process of revising the method by which we determine a naturalization applicant's English proficiency and knowledge of American civics. Lack of standardization among INS offices has, for some time, led to inconsistent standards. We are working with recognized experts in linguistics and civics to develop standardized tests which will accurately determine an applicant's English proficiency and knowledge of American civics. The standardized tests and accompanying educational materials which will be developed as a result of these efforts will be used in all INS offices as well as by any organization authorized by INS to conduct testing should the INS elect to continue the outside testing program.

Finally, the Service is engaged in a complete re-evaluation and revision of the regulations establishing the outside testing program. Options being considered include the limiting of private organizations authorized to conduct citizenship testing to not-for-profit and traditional educational organizations as well as a possible return to INS-only testing of naturalization applicants on English and civics. We anticipate a final decision being made on how to proceed with the revisions to the testing requirements found in Section 312 of the Immigration and Nationality Act within the next few weeks.

CONCLUSION

Maintaining the integrity and security of the process by which the INS grants United States citizenship to qualified applicants is absolutely essential and of the highest priority. The INS takes

seriously its responsibility to oversee the national citizenship testing program. Problems exist within the system, but we are taking action to remedy them. Our actions aimed at improving the existing program, combined with our commitment to developing a standardized means of assessing an applicant's knowledge skills, will help eliminate instances of testing fraud.

I will be pleased to answer any questions.

Mr. SOUDER. Mr. Crocetti, did you have an opening statement?

Mr. CROCETTI. I have no opening statement, Mr. Chairman.

Mr. SOUDER. Thank you.

Mr. Hastert.

Mr. HASTERT. Thank you, Mr. Chairman, for the indulgence. I have another meeting that I have to get off to.

Interesting, your testimony. I have a document here that was supplied to the committee, and it is dated June 15, 1996, and the subject is a retraction and correction of requested memorandum of June 14, 1996, and it is to a Mr. Neal Jacobs in your organization in Dallas, TX, from Mr. John Page of your organization in Dallas, TX.

It states, "Approximately 6 to 8 months ago, I received what I believe was an intelligence report on an investigation ongoing in Hawaii on the contract entities that were performing examinations for the Service. I believe that was NAS doing that. As I recall, extensive fraud was suspected and/or had been uncovered. This report advised other offices to be on the lookout for this sort of thing."

It goes on to say, "I asked the then acting Deputy District Director, Mr. Kim Ogden, if he had heard of this type of fraud in the Dallas area. Now, the Dallas area is also an area that NAS was operating in.

"He told me that there were numerous irregularities noted locally, he also indicated"—and again this is in this statement, and again I am loosely paraphrasing him—that this was a service, in parens, that sees Headquarter's pet project, and the sentiment was that the Service—again in parentheses—Headquarters wanted a hands-off policy as it related to these entities.

"I advised"—again, next paragraph—"I advised Kim Ogden that I would let him know if I got any reports of fraud in this area; and again, the fourth paragraph, in my memorandum of June 14, 1996, I erroneously said that Kim Ogden told me that he had not received information of fraud activities at local contract entities. Given more time to think and recall a casual conversation that took place some 6 to 8 months ago, I wanted to recant that statement and correct it. Again, my memorandum of June 14, 1996 regarding this subject was requested by Neal Jacobs, ADDI."

My question, sir, is why does INS Headquarters want to take a hands-off approach to naturalization testing fraud?

Mr. ALEINIKOFF. Well, Mr. Hastert, I don't know Mr. Page, I don't know Mr. Ogden, but this is an erroneous statement. The Service does not want a hands-off approach.

As you know, there were two memoranda that came out—

Mr. HASTERT. This is under the letterhead of the Department of Justice, sir, and the Immigration and Naturalization Service. Isn't that who you represent?

Mr. ALEINIKOFF. I work for the INS, yes, sir. This is a supervisory special agent in the Dallas office. There are 23,000 employees of the INS. I do not know this man. I do not know Mr. Ogden. But irrelevant of who they are, it does not accurately state the policy of Headquarters. This is somebody writing from Dallas.

Mr. HASTERT. Would you halt for a minute? Let me read what it says.

It says, he also indicated—and again, I am loosely paraphrasing him—that this was a Service Headquarters pet project and the sentiment was that the Service Headquarters wanted hands-off.

Mr. ALENIKOFF. First of all, this appears to be a report of a conversation that happened 8 months ago. I have no idea why this memo was generated. It looks peculiar to me, to say the least. In any event—

Mr. HASTERT. It was generated because he wanted to recant what he said before.

Mr. ALENIKOFF. It sounds like he is recanting a memo that was written the day before. I have no idea why Mr. Jacobs asked him to write this.

I do want to say, Mr. Chairman, for the record, that we would have hoped that the committee would have supplied—we asked that the pages that were going to be used today could be supplied to us so that we could have appropriate answers on all of the documents supplied to us, and we were not given a list of documents. So I don't have an answer as to who Mr. Page is or why he has written this letter.

I do want to say, this does not represent the Headquarters policy. There were two memoranda written from Headquarters in April and May of this year that I was involved in that specifically said, we want tough monitoring going on of these outside entities. I have announced today 10 or 11 new requirements we are imposing on our outside entities. This is a false statement.

Mr. HASTERT. Well, I would make sure, because you are under oath as well, sir, and representing the INS, that this is one of your employees, a memo to another one of your employees in Texas saying this statement came from Headquarters.

I just want to make a point. If INS does not intend to do anything about NAS fraudulent testing because the agency's first priority is to naturalize as many citizens as possible, I think that is terrible. That is a fraud on the American people, sir.

Mr. ALENIKOFF. Mr. Chairman, if—may I respond? The light is on, if I could respond.

Mr. SOUDER. Yes.

Mr. ALENIKOFF. Sir, as the memo reads, first of all, it says he is not reporting a conversation from Headquarters, this is—he is reporting this was a Service pet project. I have no idea where he got this idea.

But I would respectfully take issue, Mr. Hastert, with your statement that we were rushing people to naturalization. We have a commitment to meet that people be naturalized in a reasonable length of time. We have met that commitment not by speeding up the interview process, not by cutting down on the standards, but rather by hiring a large number of adjudicators, trained adjudicators, who will hear these cases. That is how we have handled the asylum crisis facing the agency, that is how we have handled the naturalization problem that we have seen, and that is what we are committed to doing.

Mr. HASTERT. Let me ask you—my time is up, but these are two of your employees in some type of an oversight position in Texas, and I think I would like to have a written response by next week,

in 1 week, and your followup to what this conversation was all about in Texas. It might enlighten you and me both.

Mr. ALEINIKOFF. I would appreciate knowing it myself, sir.

If I could explain my position, I am the Executive Associate Commissioner for Programs. These people in the field report up the chain to the Executive Associate Commissioner for Operations. They are not in my chain of command. But I will be happy to get an answer.

Mr. HASTERT. I would just like in writing a response to this.

Mr. ALEINIKOFF. I would be interested in a response as well, sir, and we will provide it to you.

Mr. HASTERT. Thank you.

[The information referred to follows:]

INS Insert to Transcript at p. 106

Thank you for the opportunity to explain the two memoranda, dated June 14 and June 15, 1996, both prepared by Mr. John Page to Assistant District Director of Investigations, Neal Jacobs. Both memoranda allude to an alleged informal conversation between Mr. Page and then Deputy District Director, Mr. Kim Ogden, regarding fraudulent activity associated with one of the outside testing organizations, NAS, and INS Headquarters alleged response to these reports.

First, I would like to reiterate that INS continues actively to monitor the operations of the six national testing entities that conduct citizenship testing on behalf of the Service. In addition, when the Service discovers fraud or irregularities in the citizenship testing industry, we take immediate corrective actions to prevent such fraud from tainting the integrity of the citizenship process as a whole. There are no Service or District office policies, guidelines or directives whatsoever instructing them to adopt a "hands-off" approach to naturalization testing fraud. Rather, the Service has specifically directed the field on at least two occasions to establish on-site monitoring and inspections teams and to report evidence of fraud or irregularities from outside testing entities to the local and regional offices as well as Investigative Units so that appropriate investigations can be conducted and immediate enforcement actions taken to prevent continued fraud.

With regard to the specific memoranda prepared by Mr. Page, we have ascertained that the memoranda erroneously misstated not only the nature of the conversation between Mr. Page and Mr. Ogden but also Headquarters policies on naturalization testing fraud. First, as indicated in the June 15, 1996 memo, Mr. Page clarified that he recalled Mr. Ogden telling him that there were numerous irregularities noted locally and forwarded, not that he had received information about fraudulent testing at local sites. Second, Mr. Ogden, in a September 20, 1996, memorandum to Deputy District Director Jorge Eiserman, categorically states that "[a]t no time did I receive instructions from [Mr. Eiserman], the District Director, Region, or Headquarters to adopt a 'hands off' policy toward these entities. Further, I did not issue similar instructions to my subordinates. Finally, I do not recall a conversation with John Page wherein I referred to these entities as a 'pet project' of Headquarters." Finally, District Director Arthur Strapp confirms that neither he nor the Dallas District Office has ever been pressured to "look the other way" or by any other means to compromise the integrity of the naturalization program. In fact, the Dallas District Office, prior to any notification from Headquarters, had already instituted an oversight monitoring program designed to discover fraud and report irregularities arising within the district. In addition, before Headquarters notified the Dallas District Office about possible testing fraud in Hawaii, the Dallas District Office had already increased its vigilance and reported concerns about non-

INS testing in remote locations to Headquarters. Further, several local providers in the Dallas district who failed to meet the testing standards required by INS were removed from the approved rosters as a result of their activity. Finally, when fraud was discovered with one of the local licensees in the Dallas district, the Dallas Office of Examinations conducted a thorough interview of every candidate on his or her application for naturalization and all eligibility requirements, without regard to whether he or she may have presented a testing certificate from an outside testing organization.

The statements of Mr. Strapp and Mr. Ogden combined with the actions of the Dallas District Office and the actions of the Service nationwide all evidence that the Service has a proactive approach to monitoring of the outside testing organizations that conduct citizenship testing on behalf of the INS and that the Service neither condones nor tolerates fraud in the naturalization or citizenship testing program.

Mr. SOUDER. Mr. Aleinikoff, first, let me say I want to commend you. I believe it is a little late, but I think it is very important, the steps you announced today. I think that it looks like it is attempting to address a number of the concerns that we have been addressing, much like it is one of the goals of our committee to help bring oversight.

One of our concerns that we have been expressing during this hearing is, it seems like it took initially KSTP in Minneapolis-St. Paul and then "20/20" to make the point where even you were—at one point they were saying they were going to resist a subpoena if you tried to get their videotape, and they were hoping that would try to catch the fraud. With a lot of news publicity about it as we get near an election and as we hold hearings, we see what I believe at least looks like a great first step, and I want to first commend you for that.

Now, as you well know, the thing I said there, the key political word was "first." As we have gone through a number of Medicaid and Medicare fraud hearings and questions—I think we have had like four on the subcommittee, this committee, on Medicare and three or four on Medicaid—one question that we have really repeatedly asked the Justice Department, the IG and others, is, if somebody has been found guilty one time or even two times, or kicked out—here you have the biggest firm that you are working with, that we have heard all kinds of charges about, that was on suspension at one point, now they are on suspension again. You are saying that there is—that you have just about reviewed the documents. Why does it take so long?

Mr. ALEINIKOFF. That is a good question, Mr. Chairman, and I first want to thank you for your compliment.

If I could say something about the first part first and then get to your question, I don't think this is the first step. I think in fact after the NAS suspension in November 1995, we went out to our testing entities; we said, provide us with monitoring statements. They then provided us with monitoring plans and, I think, cranked up their monitoring; and pursuant to those new monitoring plans from January to this date, 42 testing entities have been discontinued based on either INS initiation or their own initiation.

Mr. SOUDER. Have any of those been reinstated?

Mr. ALEINIKOFF. Not to my knowledge, sir. We can check on that. [The information referred to follows:]

Regarding the reinstatement of closed testing centers, please note that one national organization has reinstated one local testing center it had closed earlier this year, but only after the local testing center had undergone retraining and recertification. This reinstatement took place prior to the INS's imposition of stronger affiliation controls, which took effect October 1.

Mr. ALEINIKOFF. Moreover, we then sent two memos to the field, which the committee is well aware of, saying, please step up your investigation of these fraudulent activities. We then had the criminal conviction in Honolulu.

We then in June called in all six testing entities, sat around the table, said, how can we make this a better program; and we have come forward with the steps we have today and then we also filed the Notice of Intent to Suspend against NAS. So I think there has been a constant and continual tightening of the program; that is

going to continue because the integrity of this program is crucial to us.

Now, as to your second question, if I can recall it, I am so sorry—

Mr. SOUDER. Why did it take so long?

Mr. ALEINIKOFF. Why did it take so long? I now remember the question.

Mr. SOUDER. It is a good filibuster.

Mr. ALEINIKOFF. Yes. We suspended NAS in November 1995. They came back with a monitoring plan. It then took—we watched their monitoring for a few months and they in fact through that time suspended—I think out of the 42, 33 were NAS affiliates. So they were undertaking actions to suspend their affiliates that were not doing a good job of the program.

We then, when we received information of the Dallas episode, it rang some bells for us, not just because it was an affiliate, but because of Ms. Elghazali's statement to "20/20", that what she said on "20/20" which we had never heard before—and, remember, her testimony was that she didn't come to the INS with this information. We pursued her after "20/20" to get the information from her.

So that was the first time we heard the information. She directly linked—

Mr. SOUDER. And since she was fired, you can see why there was a lot of reluctance to—

Mr. ALEINIKOFF. I fully appreciate it. In fact, until she stated today that we had interviewed her, we were not going to disclose that in order to protect her, because she asked us not to. In any event, we did talk with Ms. Elghazali, and we saw her statements on "20/20".

At that point, we had a direct linkage to NAS Headquarters. This was not simply the act of an affiliate where NAS could say it was a bad affiliate, we got rid of it. We ordered them to get rid of the affiliate immediately, but we had much more substantial grounds.

Of course, we have to do an investigation; we can't simply accept statements on television. When we went back to "20/20" prior to their broadcast, we said, please give us the name of the person who was only identified by her first name. We said, please give us her location so we can go interview her. "20/20" refused to give us her name or location until after the broadcast and until after they had talked with her. That is what, in part, slowed down our investigation and our action against NAS.

Mr. SOUDER. Let me step back once. Why was NAS reinstated in 2 weeks the first time?

Mr. ALEINIKOFF. We filed a Notice of Intent—we filed a suspension notice. NAS came in and complained, as you might expect. The lawyers began to talk and we were able to reach a settlement that we thought met our goals. The Minneapolis subsidiary, the affiliate, was suspended and terminated and NAS was forced within 30 days to come forward with a monitoring plan.

Actually, the first monitoring plan they produced was not to our satisfaction. We had to go back to them again and say, please produce a better monitoring plan.

But that was the goal we sought in our action against NAS, and we permitted them to operate under their monitoring plan for several more months until we began to have other indications that showed us that perhaps the problem was not fixed; and at that point, we filed a Notice of Intent to Suspend, and we are nearing the end of our investigation and examination of their documents.

Mr. SOUDER. As you well know, when you see something occur as we have seen with Mr. Tollifson, it rings huge bells throughout now Federal system, whether you are a staffer of the House or Senate or of the administration.

Did he have any role in ending that suspension? Do you know whether he had been talking with NAS during this process? Any casual observer looks at this and says, this looks like at least a superficial—not a legal, proven—case that there was inside dealing going on with the biggest firm and, actually, one that got bigger after he left the agency and went to them.

Mr. ALEINIKOFF. I think the appearance is not good. I have no independent information as to whether there was communication or not other than what Mr. Roberts said today. I was not involved in the first decision to suspend, so I don't have any independent knowledge one way or the other.

Mr. SOUDER. My time is up, but I want to make a clear point that I do think that your steps were good steps, and I am glad that you are moving on NAS. But we can't get away from a lot of the other things that are swirling around, it being an election year, and other things. It is, at the least—I am not saying that we shouldn't do this, but it looks pretty convenient that all of this is coming when voter registration periods end October 1st, or usually a week thereafter, when a firm that has been the biggest registration firm in the Nation may get suspended, but all the work is done prior to this administration's, in effect, political deadlines. While the program and the ideas may be good, which I am not questioning, it does raise questions in our mind, why didn't this occur earlier and could there have been political pressures that kept your Service, who we have heard over and over today, individual agents in your firm being concerned about the processes. We have a concern that in fact they may have been impacted for political reasons, and that is another whole discussion.

Mr. ALEINIKOFF. May I respond to that, Mr. Chairman?

Mr. SOUDER. I am sure you will get a couple more chances. You can make a brief response.

Mr. ALEINIKOFF. The brief response is, again, I appreciate your comment.

There is no political pressure to do Citizenship USA. The reason I started with the charts was to show that we had a service to provide, and people were waiting 3, 4, 5 years for their naturalization application, which was due to a whole set of factors.

I have talked to a number of people in the field, our career people in the field, on how to make this program happen in every district around and, quite frankly, they are hurt, surprised, don't understand the claims of political interference. They view this as a wonderful program that finally gave them the resources to do what they wanted to do, which was to naturalize people who want to become citizens of the United States. It is the end of our immigration

processes; it is the one thing that the Immigration Service does that we feel really good about is making new citizens of the United States.

I understand the appearance problem. I can categorically say, Citizenship USA was not motivated by political considerations and the people in the field will tell you that if your investigators go out and talk to them.

Mr. SOUDER. There is not a Member of Congress who probably hasn't called one of your offices, concerned about somebody in their district and the wait and the process. That is really not what we are getting into here. It is the massive scale of the question.

Mr. Mica.

Mr. MICA. Mr. Executive Associate Commissioner, you just said that you didn't think that there was any political motivation behind signing these folks up and getting them naturalized. We have obtained documents through requests to INS.

The first one I have is a document from the United Neighborhood Organization of Chicago to the First Lady, Hillary Rodham Clinton, dated September 28, 1995. It says, "Following up our conversation on Sunday, September 17th, I am alerting you to the newest opportunity that presents itself to you in those active citizen campaigns."

Further in the letter it says, "The pilot also may provide the Democrats with a strategic advantage at next year's convention. The people stuck in Chicago's naturalization bottleneck represent thousands of potential voters. Similar backlogs exist in politically important States that have large urban concentrations of eligible permanent residents like California and Texas."

Then it goes on about Chicago.

We also obtained a memo dated 3/19—an e-mail, 3/19/96. It says, "Please be aware of the White House initiative to further enhance and accelerate the Service's naturalization efforts under the Citizenship USA project." This is by Ethan Diefenbach. Are you aware of someone by the name of Diefenbach?

Mr. ALEINIKOFF. Mr. Mica, a member of your staff just handed me documents. I don't see the one that you are referring to.

Mr. MICA. It also talked about NPR representatives, National Performance Review representatives visiting in Los Angeles, San Francisco, Chicago, New York, and Miami on this initiative.

We have also obtained documents, and we don't have a copy of the documents; again, you have not provided us with that. But that come from—well, there is a fax from Chris Sale, and I guess he is the Deputy Commissioner of INS. And Doug Farbrother, is he with the Vice President's office?

Mr. ALEINIKOFF. He is with the National Performance Review. He is a career employee.

Mr. MICA. In this memo it says, "When I met with Doris"—I guess Doris Meissner, the Commissioner—"I told her to get the results the Vice President wants. I need to get plenty of authority into the hands of your district directors in the big cities. I simply don't have time to deal with the entire multilayered organization. She deferred to you as the internal manager. I need you or Doris to sign something like the attached. Please let me know soon."

Then we don't have this document here, but this is a very interesting document. I would like to get a copy of it, if we may, and

it was prepared by Farbrother, I guess, for the Vice President to send to the POTUS—President of the United States, I think that stands for—and it is divided into several sections.

It says, improving service for citizenship applicants; 2, lower the standards for citizenship—and this, I note, was dropped from the revised version of the draft; and then 3, delegate authority to local managers; 4, put Headquarters to work; 4, use legal service temp agencies; 6—I am sorry that was 5; 6, make more money available.

It goes on and talks about—well, there are even warnings in the memo. It says, “But INS warns if we are too aggressive at removing the roadblocks to success, we may be publicly criticized for running a pro-Democrat voter mill and even risk having Congress stop us.”

Of course, we didn’t get these memos until our recent inquiry.

So you are telling me that there is no political motivation to this project? That there is no intent to sign these folks up in any rapid-fire order?

Mr. ALEINIKOFF. Sir, the letter to the First Lady—which, by the way, I did not see until we produced these documents several months ago; it never came to my attention, although I think it must have come to the INS if we produced it to you—was written in September 1995. That was a month after we had announced the program and several months after we had begun planning for the program.

It makes a recommendation, as I recall, and I haven’t had a chance to reread it here, that certain groups take over more active role in our nationalization process by doing clerical work. That is a recommendation that we have repeatedly rejected. As far as I know, this memo had no influence on anything we, the Service, did.

Mr. MICA. Were you working with this other memo that we haven’t gotten a copy of, but I read, from which I obtained the information about the memo? This memo is being prepared for the Vice President to send to the President about this project. Were you involved in working on this at all?

I think I have got some documentation that may in fact, if we had a handwriting analysis, have TAA. Are those your initials?

Mr. ALEINIKOFF. If it was hard to read, it was probably my handwriting.

Yes, sir, I do know that document and my handwriting is on the document. It was provided to us by the National Performance Review for comment. I wrote that indicated that they were bad ideas being proposed.

As far as I know, no final draft of that document was ever made. We took no action based upon it. That, I believe, was prepared—your counsel would know the date; I think it was a March or April of this year, 1996, document—well after the initiation of Citizenship USA, sir.

Mr. MICA. Should we have Chris Sale and Doug Farbrother subpoenaed to come in and talk about their conversations with Doris Meissner on this memo and the timing on it? Are you aware of that?

Mr. ALEINIKOFF. Chris Sale, it is Ms. Chris Sale, by the way. Mr. Farbrother is a member of the National Performance Review,

which is the re-engineering team of the White House, of the Vice President's office.

NPR did talk with us about re-engineering our process. They visited our sites, as you can see from much of the e-mail. They had some helpful suggestions. They had some very bad suggestions on how we could undertake activity, we thought. And the memo that you are describing, which apparently—Mr. Farbrother told us NPR had, I think, the Department of the Navy, the Department of Commerce; he attached four or five other such delegations that were used in other NPR re-engineering efforts as part of the attempt to get Headquarters off the backs of local field people. It is part of the re-engineering mantra to let the field people go in the way they want to go.

Mr. MICA. But there wasn't any intent to sign these people up before the election to get registered before the election?

Mr. ALEINIKOFF. No, sir.

Mr. MICA. I will submit also from your Fresno officer in charge, Don L. Riding, April 3, 1996, "Dear Mr. Rausch, as you must be aware, the INS has been told to naturalize everyone who filed form N-400 prior to April 1, 1996, in time for them to vote in the November election."

That doesn't mean anything; it is just like Mr. Hastert's reference, just another bureaucrat out there?

Mr. ALEINIKOFF. No, sir, we have turned over 30,000 documents to this committee, and I think you may have identified a few here that have references. I think this is the only one that I am aware of—maybe there are others that counsel can provide—that make this assertion. This is an officer in charge in Fresno. This is not an accurate statement. The White House did not instruct us to initiate this program.

As to the Farbrother memo, we rejected his suggestion. We didn't adopt the waivers that he wanted because we thought it was inappropriate to do so.

And let me say also that the goal of Citizenship USA, Mr. Mica, was not to naturalize people. It was to adjudicate cases. Whether they were naturalized or not. And as I say, our naturalization denial rate this year is at or above historic levels.

Mr. MICA. I won't get into why a memo is being prepared for the President and we won't get into all of the details. We may need to call some additional folks in to get to the bottom of this.

I do have another question relating to your Federal employee practices. We heard Mr. Tollifson admit here this afternoon that he went back and contacted INS employees. What was his—was his rating GS-15, or above, do you know?

Mr. ALEINIKOFF. I don't know whether Mr. Crocetti knows.

Mr. MICA. Is it common? Do we in Congress need to start looking at these postemployment practices where people in the revolving door leave the agency and then in an apparent conflict of interest, are back dealing with their new private employers to the detriment, possibly, of the public interest?

Mr. ALEINIKOFF. Sir, I share your concern about that. I had not heard that Mr. Tollifson had called during the most recent problem until just a few moments ago. I view that as troubling, and I agree that it is something worth looking at.

Mr. MICA. My subcommittee—I chair the Civil Service Subcommittee—will be looking into it, I can assure you.

I have taken more than my time and yield back. And, Mr. Chairman, if it smells like a duck and it quacks like a duck and it walks like a duck and the water runs off of it like a duck, I think it is a duck, and I smell a political duck here. Thank you.

Mr. SOUDER. I wanted to followup briefly on this memo from the Fresno district office.

Is it your testimony that if Mr. Riding was called in under oath that he would say that the national INS did not tell him to naturalize everyone?

Mr. ALENIKOFF. It was Mr. Diefenbach to Mr. Riding.

Mr. SOUDER. Mr. Riding to Mr. Rausch, As you must be aware, the INS has been told, which also means that it wasn't an INS directive. Somebody told the INS to naturalize everyone who filed form N-400 prior to April 1, 1996, in time for them to register to vote, specifically for the big September 30th push.

Is it your testimony that if we called Mr. Riding, he wouldn't say that that came from Headquarters?

Mr. ALENIKOFF. I have never seen this memo. I don't know Mr. Riding. I don't know what he would say.

I can tell you that as one of the people crafting the Citizenship USA program, it was never a goal of the program to naturalize people in order to permit them to vote.

Mr. SOUDER. Were they told to naturalize everyone who filed form N-400 prior to April 1st by September 30th?

Mr. ALENIKOFF. Yes, they were, because the goal was to get current with the pending applications by the end at least—we originally said, by the summer, and then we had a game saying the summer really ends September 21st, because it was difficult for the districts to meet the summer, July or August, goal because it was a tremendous burden and it slipped to the end of the fiscal year. And the way we measured that was by saying 6 months from the end of the fiscal year is April 1st.

Mr. SOUDER. So your testimony is that even though backlogs were standard 2 years up to 4 years and that this had been building, just conveniently, we were going to eliminate the entire backlog 30 days before this election?

Mr. ALENIKOFF. I wouldn't say "conveniently," sir.

Mr. SOUDER. Just a happenstance?

We are not—there are no allegations here that there is any attempt by your Service to bring people in who shouldn't be American citizens. There are allegations that because of, in our feeling, a somewhat unrealistic goal driven by political considerations that there has been a sloppiness in the subcontracting process which led people, for financial gain, to accelerate the citizenship process, which requires you to hire all kinds of supplemental agents you couldn't possibly train as detailed agents temporarily in this big push. As you had experienced in your department prior to that—I don't care how hard you trained—you can't overcome experience. Which raises questions as to why we have different GS levels in the U.S. Government.

You are acknowledging that you have to do something internally because you had not just a little fraud. You have people going to

jail and national TV on your case, and at some point, why wouldn't you have said, boy, that September 30th goal, if it wasn't an election year, normally somebody in charge of the department would have said, hey, this isn't working. You know, we ought to slow down a little bit.

We are cheapening the process of becoming an American. We have pencil marks all over the place and people getting fired who are making the allegations. We have a guy in the department going over to the No. 1 firm in the country. There would be red flags and alarms and flares going off all over and saying, hey, we need to slow down unless there is another motive. That is why we are being persistent in that line of questioning.

Mr. ALEINIKOFF. I appreciate the question, and I appreciate the appearance that you raise here. I would separate the NAS problem from the Citizenship USA problem. The NAS problem precedes Citizenship USA; it was announced in September 1995. It was a program that was begun by the prior administration.

Mr. SOUDER. Could you execute Citizenship USA without the massive scales that NAS is doing?

Mr. ALEINIKOFF. Absolutely. Absolutely. NAS saves us about 5 or 10 minutes per interview. We think an outside testing program, if it is run properly, is a good idea in the same way that colleges and universities turn over their tests to outside test entities, and that is why we are looking at this procedure.

But we could do this program without NAS. NAS does a very small portion of the work by giving a quick citizenship test which may take 5 or 10 minutes of an interview to give. It asks 10 questions.

Moreover, the outside testing entities do about 20 percent of all of our testing; 70 to 80 percent of it is still done by INS, by our adjudicators and, of that, NAS does just half of that 20 percent. So we don't need NAS for Citizenship USA.

If I might, sir, as to your claim about the cheapening of the process, we knew when we started Citizenship USA that we had to do it right or we would be facing allegations of cheapening U.S. citizenship. The Commissioner of Immigration at the confirmation hearings said that naturalization would be a priority for her because she believes it is a good thing for people to join our community, to take that step, for immigrants who have been here for a number of years to sign on and say, we belong, we are Americans. It has been a deep commitment of hers. She would not permit us to have a process that cheapened that. We think we have, in terms of Citizenship USA, taken very good and strong steps, that that has not occurred.

The naturalization ceremonies that I participated in and witnessed have been moving experiences, one on Ellis Island with Mayor Rudy Giuliani administering the oath. It has been a good process, and the best test of that is, our denial rate, sir, is where it has always been and in some districts higher than it was. I don't think we are running people through the process in a way that devalues citizenship. It is not our intent to do so.

If you have some suggestions as to how to avoid that appearance, we are open to suggestions.

Mr. SOUDER. As one suggestion, that you do not jack up the numbers at a rapid rate as you were doing to hit September 30th.

The testimony was that we were going at an exponential rate to try to wipe out the backlog in one shot, which resulted in a number of things occurring, one thing that we are focusing on today in the testing. It is a key part, if not the majority; I mean, it is—150,000 is not the majority of 1.3 million, but a key subcomponent, which is why they doubled the number of firms eligible to do this.

It is—frankly, one comment that we haven't made today, I have talked to a couple of Vietnamese immigrants who struggled to get here and who have been raped as young girls, and you can hear in some of the documents the cries of immigrants to the United States who thought, mistakenly or correctly, that they were getting citizenship process by passing this test, who paid a lot of money in this process, and they feel they have been mistreated as well.

Now, this is one component, but we also have the whole question, which is not the focus of this hearing, of Soldier Field and how the green cards are handled—whether people went door to door, whether people have been logged in, and whether the cards are being sold on the street. That is another hearing topic.

But there are concerns because, as a management person, one of the things I would have said is that it is a noble goal, but you were doubling and then doubling and actually in this time jumping 150,000 to 1.3 million. That is big, particularly with something this precious.

Mr. ALEINIKOFF. It is an ambitious goal. Let me say two things about it.

One, I think that we have learned in the Service that we need ambitious goals to get the Immigration Service moving and committed to a goal, and it is important to do so.

More importantly, the money used to fund these positions and fund the process comes from fees that the applicants pay. This is all supported by fees—no appropriated funds at stake here. These are fees that go into our exams fee that we dipped into and relied upon to do this.

Now, we did so under the—to the delight and, I would say, somewhat under the pressure of our Appropriations Committee that said, you are getting all of these exam fees in there. They are sitting in a pot. You are not giving people service. You have got to commit to getting down to 6 months for naturalization, and 4 months also for adjustment of status, and we have done similar things for our adjustment of status program. This was a bipartisan effort welcomed by the Appropriations Committee that people not wait long; once they have paid their fee, they are entitled to their service.

Mr. SOUDER. Every Congressman would like the process for people who deserve citizenship and are going through the process that the process be accelerated. We were not talking about mass rallies at Soldier Field. And I don't think Chairman Rogers, whom you quoted—he would, I am sure, applaud what you just said there. But we have taken quantum leaps in a managerial sense.

Mr. Mica.

Mr. MICA. Mr. Chairman, I have a unanimous consent request, and I ask unanimous consent that we include in the record the document——

Mr. SOUDER. Without objection so ordered.

Mr. MICA [continuing]. To Mrs. Hillary Rodham Clinton, following up their conversation, document 1-016963.

The document from Chris Sale to Doug Farbrother with the Vice President.

The Doris Meissner undated document, 1300040.

The e-mail that I cited, on 3/19/96 from Mr. Diefenbach.

What we have of the memo from Mr. Farbrother with the Vice President with Mr. Aleinikoff's handwritten comments.

Also the April 3rd, letter from the officer in charge of the Fresno suboffice, Mr. Riding.

I ask unanimous consent that they be made a part of the record.

Mr. SOUDER. Without objection, so ordered.

[The information referred to follows:]

UNO

The United Neighborhood Organization of Chicago

520 W. Fulton Market • Chicago, Illinois 60617 • Phone (312) 432-6301 • Fax (312) 432-0077

September 28, 1995

First Lady Hillary Rodham-Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20501

Dear Ms. Rodham-Clinton,

Following up our conversation on Sunday, September 17, I am alerting you to the newest opportunity that has presented itself to UNO's Active Citizenship Campaign. Based on the number and quality of UNO's naturalization applications, as well as UNO's efficient outreach, local and regional INS officials have approached UNO with the opportunity to participate in a pilot program which would test strategies that directly address the current naturalization backlog.

Focusing on strategies that allow non-governmental organizations to assume the clerical bulk of the naturalization process, this pilot will enable the INS to focus staff on naturalization case review, border patrol and other priorities.

The pilot will not only move applicants through the process more quickly and efficiently, but it enables the INS to address the millions of naturalization applications pending nationwide and still achieve Commissioner Doris Meissner's goal of 120 day turnaround. We believe that this pilot will drastically reduce the time between application and Oath administration (currently averaging 1 1/2 to two years) without compromising the integrity of the process.

This pilot also may provide the Democrats with a strategic advantage at next year's Convention. The people stuck in Chicago's naturalization bottleneck represent thousands of potential voters. Similar backlogs exist in politically important states that have large urban concentrations of eligible permanent residents, like California and Texas. In fact once tested in Chicago, the pilot may be most quickly replicated by the IAF network in Los Angeles. The IAF has developed a church-based naturalization program modeled after UNO's, and I am confident in their ability to exceed the success we have accomplished in Chicago.

Recognizing Chicago's benefit, Mayor Richard M. Daley has pledged full support to UNO's Active Citizenship Campaign. Americanizing immigrants by making them aware of the full responsibilities of citizenship is a priority for our public and private sector allies. These partners have planned large Oath ceremonies in 1996 for 10,000 new Americans at a time. Accelerating the naturalization process for thousands of eligible Chicagoans is key to the Campaign's goal of 96,000 new voter registrations for 1996. These potential New Americans can have great social, political, and economic impact, not just in Chicago but across the United States.

Framing the naturalization controversy within the context of a good citizenship initiative provides a counterpoint to the Republican Party's stance on legal immigration. The issue is not about the problems immigrants bring to the United States, but what we as a country do to integrate immigrants into American society.

I have enclosed two pieces that explain the specific aspects of UNO's Campaign. I am interested in establishing support for the proposed pilot program in order to overcome the politics of its implementation. I look forward to hearing from you. If you have any questions or issues, please contact myself or my associate Guca Gomez.

Sincerely,



Daniel S. Solis
President/Executive Director

1-016964

FAX for Chris Sale

FROM, Doug Farbrother, *MPK*

13-000041

When I met with Doris Friday, I told her that to get the results the Vice President wants, I need to get plenty of authority into the hands of your District Directors in the big cities. I simply don't have time to deal with the entire multi-layered organization. She deferred to you as the internal manager.

I need you or Doris to sign something like the attached. Please let me know soon.

Memo for INS District Directors in:	Los Angeles	San Francisco
	New York	Miami
	Chicago	Newark
		Houston

From: Doris Meissner — Commissioner, Immigration and Naturalization Service

I hereby delegate to you my authority to waive INS rules and regulations, within the confines of law. Please let me know which rules you have waived.

What is a rule?

conflict?

h.s.

I expect you to use this authority to strengthen security against naturalization of aliens who do not meet statutory qualification standards for American citizenship, and to enhance the speed and convenience of the process for those who do. I hold you accountable for your judgment and the results.

I also authorize you to recruit and hire temporary employees locally as needed to expedite the naturalization of qualified aliens.

What if controls?

Gen Counsel Legal Question - If the Agency needs reg to s. of statute - can the INS just waive the reg?

Author: Richard J Diefenbr. HQ-EEO-001
 Date: 10/28/95 1:06 PM
 Priority: Normal
 TO: John Clarke at ERO-003
 TO: David H Parish at ERO-003
 TO: Phyllis D Chi at NRO-001
 TO: Joe M Jansen at NRO-001
 TO: Debbie Dusenberry at SRO-001
 TO: Wayne Johnson at SRO-001
 TO: Greg Ward at WRO-003
 TO: Rufus F Johnson
 TO: Geneale C Berman
 TO: Citizenship USA II

*Wayne
 Charlie
 Action*

----- Message Contents -----

Please be aware of a "White House" initiative to further enhance and accelerate the Service's Naturalization efforts under the Citizenship USA Project. The information this office has at this time regarding this initiative is limited. We do know however that the latest efforts to support the project (which runs through December) call for extending the hours at existing facilities to 4 a.m. - 8 p.m. (Monday-Friday) and 8 a.m. to ? on Sunday. The focus is at existing citizenship locations, and, with the exception of New York City, no additional space beyond what has been obtained or in process is required.

IFF representatives and David Rosenberg have visited GSA in LA, San Diego, New York and Miami on this initiative so you may want to contact these GSA regions (as well as INS district offices) to become aware of these events.

Please provide this office with any potential impact to your space locations that this "White House" initiative has caused.

As more information becomes available I will pass it on.

*E Mail to Wayne 3/25
 CS*

Memo for President Clinton

Subject: Improving Service for Citizenship Applicants

You asked us to expedite the naturalization of nearly a million legal aliens who have applied to become citizens. INS had begun last year gearing up to process the growing backlog of applicants but, largely because of bureaucratic delays, has not made much of a dent in it yet.

Members of my National Performance Review staff have been working to remove the bureaucratic roadblocks so that INS offices in Los Angeles, San Francisco, Chicago, New York, and Miami can quickly double or triple their production. Hardly any of the roadblocks are statutory; we have the administrative authority to remove most them.

But, INS warns that if we are too aggressive at removing the roadblocks to success, we might be publicly criticized for running a pro-Democrat voter mill and even risk having Congress stop us. Indeed, many of the roadblocks originate with the INS staff — people who might well complain if we waive the regulations and procedures they have created and followed for years — people whose complaints might seem credible to the public.

This paper describes the pros and cons of several controversial actions that we could take to expedite processing. We'd like your guidance.

Lower the standards for citizenship: The basic standards are in law — years of residency, basic knowledge of English and Civics, and good moral character — and we wouldn't change those. But INS adjudicators have broad latitude to interpret those standards and decide who meets them. INS management has already begun training new adjudicators, and "re-educating" the older ones, to be more liberal.

About 75% of applicants are approved at the first interview. Another 15% are eventually approved after they study English and Civics longer or bring in more documentation supporting their good moral character. Some of this 15% could be approved quicker if the adjudicators were more liberal.

On the other hand, experienced adjudicators may object publicly to interference with their judgment. In fact, charges that we are lowering



*new ideas sources of delay
or how proposals will solve (or the
... ..)*

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standards appeared recently in *USAToday* and were the subject of Dave Letterman's Top Ten List: Number one question on the new citizenship test, "Fill in the blank: U. S. ___"

PRESIDENTIAL GUIDANCE: YES _____
NO _____
OTHER _____

*This is ~~over~~ simple
way. too low
led the way in
reforming
border work*

Delegate authority to local managers: A basic cause of processing delays in the five cities is the constant interference of INS headquarters, all with the best of intentions. This problem is not unique to INS; it's one of the key challenges of government reinvention. Examples of the INS roadblocks include: hiring procedures that were taking months followed by employee drug tests, fingerprint and credit checks, and in-depth background investigations that were taking more months (we have now speeded it all up some), prohibitions against using temp agencies, time-wasting procedures requiring paper records that duplicate computer records, cumbersome centralized control over computer systems, the list goes on.

[scribble]

One quick solution is to delegate to the senior INS managers in the five cities broad authority to waive headquarters rules. It's not as risky as it sounds. Several agency heads, including the Chief of Naval Operations, have delegated that kind of authority without embarrassment or ill effects. In fact, the five INS field managers are such experienced and conservative people that we would have to keep encouraging them to use their new authority boldly.

*not too
frustrating*

which? Fingerprint checks? B.I.S.?

*best rule
on the*

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some
what?*

However, there will likely be criticism from the headquarters staff and their counterparts on the Hill that "things are out of control."

PRESIDENTIAL GUIDANCE: YES _____
NO _____
OTHER _____

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ship, consistency
is crucial*

Put headquarters to work: The most immediate problem in the field is that they don't have enough people processing the applications; each city could

(yes)

how will this cooperate?



David - 10 Apr 80 S

use another 100-200 people immediately. Meanwhile, there are 1,800 people in INS headquarters, busily guiding the field.

We could detail 500 or more of the headquarters employees (rotating them monthly) to the five cities to process citizenship applications. The cost of their travel and living allowances would be offset by savings from not having to hire and do background checks on additional temporary workers. INS has detailed headquarters people to the field on a smaller scale in the past.

*Some
leave*

The advantage is getting people on the job without the delays of recruiting, hiring, and background checking. The downside is that enough headquarters people might not want to go. And, of course, those that do go would leave their important headquarters work temporarily undone.

PRESIDENTIAL GUIDANCE:

YES _____
NO _____
OTHER _____

*change long waiting to be expedited
and seem
would see as political*

Use legal services temp agencies: There are temp agencies that specialize in supplying young lawyers. We could procure their services quickly through temp agency contracts already in place. They would be an excellent source of bright, energetic workers of good character. As contractor employees, they could not make the final decision granting citizenship — that is a governmental function that must be done by a government employee. But they could interview the applicants, test their knowledge of English and Civics, check the FBI report and make a recommendation that would be approved by a government employee. That process could handle the vast majority of applicants who qualify easily.

*LA
Case*

To use legal services temp agencies effectively, we would have to waive OPM rules that limit duration to three months for the total project and 45 days for any individual lawyer; federal employee unions are sensitive about these rules. We would also accept the lawyers' recent admission to the bar as evidence of their trustworthiness, and skip the usual checks INS does on new employees.

*will show
how to
do it*

PRESIDENTIAL GUIDANCE:

YES _____
NO _____

*↳ specify
how can Pres
decide this
what more
info*



(copy)
X what program
of program

OTHER

Make more money available: If we succeed in gearing up the process dramatically soon, we will need to make more money available before the end of the fiscal year. The cost of processing citizenship is covered by application fees, not appropriated funds. But Congress still gets in on the act. The fees go into a receiving account (which now contains \$7K million) and cannot be transferred into a spending account until INS has notified Congress and waited 15 days. At least, that is the legal requirement. The practice has been to wait as long as it takes to gain the written approval of the appropriation committees; the last time took four months. Requiring that kind of Congressional approval of Executive Branch decisions was ruled unconstitutional by the Supreme Court ~~decades~~ ago, ironically in the case of *Chadga vs. INS*.

1982

Ⓛ

C. the case

at 1:10
page
two

If we need more money quickly, we could begin spending 15 days after notifying Congress of the transfer. But breaking with the unconstitutional tradition of waiting for committee approval, which is the common practice between all agencies and their appropriation subcommittees, will really raise hackles on the Hill. Retaliation would probably take the form of stringent new controls in next year's appropriation bills. We can fight that kind of thing with line item vetoes but, creative minds on the Hill will search for some way to get even.

not
the
way

PRESIDENTIAL GUIDANCE:

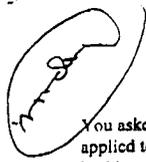
Yes _____
No _____
OTHER _____

Need to say how
much money -
what it is taken
from

~~Security is a bit, or internal security~~

✓ details - funded + reimbursed + wa emb.





On behalf of Citizens/VA/Pos

Improving Service for Citizenship Applicants

You asked us to expedite the naturalization of nearly a million legal aliens who have applied to become citizens. INS had begun last year gearing up to process the growing backlog of applicants but, largely because of bureaucratic delays, has not made much of a dent in it yet.

copy sent to [unclear]

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But, INS warns that if we are too aggressive at removing the roadblocks to better service, we might be publicly criticized for running a pro-Democrat voter mill and even risk having Congress stop us. Indeed, many of the roadblocks originate with the INS staff — people who might well complain if we waive the regulations and procedures they have created and followed for years — people whose complaints might seem credible to the public.

This paper describes the pros and cons of five controversial actions that we could take to improve service. We'd like your guidance.

1. Delegate authority to local managers: A basic cause of delays in the five cities is the constant interference of INS headquarters, all done with the best of intentions. This problem is not unique to INS; it's one of the key challenges of government reinvention. Examples of the INS roadblocks include: hiring procedures that were taking months followed by employee drug tests, fingerprint and credit checks, and background investigations that were taking more months (we have now speeded it all up some), prohibitions against using temp agencies, time-wasting procedures requiring paper records that duplicate computer records, tight control of computers, the list goes on.



One quick solution is to delegate to the senior INS managers in the five cities broad authority to waive headquarters rules. It's not as risky as it sounds. Several agency heads, including the Chief of Naval Operations, have delegated that kind of authority without embarrassment or ill effects. In fact, the five INS field managers are such experienced and conservative people that we would have to keep encouraging them to use their new authority boldly.

However, there will likely be criticism from the headquarters staff and their counterparts on the Hill that "things are out of control."

GUIDANCE: YES _____
NO _____
OTHER _____



2. Put headquarters to work: The most immediate problem in the field is that they don't have enough people processing the applications; each city could use another 100-200 people immediately. Meanwhile, there are 1,800 people in INS headquarters, busily guiding the field.

Get numbers

We could detail 500 or more of the headquarters employees (rotating them monthly) to the five cities to process citizenship applications. The cost of their travel and living allowances would be offset by savings from not having to hire and do background checks on additional temporary workers. INS has detailed headquarters people to the field on a smaller scale in the past.

The advantage is getting people on the job without the delays of recruiting, hiring, and background checking. The downside is that enough headquarters people might not want to go. And, of course, those that do go would leave their important headquarters work temporarily undone.

GUIDANCE: YES _____
 NO _____
 OTHER _____

3. Get other agencies to pitch in: In the five cities where INS needs the most help, other federal agencies like IRS, VA, and Social Security have large numbers of employees. We have asked them to detail some of their workers to INS. So far, we haven't gotten many, even when INS offered to pay. The other agencies all have work of their own to do.

NOR

If you asked the Cabinet and other agency heads, they might be more willing to detail people to INS. But, we might also get accused of slowing down tax refunds, veterans benefits, and social security payments.

GUIDANCE: YES _____
 NO _____
 OTHER _____

4. Use legal services temp agencies: There are temp agencies that specialize in supplying young lawyers. We could procure their services quickly through temp agency contracts already in place. They would be an excellent source of bright, energetic workers of good character. As contractor employees, they couldn't make the decision granting citizenship — that is a governmental function that must be done by government employees. But they *could* interview the applicants, test their knowledge of English and Civics, check the FBI report, and make a recommendation that would be approved by a government employee. That process could handle the vast majority of applicants who qualify easily.

7



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GUIDANCE: YES _____
 No _____
 OTHER _____

5. **Make more money available:** If we succeed in gearing up the process dramatically soon, we will need to make more money available before the end of the fiscal year. The cost of processing citizenship is covered by application fees, not appropriated funds. But Congress still gets in on the act. The fees go into a receiving account (which now contains \$1K million) and cannot be transferred into a spending account until INS has notified Congress and waited 15 days. At least, that is the legal requirement. The practice has been to wait as long as it takes to gain the written approval of the appropriation committees; the last time took four months. Requiring that kind of Congressional approval of Executive Branch decisions was ruled unconstitutional by the Supreme Court years ago, ironically in the case of *Chadha vs. INS*.

Just
 up on
 6/11/77

If we need more money quickly, we could begin spending 15 days after notifying Congress of the transfer. But breaking with the unconstitutional tradition of waiting for committee approval, which is the common practice between *all* agencies and their appropriation subcommittees, will really raise hackles on the Hill. Retaliation would probably take the form of stringent new controls in next year's appropriation bills. We can fight that kind of thing with line item vetoes, but creative minds on the Hill will search for some way to get even.

GUIDANCE: YES _____
 No _____
 OTHER _____

78 000303



U.S. Department of Justice

Immigration and Naturalization Service

Officer in Charge — Fresno Suboffice 865 Fulton Mall Fresno, CA 93721

April 3, 1996

Edward M. Roach
 President, Local 1616
 P.O. Box 2023
 San Francisco, CA 94126

Dear Mr. Roach:

~~As you must be aware, the INS has been told to naturalize everyone who filed form N-400 prior to April 1, 1996 in time for them to register to vote in the November election. This would not be as difficult if it didn't take so long to bring new employees on board.~~

I am writing to notify you that it might be necessary to order some employees to work overtime. This is an action I have never taken previously and would like to avoid, if possible. I am open to suggestions the Union may have to avoid ordering employees to work overtime.

We will be expected to keep our naturalization program open six days per week until we have met our goal. We have three groups of employees to consider:

1. DAO's - The Adjudicators will be expected to work six days per week. Five days will be devoted to interviews and one day for review. Any DAO who calls in sick on his review day more than once may face a leave restriction and be required to obtain a doctor's certification for additional sick leave.
2. Application Clerks - The Application Clerks will be busy but are not individually indispensable as the DAO's are. I hope that overtime can be worked on a volunteer basis. We may be able to reduce the need for overtime by hiring students to work this summer. I expect that any Application Clerk that wants to work overtime will be able to work as often as she wants to. I do not plan to hire students to keep from paying overtime. The idea is to get the work done without having to order unwilling employees to work overtime.
3. Records Clerks - The records clerks will be busy assisting with Citizenship USA (CUSA) and unlimited overtime may be available for them. I hope to be able to hire enough temporary help to eliminate any need to order these employees to work overtime.

1-022940

I do not plan on denying annual leave to anyone who has approved leave between now and September 30th. I do expect the employees to cooperate as much as possible. I welcome input from the Union and hope to be able to accommodate the desires of those employees who want the additional money along with the desires of employees who for personal reasons need more time away from work.

Sincerely,

Don L. Riding
Officer in Charge
Fresno Suboffice

1-022941

Mr. MICA. Mr. Chairman, I have another unanimous consent request.

I have a number of questions that we have not gotten into this afternoon, but I would like to get some answers from INS. I ask unanimous consent that they be submitted to the witnesses and then be included as part of the record.

Mr. SOUDER. Without objection, so ordered.

I conclude, Mr. Aleinikoff, with a question that some of the memos that Mr. Mica read to you were from, I think, two of the three people in charge of Citizenship USA in Chicago, yet you seemed surprised to see those.

Mr. ALEINIKOFF. I am not sure which you mean, sir. I don't believe they were from people in charge of Citizenship USA in Chicago. The letter from Mr. Soliz—he is a private citizen; he is not associated with the Immigration Service.

Mr. SOUDER. You are saying that you haven't seen—you were not aware of these types of exchanges taking place, even though—

Mr. ALEINIKOFF. I had not seen the letter from you, no, the e-mail from Diefenbach or the memo here, which is not signed, from Don Riding, prior to the production of documents for the committee. I had seen the Farbrother memo and the Sale memo and, you know, expressed my opposition to it.

Mr. SOUDER. Your testimony was that you were not aware of any political pressure coming from this administration to try to speed up the process?

Mr. ALEINIKOFF. Correct.

Mr. SOUDER. With that, and if you have additional things to submit to the record, we will leave the record open for at least 3 days, possibly a little longer, to get all of the materials. We thank you for coming today, and with that, the subcommittee stands adjourned.

[Whereupon, at 4:15 p.m., the subcommittee was adjourned.]

OVERSIGHT OF IMMIGRATION AND NATURALIZATION SERVICE PROGRAM CITIZENSHIP USA

TUESDAY, SEPTEMBER 24, 1996

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL
AFFAIRS, AND CRIMINAL JUSTICE,
COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,
Washington, DC.

The subcommittee met, pursuant to notice, at 1:05 p.m., in room 311, Cannon House Office Building, Hon. Mark E. Souder (member of the subcommittee) presiding.

Present: Representatives Ehrlich, Ros-Lehtinen, Mica, Souder, Shadegg, and Thurman.

Also present: Representative Hastert and Becerra.

Staff present: Robert Charles, staff director and chief counsel; Jim Wilon, defense counsel; Andrew G. Richardson, professional staff member; Ianthe Saylor, clerk; and Cherri Branson and Dan Hernandez, minority professional staff.

Mr. SOUDER. Good afternoon. Thank you for coming.

The subcommittee will come to order.

This is the second hearing in the subcommittee's investigation into irregularities in the process of naturalizing new citizens. This hearing will focus specifically on the "Citizenship USA" program, which is expected to grant American citizenship to a record 1.3 million applicants during this fiscal year, triple last year's total of 450,000 naturalizations.

I believe we all agree that America welcomes all immigrants who work hard to play by the rules, and come legally to our country to join their families or contribute to our society.

I would like to submit for the record at this point, an article that I wrote with Congressman Chris Smith that was published in the Washington Times, March 20, 1996, on the importance of protecting legal immigrants in our immigration bill.

[The information referred to follows:]

but protect legal immigrants

By Chris Smith and Mark Souder

As Republican congressmen who came to Washington planning to do battle against high taxes, wasteful spending, the culture of abortion and pornography, and pervasive government regulation, we were surprised to learn that the real enemy, according to some, is legal immigrants.

Back when we were learning how to be conservative Republicans, you did not have to be against immigrants, and you were supposed to be in favor of refugees. When the Immigration and Naturalization Service wanted to send 12-year-old Walter Polovchak back to the Soviet Union, and when U.S. agents dumped defectors Simas K. Kovas and Jaroslav Medvid back onto the ships from which they had escaped, it was conservatives who were most outraged.

Ronald Reagan said it best: "Who but a Divine Providence could have placed this nation here, a beacon of hope to those oppressed behind the Iron Curtain, or starving in Africa, the boat people of Vietnam, Cuba and Haiti — this new Jerusalem, this shining City on a Hill."

Pro-legal immigrant sentiment among conservatives is sometimes assumed to be based solely on free-market economic principles. But this is not the only reason, or even the most important. As pro-family conservatives, we are deeply suspicious of laws that have unnecessarily harsh impact on families. Many of us are also motivated by love and respect for our immigrant parents or grandparents, and by the teaching of Jesus Christ that we are all brothers and sisters. What we do unto the least of our brethren, we do unto Him.

This does not mean that everyone

Rep. Chris Smith is a New Jersey Republican, and Rep. Mark Souder is an Indiana Republican.

In the world can come live in the United States. Particularly when it comes to illegal immigrants, the American tradition of generosity is tempered by commitment to fairness and an orderly procedure.

This week the House will be voting on H.R. 2202, the "Immigration in the National Interest Act." Most provisions of the bill are about strengthening enforcement against illegal immigration. It would add 1,000 border patrol agents, make it easier to deport criminal aliens and raise penalties against alien smuggling and document fraud. It would also prohibit the use of temporary foreign employees to replace laid-off American workers, and facilitate the deportation of aliens whose receipt of welfare benefits cause them to be classified as a "public charge." These provisions will have the overwhelming support of conservatives.

We hope, however, to delete other provisions that are just too rough on refugees and legal immigrants.

The bill would eliminate the small number of visas not allocated for birthright citizens of U.S. citizens. It would also prohibit parents of children sponsoring their parents. But the harshest provision of all would cut off eligibility for so-called "adult children" unless they can meet a series of new tests, including economic dependency. Ironically, supporters of the bill justify these restrictions by suggesting that we somehow protect the "nuclear" family by excluding other relatives. Most Americans would be surprised by a law that says if your 21-year-old daughter gets a job, she is no longer a member of your nuclear family and can never live with you again.

The bill would also virtually eliminate the attorney general's power to use "humanitarian parole." Most congressional offices have had to deal with cases in which an American family has adopted an orphan overseas, or wishes to sponsor a relative to care for a sick family mem-

ber — only to run up against a brick wall of a hypertechnical ruling from an immigration official. We hope to preserve the current law which allows the attorney general to admit people temporarily in these compelling cases. (Many Cuban and Vietnamese refugees have also been permitted to come to the United States under the parole power.)

We hope also to delete a provision that would dramatically cut the number of refugees who can be admitted into the United States. The new statutory cap for refugees would be 50,000 — less than half the number we admitted in fiscal 1995. This may sound like a fairly high number, but even at their current levels, refugees are only about 3 percent U.S. immigrants. The cut would hurt people who are in trouble because they share our values: "old soldiers" and religious refugees from Vietnam, Christians and Jews from extremist regimes in the Middle East, Chinese women who have fled forced abortion and those who have escaped the tyranny of Fidel Castro.

Finally, we hope to delete a little-known, but equally onerous, provision that would almost entirely eliminate immigration would-be "birthright" citizens — if Congress did not pass a new law within eight years. In practical terms this means that if the bill passes as currently written, a handful of determined anti-immigration senators could end most legal immigrants except spouses and minor children. No employment-based immigrants. No humanitarian immigrants. No refugees.

Traditional American values do not mandate any particular level of immigration, but they neither do they condone a new American culture based on ethnic identity or population-control ideology, as opposed to ideas and hard work. We are morally obliged to reject measures so harsh that they seem to regard the only good Samaritan as a dead Samaritan.

How to fix health insurance

Mr. SOUDER. I want to read a couple of comments with it, because it could easily be misconstrued in a hearing like this that our focus is against legal immigrants, when the focus is more on the process.

What I had in this article was: Prolegal immigrant sentiment is sometimes assumed to be based solely on free market economic principles, but this is not the only reasoning or even the most important. As pro-family conservatives, we are deeply suspicious of laws that have unnecessarily harsh impact on families. Many of us are also motivated by love and respect for immigrant parents or grandparents and by the teachings of Jesus Christ that we are all brothers and sisters. "What we do unto the least of our brethren, we do unto him."

This does not mean that everyone in the world can come to live in the United States. Particularly when it comes to illegal immigrants, the American tradition of generosity is tempered by the commitment to fairness, to an orderly procedure—and then we argue for four different things that we wanted changed in the bill, which we, for the most part, achieved to help protect legal immigrants.

I wanted to say that to establish upfront that I am not one who has a past record or current record of criticizing legal immigration into the United States and have in fact tried to amend some of the bills that we have had go through here. But we also should all agree that the Federal Government has an obligation to ensure that every naturalized citizen meets every legal requirement for citizenship.

Our investigation has so far uncovered disturbing evidence suggesting that this is not the case in the "Citizenship USA" program. The administration's push appears to have stretched the naturalization process past its breaking point.

In our first hearing, we learned that the Immigration and Naturalization Service allowed NAS, a driving school, with no previous expertise in testing for English and civics, to become the largest outside contractor administering these tests to naturalization candidates and continued to rely on it despite numerous reports of serious testing fraud.

These included testimony that NAS routinely gave passing grades to applicants who obviously could not speak English, and media footage showing its employees giving applicants the correct answers during the test to questions that they had gotten wrong.

I agree fully with many of our colleagues that such testing fraud cheapens American citizenship and the legitimacy of the process for the countless new citizens who observed and complied with every requirement.

At that hearing, the INS acknowledged that it should have exercised greater oversight and announced tightened procedures at our hearing. It also claimed that testing fraud alone could not have admitted ineligible applicants because each one also had to undergo screening by the INS.

Today's hearing is to gather evidence to determine whether those protections have similarly been undermined by the Clinton administration's rush to naturalize new citizens.

The subcommittee's investigation suggests that the administration and INS management is putting employees under extreme pressure to handle crushing numbers of naturalization applicants. We have also discovered that much of this critical work is being conducted by temporary employees hired so quickly that they did not receive the usual job training or background investigation.

As a result, examiners are unable to effectively screen for such requirements as English language knowledge, good moral character, payment of taxes, and the ability of immigrants to support themselves. We know of numerous instances where the INS naturalized convicted felons because it believed that moving applications was more important than doing thorough checks.

Moreover, the program has stripped INS employees from other duties, and forced INS employees to repeatedly work long hours of mandatory overtime, including evenings and weekends. Naturalization ceremonies have become so large that control over thousands of green cards and naturalization certificates has been lost, leaving significant potential for fraud and lucrative sales on the black market.

The administration has taken the position that the Citizenship USA program is a response to a growing backlog of citizenship applications, scheduled coincidentally to end September 30, 1996. It is certainly true that the INS has faced a growing number of citizenship applications in recent years. However, documents and information provided by the INS show that it has worked hard to double its own backlog. With the help of numerous "community-based organizations," INS "outreach" activities generated as many as 700,000 applications during the past year. In addition, the INS has changed the way it calculates its backlog to increase it by 100,000 to 200,000 applications.

Why would the INS do such a thing? Disturbingly, the evidence suggests that the naturalization push may have resulted from direct orders of the White House to naturalize new citizens to register them as Democratic voters for the upcoming elections.

Chicago Alderman Daniel Solis, one of the key players in the Citizenship USA program, candidly wrote to First Lady Hillary Rodham Clinton that it would "provide the Democrats with a strategic advantage" and that "the people stuck in Chicago's naturalization bottleneck represent thousands of potential voters."

Solis later bragged to the media that he had personally raised the issue with President Clinton, who directed him to contact high-level White House officials Harold Ickes and Rahm Emmanuel about the initiative.

Similarly, the Vice President's Office demonstrated the administration's continued high-level interest in the program after its beginning through repeated communications and oversight. Further evidence demonstrates that the votes of the new citizens were made a priority through increased and unusual emphasis on voting during naturalization ceremonies, as well as that outside groups improperly conducted voter registration activities on the premises of naturalization events.

I would like to thank Chairman Clinger and Subcommittee Chairman Zeliff for their personal interest in and support for this

important investigation, and I look forward to continuing it with the subcommittee.

I now recognize the ranking member, Mrs. Thurman of Florida, for her opening statement.

Mrs. THURMAN. Thank you. I hope you will bear with me. I have caught a cold somewhere along the line.

Mr. Chairman, before I comment on the substance of today's hearings, I want to express a little bit of disappointment at the process being used by the subcommittee's majority. In the past the chairman of the subcommittee and I have tried to work together, but a number of events have occurred to show that courtesy no longer is extended to the minority.

Let me cite one recent example. Last Friday evening, I was sent Chairman Zeliff's letter to the INS Commissioner's request for additional witnesses at today's hearing. That letter said in part, "The subcommittee has already deliberated on the issue of which witnesses it wishes to call," and that it would not hear additional witnesses.

I do not know to which subcommittee the letter was referred. I certainly was not part of any deliberation. I had no input on witnesses. I was not involved in any decision about the scope of today's hearing. In addition, I asked for copies of all correspondence between the majority and today's witnesses. I should not have to request this information. It should be given to this side out of common courtesy.

This is not the first time at the House committee—that this action has happened before. In my first 2 years in Congress, this committee sought to implement its oversight mandate in a responsible, fair manner.

Mr. Chairman, I have to tell you, and I hope that these words will be remembered no matter who is in power in the next 105th Congress, and I hope that I never have to eat these, because I would hope that if I were ever sitting in your chair that I would extend the courtesy that I am asking of you today.

Now, I want to discuss the substance of these hearings. The naturalization law is quite explicit. Only qualified applicants should be granted citizenship into the United States. Any person who undermines or attempts to circumvent the law should be punished.

Second, naturalization applications have not been processed in a timely manner in the past. In 1991, during the Bush administration, GAO found that INS failed to process applications within INS's own 4-month timeframe. By 1994, GAO found that 80 percent of the applicants were processed in 4 months in several cities. However, the process took 7 to 10 months.

Third, beginning in 1994, INS experienced a growing number of applicants as aliens legalized by the 1986 immigration law became eligible for naturalization. By 1995, the number of applicants rose from an average of 300,000 to more than 1 million annually.

Fourth, in November 1995, INS requested and the Appropriations Committee of the 104th Congress approved a reprogramming of funds for Citizenship USA to relieve the backlog of increasing staffing and other resources. INS focused on the five cities that were suffering the most severe backlogs where waiting times had increased to more than 6 months.

Finally, the majority alleges in its background memo that the INS has procured certain left-wing, community-based organizations to conduct educational and outreach programs. Congress instructed INS to use community-based groups to provide immigrants with services that INS cannot provide.

In addition, Congress did not impose a political litmus test on those organizations, which, I might add, included the Daughters of the American Revolution, the League of Women Voters, Jewish Family Services, Lutheran Immigration and Refugee Services and the Polish-American Congress. I just wanted to get those items into the record.

I have seen the newspaper articles that allege improper activities within INS. Let me reiterate, I do not endorse circumventing the law. Only qualified applicants should become naturalized citizens. Citizenship is not something that is given as a right. It is earned.

Cheating cannot be condoned, but from the testimony we will hear, many people will conclude that all Citizenship USA applicants were not qualified. I find this implausible, but the subcommittee will not get a chance to hear other views.

I fear that a politicized investigation will do more harm than good in the long run. If there is a problem, then we should be hearing from officials who can correct that problem. Instead the subcommittee again will hear only from those that the majority wants to hear.

Thank you, Mr. Chairman.

Mr. SOUDER. I want to thank the ranking member.

I want to say briefly that we have worked together for the most part through this past year, and I am sorry for any misunderstanding with this hearing. Mr. Aleinikoff did testify at the last hearing, and I thought gave very good testimony, with new programs that he is going to implement after this hearing is over.

The witnesses today asked for their correspondence to be confidential. We have to figure out how we are going to work through that in the future when we run into this type of situation. This is a little bit different type of a hearing, because, in effect, they are here under subpoena, they are here in a whistle-blowing capacity, we want to make sure there is not an intimidation effect of the higher-ups of the people who are coming forth today on the first two panels.

On the third panel there are a number of questions we want to ask. We intend to have future hearings, and you are right; if, indeed, fraud is uncovered here on a massive scale, then we do need to have the district directors in to clarify what happened and put it into context, but it is very difficult to do all those things in one hearing, and that is why we are having a series of hearings.

Mrs. THURMAN. Mr. Souder, on the confidentiality issue, I am not going to break confidentiality of any one of our witnesses, so I think that might be kind of a lame excuse. We have dealt with sensitive material throughout this Congress over and over again, and it would seem to me on the side of being able to best facilitate a hearing such as this for us to have all that same information.

It makes it very difficult when you only have half of the story or what has been asked or what has been requested. In all fairness, I take this job very seriously as one who is trying to make govern-

ment more efficient, more effective and certainly one who would bring any question of improprieties to this Congress.

I think that is a very serious matter, and I would be on your side if in fact that were what was happening here. That is how I feel about those kinds of things we need to go on.

Thank you.

Mr. SOUDER. I thank you for your concerns.

Mr. Mica.

Mr. MICA. Thank you, Mr. Chairman.

Today we are here to listen to testimony that will outline a naturalization program that is basically out of control. We had the opportunity to hear at our last hearing on this issue individuals who testified that the program now is designed to ignore laws and ignore regulations. In fact, the process now seems hell-bent on signing up immigrants for two purposes: one, to vote and possibly tilt our elections process; and second to, the rush and qualify these immigrants for benefits as we change our current welfare requirements.

I think that it is quite disturbing to subvert both the political process and the social benefits that are provided to citizens of this country, especially under the laws that we are trying to change and improve here. My State of Florida has been devastated in fact by the impact of the ever-changing Clinton administration naturalization and immigration policy du jour, as we call it, a new policy every day; just like changing the soup on a menu, they changed the immigration policy.

Now we are going to hear testimony again that should shock every Floridian and every citizen. My State, in fact, has seen the impact of these deluges of illegal, and I call them semilegal, immigrants in Florida. Our hospitals and jails and schools are filled to capacity, and our social services taxed and impacted.

INS, obviously, is an agency that is in disarray. It disturbs me that INS may not know the difference between truth and law and may not know the difference between the directives and the law established by this Congress. Today's witnesses will confirm our worst suspicions about INS and our national immigration policy, which in fact I believe are both out of control.

Mr. Chairman, I thank you for holding this hearing, and I yield back the balance of my time.

Mr. SOUDER. Thank you very much.

Our first two panels are composed of Immigration and Naturalization Service line employees from across the country, who have seen firsthand the effects that the Citizenship USA program has had in the proper management of the naturalization process.

The first panel includes four employees from Chicago, Mr. Thomas Conklin; Ms. Diane Dobberfuhl, Ms. Ethel Ware; and Ms. Joyce Woods.

Could you please come forward at this time, and we will swear you in.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that the witnesses responded in the affirmative.

First, did I have everyone's name correct?

Do any of you wish to make a statement, any comments on the record at the beginning?

STATEMENTS OF THOMAS CONKLIN, DEPORTATIONS, CHICAGO INS; DIANE DOBBERFUHL, ADJUDICATIONS, CHICAGO INS; ETHEL WARE, ADJUDICATIONS, CHICAGO INS; AND JOYCE WOODS, ADJUDICATIONS, CHICAGO INS

Mr. CONKLIN. We would like to thank you for inviting us here so that we can get to the truth on what is actually happening in the field. We have a little statement that we came up with.

Dear members of the committee: We are before you today because we have the responsibility to ensure that the oath that we all took as servants to this country is upheld. We could no longer stand by and watch as the citizenship process began to diminish the greatest benefit this country can offer; that is the gift of citizenship.

Basically that is it.

Thank you.

Mr. SOUDER. Thank you very much for coming.

I talked to Congresswoman Thurman and I want to ask a couple of questions at the beginning before we start our normal 5-minute rule, to get into the record what you do and what your job entails.

Ms. Dobberfuhl and Ms. Ware and Ms. Woods are Adjudications Officers; is that correct?

Ms. WARE. Yes.

Ms. DOBBERFUHL. Yes.

Mr. SOUDER. And Mr. Conklin, you are currently in Deportations. Had you worked in Adjudications as well?

Mr. CONKLIN. Yes, sir.

Mr. SOUDER. Could you tell us, each of you, how long you have worked for the INS and how much of that time you have worked in examinations?

Mr. CONKLIN. I have worked at INS since December 1982, and all of it was in Examinations until April of this year.

Ms. DOBBERFUHL. I started with the Immigration Service November 1992. I worked in Adjudications the whole time. I have been in Citizenship since February 1995.

Ms. WOODS. I have worked with INS since September 1992. I worked in the Citizenship branch since March 1993, I believe.

Ms. WARE. I began with Immigration on November 28, 1977. I began as an entry-level clerk and I am now a District Office Adjudicator. I have held almost every low-grade job. I have worked myself up the line to where I am now. Right now, I am serving as the Legalization Officer in Chicago.

I worked in Citizenship for approximately 1 year. I have been a District Office Adjudicator for that long.

Thank you.

Mr. SOUDER. Could you tell us briefly what an examiner looks for when interviewing a naturalization applicant? Do you look for ability to speak English, financial support, FBI fingerprint?

We will start with Ms. Ware and go down as to what you do and describe your job a bit?

Ms. WARE. As Citizenship Officers, we look for eligibility, meaning whether or not they meet the residency requirement, whether

or not they have had their green card for the period of time required, whether or not they can speak, read or write and understand English, whether or not they have good moral character. Basically, that is all I remember right now.

I am sorry. That is basically what it is. We review the applications; we send out the fingerprints; we take photos, proper photos and that is basically it.

Mr. SOUDER. Do any others have comments on your day-to-day job?

Ms. WOODS. I could comment initially about what happens before we interview them, briefly. The applicant submits fingerprints, a completed application, 2 photos, a copy of their alien registration card and the proper fee. These fingerprints could be actually anybody's fingerprints per se, because they are not done by the INS. With the fees and everything, it should be a minimum of 60 days before we ever interview anybody because we have FBI checks.

If the FBI doesn't send us back a hit within 60 days, then we have to assume that that person does not have a criminal record, unless we would otherwise suspect that. So we have a lot of problems with fingerprints. We will get to that later.

Mr. SOUDER. Are all the naturalization interviews for Citizenship USA programs being coordinated by regular INS examiners or have you added others to the process?

Ms. DOBBERFUHL. We have both permanent officers and temporary officers. At last count, I believe we have 43 officers total, 12 of which are permanent, leaving 31 as temporaries. We have also had some officers from other offices on detail to our office, that could be from 3 to 10 at a time all working on the Citizenship USA program. Some are doing support work, some are doing interviews, testing, getting the files ready, calling in the applicants. We are all working on the process.

I would like to expand on what Ms. Ware said as far as what we are looking for. Child support, if that is an issue. As Ms. Woods said, fingerprints and arrests, if they have any arrest history, we need to look into that as well. Selective Service is an issue with males born within the required time period, and any breaks in employment also.

Mr. SOUDER. At this point, what we normally do is go to 5 minutes per side on questioning, and we will be pretty generous today because we may go back and forth to make sure we get the questions in the record.

I will start my regular questioning at this point.

Let me start. If I understood, Ms. Dobberfuhl, you said that there were 12 permanent and, in effect, 31 temporaries. Do you believe that temporary workers do an effective job in the naturalization applicants as interviews, and if not, why not? Why is there a sudden influx and what does that do to the process?

Ms. DOBBERFUHL. They are trying very hard. They are doing the best they can with what they are given. Right now the training—it is not what was regulated, from my understanding. I am not involved in the training, but they are supposed to have a 40-hour training class.

Right now the new officers are sitting with a training officer for approximately 2 days and maybe observing another officer do inter-

views, and then I believe they are on their own. So given the short amount of time to gather all the knowledge and what to look for during an interview and study of the law, they don't have the amount of time needed that all the permanent officers had.

Mr. SOUDER. Could each of you react to this statement? Those of you who worked your way up the system, your orientation has been detail, make sure people are qualified to be a citizen and go through all that process. Is there a different type of mental attitude among the temporaries, is there some kind of a "this is a push, we got to move people through" and less concern about the details than those of you who have been there for many years?

Ms. WARE. Well, I would say yes. They know that they have to approve, approve, approve. That is the only thing they can do, because they don't know all the grounds on which to deny. I for one, I was only there for a year. I continued, I denied. I was taken out of my booth and a temporary officer put there to do what I was doing and I was doing other menial jobs. This was when I was in CUSA.

Right now I am a legalization officer. I don't feel that they have had enough training. We have had to go to school down to Glynco, GA, to acquire the training to be an officer.

I feel that instead of going out getting new people who have no prior immigration experience to do citizenship, is not right. We do have qualified people, for instance, the information officers who could have been detailed into those positions, who could have done a better job, I feel, than the temporary officers.

Mr. SOUDER. Could some of the others of you comment?

Mr. CONKLIN. I would like to expand on that, if I could.

In August 1995, I became the training officer for citizenship. When I got into Citizenship, we were trained the way things were always done. We didn't like that, we, the examiners that were there, we took it upon ourselves to read the law books.

We turned Citizenship the way it was supposed to be. It took us 2½ years to get Citizenship running properly. Everybody knew the sections, law, and you knew what to look for to do an application. You had a very short time, maybe 10 or 12 minutes to do an interview. That is a short amount of time to go over all the areas, especially like good moral character, which was mentioned earlier, that encompasses all kinds of things; arrests, child support, student loans, selective service. All that accompanies good moral character.

Then you have all the other sections to look for. I was called to Washington as part of a group to establish a training program for Citizenship USA. There were six of us there, five from the district offices, and one person from Glynco, GA. We came up with a training program that was 40-hours long, consisting of all the security training, ethics, professionalism, the N-400 adjudications and safety, all those things were encompassed, history of the INS, were in the 40 hours.

After the 40-hour training program a temp officer or a new officer coming into the Service into your district would go through this program, and they should have the basics down. They were supposed to sit with qualified officers for another week to see how the interviews went. Then you could see how people reacted.

You sat with a couple of different people and you could pick up what points you like best and what points you might not like about the way people question, and things like that. The end of March, the Chicago district had its first training class consisting of eight temp officers and approximately six or eight of our new permanent officers were in the class.

I taught it with another officer named Steve Tanda and Stacy Summers. Stacy Summers backed us up if one of us couldn't be there. We went through the first training program.

Everything went well; those officers. For the first day, 2 days, they sat with the people they were supposed to, and then there were other details they had to do, putting files together and that stuff, because that is always a priority. If you don't have the file, then you can't do the application, you can't do the interview effectively.

After I left April 1st, I went into Deportation. There has not been another class taught in the Chicago district. Three weeks after I went into Deportation, I went back and talked to the supervisor and asked her when are you going to have the next class, just let me know, I will talk to my supervisor about coming back and helping. There was never another one taught.

The current procedure now, Mr. Tanda at best gets 2 days, most of the time about 1, 1.5 days, to try to go over everything that a person needs to do to do an N-400 application. After he instructs them on this, they sit with another temp officer, most of the time which just went through the same process, to watch how they do an interview.

The temps that they are watching didn't get the complete training so they don't have an idea of what they are doing fully but they are training a new temp officer. So when he sits there to do it, he has even less idea of what the law actually says. They don't have time to get into the law book and read the law books. Most of the temp officers their main priority is if I do a good job, I do what they want me to do, I will get a full-time job.

Mr. SOUDER. Mrs. Thurman.

Mrs. THURMAN. Thank you, Mr. Chairman.

I am going to first ask you a couple of questions that probably require just a yes or no, and I would like you all to answer them. Are you here voluntarily?

Mr. CONKLIN. Yes.

Ms. DOBBERFUHL. Yes.

Ms. WOODS. Yes.

Ms. WARE. Yes.

Mrs. THURMAN. Do you fear any kind of retaliation from being here, and at any time were you offered to come into a closed hearing without the press? Do you feel that there will be any retaliation against any of you for testifying before this committee?

Ms. WOODS. It is possible.

Ms. WARE. Yes.

Mrs. THURMAN. Have you written to this committee about Citizenship USA and have you discussed any letter with majority staff prior to your appearance here today?

Ms. WARE. I have not written.

Ms. WOODS. I have not written.

Mr. CONKLIN. No.

Ms. DOBBERFUHL. No.

Mrs. THURMAN. This goes into more substantive questions, let me ask you, how long did you work with the Citizenship USA program?

Mr. CONKLIN. From the beginning of it up through April of this year.

Ms. DOBBERFUHL. I was also from the inception until the present.

Ms. WOODS. The same as Ms. Dobberfuhl.

Ms. WARE. I have had 1 year recently, but was detailed into positions several times.

Mrs. THURMAN. When you say recently, when was that?

Ms. WARE. I was detailed about three times in 1992.

Mrs. THURMAN. So you have not been involved with the program since 1992?

Ms. WARE. Yes, ma'am. I was involved 1 year from 1995 to August of this year.

Mrs. THURMAN. In your jobs, if you have particular grievances with the way in which the program has been operated, can you tell me to whom did you report those grievances to and what was done to address them?

Ms. WOODS. A big concern is criminal histories, and I have reported that to the person who is the supervisor of Citizenship, and I was told in particular situations that it wasn't a priority because they have these numbers to fulfill. That is not what she said, but that was inferred.

Mrs. THURMAN. So that is not what was said, it was inferred?

Ms. WOODS. Yes.

Ms. WARE. I reported that when we go to the outreaches and we accept these school letters, these ETS letters and NAS letters, that the people are not able to speak English. I have denied some who have had those letters. I was told not to deny, but to just bring the letter back to the supervisor, and I did so. Where it went from there, I don't know.

Ms. DOBBERFUHL. I also have brought some concerns to the supervisors, the temporary supervisors as well as the permanent supervisor with regard to some of the outreach problems we have had when we are offsite. Also with regard to cheating in the testing room. It doesn't really seem to be a big concern to them. Depending on what the situation is, they say they will check into it, they will get back to me.

As far as cheating, before the program started people caught cheating during the exam or with notes in their purse, or whatever the case was, we would deny them for 5 years, which is the penalty under good moral character. Now if we catch anyone cheating, we give them a denial letter and they can reapply the next day.

Mr. CONKLIN. I expressed many concerns to the supervisor. I talked to the supervisor on an average of four times a week about different things that were coming up with the Citizenship USA program. I was always given a response that she will check into it or it is a good point and she will bring it up, but things never changed.

For instance, the cheating was one of them. When they changed that to get rid of the 5-year bar, I was given the response that, well, myself and the higher echelons discussed it and they couldn't see where it would be a 5-year bar. It is hard to prove 5 years of good moral character when you just cheated. Common sense would say you just cheated, so 5 years would be 5 years from now. But they didn't look at it that way.

They said, well, 5 years, I guess you still have good moral character. We caught you cheating. But on the other hand, the same service if they catch me cheating down in Glynco, GA, I lose my job. If it is bad enough for me to lose my job, why wouldn't it be worse for somebody who is about to become a citizen of the United States, which is supposed to be the ultimate gift.

Mrs. THURMAN. What problems have you had in working with community-based groups in your areas?

Ms. WOODS. In particular one organization, Hispanic organization that we work with very closely, the liaison there interferes a lot with the officers. He will question the officer's decisions, he will question the documents the officer asks for.

In particular about 3 weeks ago, he came up to me and said, I don't trust her. She just asked him for a driving record. I don't think she needs that.

I said, you know I would never second-guess another officer. Besides, if they didn't have a license, that is a very valid thing to ask for. In fact, there were officers doing testing procedures, and he would be standing over them questioning what they were doing, and if he didn't like what was going on, he would call our permanent supervisor right in front of the officer, and because that particular person is so close with our supervisor, it was extremely intimidating to these officers. It has not just happened to one or two, but I have heard complaints from at least four or five.

Mr. CONKLIN. I would like to expand on that. I was at an outreach center, we have one named HIAS, the Hebrew Immigrant Aid Society. We take turns being captains. They pick an outreach team and then one person is made a captain. You are responsible for all the liaison between the Service and the outreach group, and to make sure all the files are there.

Two times in a row I went to HIAS, there was one officer in particular that HIAS did not like that officer, so every time she had a case that was not granted, they would come to me and say, why isn't she granting these? You need to grant these cases.

I would just tell them that I would look into it and report them to my supervisor and then she could take it in there. The officer that was involved was immediately taken off outreach. She was no longer allowed to go to outreach because HIAS had complained.

We had another officer when they got the rating, one of the outreach groups had complained and her rating was downgraded. The only thing that was negative in the rating was that there was a complaint from one outreach group. It doesn't matter how many good letters you get, you are not going to make everybody happy all the time.

Outreach groups are basically there to try to get as many people through as they can. They do not like when we do not pass somebody, when we don't grant them that day, or if we are going to

deny them, they get upset, some take it personally that some of their people are being denied, so they will try to harass us, the individual officer, whoever is the captain that day, or they will go right to the supervisor: Why wasn't this person granted, why wasn't this, why wasn't this?

Ms. DOBBERFUHL. Just to add, the pressure from a few of the outreach groups is extremely high. For that one in particular, you know they are pressuring you, constantly asking you questions: Why wasn't this approved, why wasn't this a continued case? They exhibit a lot of pressure on us to get the cases moved through.

Mr. SOUDER. I want to sort out a couple of points here.

Ms. Ware, earlier you said that you were in the post of Adjudication until August, and I thought you said the first round that they pulled you off that and started giving you menial or less-skilled tasks?

Ms. WARE. Yes.

Mr. SOUDER. Were you told why?

Ms. WARE. I wasn't told why, but I know I had a tremendous amount of denials and continued cases.

Mr. SOUDER. What would be some examples of some denials, why you turned some people down?

Ms. WARE. Arrest records, false testimony, some because of lack of prosecution.

Mr. SOUDER. What kind of message do you think that sent to other officers? You had been there, you had worked your way up the system, you had been in the system for a long time, is it known among the temporaries that you were moved off and that you were a tough officer?

Ms. WARE. I can't say yes to that. I think so, but I can't say a definite yes, that it is known to the other temps.

Mr. SOUDER. You mentioned that there were, there was one organization in particular where there was a close relationship with a supervisor.

Ms. WOODS. I said that.

Mr. SOUDER. Could you explain what you mean? Do you believe, was it a personal relationship, was it a political relationship, what do you mean by a close relationship with the supervisor?

Ms. WOODS. Political. They worked together. UNO has been working closely with Chicago INS. We don't have staff to do everything so they have picked up a lot of things as volunteers. When we have the hearing ceremonies, we have packets, and it has like a passport application, a citizenship handbook, voters registration, et cetera, they will do those little bags for us for the ceremonies because we can't do them. We just don't have the staff. In addition, we had a big ceremony in May where they were trying a new way to do a big ceremony and we have learned from it. It was a big disaster, but it still shouldn't allow UNO volunteers to be at our office mailing out certificates.

Mr. SOUDER. Is that legal?

Ms. WOODS. No. I don't think so.

Mr. SOUDER. But you were having to do it because they were trying to accelerate it so much that it wasn't going to get done?

Ms. WOODS. They were doing it. I was never asked what I thought about it.

Mr. SOUDER. This person you said was present at the time. On what grounds were they present when you were getting the information out? Were they accompanying the person applying? The person who would call and complain, were they there during the process, or would they call after the denial?

Ms. WOODS. In respect to the outreach, the liaison from UNO would call right in front of the officer and complain about them.

Mr. SOUDER. What was the outreach person doing there?

Ms. WOODS. I am talking about at the outreach centers doing the interviews. I am saying after the ceremony when the ceremony didn't go very smoothly, there were UNO volunteers in our office actually mailing out secure citizenship certificates to people who were at the ceremony, because we weren't able to do it.

Mr. SOUDER. It is illegal but you were pressed so greatly that it was happening.

I want to get into this intimidation question. You were at an outreach center and the outreach director would be there, and if you denied somebody, he would call on the phone in your site to a supervisor?

Ms. WOODS. I personally didn't deny somebody. By law we are not to tell them what the person's problem is. Sometimes they will pry and try to ask, and I tell them we can't tell you this. This is a privacy issue.

Let's say just in the testing procedures, he didn't like the one officer, she told him not to touch the files, because they are not supposed to touch the files. But he was trying to be helpful, I guess, and she told him not to touch the files, and he didn't like that she said that because we are so short-handed.

They have had to help us so much that he feels more of a part of the INS organization than maybe some of the INS people; I don't know. So he felt compelled to put the files in order, pull appointment letters, stick them in the files, when they are not supposed to be touching them. He didn't like her response to that.

She was getting it ready for testing and he is standing over her observing her. She asked him what he was doing and he didn't like—where you don't—he was questioning what she was doing when she knew exactly what she was doing. He didn't like her asking him not to touch the files or not to be standing over her watching her, and he called the supervisor right in front of her. That happened a couple of times. So it is not necessarily in the denial situation.

However, if an officer were to ask for documents and he felt in his estimation, even though he wasn't an officer that this wasn't necessary, he could possibly complain to the supervisor. I have seen him call the supervisor in front of the officer.

Mr. CONKLIN. I think the question you are asking is what happens is we will do an interview, the applicant will leave. We have told them they are being denied, for whatever reason. As soon as they go out, they talk to the outreach coordinator. Then the outreach coordinator will come back in to you: Why are they being denied? We say they know. You can talk to them, but we can't tell you why. Then while you are doing the next interview, they are calling the supervisor and complaining that you didn't grant that person.

I remember we were at an outreach once—this problem has been going on for awhile. We have been working with outreach groups before CUSA. Now the problem is increased with CUSA because they want a lot more of these granted.

The outreach groups want a lot more granted. They think that the more applications they put in, the more people they are going to get granted. That is the way the outreach group looks at it.

Prior to CUSA, myself and Officer Woods were at the Cuban Center, our district director was called, at the time, A.D. Moyer. He questioned us on how many grants did we have that day, not how many people we interviewed, how are things going, but how many grants did we have that day. So Officer Woods had to count and report to him how many grants each officer had and report to him how many grants we had that day.

Ms. WOODS. He asked me if more people were being denied than normally or something unusual. We know that she called him because we could hear the phone ring, and there was no phone ringing, and all of a sudden, she said, "Joyce, Mr. Moyer wants to talk to you." I was totally shocked. I didn't know how to respond.

Mr. CONKLIN. Since CUSA, the outreach groups are working closer together with the immediate supervisors. In fact, at one point UNO had volunteers in the office putting applications and files together. Files definitely are not for public use, and they were there with files in a room by themselves, putting applications in files.

Ms. WARE. That is what I wanted to say. I also want to say that when we do go to outreach, we have a daily report sheet of our work. That is for our supervisors, but we have to give them copies of our tally sheet. To me—so if we denied anybody, there is another way of harassing us, saying this officer is the one who did so.

Mr. SOUDER. I just want to say that—we are going to continue to do questioning here—that I am outraged at the intimidation of employees and the implications of that. Anybody who has ever worked in a business situation can see exactly what is going on, that when people who are over you send signals, it not only affects you, but everybody else, particularly when you have 75 percent of the employees being temporaries watching for that.

In any management system, you know what management is asking for is what you deliver and you start catering to those things. I am outraged that they are putting this type of pressure on you and also outraged that they expressed no outrage when you expressed your concerns earlier. From what I heard you say, nobody said this is terrible. They had a benign effect on that and are instead sending you the signal that it was a count.

Mrs. Thurman.

Mrs. THURMAN. Let me ask that question.

When your supervisors were in fact contacted by the outreach, were they supportive of what you were doing? You make it sound like none of them ever supported you, that they overturned everything you did. Is that true?

Did they overturn what you had suggested to an applicant, and what in fact was from a supervisor's standpoint, did they only take their side or did they seem to try to just contain the issue?

Ms. WOODS. As reprehensible as it might sound, many times they just listen to the one side; they don't ask us what happened.

Mrs. THURMAN. Did they take any action or punishment toward you or just listen?

Ms. WOODS. For instance, for the one officer I gave the example of where she was doing the testing and he called the supervisor. He ended up talking to a temp supervisor who didn't get all upset about it, but then he called the permanent supervisor, and I think the next day she had a discussion with that particular officer and told her that she needed to work better with him, et cetera. Many times she doesn't even ask you what happened. She just makes an opinion, I guess. I don't know what else, since she doesn't ask you.

Ms. DOBBERFUHL. I agree. I know of two instances in particular where an outreach group has complained or questioned the way an officer does something and you find out several weeks or so later, and the officer is never informed. As Mr. Conklin said, the one outreach group where an officer was tougher than some other ones, she was immediately taken off of going to that outreach group. The officer was never told anything.

Mrs. THURMAN. Was she reassigned?

Ms. DOBBERFUHL. Actually, she was on detail from our airport. She was just out for 3 months helping us. She was kept in-house to do in-house interviews instead of going on outreach.

Mr. CONKLIN. I don't know if it is the same in every district, but I know in Chicago usually what happens is if somebody complains about you, you are wrong until you prove yourself right. You will be out in the field, you come in that day, they might say come in and have a talk. You won't find out for 3 weeks, and then, all of sudden, you had this problem and they have never heard your side, but you were automatically wrong.

The files, when we bring them back, get put in different places grants in one spot, continued in another, and denials, you keep your own denials, if you have any. We used to keep them in our office, continued stuff, and the file would disappear, been taken out of your office and given to another officer to take care of. That happened numerous times.

When somebody had a complaint if an individual came in to complain or an outreach group complained, that file would be given to the supervisor or taken out of your office and you would never see it again. The next thing you know, here is this person with a certificate at the ceremony.

Mrs. THURMAN. You are saying that some of these applicants might have gotten approval over your objections?

Mr. CONKLIN. Yes.

Mrs. THURMAN. Is that true for all of you?

Ms. DOBBERFUHL. Yes.

Mrs. THURMAN. Do you think it is rampant, or do you think you are giving us just some of the situations? You have mentioned two of the outreaches, but how many outreach areas are there within Chicago?

Mr. CONKLIN. Personally, I would say it is pretty rampant. We have another outreach group that I have complained at least 10 times myself about the group is cheating. They have an outreach group, they also conduct the ETS testing.

We get the applicants in, they cannot speak a word of English. There is no way they can read and write and pass a history govern-

ment test in English. They can't even tell you their name. We have reported it.

One time the supervisor said, well, send a couple of people out the day they do the testing. When the two officers got there, they were waiting for them before they started the testing. Obviously, they are not going to be doing anything underhanded because they knew those two officers were going to be there. But it is a rampant problem.

Mrs. THURMAN. How many outreach centers are there?

Ms. DOBBERFUHL. I believe there are about 15.

Mrs. THURMAN. Let me ask, do any of you or have you ever seen anything in writing that directed INS personnel to ignore or circumvent naturalization laws or the regulations?

Mr. CONKLIN. When I brought up the fact that all the reading and writing had to come out of the M-289 and 291, because that is what 8 CFR says, our supervisor, Shirley Roberts, wrote a memo saying that these textbooks on citizenship for English reading and writing. In reviewing these textbooks, it is apparent that the material contained in these books is above the elementary level and that the elderly and/or applicants with limited education would rarely succeed with such testing.

She said it has been the policy of the district office not to use these, and we don't have to use them if we don't want to, but the law says we shall use them, so we have to. I was in the military for 10 years and in that time we learned "shall" means you have to do this. This says we don't have to.

Mrs. THURMAN. Does it give you an alternative?

Mr. CONKLIN. Yes. It says sentences used for testing shall take into consideration all the factors and shall not be limited to the excerpts from these textbooks. They wanted us to use the sentences that they used in the past—in fact, I have an example of the first 10 sentences.

Mrs. THURMAN. What do you mean when you say in the past? This is something that has gone on before?

Mr. CONKLIN. No. When I got into Citizenship they used sentences like the sky is blue, the car is red. These are the type of sentences that need to be used out of the books. Let me give you an example.

A person may not be tried twice for the same crime. It is right out of the books. I made 10 of them, and I gave this to the supervisor, and after I gave this to supervisor that is when the memo came out saying we don't have to use these sentences. We can use the sky is blue, the car is red.

Mr. SOUDER. I ask unanimous consent that those be inserted in the record.

I would like to go a little—I want to make a brief comment, because one of the things I was trying to draw out is that we are kind of drawing out how frequent the problem is here, but in addition when intimidation occurs a message gets sent and so you don't know how frequent it would have been because intimidation moves through the system and stifles the toughness that necessarily would have been there. Would you agree with that statement?

In other words, at whatever level it was, it potentially has been compromised substantially in the last year because of the push for

numbers, because of signals sent, because of intimidation of employees. By calling supervisors, word-of-mouth, this gets written up if this happens and it may come back in your record. Those are classic methods to change behavior. Would you agree that whatever frequency would have been documented, it is probably a lot higher but nobody wants to document it at this point?

Ms. WARE. Yes.

Ms. DOBBERFUHL. Yes.

Mr. SOUDER. Could you explain, about how many interviews per examiner per day, and is there something called "community interviewing" occurring at this point? Did you ever do it as multiples—

Ms. WOODS. Single. We test them en masse. If they pass the test, then they go on to the interview. I personally, until I started on this fingerprint project, I was working just the mornings, because they put us into split shifts in the last 2 weeks. One day I did 14 interviews in 4 hours, something like that. I was talking to the temps, and in their workday they were doing 20 to 30 interviews.

Mr. SOUDER. What usually gets shortchanged when you speed up that much? What are the most likely things you are cutting out?

Ms. WOODS. There are certain things that I would normally ask for that maybe because they don't—we are given time to do the interviews, but we are not given any time to followup on anything. I was told, you may have to do overtime to do that. Then, of course, that gets into denials. I am supposed to do denials, but I don't have a computer. We went through one or two 8-hour days of training on the new Windows 95, and then we were all given electric typewriters. We were all appalled. Slowly a few people are getting computers, but it is very difficult to be able to do anything without a computer, denials, investigations, et cetera. So, of course, that would discourage anybody from doing them.

Mr. SOUDER. I want to raise another subject. I think one of you alluded to the Soldier Field, I think one of you said disaster. Could you explain what that was? I have questions about it. Was that a massive swearing in ceremony of how many people?

Ms. DOBBERFUHL. That ceremony took place August 6th of this year, and I believe there were approximately 11,000 people sworn in as citizens. They were sworn in en masse. For registration, what happened was everybody had a designated area to report to as far as seating based on their alien registration number so we could keep everybody kind of in order. People would come in, they would show us their oath invitation letter, we would make sure everything was filled out and tell them to have a seat.

During the ceremony we were to take the letters into a back room where they had support staff matching up the letters with the certificates to be handed out after the ceremony. After the ceremony was over, we went into the stands to hand out certificates row by row, which would have worked effectively had we had the time and if we had most of the certificates ready to distribute.

I know in my section when we handed a certificate, we took the alien registration card. It got so crazy toward the end that several INS officers were just taking the box of certificates that hadn't been sorted yet row by row, because we ran out of time. We were trying to distribute them one at a time as people left their row,

which turned into a fiasco because everybody of course wanted to leave at the same time, and it was a disaster.

At the end an announcement was made that those of you who didn't get your certificates, you will be getting it in the mail. Those people, since they didn't get a certificate, they still had their green cards.

A lot of these certificates ended up being sent by mail with a note saying, please, send in your alien registration card. Some of them came into the office to try and resolve the problem. Basically it would have been I think a good system had we had the time and the personnel to get everything ready.

Mr. SOUDER. Normally isn't there a logging process where you turn in the green cards—how many outstanding could there potentially be? You said toward the end it got rushed. Are we talking fifty, hundreds, thousands?

Mr. CONKLIN. At least probably 5,000 cards did not come back.

Ms. WOODS. I believe there were over 4,000 certs that didn't get passed out because they weren't ready yet. I was at the health desk at the end. Everybody who didn't get a cert was given a letter and told to go to the health desk. I didn't know that that many certificates didn't get handed out. So now we are getting mobbed.

There are four of us sitting at this table trying to get information. We are told just to take their phone number, and I am thinking this isn't fair to these people. They are going to tell them to come pick up these certs when they have already taken off the day, they have been in the hot sun, many of them since 7:30 a.m., and now it is 2, 3. We have elderly people, people taking time off from work, handicapped.

So I started to take their green cards and make sure I had their full address. At least we have the green card and we know that and we can mail it. Then I was told to quit taking the green cards because we were just going to call the people in instead of mailing their certificate.

Mr. SOUDER. Is there a market for—do you log in whether you got all those green cards?

Ms. WOODS. Yes, we do in the end.

Mr. SOUDER. Did all of them come back or are some of them missing?

Ms. WOODS. I would be surprised if all of them came back.

Mr. CONKLIN. The ceremony, you have to close it at the end, and they are not finished closing the ceremony.

Mr. SOUDER. Because they are still trying to track down somebody?

Mr. CONKLIN. All the paperwork has to be closed. You have to take the green card and write down which number it is and check their name. It is sort of a long process. I don't believe they have begun on that ceremony yet.

Ms. WOODS. There is a large ceremony going on today of over 8,000 today in Chicago—excuse me—I don't know how many, but several thousand.

Mr. CONKLIN. On the Soldier Field, I am in Deportation now and those officers and agents were detailed to help out with that ceremony. So they stopped most of the other functions so they could go to the ceremony and help out.

One of the Deportation officers, he started in August, the month after I did, he came up, he was Border Patrol, and asked them if I find somebody that is not qualified, if they can't speak English to me and they are young, what do I do? He was told, don't worry about it. We just need to process these people and get it done.

Mr. SOUDER. I want to ask some more questions regarding Soldier Field. Knowing there was probably a set date that this event was going to occur, and it sounds like when you have that many people there was probably a big push toward that date; was there a lot of accelerated processing right before the event?

Ms. WOODS. Yes.

Ms. DOBBERFUHL. People were working overtime every night, specifically the clerical. I believe they were staying until 8 or 9 p.m. trying to get the certificates typed, the computers updated and getting all finishing touches prepared as best they could beforehand. They were asking officers to stay every day to help, to do clerical work, to update, to do interviews. Whoever they could get to help for overtime they would be willingly accepted to stay and work late.

Mr. SOUDER. We will have more information on this hopefully in the second panel.

In today's Los Angeles Times there is a charge that the FBI learned that 5,000 of the 60,000 immigrants naturalized in 6 days of mass ceremonies in Los Angeles last month, concealed past criminal records that might have disqualified some of them for citizenship. Did you have time to do the criminal record background checks, and do you have an idea of the numbers potentially we were talking in Chicago?

Ms. WOODS. On September 12, I was taking leave on the 13th, it was a Friday and I was talking to my supervisor about the fact that we had 10 boxes of prints, about this big. I have to guess, because I didn't count every single one, but I would guess in those boxes there were a couple of hundred returned prints from the FBI, 200 to 300. I said something about me checking them, and she said no—knowing we had a ceremony on September 14th, no, she said all those people have already been interviewed. She said—let me give a little background.

Lincoln, NE, is a service center and they started processing all our citizenship applications and now the citizenship applications that we do now have all gone through them and they have taken care of all the fingerprints for those. That meant to me all these people have been interviewed, many of them have been naturalized. Then she added that it was not a priority.

The hearing was a priority, but these were not a priority. So on my own on overtime the following week, I came back Monday and I started doing overtime and I started going through the prints, a slow, slow process by myself, and I found many of them indeed had been naturalized.

Charges ranged from deportation proceedings before they got their green card, we were probably aware of it or of an immigration violation, to rapists, aggravated felons, gang members, people charged with deportable offenses, unlawful use of a weapon, drug dealers.

In fact, I was able to pull out a few of them from a couple of different hearings and I pulled out one guy who was approved by a

temp officer. The temp officer, if he had been more knowledgeable, would not have approved this case. He knew the guy had a drug offense. He didn't have the prints in the file, so that wasn't his fault, because the prints were not a priority to get to the file.

The system we have hasn't been working and has just gotten worse. Anyway, I looked at it and said, this guy is deportable. He should not become a citizen. In the file there was a court-certified disposition showing the guy received 18 months probation. Now, you don't get 18 months probation for a minor marijuana offense, which is the only thing that you possibly could do without being deported. In addition, that person had 2 pounds of marijuana he was caught with in Texas. So I had to call in these people and do this on my own.

I really didn't get any help, I think, until I said I can't do this on my own anymore and they would give me the afternoon, because we had started the double shifts. I would have to interview in the morning, and in the afternoon I would do as much as I could, and I started doing overtime. Even yesterday up until the time I left, I was still working on trying to make sure we don't naturalize any more criminals. What they may have done may not be a deportable offense, but many of them committed perjury.

Ms. WARE. I would like to add, a lot of the people we are naturalizing now got their green cards through the Amnesty program. They were fingerprinted. Sometimes there is information, there is a red cover put there.

Sometimes there is information under that red cover that we could use that would help let us know that these people are criminals and do still have cases pending. But we were told that we could not look under that red cover. We had to adjudicate the application. We could not go back to see that.

Ms. WOODS. In addition, the temps were trained not to look at anything other than that since the person became a resident. They are not to look under the visa packet if they came over at the airport, or the adjustment packet. There also can be papers there from other proceedings.

In one particular case I looked at the prints and a person was naturalized, had an outstanding warrant by the FBI in Chicago. I reviewed the file and I found a bright pink slip in the file where the temp interviewed the person and it said, Official Investigation, FBI. Minimally that should have been given to the supervisor.

However, if the temp was told not to look at anything, then they were following orders, and I think that is a travesty. If that warrant is still outstanding, I have no idea, because in our office we have all these employees, we have all these criminal cases but don't have an officer in our section who can run leads or criminal checks on people. They have moved those two people to the other section, so we don't have that available to us, and I can't do these things by myself.

Mr. SOUDER. Mrs. Thurman.

Mrs. THURMAN. I want to followup on, you said that not all of these offenses would be deportable?

Ms. WOODS. That is correct. But that doesn't mean they are eligible for citizenship.

Mrs. THURMAN. Can you tell me which ones those are, and because of the fact we have mentioned the Los Angeles Times article, because there is a rebuttal to that that says 69 or 70 were—

Ms. WOODS. The only thing I can figure by those numbers are deportable, because there is no way that only 69 people had a criminal offense out of 5,000.

Mrs. THURMAN. I need to understand. There are different offenses that would cause different actions?

Ms. WOODS. OK. If you have two convictions of theft, you could be deportable. They are called crimes involving moral turpitude. We have had things from auto theft to aggravated felons, unlawful use of a weapon, rape, et cetera. I would say to be truthful, a majority of the criminal offenses were more of a minor—were a minor offense such as theft, et cetera.

Mrs. THURMAN. So those are not deportable?

Ms. WOODS. Only if there is one. If there is two, then it can be deportable.

Mrs. THURMAN. How does that relate to citizenship, then? You need to help me through this.

Ms. WOODS. OK. If somebody is deportable—we go through the law books, through what is considered good moral character, and it is not considered good moral character to have a criminal background. We are told to look in the last 5 years, although we are not limited to that by the law. If somebody is convicted or has a significant criminal history and has convictions, they could be ineligible for citizenship but not necessarily deportable.

They could be denied for citizenship because they have a recent conviction and it is possible that their conviction is so serious or so numerous that they could be deportable. That means they would go in front of an immigration judge, they would be set up, what we call an order to show cause, they would be set up for a deportation, go in front of a deportation judge, and the immigration judge would decide whether this person would be told to leave the United States, to be deported.

Mrs. THURMAN. I want to go back to another issue on the temporary.

Mr. Conklin, in the beginning you talked about temporaries and how much time that they were exposed to the procedures and the process. Do you know if there was a decision made by your supervisors in fact that temps would only be able to look at certain kinds of information and then it would be passed on to the more senior members within your groups to make those final decisions?

Because it sounds to me like in one instance, if we are not giving them the full educational opportunities to totally understand what is involved in a case, that they might—I don't know, but they might—certainly when I get somebody in my office, I don't give them the first crack at the worst thing that might be happening. Is that a possibility here, or do you know if in fact that happened?

Mr. CONKLIN. The way the training program was set up, it was set up for a primary/secondary-type officer for every district except Chicago. Chicago told us at the time we were setting the program up, we were not doing that. We will have one officer who will take the case from start to finish.

Mrs. THURMAN. They were denied the information?

Mr. CONKLIN. No, because at the training program that I conducted we gave them the extra information. We allotted enough time in the training program that each district could train on how they do their interviews. That is when we covered the good moral character and all the arrests—

Mrs. THURMAN. So they could go back within those records and look under the red folder, et cetera?

Mr. CONKLIN. This is the way I explained about legalization. Legalization gave you amnesty for immigration. If you married fraudulently or crossed the border illegally, they gave you amnesty for those arrests. You had to file a waiver for criminal arrests.

Now, those criminal arrests are not gone just because you got your green card. Later on, when you are coming in for citizenship and you are asked the question, have you ever been arrested, have you ever gone to court, have you ever been fingerprinted, have you ever been in jail, and they are saying no, now they are committing false testimony because they have been arrested. That is the difference—you can't go under the red cover and say, oh, well he married somebody just to get his green card. You are denied citizenship. You can't do that.

Mrs. THURMAN. Do you agree?

Ms. WOODS. I agree that they were told—it surprised me that they were told—they told us all actually in a staff meeting we had, they said you are not to look under the covers, you are to look only at the application and nothing prior to them getting their residency. In fact, I questioned the acting deputy district director at the time and I said, what if we need to do an investigation or do something, like we have a lot of fraud. There is a lot of fraud with documents, et cetera.

He said that is really not going to happen. That isn't working. I said, well, actually I have done a lot of investigations and I have been successful in my attempts. He got kind of mad, but still, the problem is we were told you are not to look before they got their residency, you are not to look in the file. This person didn't look in the file, as they were instructed.

Mrs. THURMAN. Do you know of any confidentiality laws or anything that would protect that? Is there a reason?

Ms. WOODS. I am talking about general files. I am not talking necessarily about legalization files. No, I don't, because you are supposed to look at the person.

Mrs. THURMAN. So that red FBI, or whatever, is open?

Ms. WOODS. The red FBI—

Mr. CONKLIN. The red cover is an immigration legalization cover. Everything under that was used for legalization.

Ms. DOBBERFUHL. It is just a cover sheet, not an envelope or sealed folder.

Ms. WOODS. It identifies that it is legalization right off the bat to anybody.

Ms. WARE. Amnesty came about through the Simpson-Mazzoli bill. Maybe that will help you understand when we say "Amnesty" what we are talking about.

Ms. WOODS. Amnesty and legalization are the same.

Mr. CONKLIN. Can I expand a bit on the fingerprint chart?

Mrs. THURMAN. I wish somebody would, because I am not sure, 1 minute I am talking about something that you said is confidential—

Mr. CONKLIN. It is not a confidential file. Anything under the red cover is prior to legalization. That means the person got their card through legalization. We are not supposed to use stuff that they revealed to us in legalization against them.

A fingerprint chart, when they did their fingerprints, they gave us a chart. We are not using the chart against them. We are using the FBI report that came back from that chart. That is independent the cover because it was all for the card and legalization, but in Citizenship you can still refer to that FBI return, because that was a hit.

You can go back and see, yes, he was arrested three times. We can look at the information, but we can't use it against him that he was trying to enter a fraud marriage to get his green card, because Amnesty cleared that.

Ms. WOODS. It is a long process. The person puts in the fingerprints, and then if everything is properly filled out and sent to the FBI, if everything is done properly, then it is put into the file. The problem is they are not making it to the files.

Mrs. THURMAN. You were referring to the 1986 law; is that correct?

Ms. WARE. Yes, ma'am.

Mrs. THURMAN. So that was actually in 1986?

Mr. CONKLIN. The legalization program.

Mr. SOUDER. We need to move on.

We have been joined by Congressman Hastert and Congresswoman Ros-Lehtinen.

Congressman Hastert.

Mr. HASTERT. I understand you all work in the Chicago office. I represent a district west of there, so I have cities like Elgin and Aurora.

I want to get this right; one of the biggest problems that we have in our area are illegal immigrants coming in, bringing drugs in, organizing gangs and doing criminal activities in our area. You are telling me that you have been instructed basically to overlook FBI fingerprint checks and to not look for welfare fraud or tax fraud and not to look for fraud in original procurement of a green card; is that correct?

Ms. WOODS. I would agree with everything but the—we are not told not to look at the prints. We are told not to consider what is in the legalization files. If the fingerprints had been done properly, we would be looking at the prints. I wouldn't say that we were specifically told don't look at fingerprints. Of course, we are supposed to. We are supposed to be a law enforcement agency.

Ms. WARE. But oftentimes we don't have the prints.

Mr. HASTERT. The prints aren't there for you to look at. You can't see what you don't have?

Ms. WOODS. Exactly.

Mr. HASTERT. What about the issue of welfare fraud or tax fraud? Is that something that is being kind of brushed over?

Ms. WOODS. Yes. We were told we are not the IRS. In order to have a good case for welfare fraud, you have to have the time to

do the interview properly to gauge what is going on. You have to ask for letters from welfare.

For instance, I had a woman I interviewed and it took time, a lot of time, which I am not given that much time, and I had to followup a couple of times. She has three children, she is living with the father of her children, and she is going to college for free and she is telling them, oh, I never declared any taxes in order to get her college paid for free. But on the other hand, she is showing me tax returns that she filed with her common-law husband. So there is obvious fraud there. It takes time to be able to work with these people in welfare, et cetera. It takes time and I don't have it. I am not given that opportunity.

Mr. HASTERT. I know we have files and files. My office works with your service all the time, and trying to get people who have waited their turn, done the right thing, get them on-line. What is happening, these people are being pushed back in line in an attempt to move in people who have FBI fingerprints but you can't check them, people who have committed welfare fraud, but they are being expedited, and people who have fraud in the original procurement of the green cards; is that correct?

Ms. WOODS. I don't understand—you are saying that your people—

Mr. HASTERT. These people are being expedited.

Ms. WOODS. Yes. They are being expedited through the system. It is not encouraged to ask questions, because we are not the IRS, et cetera.

Mr. HASTERT. So people who live in my district, including many naturalized immigrants legitimately, are being asked to pick up extra welfare costs because these people who are criminals are being expedited through the process?

Ms. WOODS. Exactly.

Mr. HASTERT. That is really wrong. That is amazing.

Ms. DOBBERFUHL, what ways are people being expedited into a situation, especially in the city of Chicago, to be signed up to vote?

Ms. DOBBERFUHL. What I have noticed, before the CUSA program started we would have court hearings twice a week in the Federal building downtown, ranging anywhere from 100 to 130 people. We would have a small ceremony and people would get their certificates, occasionally there would be a reception for them and that would be it.

Voter registration I never observed to be an issue then. It was never even mentioned until the big ceremonies started, when voter registration cards were handed out with the welcome packets.

Aldermen and other representatives giving speeches were urging people to fill out the cards, send them in, drop them off on their way out of the building. It really became an issue—when the CUSA program started we started having these very large hearings.

Mr. HASTERT. So basically when this program started there was a political advantage. We would hope everybody—there was a political push there; is that correct? They are making pitches that these people need to sign up to vote?

Ms. DOBBERFUHL. Yes, I agree.

Mr. CONKLIN. Prior to CUSA I used to give the speeches at the ceremonies. I went to every ceremony every Tuesday and Thursday. It was part of my job as an examiner.

When I would go there I would give the speech about that now that they are citizens they can petition for their relatives, and other benefits, that they are not a second-class citizen because we don't have classes in the United States, and how proud they should be to be a citizen, and if they would like to register to vote they could.

Every Tuesday and Thursday we never had speakers coming in and saying you need to vote, you need to register, this is a big part of being a citizen. Now at every mass ceremony they have all these guest speakers and the majority of what they have to talk about is that they have to vote. You hear very little about now you can petition for your relatives. Or if you have already petitioned for your relatives, let the Service know because now you are a citizen, you need to change in a different category.

Mr. HASTERT. I learned a long time ago not to ask a question that you don't know what the answer is, but let me ask this question. Have you found that most of these speakers are from one political party?

Mr. CONKLIN. I can't say. I don't know.

Ms. DOBBERFUHL. I don't know.

Mr. HASTERT. Are they mostly aldermen from the city of Chicago?

Ms. DOBBERFUHL. I can think of only one alderman in particular, and he is from the city.

Mr. HASTERT. Thank you.

Mr. SOUDER. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. I am a Republican, a naturalized American and a proud supporter of the Citizenship USA program, and let me tell you why. This program was initiated to clear up a huge backlog of naturalization applications. I will speak to you in respect to my congressional district, where I represent a community where the overwhelming majority of the individuals who reside there were born outside of the United States, are very happy and pleased and proud to now belong to this beautiful family of Americans, and are very anxious to become American citizens, having nothing to do with the welfare bill, having always been anxious to become a part of this democratic process. These individuals were lost in a maze of bureaucracy.

For 18 months, most of them had to wait to become naturalized, praying and hoping, praying that the ineptitude of INS would not rear its ugly head, that their papers would somehow wind their way through the process and that they would be able to one day swear to be an American citizen. I remember very proudly the day that I was able to raise my right hand and swear allegiance to this beautiful country.

Most of the time it worked, but a lot of the times that process didn't work for these individuals. There was a lot of confusion, the bureaucracy was not streamlined the way that it should be and there was mass confusion.

I don't think this was planned confusion and a plot on behalf of the Reagan administration, and I don't think that it was a planned

confusion plot of the Bush administration, but now we have a program in place and, all of a sudden, this is a massive plot by the Clinton administration to get registered voters.

God forbid, we are now stressing voting. This is said in hushed tones like we should say, and they encouraged people to vote. Can you imagine trying to do that?

I speak regularly at these naturalization ceremonies. I spoke at one just yesterday; individuals there encouraged them to vote. I did not say that, because my speech was long-winded enough, but last time I checked, and I know in these hushed tones that we say, and these people say that they should vote, I think that that is a plus.

Maybe I am wrong, but I don't think it is bad, even though we may be Hispanics, God forbid, that is a terrible thing, I guess, but I think we are still encouraged to vote. I think my vote counts just as much as anybody else's vote who is a registered voter and should be voting. That is another part of this hearing, where we say, and there is voting fraud because they are encouraged to register to vote. Can you imagine?

So this confusion that went on for many administrations I don't think was a planned plot. The bureaucracy just was not working for many individuals. I know. I have been in elective office for almost 15 years. I know this process well, plus I know it intimately myself because I am a naturalized American. I am totally against any criminal becoming a U.S. citizen, but I have a hunch that maybe this might have happened during the Reagan administration also, it might have happened during the Bush administration, and had the bureaucracy worked the way that it should have been working, there might have been more processing taking place and maybe those mistakes might have been happening as well.

I don't condone any criminals becoming citizens. If any criminal has become a citizen, we not only ask INS, we demand that INS rescind that citizenship immediately, because it cheapens my naturalization to have a scum bag be an American. It cheapens Americanhood to have a criminal get this opportunity that is denied to so many others. So no one is condoning this, and INS has a bureaucracy that I know, unfortunately, all too well, makes mistakes.

If they rush through the system and some individuals should have been checked that weren't checked, shame on INS, shame on any caseworker who was involved in doing that, and that should be rescinded immediately.

But to say as this subcommittee has done, with all due apologies, this fraud and abuse has occurred because the Clinton administration, which as indicated by a certain document, sees the Citizenship USA program as the source of a potential 300,000 Democratic votes, most of them in California, New York, Florida and Illinois, has put intense political pressure on the INS to manufacture—manufacture as many new citizens as possible whatever the cost.

Well, as a manufactured citizen myself, I would imagine that perhaps in Florida, where I would imagine that most of the new registrations of new citizens are Republican, I don't know. I don't check. I don't keep up. I am not only unopposed this election, but was unopposed 2 years ago, so I couldn't begin to tell you what the registration is in my district.

I represent the people, every single one of them, whether they are voters or not, whether they are Republican or Democrat. Suppose some GOP operative in my area looked at the figures; I would imagine people are still registering Republican, because if not, I would have seen an article in the paper. They would have said, we've got to speed up this process because we have a potential gold mine in Miami, FL especially, where the overwhelming number, I would imagine, are registering Republican.

Suppose some GOP wise guy wrote a similar memo, just as I guess as some Clinton official might have written it, about the Citizenship USA, and then you say, wow; this is a real plot. Well, I don't see that as a plot. I see somebody, let's write this memo, see if we can get a political advantage.

Whether they write the memo or not, this process is taking place. People are going to register whether Democrat, Republican or Independent. I would hope that they register Republican, but I hope they register period. I hope they vote. I prefer that they vote for the Dole-Kemp ticket, but I prefer for them to vote. I don't see this as a blight on our democratic system.

If there are mistakes, they must be corrected. If there are serious mistakes, let's make sure that no one is abusing the system, because it cheapens me and it cheapens the hundreds of citizens that I have helped to naturalize in my congressional district.

But let's not say that this is some plot of the Clinton administration. Because if so, and I don't know where these Democratic votes are, but if they say that they are in Florida, we are gaining more Republican seats in Florida every day, from the Statehouse to the White House. So some official in the Clinton administration sure has their facts wrong, as they see Florida as a gold mine of Democratic votes, because if that were true, I think I would have read it in our local paper.

Is there fraud, is there abuse? I think there is incompetence and there was incompetence in all of these administrations, and it should be eliminated. But to say that there is this huge plot going on, I think is really stretching the fabric here. If there is, let's weed them out, let's make sure that anybody who was a partner in this fraud and in this abuse gets drummed out of the Service immediately, because I think it demeans the good workers that INS has.

I know we have them because we have them in my Miami office, that services thousands of questions from individuals from all walks of life day in and day out. It is a bloated bureaucracy. It needs to be streamlined.

Maybe some other program needs to be put in its place. That would be fine. Maybe that is the way to get the system to work. I am not justifying any of these problems. Their citizenship must be rescinded immediately, but let's not get carried away with the plot theories of the Clinton administration in this Citizenship USA program.

I would like to point out that the Hispanic Caucus was very interested in testifying before this subcommittee. They were refused to testify as of yesterday. Then before the hearing, the subcommittee changed its mind.

They want them to come, and I would hope that as a courtesy to me, to other individuals who would like to testify, that next time they be given an opportunity.

Frankly, Mr. Chairman, I don't think it would have hurt this subcommittee at all to hear testimony from other members of the Hispanic Caucus who are interested in this program, who have personal knowledge, as I have, of what this program has done, who do not condone any problems in this program, who want this program to work. They don't want criminals to become U.S. citizens. That cheapens the process.

They were refused the opportunity to testify, and at the last minute that offer was once extended when they had already made other plans. I would hope that if this continues—this program ends September 30th anyway, but if this is a problem inherent in the bureaucracy, let's have more hearings.

I want this program to work, because I have thousands of other people in my congressional district who don't want to wait 18 months, like they had in the past, 18 months where they can't travel outside of the United States, they can't petition for their families, they can't register to vote; oh, my gosh—register to vote again—they can't do anything because they are not United States citizens.

[The prepared statement of Ms. Ros-Lehtinen follows:]

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**STATEMENT BY REPRESENTATIVE ILEANA ROS-LEHTINEN
TO THE SUBCOMMITTEE ON NATIONAL SECURITY, INTERNATIONAL
AFFAIRS AND CRIMINAL JUSTICE**

OCTOBER 24, 1996

Thank you for this opportunity to address the issues surrounding the Citizenship USA program. As the Representative of a district with a large immigrant population, I am very familiar with the backlogs of individuals waiting to become US citizens. For a number of years, the wait for those who were seeking to start the final steps of naturalization has been growing longer and longer. Budget constraints and personnel shortages, coupled with an increasing number of applicants, had made a bad situation worse. The situation was so bad that those seeking naturalization would wait, overnight, on the sidewalk for an appointment with an INS clerk to begin the path to taking the oath of citizenship.

According to INS figures, some parts of the country saw backlogs ranging from fifteen to eighteen months, in Los Angeles and New York respectively, as opposed to the traditional six months for the entire process that it should take. The Citizenship USA program was implemented as a coordinated effort to eliminate this backlog. As a result of this effort, the process in Los Angeles is now seven months and in New York has reduced the wait to five months.

At the same time that these problems were being resolved, complaints were raised that required criminal background checks were not being completed. I believe that those who do not deserve the privilege of citizenship, because of criminal conduct, need to be weeded out. Anyone who has taken advantage of this situation to secure an undeserved citizenship should have that fraudulently obtained status rescinded immediately.

We should not, however, throw out the baby with the bathwater. We need to remember the situation that Citizenship USA was implemented to solve and work to improve and clear up the huge backlog but INS should and INS must always ensure that the undeserving do not slip past the system. Therefore I ask this subcommittee to concentrate on the achievements of this program with an eye to improving and eliminating the serious flaws. If any criminal has obtained US citizenship because INS did not complete a thorough criminal background check, then we must take away the US citizenship from that criminal.

Mr. HASTERT. Would the gentlewoman yield?

I understand your situation. I have not only a large Hispanic district, I have Koreans, I have Chinese, I have a lot of people who would like to be United States citizens. But when people are shuffled in front of a line because of some reason or another, and people who have been in my district for 18 months and have taken their tests and don't get replied to, because people who have FBI fingerprints that are not included in the records, people who have committed welfare fraud, but we have to look the other way, and people who have fraudulently procured their green cards are getting citizenship, when good people aren't getting citizenship, that is wrong.

Ms. ROS-LEHTINEN. Reclaiming my time, it is wrong. But what this committee has said in its statement is that it is a plot of the Clinton administration. I will read it again.

This fraud and abuse has occurred because of the Clinton administration. I am saying it is incompetence, the same incompetence that has carried INS, and this is about the most left-handed compliment that INS can get, is still ruling.

Your constituents have needlessly waited 18 months. That is wrong, too. Let's reinvent the wheel, let's make a kind of a program that will have thorough background checks. I waited a long time to become a U.S. citizen. I want this process to be clean, to be free of abuses. I want it, too, and my constituents demand it. But this is not a plot hatched up at the last minute.

Mr. SOUDER. You have mischaracterized my statement four times now, I don't appreciate it. I have every belief that every citizen of the United States should vote and should be encouraged to vote.

You missed the earlier testimony where we had witnesses say that they were intimidated by agents who knew their supervisors who stood there with their supervisors and intimidated them. I hope we get every immigrant's vote. I welcome every immigrant into this country.

I am not one who has been pushing on these immigration bills the other direction, and the inference that somehow there was any anti-immigrant tone to this has been incorrect. That wasn't my thrust. I believe we have documents that say that, at least in some areas, there has been political orientation to this. It isn't just casual. We heard it earlier today very specifically stated.

All these witnesses are not Republicans. They are concerned about the process. They have also documented that there have been not only a backlog change here, there has been a doubling of the backlog because of outreach programs, which is another question, but to try to do all that before this election, combined with the memos that have been in the record, suggests that there has been certainly an effort to capitalize.

Hopefully, Republicans will get more than their share of votes. Many immigrants are coming to America because they believe in what we advocate. I am sorry if there is any implication against immigrants. The question is about the process.

For example, let me ask this question. My understanding was that there were 200 to 300 prints in a box—

Ms. WOODS. Per box, 10 boxes.

Mr. SOUDER [continuing]. That had not been gone through. Some of you have worked for 20 years in this agency—Ms. Ware.

Ms. WARE. I have 18 years and 10 months.

Mr. SOUDER. Have you seen this before?

Ms. WARE. No.

Mr. SOUDER. Have you seen where there have been 200 or 300 prints per box that haven't been gone through before somebody came in?

Ms. WARE. No. I would like to say, too, that I don't consider myself Republican, nor do I consider myself immigration. I am not here to down Mr. Clinton, but because I know that there is right and wrong. I am here because I know that some of the things we have been doing is not right and it is not the law.

Thank you.

Mr. SOUDER. Do any of the other witnesses want to comment on this statement?

Ms. WOODS. I want to clarify that those prints were there and they were gone through, but what was done was not done in an effective way. It is kind of a—in our office there are cases done out of the office, there is cases done in the office. Prints done out of the office are in these boxes. Cases done in the office, those prints are in this area.

In August, I was looking for something to do; not that I didn't have anything to do, because I always—I have to tell you that the four of us are very, very hard workers. We all get very good ratings. We are not disgruntled employees that are here. We are very concerned about the process.

Mr. SOUDER. To the point that you said earlier you might be concerned about retribution.

Ms. WOODS. Very much concerned about it.

So what happened is some of these cases, these files that were done in the office, most of those prints were in these boxes, but nobody knew that. When you get done and you know that Lincoln, NE, is taking care of all these prints for all these new cases and that everybody else has been interviewed and we still have 10 boxes of prints, there is a problem, and that needs to be a priority and not just set aside because we have a hearing in 2 days.

I am sorry; yes, you got to do that also, but if it would have been done properly in the beginning, if the prints would be in the files, then we wouldn't have to go back through and try to figure out did this person get naturalized; if not, where is this file. We are working on envelopes now. We have people come in.

They are tested. If they pass the test, we have them fill out a duplicate application because we don't have the file or the application there because of problems getting the applications from Lincoln. I have these prints. I know that person was interviewed that day. I can't find the file because it is in a work envelope. It is very frustrating.

Ms. WARE. You stated you don't want to have to wait 18 months for a person to be naturalized. Then may I suggest you hire people, start a law, or something, saying immigration has to have so many people working so, therefore, it would not create a backlog, permanent people. Most of the backlog we have was created during this

outreach, bringing boxes and boxes and boxes of citizenship applications into the office.

Ms. WOODS. Another problem was the green card replacement program that started. It was, I think, \$70 or \$75 to replace your green card, if you had an old edition. It was \$90, and now it is \$95 to apply for citizenship.

A lot of people were told it is just \$20 more to apply for citizenship, so maybe you just would like to do that. Between that, the Amnesty applicant and when the welfare reform bills started to come up, we saw an incredible increase in the amount of applications that we received.

I am not political when I am adjudicating an applicant. I am looking at the applicant; I am not looking at the different politics, et cetera. I just want to do what is right and what is fair. I am really frustrated when I bring these things up to the supervisor and it is thrown off.

Mr. SOUDER. I have been approached by many legal immigrants, people who are so proud to be Americans, who are so concerned that these kind of processes cheapen their citizenship and somehow cast aspersions on them—and they are concerned that their vote and their taxes—because a whole bunch of people are suddenly being brought in, they hear it in their communities, and are very concerned.

We will go one more round here.

Mrs. THURMAN. I have one last question to all of you.

Why do you think of all of the INS employees that we have, that you personally were invited to participate in this hearing today?

Ms. WOODS. I don't understand your question.

Mrs. THURMAN. Well, what I am asking is, do you know why out of all of the employees that INS has in Chicago or other places, why it might be that particularly—is there something that each of you bring that is unique, that would be why this committee subpoenaed each and every one of you here?

Ms. DOBBERFUHL. I think we are all permanent officers. We have all been working in Citizenship for a minimum of a year. We are thorough in our work, we are hard workers, we know the law and we have been actively involved in helping plan or carry out the CUSA program.

Mrs. THURMAN. So my guess is with that explanation you are supervisors, or whomever, who might have spoken with this committee, would have suggested you to be here? Is that what you assume?

I am curious to know how you came up with this witness list out of all the INS—

Mr. SOUDER. As the Government Reform and Oversight Committee, our job is to look and see how effective programs are. When we read about individuals who, in effect, are whistle-blowers in their agency and you check whether that has credibility, you do a hearing. We have had people from Citizenship USA. We will have more, and we will do another followup, but this is not to have a defense or an intimidation of people coming forth. They are coming forth because they saw problems with that.

Our job as a committee is to look into all problems with it; not to imply that everybody who got in the program was wrong. No-

body is even asserting that 80, 90 percent of the people wouldn't have gotten in under normal procedures. Our job is to find fraud in the government. When we have a Medicare oversight hearing, it isn't to cast aspersions on the whole Medicare program. It is to find the fraud.

Mrs. THURMAN. It would seem to me in a whistle-blower situation, that there is supposed to be a certain amount of confidentiality instead of putting these people in a position of coming before TV cameras, that we might have wanted to talk to these folks without putting them in jeopardy.

I am sorry this has happened to you, especially with your answers that you are concerned about retaliation.

Mr. SOUDER. Mr. Hastert.

Mr. HASTERT. I guess what happens, the manifestations of problems come. But for my colleagues here, I have a memo that was evidently written by a Mr. Farbrother, for the Vice President to send to the President of the United States. It says: Note my concerns, parentheticals are for background only, and may not be attributed to me in any manner whatsoever, including congressional staff.

The memo says: We have several serious principal sections. One, improving service for citizenship applications. Two, lower the standards for citizenship; this was dropped from the revised version of the draft. Three, capital authority to local managers. Four, put Headquarters to work. Five, use legal services, temporary agents. And six, make more money available.

The first heading calls for removing roadblocks, which the author alleges are not statutory but merely bureaucratic and can be removed through administrative action. Another key quote: But INS warns that if we are too aggressive at removing the roadblocks to success, we might be publicly criticized for running a pro-Democrat voter bill—I say voter mill. I say voter mill. That is in the memo to the Vice President of the United States—and even risk having Congress stop us.

Indeed, many of the roadblocks originate with the staff. People complain if we waive the regulations and procedures they have created and followed for years. This paper describes the pros and cons of several controversial actions that we could take to expedite processing. We would like your—meaning the President's—guidance.

The second heading calls for INS to exercise broad latitude to interpret citizenship standards on a more liberal basis. INS management has already been training new adjudicators and “re-educating” the older ones to be more liberal.

I can understand from my colleagues on this panel and these people who are testifying, when you start to re-educate to be more liberal, and part of that education is not to look at the FBI fingerprints and not to check for welfare fraud and not to see if these people are procuring their green cards in fraudulent manners and, in essence, allowing criminals into the United States. I think these people have to be commended for coming forward with their testimony, and I do that.

This document was issued in March of this year. Has there been a time since March that you have been asked to expedite and you

have seen differences in how your general operating procedure has existed?

Ms. WOODS. Yes.

Ms. WARE. We are sworn to uphold the law. This is why we are here. This is what we are doing. Now, we were told that any time we see inadequacy, that we are supposed to report it. If we don't report it, then we are just as guilty as anyone else.

Ms. WOODS. One way in which we have been pushed so—they have made changes. When we—the CUSA sites have satellite offices, because we just have too many officers. We used to get Friday as a work day to work on our denials. Now we don't even get a workday. We are lucky to get a couple of hours. Or if we get a workday, sometimes they will throw us on another project. Of course, I haven't had one, and I don't have a computer to do denials.

They tried to give me some workdays, but I had so many cases and things to do that I couldn't get much of an edge on it. We got a memo that we are supposed to have everything completed by the end of the fiscal year. I know can't do it.

I am working on this fingerprint project, which is more important than sending out denials. But those also are very important, and it is very important for us to try to process this in as timely manner as we can, because most of the people that we interview are good people who are looking for this benefit for the right reasons, and we are happy to do that. But for the people that are circumventing the system, we need time to follow through on that properly, and it takes more than just the few minutes that it does to grant a case.

Mr. HASTERT. As a matter of fact, we have in this file that says that you are being pushed, INS did not meet its goal of 100,000 removals of fiscal year 1996, and the delay was hiring new detention and deportation officers. Apparently such programs did not beset CUSA, which was able to hire people it needed to meet the 1.3 million person goal, and you are being pushed to do that.

Ms. WOODS. We are ordered to work Saturdays. They are scheduling hearings on Saturdays. This was changes to our contract, the union contract, and labor union contract which were never negotiated with the union until we started to file.

Then, all of a sudden, management started to try to meet with us after we filed. But never before had I noticed where they tried to discuss anything with us. We were more complacent, and I think we just got pushed to a certain point where we said enough is enough.

Mr. CONKLIN. I don't vote Democrat or Republican. I just vote for the person that I personally like. So I came here out of a sense of responsibility. I know that there would be hundreds of other officers that would come here, except they are in fear of retribution. I have had numerous people tell me that I am doing the right thing; go and tell the truth. The acting district director told us in a meeting that we should tell the truth and do what is right; not to fear retribution, that we were subpoenaed, and this is what we need to do.

That being said, in the back of your mind, we have worked for the Service long enough, we are still in fear of retribution. It is just

a common thing. We know somewhere down the line something could happen to us. But the bottom line is Citizenship has gotten off track. It needs to be put back on track, the safeguards need to be put back into the system so the people that shouldn't be naturalized, aren't naturalized. That would cut a big portion of the people out and the backlog would drop a little bit.

INS was not ready for the big influx of applications. That accounted for a big portion of the backlog. You are going to need more employees to get rid of that problem. As soon as this program is over in September, the backlog is going to go back up.

But in the meantime, we have just naturalized a lot of people that shouldn't have been naturalized. Every fingerprint chart that comes back potentially is somebody who shouldn't have been naturalized. It is all on their testimony. If they commit false testimony, they are denied. If they don't, then we are going to look at what was on that fingerprint chart.

Mr. HASTERT. That really smacks of what the Vice President said to the President, we may be criticized for running a pro-Democratic voter mill, in his own words.

Mr. CONKLIN. In the amount of time officers are given to do interviews and the information that they are given, when you do an interview you are supposed to have all the information required to do that interview. You have right now no information, you have an application, sometimes you have a duplicate, because the original application is not back from Nebraska. So how do you have any of the information? You just ask them a few questions, hear the responses and they are done. You never see that person again. All the safeguards are missing.

Ms. WOODS. I understand the temps are still going to be there, and after the end of the fiscal year they have still scheduled 800 applicants a day in our office. So my understanding is that this program isn't over.

Mr. SOUDER. We have more Members now—I have been running a very liberal hearing on the amount of time.

Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you. Just a comment.

First, I would imagine that being here would be your best life insurance policy. I don't suspect that there would be retribution, but if there is, I think with the proud history of this subcommittee in defending its witnesses on many occasions, on many topics, we would be glad to help you in any way were you to suffer any retributions because of your testimony. That just has to do with what you had said.

Going back to some other statements that were made by the Members, the problem with the way that this is set up is that you are forcing here a dichotomy. Either you are for a system that is fraught with fraud and abuse, where no one's fingerprints are checked, or you go back to the way it used to be where peoples' papers were strewn all over the place.

In Miami there were boxes, who knows where, and if they matched up, you would become a citizen, and that would be like a miracle. Where is the middle ground here? No one is advocating giving citizenship to a criminal. No one is saying that, and it shouldn't happen.

But to harken back to the good old days when the inept bureaucracy almost ground to a halt, I have been there. I know what it is like. It was bad before, if it is bad for different reasons, that should be weeded out, too. But if you have set up this dichotomy where you are either for this terrible way it is now, or this incompetent way it used to be before, INS needs to be streamlined. The bureaucracy needs to be weeded out. I would hope that some of these Members who are so irate about this program will allocate funds so that INS can put the "N" back in its name so it can become a naturalization service.

Let's get the money that INS needs so it can be a system that works efficiently, in the correct amount of time, so that people become citizens without having to wish and pray and hope that their papers get through the bureaucracy, so that workers are not overworked and so that things work out best.

But next time the INS budget comes up, let's all remember that we want to fix this system, and let's allocate the funds to INS so that workers can be paid, and so that paperwork can be shuffled through the right departments and so that background checks can be put into place, so that no one gets a citizenship certificate unless they deserve it. So let's remember this when it counts at the appropriations time

I yield back.

Mr. SOUDER. Last hearing when we went through the testing, Mr. Aleinikoff came out with an excellent plan to be implemented next year. I think by airing this today, I am confident that the administration will do better the next time.

Ms. ROS-LEHTINEN. Let's hope that Congress does better by allocating those funds, and I would hope that all of these irate Members remember when it is time to pony up.

Mr. SOUDER. We have been joined by two other Members, Mr. Ehrlich of Maryland and Mr. Shadegg of Arizona.

My understanding is Mr. Ehrlich doesn't have a question for this panel.

Mr. Shadegg, do you have a question?

Mr. SHADEGG. Thank you, Mr. Chairman. I do.

Let me begin by saying that I have personally experienced this issue. Some time ago a constituent called my office in Phoenix and did what is not common, insisted that they talk directly to me. They were not interested in explaining any issue to a staffer or saying why they needed to talk to me.

My staff passed on a note saying this constituent needed to speak with me, would I return the call. I called the individual and the individual explained what has been under discussion earlier, the individual was an INS employee and felt there was a tremendous push on and great pressure to push, push, push applications through. This constituent expressed grave concern about it, asked me to see what I could do about it, expressed the fact that it was not just the individual's concern but a concern shared by INS employees.

The second personal contact I had with this is I recently went to a ceremony at the INS facility in Phoenix, which is in my district, where they were talking about some new changes in the law and about a new agreement that had been negotiated between Ari-

zona and the INS regarding the processing of criminal illegal aliens and how to get them deported as quickly as possible following the completion of a portion of their sentence.

I went into the building and had to get a little name tag, and then stepped on to the elevator with another INS employee. The elevator was so small, I was shocked. I said, how do you use this elevator to get people upstairs; because she had a gentleman with her who I presumed to be an applicant, and she did identify him as an applicant.

And she said, well, you know, it really didn't matter because before this recent push, we didn't used to do interviews upstairs. But now, we are required to do these interviews upstairs, so the size of these very, very small elevators does make a difference. Both of those are personal anecdotes that bring the issue directly to my attention and cause me some concern.

I want to ask a question of each of you, and I guess my first—there are really three questions and what I will do is put all three questions and ask you to each address all three; to the extent that you weave your answers together, that would be fine.

The question I want to get to is, No. 1, do you believe the recent push is political; No. 2, assuming you don't believe that, what do you believe is the reason for the recent push; and No. 3, what is your impression of what other people within the INS, your peers or fellow employees or others that you come in contact with, believe is the reason? Is there a common, accepted belief about why this is going on at this time? Mr. Conklin.

Mr. CONKLIN. Personally, I do believe there is a political push on this. The program was first started when I came on in August 1995 to develop the training program, we were told the original temps were to start January 1st and the program was supposed to be done by June; all the backlog was supposed to be done by June.

Well, the Democratic conventions were coming up the following month, the Democratic and Republican conventions were coming up the following month. In Chicago, the Democratic Convention was going to be. That's where it was. Now, during the Democratic Convention, I had an article come out where I had expressed some opinions about Citizenship USA, and—I lost my train of thought for a second. Hold on.

Mr. SHADEGG. The article came out and you expressed your views.

Mr. CONKLIN. And so far I have not had any retaliation back through the Service for the article and I don't expect to because my supervisor had talked—well, she was called and the acting at the time—the acting assistant at the time had minced words with her and basically for the first time I actually had a supervisor who stood up for me and said he did the right thing, he told the truth, that's what he's supposed to do.

We had a letter that came out where we were all told if we were contacted by anybody from the subcommittee or questioned on this, that we were to tell the truth and be straightforward.

Mr. SHADEGG. That was after the article appeared?

Mr. CONKLIN. That was before the article appeared that we got that memo. That was back probably 4 months ago that we got that

memo. When the article appeared, that's what my supervisor said. He just did what he was told to do.

After the goal was not met in June or July, it was pushed to September. Everything has to be done just prior to the last day of September, just before October 1st. October 4th is the last day you can register to vote, so if all of these people were going to be naturalized and were going to be used for the vote, in my opinion they needed it done before October. They need it done before they can stop registering to vote.

A lot of people in the Chicago district know what is going on. In fact, I would say the majority of them know what is going on. They know what safeguards have been missing out of the citizenship process. People are detailed from different sections to Citizenship to help out. Most of them have worked there, they've done it, they know the problems. They do not express them in public because they are afraid of retribution.

What was your third question?

Mr. SHADEGG. Just the general attitude. Do other employees feel the same way?

Mr. CONKLIN. The attitude I have been getting since the article came out, people have been coming and telling me—well, first they have been joking with me saying they would see me at McDonald's—they have been telling me that they supported what I said and they agree and they are glad that the truth is finally getting out.

Mr. SHADEGG. Thank you. Ms. Dobberfuhl.

Ms. DOBBERFUHL. I would have to agree for the most part with what Mr. Conklin said. I also believe it is a political push as well as several other people that I talked to in INS and other people who are familiar with the program.

Being that it is an election year and the cutoff date is September 30th, which he said is right before the cutoff date to register to vote, I do believe that political issues are definitely magnified.

Mr. SHADEGG. Thank you. Ms. Woods.

Ms. WOODS. I look at the situation of people waiting enormous months—and I worked as a duty officer the first months of this past year and I worked with all these people who had all these problems and a lot of them are the INS's fault. I worked as best I can and hard as I could to relieve them of those problems and I could see that something needed to be done.

But to be pushing things and not using our checks and balances is really scary to me. I don't want to think it is political but it is hard not to look at those ramifications. Indeed, something had to be done, but is it so important to push the numbers to—and then to demean what we were doing? That really upsets me.

So, I don't want to think it's political; however, it is a big question mark for me and for—I can't speak for others.

Mr. SHADEGG. Ms. Ware.

Ms. WARE. Yes, sir. Yes, sir, I'm afraid I do believe it is political. I didn't want to, but I had to look at the facts. I had tried for several—a long—a long time to become an examiner. I was qualified. But no one else was hired. I think since Sylvia Mano became an examiner—I don't remember the year, sometime in the 90's, they had not hired anyone.

Then all of a sudden they hired a tremendous number. I got the job as well as many 12 or 13 other people become examiners all of a sudden in all of these years. So that's why I believe that it is.

Mr. SHADEGG. Thank you very much.

Mr. Chairman, I see my time is expired. Let me simply make a comment. I certainly would agree with Ms. Ros-Lehtinen that this ought not be a choice between an old failed bureaucratic system and one where we abandon the checks and balances. I certainly don't favor an old bureaucratic system. But by the same token it concerns me that we have procedures in place. We ought to responsibly be streamlining the process and making the system work, but we certainly ought not to be allowing it to be abused. And when this kind of information comes forward, we have a duty to act. Thank you.

Mr. SOUDER. Thank you. I thank each of these witnesses. As we have done hearings on Medicaid fraud and Medicare fraud, the only way we can often learn things is when people come forth and tell us and we check out and see how widespread it is and try to verify it. Usually we can work together to try to clean this up, but first it takes public servants willing to come forward with things that are going on at the grass-roots level. We will now go to the second panel.

Mr. SOUDER. Second panel is made up of INS employees from other offices around the country: Mr. James Humble-Sanchez from Los Angeles; Mr. Neil Jacobs from Dallas; Ms. Cora Miller from Las Vegas; and Mr. Robin Lewis from Oklahoma City.

If you will rise, I will administer the oath.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that the witnesses responded in the affirmative.

We will start in the order that you are there. Do any of you have an opening statement or any opening remarks that you would like to make?

Mr. HUMBLE-SANCHEZ. Yes, sir I do.

Mr. SOUDER. You can also in your opening remarks, if you have anything you would like to comment on, anything from the first panel, how it might relate to the things that you have done also.

STATEMENTS OF JAMES HUMBLE-SANCHEZ, INVESTIGATIONS, LOS ANGELES INS; NEIL JACOBS, INVESTIGATIONS, DALLAS INS; CORA MILLER, ADJUDICATIONS, LAS VEGAS INS; ROBIN LEWIS, ADJUDICATIONS, OKLAHOMA CITY INS

Mr. HUMBLE-SANCHEZ. Well, the first question I'm sure that the committee would like to know is why an investigator would be here when adjudications branch normally handles Citizenship USA. The first reason and the primary reason is that the Los Angeles district employees, as well as managers, have a well-founded fear of persecution and retribution.

I myself, being the local president, or having been for 4 years, have become accustomed to fighting management, and I will probably retire at the same grade that I am now, so I don't feel that, let alone terminating, there is not much more that can happen to me. So when my fellow co-workers from examination contacted me

with their complaints, I decided to step forward and speak on their behalf.

The—there were about five common areas that the examiners all basically had to say. They're district adjudication officers now and it is a very tough job. They have to determine in 15 minutes in the Los Angeles district whether or not the United States is going to bestow one of the greatest benefits upon an individual this government can give, and that is citizenship. In an 8-hour day, they do 20, and in a 10-hour day, they do 27. And the whole system is set up for one thing and one thing only and that is a rubber stamp approval. If you are going to deny, the examiner has to justify the denial.

Anywhere in the whole process if you question contractors that we have out there that are allegedly moving them through the process, you have to justify that. If you find fraud in the application upon which they received their green card and you are going to deny, you have to justify that. If they're on welfare and you find evidence of that because they mistakenly provide you with evidence to that, you have to justify that.

But most of the time there isn't any time. You have a 15-minute interview. If you deny, then you are going to have to either deny it at the end of your shift or on your own time. Recently, overtime has been available, but the thing is it is an increase in your work load of what you have to do.

They identified five basic areas that I talked about earlier. One was the problem of the testing centers. We have six main testing centers in Los Angeles for the Los Angeles district, Los Angeles being one of the five key cities, one of our largest districts. And three that have consistently come up among different examiners where the document certifying their passing the requirements for the testing center had been purchased by fraud. If they couldn't pass the test, obviously because they didn't speak English or they didn't have any knowledge of citizenship, for an additional fee they could buy the document. That was a recurring theme among different examiners.

The second thing was, and this reverberated through the whole district almost immediately, in early, mid August when we naturalized approximately 60,000, it was immediately known throughout the Los Angeles district that 5,000 criminal hits had come back.

Now, to be fair to the Service, not all these aliens would have necessarily been precluded from citizenship by their criminal activity alone, but all of them had to commit perjury in order for their application to go forward at that time. So would their criminal history have disqualified them? No. Would the fact that they committed perjury at that time? Absolutely, yes.

The third thing is they're becoming aware of all the specialty agricultural workers that illegally obtained by fraud their green cards are now coming in and wanting to obtain citizenship. They have been told that they're not supposed to refer these because the backlog is becoming too great.

And so the explanation when I talk to different managers is, well, we are putting a system in place, we have one in place, this is how it works. And it sounds really good when they put a politically correct spin on it, but the bottom line is where the rubber

meets the road, the examiner, there isn't one. There isn't a system to adjudicate and then reinvestigate these applicant workers. I'm an investigator and we're not getting any referred to us.

The fourth thing is that a large number are coming through and because they have welfare documents on them, the examiners are inquiring about their welfare status and they are not allowed to either followup on that questioning or nothing is being done as far as disqualifying them for that.

The fifth thing is the data base that INS uses is based on CIS. We have got multiple different names but it's an inaccurate data base. It's based on soundex: What is your name today? How do you spell it today? What is your DOB today? There is no identifying unique identifier like a fingerprint to INS files or applications or records.

That pretty much identifies the areas that were a recurring theme in the Los Angeles district.

Mr. SOUDER. Mr. Jacobs, do you have any opening remarks?

Mr. JACOBS. Yes.

Unlike all the witnesses here, I'm considered to be a senior manager with INS, and the reason I'm here today is because I've put 25 years of my life into the INS and I feel that there are certain things that have to be said and certain questions that have to be answered.

Mr. SOUDER. Thank you very much.

Mr. SOUDER. Ms. Miller.

Ms. MILLER. I'm another concerned citizen and proud American and I have worked for Immigration for 28 years. It's not right. It is making a double standard.

The people who had become citizens before—I brought the application with me in case someone didn't know. It's a 4-page application. This is quite an involved procedure to cover and get done in 15 minutes. This is a big piece of someone's life, and when you give naturalization and that certificate is awarded, you don't back up from that.

There is a provision in the law that you can denaturalize, but as Immigration employees we know that's not feasible. That's not done. There are still confessed Nazis who have still not been denaturalized. So it is a very remote feature of the law and the onus is on us to do it the right way. It's not our fault that there is a huge, huge backlog. We are concerned with doing it right.

I just feel so strongly when I see these hits coming back, someone has already been naturalized and the managers throw their hands up.

Mr. SOUDER. Thank you.

Mr. SOUDER. Without objection we will enter the materials you referred to into the record so it can follow logically your statement.

Mr. Lewis.

Mr. LEWIS. I hadn't really thought about an opening remark, but I guess the reason that I'm here is because I've seen my agency doing things that were troubling, that were outside regulations, that were contrary to the regulations, and when I brought it to the attention of management, they seemed to brush it aside to overlook it.

When I saw this opportunity, I figured this would at least make other people aware of it and maybe I wouldn't be a lone voice in the wilderness. Thank you.

Mr. SOUDER. Thank you all for coming. We have been joined by Mr. Becerra and he is not a member of the committee.

I'm asking the committee, based on conversations that I had and would like to go forward, and by committee rules we have to ask unanimous consent to allow him to go at the end of our turn in the committee to be able to ask questions and I would like to have the committee give consent.

Mr. SHADEGG. Reserving the right to object, is it considered that he would join the committee as a full member and he would join in the questioning of this panel and all future panels?

Mr. SOUDER. I think one question becomes time and we have to make sure that everybody on the committee gets their questions in. But if there is sufficient time my intention would be to also let him question the third panel.

Mr. SHADEGG. Continuing with my reservation, if the committee members are allowed multiple opportunities to question, that is I get a second 5 minutes, you would anticipate that he would be a member of the full committee for that purpose as well?

Mr. SOUDER. I would like to be as generous as we can with the rule, knowing that we have a pending vote at 5 o'clock, but I doubt that with this panel and the next panel we are going to take the same time as the first. I would like to include him as we have other Members. I know that he has a direct interest in it, even though he may not agree with my thrust.

Mr. SHADEGG. My only concern is one of time. I will withdraw the objection, but if I might reserve it—I don't mind a single round of 5 minutes. But if we get into a time bind, I do believe this is an issue for the subcommittee.

Mr. SOUDER. I would ask if you have an additional opening statement that you want to put in, that is fine.

Ms. ROS-LEHTINEN. Mr. Chairman, if I could say something, John, as a background, this is not as last minute as it appears. We had talked to the subcommittee and informed the Hispanic Caucus of this hearing. Many had requested the opportunity to participate and they were told that there was no time. Right before the hearing, the chairman said that they could come. So we had gone through the proper channels and they were turned down to make an opening statement or at least participate in some way. This is why the chairman was nice enough to allow Mr. Becerra to come.

Mr. SHADEGG. As I said, I will withdraw my objection. My concern would be is that some person could dominate the hearing or take an excessive amount of time or take multiple questions. I think the fairness questions comes if other members of the Hispanic Caucus were told they could not come, is it now fair to allow them that one could come?

Ms. ROS-LEHTINEN. No, no. They were all told that they could come but it was too late.

Mr. SOUDER. When I was consulted after the hearings in California my opinion has been consistent. If there are multiple Members who—first off, invitations go out for hearings. This was an oversight hearing and I didn't feel that we should have statements as

witnesses. If Members request to participate, depending how many Members there are and how many questions, I would not have signed off on multiple Members. But I do believe having some representation because of the nature of the issue, and specifically the questions come to me, Mr. Gutierrez who I understand can't be here and Mr. Becerra is here. He has participated in many other hearings where I have been, and I believe while we may not agree, he will be a good questioner and there could be different opinions and I think it is important that we have him in our midst.

Mrs. THURMAN. Mr. Chairman, just as an inquiry, if I chose to give Mr. Becerra some of my time, would that be objectionable to anybody here, since these are people from within his district or around his district?

Mr. SOUDER. At this point there is no objection to him just being in the questioning. If we run into that, you could do that on the third panel.

Mrs. THURMAN. Thank you.

Mr. SOUDER. Let me start with a question where we ended the last panel just to get this on record. There is a lot of discussion about what might be behind the accelerated push, because we not only have a 4-year backlog but a doubling of that backlog.

Could you each comment for the record, do you believe that the push was political? And if it wasn't political, what was the reason for the push, only to eliminate the backlog but doubling the backlog?

Mr. HUMBLE-SANCHEZ. Yes, I do. I have a lot of information that may not be privy to the committee as far as resources, especially in investigation, that are reassigned for high profile media attention-grabbing type of actions. We have all been reassigned for the last—I mean, to different operations that are outside of our normal area of expertise and our normal assignment. This is the third election year that I have gone through and it is just particularly acute this year.

So, yes, I would say yes, I believe that political aspirations or motives may be behind this push. The numbers come from top down. They come from the CO. It is a CO mandate, a CO push. The districts comply as best they can or any way they can. The numbers are not set at the district level.

Mr. JACOBS. I haven't been privy to anything above the Headquarters level. I can say that I have never seen a push like this in my entire career. I cannot say whether it is just a bunch of overzealous bureaucrats at the Headquarters level who are just trying to make the administration or the President like them. All I can say is that this is something that is a new phenomenon to me in the 25 years that I have had with the Immigration Service.

Ms. MILLER. It's interesting to look at, the timeframes. The push has been defined. The timeframe from the date the application is received until it will be completed will be 4 months, and that's not realistic. The testimony has already been that it requires a 60-day processing over to the FBI. It's not realistic to put 4 months on. If you say it is 4 months, then you are cutting corners and that is where this problem is.

This year we have had a blizzard of memos coming down from Headquarters, from central office, mandating to get these in, to

honor the contracting agencies that are doing the testing. We have already learned with legalization that when you contract out, cheating, selling the answers, that occurs. It seems that no one learned from that. I'm left with no conclusion but there is some very strong pressure here.

Mr. LEWIS. I don't know if it's politically motivated or not. I've never really thought about it.

Mr. SOUDER. What other possible reason would you put forth?

Mr. LEWIS. I have no idea. I know that there is a lot of symbolism, showmanship in this. We have never had hearings of the size that we are having. We have never had the media coverage of naturalization hearings that we are having now.

Mr. SOUDER. Certainly as Ms. Ros-Lehtinen pointed out, every single one of us have contacted our local immigration offices concerned that our citizens were sometimes bogged down in the system. There is no question that we need to clean up the backlog. There is no question that with the new legalization attempts that we have many people who need to be drawn in as legal immigrants if they are going to be here illegally. The question comes is what compromises come in the process?

Mr. Jacobs, we heard from Mr. Sanchez he was concerned about investigations. Have you ever been told that investigations should be put off until after the election or anything to that effect?

Mr. JACOBS. I think what my testimony concerns is what is not being done rather than what is being done. For example, in the Dallas district we process the citizenship section, processed 12,500 applications in the last 8 or 9 months; 2,500 of those applications were actually rejected.

I run the investigations program. Not a single case was referred to investigations for a positive kickback on a criminal record, a fraudulent statement, a fraudulent testing entity or anything related to any impropriety. And investigations, we are the ones who put people under proceedings. We do the arrests. We present the cases to the U.S. attorney, and the U.S. attorney is the only individual who can decline a prosecution, and to my knowledge there haven't been any prosecutions nor have there been any declinations.

Mr. SOUDER. Mr. Sanchez, on the figure that you used, the 5,000 of the 60,000, and the comment in the newspaper in the Los Angeles Times was only—I think it was 69 would have been—I'm not sure it was deported. Do you have any idea how many of those may have been denied?

In the first panel we had a discussion about the difference between deporting somebody and denying citizenship and the question of whether or not—let me ask a variation of this. You said that they at least committed perjury by saying they didn't do something. How many of these people may have come in under amnesty?

I was confused from Mrs. Thurman's questions, too. Did amnesty mean that even if you had committed a certain crime, now that it was not a variable? How many of these people may have had something that is covered under the amnesty?

Mr. HUMBLE-SANCHEZ. You are asking kind of a complex question there.

Mr. SOUDER. Well, of the 5,000 and 60,000, how many of those would have been denied if we had had all of the background checks?

Mr. HUMBLE-SANCHEZ. Of the 5,000, the number of 69 is ridiculous. That's ludicrous. I would say the number is somewhere between 50 and 70 percent of the 5,000. They come up with 69; that is ridiculous. I don't know where they even imagined coming up with that low of a number, but it doesn't work that way.

I mean, the ones that would not—the ones that would not be disqualified would be the person who didn't knowingly commit perjury. That would be the person that was there and had a traffic ticket that went to warrant and never knew it. I mean, and that's going to be a minority of that 5,000.

What you are going to find is what I have working with aliens from the Los Angeles County release line and the prison systems, you are going to find some of our most bad element individuals: 43 different names, 23 different date of births, and a rap sheet that falls down and hits the floor and rolls and keeps on rolling. Unfortunately, these now are our permanent members of our society.

Earlier when we were talking about revocation of citizenship, in the 9 years I have been in investigation in Los Angeles, we have done zero. Not one. I have no knowledge of even one being done because it is such a hard process and it is very, very rarely used. We have now made these people permanent members of our society.

Mr. SOUDER. Mrs. Thurman.

Mrs. THURMAN. Mr. Jacobs, I am interested to know since you are the head of the investigation, is that what I understood you to say?

Mr. JACOBS. Yes, ma'am.

Mrs. THURMAN. How long have you been with INS?

Mr. JACOBS. February will be 25 years.

Mrs. THURMAN. OK. So, understanding that Citizenship USA was set forth by the 1995 appropriations bill under this majority, specifically so that we could move cases that had been sitting around for a long time, taking a long period of time in which to process and then moving on. Maybe from what Ms. Miller said, 15 minutes—or Mr. Sanchez—is not enough.

On the other side of that in a more constructive way, what would have been your suggestions or what kind of suggestions have you made as a supervisor to the Headquarters that would have implemented this instead of having to go to this Citizenship USA, what should we have done? Give me some ideas of how we could have made this program better or you could have made this program better?

Mr. JACOBS. I think if there was an intent on keeping the integrity in the system, enforcement could have been brought in from the beginning and been a partner in the citizenship program. I think enforcement could have contributed to getting those record checks done right away. I can pick up an alien tomorrow and have a record check faxed to the FBI and a return within 10 minutes. That is conceivable. We don't have to send in fingerprints; we could fax them. There are many ways of keeping integrity in the system.

Mrs. THURMAN. Are we doing that?

Mr. JACOBS. No, we are not because the enforcement section was basically left out of the entire citizenship process. We weren't included in it, and I believe we were kept out because had we been brought in we would have slowed the process down and the numbers could not have been reached.

Ms. MILLER. As an examiner, may I add if there were enough personnel available you could have one examiner prereview the files before the interview. When you begin the interview and you are flipping through the papers, that is not effective and it is not productive.

If an experienced examiner could go through, if you had adequate clerical to separate this application and get the processing well in advance of the interview, that's the effective way to do. Don't do the interview before you have all the answers. And that's what we're doing. We got ahead of ourselves and then we're trying to put the puzzle pieces all back in. It's not working at all.

Mrs. THURMAN. Let me just make a statement that I think is interesting because we kept referring to the September 30th as if it was a magical number. Do you all realize that that is the end of the fiscal year as well? I mean, there is something to be said about a money issue.

Ms. MILLER. That is a budget factor.

Mrs. THURMAN. Right. So the September 30th may have been set—have those goals been set before as deadlines as of the fiscal year that you are aware of? Goals? I mean, it is my understanding that there have been goals under the years.

Ms. MILLER. Many programs end on September 30th.

Mrs. THURMAN. So that's not an unusual—for somebody to politicize it and say, well, it had to be done because that might be the time when voting records would be available or closed, that's the implication—that's what has been kind of said.

Mr. HUMBLE-SANCHEZ. In and of itself the date is not that significant. You're right, that is the close of the fiscal year.

Mrs. THURMAN. So that takes away kind of the political year here to some degree.

Mr. HUMBLE-SANCHEZ. If you take that as a single factor alone. But I think if you look at a bigger picture, then it becomes a part.

Mrs. THURMAN. Mr. Sanchez, in your testimony you talked about that you had heard from many of your co-workers or workers around, and when you heard from them, do you know of any action that they had taken to where they thought there might have been fraud or abuse to their supervisors and were not given backup or were told, just leave this alone, you know, this is not your concern? Or in some cases, was there some ideas of some things they might have done?

Mr. HUMBLE-SANCHEZ. First off, the people that I contacted were career employees and not the new ones, because those are the ones I had known through my union activities. And yes, my first question is, well, if you found a problem, what did you do? And most of them ran into frustration, a kind of administrative roadblock.

It isn't a problem. There is no problem as long as we don't acknowledge there is a problem. If we can pretend that this problem doesn't exist, then we don't have to fix it. If we can keep the num-

bers acceptable and manageable, then we don't have a problem. It is a circular type of mentality, but that is what you run into.

They presented it, but they are encouraged—nothing is ever put in writing but they are encouraged not to keep referring these things like they should be doing and then they are penalized by the work load they get because they now have to deny these, and make time to deny these on their own time.

The path of least resistance is the rubber stamp brand and that's the problem, the denial process should not be as burdensome and clumsy and verbose and large as it is. That's your problem. You eventually wear the employees down.

Mrs. THURMAN. Ms. Miller, Mr. Lewis, what have been your feelings about when you have gone to supervisors or when things haven't seemed to iron out like you expected? I mean, have they helped you? Have they said, don't worry about this? This is your job. I mean, do you feel like you haven't gotten any backup from them?

Mr. LEWIS. My immediate supervisor has been sympathetic, I guess, is the best word I can use, but her hands are tied. I think she's in the middle, and being part of management there is not a whole lot she can do about it.

Beyond that, no, I don't think I have gotten any support if I've said there was a problem. In fact I know that until January of this year, if a person came in we put them under oath, we questioned them about their criminal history. If they said they had no criminal history, they'd never been arrested, if I had an FBI report in the file that showed me they had, we would terminate the interview and deny the application because they just lied to us under oath.

In January, I was told by the assistant director for Exams that we couldn't do that any more, and it is contrary to regulation, by the way, what he's told me. He said we had to confront them with that and tell them, but I have this document and I know that you're lying to me; don't you want to change your mind. Essentially. Not those words specifically but essentially that is what I was told.

Ms. MILLER. Amend.

Mr. LEWIS. Amend, yes. That's a good one.

Ms. MILLER. My immediate supervisor has been very supportive and sympathetic. But the assets—we've heard the term "trickle down." The assets, the resources, the manpower has not trickled down from Headquarters.

Earlier I heard the Representative from Florida mention to give more money to the agency. That's very scary to me, because I want—I feel so badly that Immigration is not using—this is a phenomenal budget we have now. There is phenomenal public interest in our agency and we're not doing it effectively. That is the part that has us all here standing up and saying there is something wrong, money is not the answer. We need to get it on track and do it the right way.

Mr. JACOBS. This Citizenship USA, the program was taken on as a sacred cow. The office was opened 6 days, 7 days a week. Numerous money was put into overtime. It was just like the top priority.

I've got literally in Dallas probably thousands of aliens that are criminals that are running around on the street mugging people,

raping people, stealing. I've never seen any kind of a program that said, let's go out and get these people. Let's work 6 days a week and let's go out and we will give you money, we will take temps and volunteers and we will bring people from other sections into investigations to go get these muggers and thieves off the street. I have never seen anything like that, but yet this was all put into the citizenship program.

Mr. LEWIS. In my office, examiners—excuse me, investigators have been doing the examinations on some of the N-400 applications for naturalization. I mean, that is my job. Theirs is to arrest the bad guys.

Mr. SOUDER. Ms. Ros-Lehtinen.

Mr. SHADEGG, do you have any questions?

Mr. SHADEGG. Mr. Jacobs, you mentioned I believe in your testimony that I think you said 2,500 applications were processed and not a single referral for any impropriety either for false statement in the application or for any kind of a prosecution; is that correct?

Mr. JACOBS. No, 12,500 applications were processed; 2,500 were allegedly rejected by the Service. But out of the 12,500, there wasn't a single referral.

Mr. SHADEGG. Out of the 12,500, there was not a single referral. You have been with the agency how many years?

Mr. JACOBS. Almost 25.

Mr. SHADEGG. What would have been the norm? What would you have expected out of 12,500?

Mr. JACOBS. Anywhere between 5 and 10 percent would be a conservative estimate.

Mr. SHADEGG. In this instance there were none?

Mr. JACOBS. None.

Mr. SHADEGG. Mr. Lewis, just to make sure I understood the testimony you gave. You were instructed by a supervisor that contrary to the regulations which govern the way you do your job and your interview, if someone directly lied to you in the course of a sworn statement in an interview regarding their criminal conduct, denied having ever committed a crime, you have documentary proof in front of them that they had, in fact, committed the crime, you were to do nothing about that?

Mr. LEWIS. I was to give them an opportunity to amend their testimony. I was to confront them with the information, whereas in the past if we had the information and knew that person had been arrested, we would terminate the interview and deny them and make them ineligible for naturalization for 5 years from that point.

Mr. SHADEGG. Thank you very much.

Mr. Jacobs, I couldn't help but notice in the information that you supplied to the committee that you were involved in a meeting in Phoenix, AZ, which is, as I indicated, in my district, in which you expressed concern about this program and the way it was operating. You were joined in that concern by others in a similar capacity as yours; is that right?

Mr. JACOBS. Yes, sir.

Mr. SHADEGG. The individual there who was conducting the training, I guess, what was his name?

Mr. JACOBS. Mr. Aleinikoff.

Mr. SHADEGG. And when you expressed this concern, his response was?

Mr. JACOBS. The conference was on or about June 5th. It was in Phoenix, AZ, and it was like a training session for assistant district directors for investigations. It was all my counterparts from around the country. Mr. Aleinikoff gave a speech concerning the integrity of the Citizenship USA program. I pointed out to Mr. Aleinikoff that there didn't seem to be any integrity. I referred to the program as a Jiffy Lube process.

At that point there was sort of like a chorus that echoed my feelings. Mr. Aleinikoff got upset with that comment and basically admonished me for making it. I indicated to Mr. Aleinikoff why I had made it; the same concerns I have indicated here, and everybody in the room was actually admonished, not just myself.

Later on, about a month later, my director, Mr. Strapp advised me that he had had a conference call with Mr. Aleinikoff and the regional director. He admonished me for making the comment because apparently Mr. Aleinikoff had told Mr. Strapp about the comment I had made. And sometime in August I was served with notice that I was being investigated for making disparaging remarks and negative comments.

Mr. SHADEGG. You indicated earlier that you had reached a conclusion that there was an intentional lack of integrity in the program because your section—is that called investigations?

Mr. JACOBS. Investigations, yes.

Mr. SHADEGG [continuing]. Had been left out from the outset.

Mr. JACOBS. That's correct.

Mr. SHADEGG. Tell me what do you mean? How do you base the statement that you were left out from the outset? What signals did you receive that integrity was not to be a part of this plan?

Mr. JACOBS. As soon as the marching orders came from Headquarters, there was a meeting that took place with all of the program managers at the district and basically the citizenship program was prioritized. We had to reach these goals which were going to be impossible and we were told that every section would have to make sacrifices, meaning we would have to donate time, effort, people, or whatever was necessary.

The other problems that came about immediately was that individuals from volunteer groups were solicited and temp agencies. I immediately contacted the Department of Justice security person who said you cannot have these people in that office unless you have done a full background investigation. For example, right now if I want a clerk, it will take between 3 and 6 months for a background investigation to be done on this person before this person can enter on duty. Yet we went out and solicited these people not only off the street and through the temp agencies, but we went to ethnic groups. It is sort of like bringing the fox into the hen house to do the guard work.

We had the situation in Dallas where we don't even have an alarm system. It's a glass building. All we have is a lock on the file room. We brought people in that we know nothing about. We put them to work in the office and they have the whole layout of the office. As far as security goes, they probably know where my lockers are and my file cabinets are, and we can do nothing about it.

Mr. SHADEGG. Those things combined with the fact that 12,500 applications are processed, you would expect 5 percent of them to normally be referred for either further investigation or prosecution? What would that be? That would be roughly—5 percent of 12,500—6,200? Something in that neighborhood?

Mr. JACOBS. About 600 to 1,200.

Mr. SHADEGG. I'm sorry; 600 would be referred and in fact there were no referrals?

Mr. JACOBS. There were no referrals. No matter what we would tell the director concerning the problems, it would be ignored. It is not like he would say, well, let's work it out. It was basically ignored, as if we didn't make mention of it.

Mr. SHADEGG. Well, I thank you for coming forward to testify.

Mr. SOUDER. Mr. Becerra.

Mr. BECERRA. Thank you, Mr. Chairman.

Let me say thank you to the chairman for being gracious and allowing me the opportunity to sit here with the chairman and the rest of the Members and thank the other Members for also giving me the opportunity to be part of this particular hearing.

Let me ask a few questions of the panelists. Those who are in adjudication, Ms. Miller and Mr. Lewis, can you tell me how long you have worked directly with the Citizenship USA program?

Ms. MILLER. Since it began. That's part of my job. I had been a senior examiner when I moved up to Las Vegas in 1992. Moving up from 9 years of citizenship work in San Diego.

Mr. BECERRA. What do you do within Citizenship USA?

Ms. MILLER. The interviews. Do the final hearings.

Mr. BECERRA. Mr. Lewis.

Mr. LEWIS. I don't work with Citizenship USA per se. I don't know if it's just a matter of name or if there is more to it than that.

As I understood Citizenship USA, it was a program in the five cities, Chicago, Los Angeles, a couple of other places. I work in Oklahoma City, and we had—have—had essentially a version of a citizenship process that has been speeded up. It's somewhat different. There is some outreach things like that. Some offsite testing, but it is not Citizenship USA.

What I have been involved in in my office, I have been involved in—well, I have been in the exam section in that office for approximately 2½ years.

Mr. BECERRA. Thank you.

Ms. Miller, is it your understanding that Citizenship USA goes beyond those five or six cities?

Ms. MILLER. There is like a parallel program or spin-off. All of Immigration is focusing on the cattle drive. We are going to move these applications through. This is your mandated processing time. We will not hear anything other than that.

Mr. BECERRA. So in terms of Las Vegas, your understanding is that the Las Vegas office is related to the Citizenship USA—

Ms. MILLER. We're under the national push the same as everyone else is. Citizenship USA is specific to those five cities.

Mr. BECERRA. So you are not part of Citizenship USA. I want to make sure I understand with regard to the Citizenship USA program, do you fall within—

Ms. MILLER. We are not one of those designated cities.

Mr. BECERRA. So the work you do may involve adjudication of citizenship applications, but it may not be a part of—

Ms. MILLER. In addition to adjustments.

Mr. BECERRA [continuing]. Those particular ones under the category of Citizenship USA. You still do the processing, I imagine, in your office the way any office does, even the offices under Citizenship USA.

Ms. MILLER. Right, and work with volunteer agencies and work with our temps which all evolve from citizenship.

Mr. BECERRA. Thank you. What was the size of the backlog in Las Vegas a couple of years back before Citizenship USA began?

Ms. MILLER. See, we have to factor in one more thing about Las Vegas—

Mr. BECERRA. I only have about 5 minutes. If you don't know the answer, that is fine. I could understand that.

Ms. MILLER. Well, Las Vegas is the fastest growing city in the United States.

Mr. BECERRA. So what was the size of the backlog you had prior to commencement of Citizenship USA?

Ms. MILLER. I watched it back up as more people arrived, and when I got there in 1992 it was probably 8 months.

Mr. BECERRA. So people were waiting 8 months?

Ms. MILLER. From the time they filed it and we did their interview and finished them up.

Mr. BECERRA. Mr. Lewis, do you know what it might have been in Oklahoma City?

Mr. LEWIS. About 6 to 8 months.

Mr. BECERRA. Do you know what it was, either of you, in cities like Los Angeles?

Ms. MILLER. In Immigration we network a lot, and I know that Los Angeles was about 18 months or maybe 2 years.

Mr. BECERRA. Two years, right. There are some places that had backlogs as big as 4 years; correct?

Ms. MILLER. Right. From files being lost.

Mr. BECERRA. Do you know what the size of the INS's total national backlog is of people waiting to have their applications processed right now?

Ms. MILLER. We don't have time to raise our head up to look.

Mr. BECERRA. I have been told it is over 900,000 people who have been waiting to get their application processed and that prior to the commencement of Citizenship USA it was 500,000 people. So it is actually growing even though Citizenship USA has been able to process quite a few folks.

Ms. MILLER. There are dump trucks bringing us loads. We have more every day coming to us.

Mr. BECERRA. That's right.

Mr. MILLER. Good job security.

Mr. BECERRA. Any sense of what the backlog might be if you hadn't had the INS through the assistance of Congress provide additional funding to help process some of these applications through?

Ms. MILLER. All I can think of is how much better it would have been if we had done it the right way. We would have had the speed if we had had that prescreening, if we had done it the right way.

Mr. BECERRA. We are hoping that you will be able to provide us in writing some of the documentation of the flaws in the program, because certainly any time you try to undertake a massive program, and it was a massive program that they have undertaken in the last year, there are going to be some problems and hopefully we will be able to bring some of those to light.

Do you all have a sense of how long it takes the FBI—and perhaps this is more for the investigations individuals—how long it takes the FBI to process a check of an individual who is applying for citizenship?

Mr. JACOBS. It could take up to 6 months. However, there is a mechanism for getting one in 10 minutes.

Mr. BECERRA. You mentioned that before, that you could do a quick check. Is there a reason why the INS hadn't been doing the quick check prior to instituting something like Citizenship USA?

Mr. JACOBS. I think the reason was they were doing such a large volume in citizenship.

Mr. BECERRA. What about before Citizenship USA? Was there a reason why they weren't using the 10-minute check?

Mr. HUMBLE-SANCHEZ. Let me address that on the investigations. The Immigration Service is a bureaucracy and it is a bureaucracy at its best. Los Angeles County Jail, which is four blocks away, has a hand scanner; one block away LAPD has a hand scanner. I can get a criminal check on somebody booked into there in 2 to 3 minutes.

We can't do that. We're the Federal Government. We have the largest district as far as the geographical size, largest district as far as employees, largest alien population, and for some reason the CO hasn't thought it important to give us the tools to do the job, and one of those tools would be a hand scanner with the ability to be able to prove that the person sitting there in front of you is, in fact, the person making the application and whether or not that person is a criminal alien or not.

There is almost no—I mean, you could come up with a whole bunch of reasons or excuses, a spin on why they don't do it, but this is not cutting edge technology. They have had it in Los Angeles County for five and LAPD has had it for four. It is even cheaper now than it was when it was introduced. I don't know why the five key cities do not have that. If they did, they would drop a corresponding overload at Lincoln, NE, on the fingerprint card checks. They are down, so they will be reasonable. At the same time we would be able to go at full speed at the offices that are going to adjudicate the majority.

Los Angeles district plans to adjudicate 326,800 this year. That is 25 percent of the total of 1.3, and we don't have the resources allocated. They might have the budgets, but not the tools. That is because you have an ADP bureaucracy there that won't give to another part of the bureaucracy some things because we have some empire building going on.

Mr. JACOBS. There is something else that the committee should understand. We are not just talking about criminal convictions which render a person deportable; we are talking about a good moral character of a person. For example, a person can come back with three driving-while-intoxicated convictions, which in and of it-

self is not going to render anybody deportable. But when you do a good moral character on an individual and you find out that he is an alcoholic or a drug addict or if he is a wife beater that is not going to render him eligible for naturalization regardless of whether he has a conviction or not.

Mr. SOUDER. I think it is important to note for the record, because of some of the comments here, that even in the most extreme cases, we are not denying that most of the people coming in would have qualified; that we are not welcoming those people. Comments like Mr. Jacobs made about concern about whether there are thugs getting into system and into the building, even in temporary employees, is a reaction, I would argue a fairly normal reaction, of people who are used to being the gatekeepers and to protecting what American citizenship is. Your job is to focus not on the majority, because the majority will go through the system, but in focusing on that small group who shouldn't be in and we seem to have let down the guard.

I would argue, and we are trying to get the exact data, that frankly eliminating the backlog is good and we needed to work on that and that the fiscal year is an arbitrary world number unless there was going to be a major slash in the budget or this administration would have requested additional dollars—quite frankly, this week we probably would have said, OK, whatever you want.

The question here is, and I honestly also believe that because you are coming forth and others are coming forth, we're likely to see changes that will change this a lot. To some degree the cat's out of the bag.

In other words, we have moved 1.3 million people in, the majority of whom are probably going to be great American citizens and contributing to it, but we have also moved a lot of people in who we have no idea or who there are problems with, and that is what we are trying to draw out here.

Mr. Lewis, is there an Oklahoma City citizenship initiative? Is that what your variable is?

Mr. LEWIS. Right, it is something like that.

Mr. SOUDER. Was there not encouragement that other offices have something similar to Citizenship USA?

Mr. LEWIS. It is my understanding that it was.

Mr. SOUDER. As part of that, were you ever asked to do 6-minute interviews?

Mr. LEWIS. Yes, in January of this year, our officer in charge came up with the idea that he could test the applicants en masse, give them a written test—which by the way is contrary to regulation—give them a written test 20 or so at a time and we could reduce our interviewing time from 15 minutes to 6 minutes. We did attempt that one time, 1 day, and I guess it would depend on which side of the fence you stood on whether it works or not. From where I was looking, the toll that it took on the officers, the applicants, the office in general, it did not work.

Mr. SOUDER. As part of the Oklahoma City citizenship initiative, did you hire temporaries?

Mr. LEWIS. It was suggested. They were—the positions were announced but we never brought anybody on. But we did use some volunteers.

Mr. SOUDER. Did they have background checks?

Mr. LEWIS. They were run through NCIC and their fingerprints were taken, but they were put to work immediately before—

Mr. SOUDER. Because I would think if there was anybody concerned, it would be in Oklahoma City.

Mr. LEWIS. Yes.

Mr. SOUDER. All of us who work in Federal buildings have concerns about people getting into the system, and the potential concerns of Mr. Jacobs were addressing the height of government employees because of what happened in your city.

Mr. LEWIS. I'm a union steward and I brought this issue to management as soon as I found out about it. We were all, everyone in the office was upset about this because we didn't know who these people were. There was no real background check done on them. They would have been working with us for 30 to 60 days before we would have gotten a background check back, probably longer than that. Yeah, it scared us.

Mr. SOUDER. Was there not, Mr. Jacobs, a mass ceremony, was it Fort Worth, with about 10,000 people just recently?

Mr. JACOBS. Last week there were 10,000 people naturalized at Texas Stadium.

Mr. SOUDER. Do you know whether or not there was logging of the green cards or the citizenship or any of the problems we heard about at Soldier Field?

Mr. JACOBS. No. I wasn't involved in that process.

Mr. SOUDER. Mr. Sanchez, can you describe a little bit about "temporaries" and how that worked in Los Angeles? I presume you had transfers as far as detailees, temporaries?

Mr. HUMBLE-SANCHEZ. The problem was, when the final budget came down to management, they were definitely behind the power curve. So we have the citizenship process in three separate locations, and then you have it being handled by temporary contract employees; and consequently, a lot of the files that we did have, we couldn't find.

Those you couldn't find went from the proper file, the A file, to a temporary file; and consequently, because of the same problems, you couldn't find the temporary. So now you are doing adjudication on a work folder, and what the work folder has, in essence, is what the alien walked in and handed to you.

You are asking the examiner to do a thorough adjudication based on facts before them, and they are not all before them, so it becomes an impossibility at that time. You are left with an administrative process devoid of any check-and-balance process.

Mr. SOUDER. Did any of you see any of the English and civics testing done by INS, particularly NAS, or any of the things we addressed in our last hearing, questions whether people actually knew English, understood the civics points?

Mr. LEWIS. I have seen tests that were done outside my office. Our officer in charge goes outside to some of these outside entities, and he will conduct tests there. I have seen tests that came back where four out of five four-letter words were misspelled, and these people were passed on their ability to read and write English.

Mr. SOUDER. Thank you.

Mrs. Thurman.

Mrs. THURMAN. When Citizenship USA was put out, it was my understanding that it was to clear up the backlog, so I understand that there were people that had had their applications in for awhile; is that correct?

Mr. LEWIS. Yes.

Mrs. THURMAN. So from that point, if you had been in the system for 2 years or 18 months, would you have already gone through possibly the application, whatever other kinds of things you do, so it was just a matter of waiting at the end?

Ms. MILLER. The problem on the backlog is, all these applications were merely stacked. They had never been joined with the file. When we say "processing," we mean separate the fingerprint cards, separate this biographic sheet, and start the processing out to get the record checks. That had not been done. Time had gone by with that application just laying there.

Sometimes the checks were not even processed and put into Immigration; that is how inefficient it was. These funds were not even put into our budget, because the checks weren't even processed.

Mrs. THURMAN. So the person has been sitting there 2 years and nothing has been done with their application?

Ms. MILLER. Nothing. It is horrendous. It is an embarrassment.

Mrs. THURMAN. What is really concerning is that this has obviously been going on for a long period of time, and it seems to me that there is nobody to blame except all of us for not being able to get this stuff done.

My question was going to be, like those 10,000 that might have gotten sworn in, how many would have already gone through that that were just waiting to put their hand up and be sworn in? Because I know at times in our office somebody will have been waiting for their final interview. Everything else had been done, and then they would go in.

So the question: While some of this has been going on a fast track, is it safe to say that some of these people had had a lot of the work done up front and were just kind of moving through the system at that point? Is that safe to say? Or just all 10,000 of those came in within the last year and didn't have any real background or anything done on them?

I need to know what is going on out there.

Mr. LEWIS. In Oklahoma City, we had the backlog just like everybody else did. Some of these things had literally been sitting in a box somewhere waiting to be fed in, but we were shorthanded in those areas of people that do that, so it didn't happen.

But if these people came in, and when we started this in January, if these people came into the community-based organizations and filed their application, essentially we told these people they were ready to file. INS staff would go out to these community-based organizations, test and interview people there, take their applications; and these people have, in effect, jumped to the head of the line.

The people that are in the file drawer are still in the file drawer. Some of those have been moved out in the past few months, but more people from outside entities have jumped to the head of the line.

Mrs. THURMAN. Did you have the same problems that we heard from the first panel with outside groups?

Mr. LEWIS. I have only gone offsite to do this kind of thing one time; and that time, no, we didn't have a problem with that. I can't speak to anything else.

Mrs. THURMAN. Mr. Sanchez, is that the same thing you saw, similar to what Mr. Lewis is talking about?

Mr. HUMBLE-SANCHEZ. Yes. They were very specific. They had a lot of problems. The examiners provided me the documents and what they said. They had a lot of problems with the people not passing the 312 requirements of being able to speak English and civic understanding and ability to write.

Mrs. THURMAN. But on the backlog as well?

Mr. HUMBLE-SANCHEZ. I couldn't talk directly to it. It wasn't one of the lines of questioning in things I had direct knowledge of.

Mr. JACOBS. I can't answer any questions. The way the program ran in the Dallas district, it was an examination program and there was no involvement other than us donating clerical help and support help to help process the applications. We were not involved.

Mrs. THURMAN. So you really didn't have the direct knowledge from Citizenship USA?

Mr. JACOBS. That is correct.

Mrs. THURMAN. Yours was just what you had seen prior and then what you were seeing then.

Mr. Lewis, when you talked about the FBI, is there a difference if you ask a question of somebody who has been arrested or of somebody who has been convicted?

Mr. LEWIS. The question on the application form asks: Have you ever been arrested, cited, charged, convicted, indicted, imprisoned, fined?

Mrs. THURMAN. So any one of those would have constituted—

Mr. LEWIS. Yes, it has all those elements.

Ms. MILLER. Every variable is here.

Mrs. THURMAN. I have not had the opportunity to look.

Ms. MILLER. That is why I brought this, because it covers every range of it. When we have a rap sheet, I know that they have had bracelets on. That is not something you forget. When I see the rap sheets and it tells me they have had a year in prison, that is not something I'd forget.

Mr. JACOBS. Going back to what the previous panel said, if an employee gets hired and we have the same questionnaire, similar to the NAS application, and he checks off that he was not arrested and we find out about it, we terminate him.

Mrs. THURMAN. Thank you.

Mr. SOUDER. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman. I passed on my time before because I was waiting for some figures.

I am blessed with a wonderful congressional district that has re-elected me without opposition, so I had no clue as to what the voter registration of my district was. But knowing of this Clinton administration plot of using Citizenship USA to get more Democratic voters, I called the Dade County Elections Department from right

here, and I would like to read the statistics as to how well this plot is going in my congressional district.

In August 1995—and I am using that because the previous panel used that as the beginning of Citizenship USA. From August 1995 to 1996, the Democratic registration in August 1995, in the beginning of Citizenship USA, was 76,000. It increased after this huge effort to get this streamlined bureaucracy going and ignore background checks and naturalize citizens, which should have never happened, to a grand total of 77,000, so it was an increase of 1,000 new Democratic voters in the 18th Congressional. I have their names; we will contact them.

The Republican registration in August 1995 in the beginning of Citizenship USA was 109,000 and increased to 117,000, so it was an increase of 8,000 new Republican voters, and I welcome the Democrats as well as I welcome the Republicans; Democrats, Independents, all are welcome.

Of these 1,000 new Democratic voters, if there is a criminal there, I'd demand that their citizenship get rescinded as quickly as I would demand that any of these 8,000 new Republican voters, if they got their citizenship in a fraudulent way—it demeans me; it cheapens my naturalization certificate—and I'd demand from my local INS office that they take out that citizenship right away.

As we speak, I have my staff drafting a letter to the INS Director, whoever that is, and I haven't a clue who that is. Maybe you think that I am bosom buddies with the INS, and they do my paperwork before any others. I couldn't tell you if the local INS Director is a man or a woman or where that person came from. I never met him or her. I don't even know where that office is.

I know where INS is at 79th and Biscayne. Maybe the INS Director doesn't work in the main office. I don't know. But we have a letter written to him or her saying, at least in my congressional district, in the part that I know, if there is anybody who got citizenship in a fraudulent way, we demand that it get rescinded.

We want adequate background checks. We want to make sure that the program works for those who want to become citizens.

So I would appreciate it if the committee would make a note that at least in my congressional district this plot has not been going so well.

I yield back, Mr. Chairman.

Mr. SOUDER. I am glad they haven't focused on your district.

Mr. SHADEGG.

Mr. SHADEGG. I want to clarify a point. Ms. Miller, as I understand your testimony, Citizenship USA does not specifically apply to Las Vegas, NV, but there is a systemwide push to process these applications and it has had these implications and these consequences that you have testified to and heard testified to today in your area; is that right?

Ms. MILLER. That is correct. Every immigration office has these guidelines as a spin-off of Citizenship USA.

Mr. SHADEGG. And, Mr. Lewis, the same is true in your district? Even though Citizenship USA does not apply specifically to Oklahoma City, the same pressures have been brought there?

Mr. LEWIS. That is my understanding, yes.

Mr. SHADEGG. I want to followup on a point Ms. Ros-Lehtinen made, the aspect of this that if, in fact, we are not doing background checks which ought to be done, or we are allowing people to receive passing grades on tests that they ought not to get, that in fact there are a number of things, including diminishing respect for the INS as a whole; but also it demeans the genuine and serious efforts of all naturalized U.S. citizens, does it not?

Mr. LEWIS. It does.

Mr. SHADEGG. It cheapens what they did to achieve their citizenship status.

Mr. Sanchez, have you observed what I will call "testing abuses" in your experience in Los Angeles; that is, people passing tests that should not have passed tests?

Mr. HUMBLE-SANCHEZ. When I talked to the examiners on that, each one had a different number, but broken means, in the course of the questioning, they got the alien to admit that they purchased their documents. So I would say, yes.

Mr. SHADEGG. Mr. Jacobs, are you involved in that aspect?

Mr. JACOBS. We got involved in an investigation relative to the NAS as a result of an expose that "20/20" did, but it was after the fact. It was because of the "20/20" expose that it came to our attention.

Prior to that time, the Investigation Section had not been given any referrals relative to any testing fraud, but the Examination Section was well aware of a lot of problems with the program.

Ms. MILLER. I just recently completed a full day of interviews, and it was just a fluke in the way that they were stacked. I think it was by the order they were presented, that all of the applicants were from Korea, that they had all taken this offsite testing and brought their certificate from NAS. They were completely, completely unversed in English, to the point that when I looked at the wall and had my hands placed on my desk and said, "Please stand and raise your right hands," they mimicked me and looked at the wall. They knew nothing about English.

So we gave them all the option—this was 25 people; I had a family member who was outside in the audience, who did understand English, "Please come in. Listen to what I am telling them, because it is very important. Do you want them to have time to study, because they are not versed in English; or do you want to withdraw the application? You must have English." There was a mix on what they decided, but the whole day was fraudulent certificates that they had passed English, and they had no knowledge whatsoever.

Mr. SHADEGG. Prior to the current climate, what would you have done under that circumstance? How would you have dealt with that many people who clearly were not proficient in English?

Ms. MILLER. It would not have been that they had that certificate. This is a farming out of Immigration's job.

Mr. SHADEGG. So they would not have had the certificate?

Ms. MILLER. No. They would have presented themselves, and it would have been my responsibility to deal with it.

Mr. LEWIS. We have two separate but similar issues here, the testing by agencies like NAS and those groups, and then the testing that INS itself is doing. I have run into the testing with NAS and those organizations where the people come in and can't under-

stand the simplest phrases, "raise your right hand," "sit down," that sort of thing. Those people, because of the way the regulations are written, we have to give them a second opportunity to come in and show to us that they can actually converse with us in English. We can't challenge them on the information; the actual document that they have got, we can't challenge them on that because the regulations specifically preclude that. We can't use inability to speak English as a reason to determine that they obtained their letter by fraud, even though I don't know how a person could pass the test in history and government and English if he can't speak English.

The other half of that is the testing that we do. In the office, I sit with an applicant, one on one, and will ask questions, "Who is the President of the United States today?" He has to understand what I am asking and give me an answer. I ask about 20 to 25 questions of each applicant. When they are tested offsite by the INS, they are given a 10-question multiple choice test, so the stuff that we are doing in the office has not changed in that respect. But if they are tested offsite at one of these community-based organizations, the testing is much simpler; it has been watered down.

Mr. SHADEGG. Thank you.

I would like to make a brief statement. I believe vehemently in legal immigration. I think this country is great because we have allowed legal immigration. My State of Arizona benefits greatly from legal immigration. I think, in fact, we should welcome people to our shores every day.

However, I think it is reprehensible when we allow the system to break down in the fashion that has been testified to today, and I am not much interested in whether or not there is a Clinton administration conspiracy. However, the conclusion that has been stated here by individuals who are at some risk, coming in and saying that they believe it is as a result of political pressure, is, I think, extremely significant and I don't believe that it ought to be belittled or ridiculed by registration statistics which show it may or may not have had some effect in some congressional district.

I think the improprieties which have been documented here and the courage it has taken for these people to come forward and talk about those are of grave concern.

Ms. ROS-LEHTINEN. Mr. Chairman, I think I deserve—I don't know what it means to belittle, but I do not think that when our subcommittee puts out a memo that says that this Citizenship USA, the fraud and abuse has been a plot of the Clinton administration to get more Democratic voters and—you can read what our memo says—for me to give statistics about my congressional district; I didn't know my congressional district statistics because I frankly don't care how many registered Republicans I have.

But I think that—perhaps I am talking out of school; is it incorrect if you say that there is a plot to get Democratic voters—and I point out statistics that bear out the fact that in my congressional district that does not occur.

And yet I agree that all of these terrible crimes that are committed by INS in a rush to get through citizenship should be abolished, and I hope that all of us say that they must be. I don't think that that is belittling it. If you say something is a fact, and I have

facts to prove that it is not so, I am not belittling anyone. I am merely pointing out that if this is a plot, let's go district by district and see where it is true. I know that in my district it is not true.

Mr. SOUDER. Having the right to defend myself, I said that I believe that there has been an organized effort to do this for political purposes. I think that we have inserted the memos into the record that show that.

I want to insert a memo to the Chicago Citizenship Assistance Council—and nobody alleged that it was happening in your particular district; it says the State of Florida. The evidence that you presented showed it wasn't happening in your district, and that is exactly what it proved.

[The information referred to follows:]



CITY OF CHICAGO
BOARD OF ELECTION COMMISSIONERS
ROOM 308, CITY HALL
CHICAGO, ILLINOIS 60602

LANCE GOUGH
EXECUTIVE DIRECTOR

(312) 269-7870

July 16, 1996

TO: CHICAGO CITIZENSHIP ASSISTANCE COUNCIL

Re: May 24 and July 9, 1996 Naturalization Ceremonies

Ladies and Gentlemen:

The final number of NVRA applications received from the May 24 Ceremonies is 5,855.

We have now totaled the applications received from the July 9 Ceremony and of the 7,000 new citizens that were sworn in, we have 3,442 applications.

As before, we will update you periodically as further applications are received.

Very truly yours,

Lance Gough,
Executive Director

LG:jt

1-023099

Mr. SOUDER. In Chicago, we don't have a Republican-Democrat breakdown, but the important thing is that the numbers are large: May 24, 5,855 of those people were registered, which they have a complete right to do and a complete right to vote; on July 9th, 7,000 citizens were sworn in, 3,442 are registered.

The point is not whether or not they are Republicans or Democrats and whether or not they have a right to vote. They do. The point is that in Chicago there was an effort that was politically motivated. We can argue back and forth what it means for different districts. It is a sizable number of people.

We both had a right to defend ourselves.

Ms. ROS-LEHTINEN. I don't disagree with you, Mr. Chairman, and I abhor using this process, which should not be fraught with fraud and abuse or any political overtones used in that way. If those folks did that, shame on them. I am just saying there are a lot of good things that have been done in this program, and all we are hearing about are the problems. I am not saying we should condone or overlook those problems, but let's also talk about how this program was fraught with problems beforehand also, and they had to wait in addition to having those problems.

Mr. SHADEGG. Mr. Chairman, in my defense, I want to point out that the mere fact that registration in one congressional district has not grown in favor of Democrats over Republicans does not disprove a logical conclusion of a whole lot of other evidence that has come forward. Therefore, we have no proof that in fact there was no such plot, and therefore, I think it is inappropriate to ridicule the purpose of this hearing.

Mr. SOUDER. We have a third panel.

Mr. Becerra.

Mr. BECERRA. Thank you, Mr. Chairman. I will bypass defending myself for now.

I must say that in all of the discussion, I am actually disappointed that 70 or 50 percent of the people are being registered; I would hope we would have 100 percent being registered. It is all conducted outside the doors of the citizenship ceremony, and I would hope that we would have Republicans and Democrats and Libertarians—just to get them registered.

As it is, about a third of the populace votes. Why should we discourage the newest of our citizens who have taken the time to renounce their former citizenship to register? I would hope we would put some money into helping folks to register, to make sure that they do participate and continue to make this country the greatest democracy in the world.

Let me ask a couple of questions with regard to the backlog. Correct me if I am wrong, but my understanding is that there is an existing backlog. I understand, I just got the information from the INS that they are saying they have upwards of 932 applications that are pending, that before Citizenship USA they had hundreds of thousands of applications pending.

I believe, Ms. Miller, you made the point that each of those applications is accompanied by a \$95 check to pay for the processing of that citizenship application. So in many cases we have had millions of dollars sitting and not earning interest, not the least of which trying to get processed through for years and years.

I appreciate that you have all come here to mention and outline some other problems in the program, and I hope that this committee has the opportunity to try to work with the INS to correct some of the problems. I don't think anyone here is saying that the majority of people that are getting processed through have criminal problems or have any problems that are more egregious, but certainly I hope that we can all take from this, whether you are in Congress or in the administration, the word is that folks are finding that there are kinks in the process.

My understanding of the process is that prior to Citizenship USA, the INS worked under the following rule: Once you got the application, you sent the information to the FBI so that the FBI could check to see about any criminal violations by that applicant; is that correct?

Ms. MILLER. The fingerprints, right.

Mr. BECERRA. That under a rule enacted in 1982 the INS only had to wait 60 days for the FBI to report back. If the FBI did not report back within 60 days, then the INS could proceed forward with that applicant, regardless of what FBI may subsequently turn up, so INS was under no compulsion to check back with the FBI after 60 days?

Mr. JACOBS. I think that was based upon the FBI stating that at that time it took beyond 60 days to get a report check back. That is not true today.

Mr. BECERRA. I understand, under Citizenship USA, although they get more than 9 out of 10 checks back within 60 days and almost 99 percent of them back within 120 days, there are cases where prior to Citizenship USA the INS wouldn't have had to make any effort to check back if it had not heard from the FBI after 60 days.

So it seems to me that one of the good things that has come out of Citizenship USA is, in the process of trying to process so many people who have waited for so long and paid the price to get this processed through, that we are working closer with the FBI to try to get these things processed. I hope that perhaps we will have a chance to get testimony from the FBI to find out why in some cases they are not getting back to INS within 60 days. We want to make sure we proceed quickly with those who have applied and paid for the work to be done, and at the same time, we want to make sure the FBI has a chance to do its work and has the resources to respond back.

Ms. Miller brought up points about some of the individuals who came and had certificates that they had passed the exam, and some of these individuals probably could not pass the tests. You mentioned 25 individuals. How many of those 25 did you reject?

Ms. MILLER. They were all continued.

Mr. BECERRA. You didn't stop them and ask them to go through the process or report them to any of your supervisors?

Ms. MILLER. When I opened the file and we started the interview, as a part of the interview they handed me this original certificate. Because of the track record of that certificate, that is just like waving a red flag. So I time out on the application and we chat a bit just to establish their English ability, and we hit the big goose egg every time.

Mr. BECERRA. So did you stop any of those 25 individuals from going through the process?

Ms. MILLER. What we did was, as I said, I gave them the option of deciding if they wanted to have a re-exam. A re-exam would be, you get time out, you get to have a little more study, and we would have a second interview and begin from square one.

Mr. BECERRA. Of those 25, how many did you give a time out—

Ms. MILLER. I think about five took the option of having the re-exam, and the others just signed and said, "I don't know any English."

Mr. BECERRA. So you stopped the process for them?

Ms. MILLER. They stopped the process. They withdrew the application.

Mr. BECERRA. Did any of those 25 go forward?

Ms. MILLER. I didn't track the other five. I don't know.

Mr. BECERRA. Let me make sure I am clear. Of the 25, 20 of them decided to go ahead and hold off, 5 of them decided to do the recheck at a later time.

Ms. MILLER. Twenty closed their application by signing a withdrawal. That closed it. It was all done.

Mr. BECERRA. It was all done. They were not going to go through the process?

Ms. MILLER. No. The other five opted—they had enough confidence in themselves that they thought they could cover it.

Mr. BECERRA. So in the process you were able to find those who may not, even with a certificate, really have been qualified to become U.S. citizens?

Ms. MILLER. It was a shocking day; really, it was.

Mr. BECERRA. You were at least able to stop them?

Ms. MILLER. Yes.

Mr. BECERRA. Is it the case that most of the interviewers would have that opportunity?

Ms. MILLER. We have a—it is about an inch deep—on this flurry of citing testing agencies that will be honored, and then you get another memo. They seem to be in teletype form. Then you get another one that says, "Permission has been revoked." Then you get another one saying it has been reinstated.

I filed mine all with an ACCO fastener. It is very hard to keep track of which certificate, just a minute, I have to check and see if these people are still honored.

Mr. BECERRA. You are constrained by time?

Ms. MILLER. This is all within your 15 minutes.

Mr. BECERRA. But it is required by law that you do a check? You must examine these individuals?

Mr. SOUDER. We have heard testimony from the first panel that because of time—Chicago had to waive it, Los Angeles has had to waive it a lot—that a smaller office—

Ms. MILLER. I have the luxury of being in a smaller office.

Mr. SOUDER. You established the point that she has followed up, but that has been, in the last hearing and this hearing, one of the major questions—the function of time.

Mr. BECERRA. It is my understanding that you cannot waive the English requirement.

Ms. MILLER. That is why you do the personal interview.

Mr. BECERRA. Thank you, Mr. Chairman.

Thank you to the panel for your testimony.

Mr. SOUDER. Thank you very much for coming today. We appreciate it very much. It has been a long hearing. We have one more panel.

Our third panel includes two officials from the INS who are responsible for the management of the Citizenship USA program. Mr. David Rosenberg is Director of the Citizenship USA program and Mr. Louis Crocetti is Associate Commissioner for Examinations.

[Witnesses sworn.]

Mr. SOUDER. Let the record show that the witnesses responded in the affirmative.

STATEMENTS OF LOUIS D. CROCETTI, ASSOCIATE COMMISSIONER FOR EXAMINATIONS, INS; AND DAVID ROSENBERG, DIRECTOR OF CITIZENSHIP USA PROGRAM, INS

Mr. SOUDER. Mr. Crocetti.

Mr. CROCETTI. Thank you, Mr. Chairman. For the sake of brevity, my testimony has already been offered, and I would prefer to leave that as a matter of record, so that I have the opportunity, with the very limited amount of time left, to address some of the statements that have been made by prior panelists.

I would also like to mention that the field managers from the cities referenced are also available, should the subcommittee desire to discuss anything with them later. I would also like to invite you to speak to the key program managers of the five major cities where 75 percent of our workload and productivity has occurred.

First of all, please allow me to point out there was a question raised during the testimony, Citizenship USA does not end in fiscal year 1996 or September 30, 1996. It will continue in fiscal year 1997, as will the removal of criminal aliens and work-site enforcement.

We have been doing priority management for better than 10 years in this agency, and one of the requirements of priority management is to prepare actual implementation plans. As I get into the testimony, I think I can directly connect many of the statements to a lot of the sensitivities associated with the need to prepare plans and to make projections. I will address each of the areas separately.

First, with regard to the training program, there was a 40-hour training program that was developed by key field personnel and Headquarters personnel and our training program out of Glynco. It provides more specialized training on naturalization than actually exists in our traditional immigration officer basic training course. It focused on a primary and secondary method, which basically means that you assign the less complex and more general work to your new employees without regard to whether they are permanent or temporary—they are new—and that the more complex work would be referred to a more experienced adjudicator, which is the secondary process.

In our reprogramming request, we requested permanent employees. The first reprogramming allocated us permanent employees, and in the second reprogramming, Congress would only authorize temporary employees.

One of the statements that was made, it is my understanding, was that the training is not the same, and that is very true. I have to agree with that statement. It is better and will continue to be better. Because of our training situation, there is significant demand placed upon our immigration officer academy as a result of the thousands of additional enforcement positions and inspector positions we have received. As a result, the adjudication program is now in the process, and we have nearly finished developing a specialized modular training program that in a way is similar to this naturalization program, but it will be expanded considerably.

Chicago happened to have two training classes provided, the two 40-hour training courses, to handle the majority of the employees that were coming on board. After that, they had a piecemeal approach, because they had one or two employees come on board. However, the same training plan was provided, albeit it wasn't in a full classroom setting.

With regard to the comment about temps, all they know is approve, approve, approve, this could not be any further from the truth. If this is happening in the field, we will correct it and we plan on following up on that. It is contrary to the naturalization training lesson plan that I also just mentioned to you.

With regard to driving numbers, the issue of quantity versus quality and getting a lot of pressure to produce and not enough time—too much focus on the numbers—I can most certainly understand this perception; and I also had similar perceptions in the field when I really wasn't familiar with the bigger picture and the overall plan.

Productivity is a very sensitive area in that it is directly related to accountability and performance ratings. When Citizenship USA became a priority and it entered into the arena of priority management, field officers were required to put together a plan and to make projections and to determine what was needed resource-wise to reduce their processing time to 6 months. This did cause a lot of pressure to be placed upon the field, because all of a sudden, they are being asked to put together a plan to look at their average production history and to provide a new plan with projections.

What we found is a lot of field offices didn't realize that their performance or their productivity was below the norm and adjustments had to be made. We have never developed a national performance standard and mandated a certain number of cases to be required. We shared the norm and encouraged it, but we also encouraged the field to factor in no-show rates, because, for example, if you schedule 20 cases and your no-show rate is 20 percent, you are going to average 15, 16, interviews. So we asked that that be considered.

Some of the sensitivities associated with the Citizenship USA program required change. Change, in and of itself, is not easily accepted by all. Employees questioning change is healthy and is encouraged, and we truly appreciate the panelists coming here today and sharing what many, if not most, of them believe as being the facts. But all of a sudden, the Citizenship USA priority came along and put unnecessary pressure on individuals and threatened their potential performance ratings.

With regard to the fingerprint situation, I can honestly tell you after being in the field for 19½ years, having only come into Headquarters approximately 1½ years ago, that this process has been broken for quite some time as well.

The old process was that the fingerprint cards came to the field offices. When they got them, if they had enough staff, they tried to connect them to the files. What the OIG appropriately pointed out in their report of February 1994 was that this wasn't happening, that INS had a problem. Not only were records not getting to the file fast enough, many field offices weren't even reviewing the quality of the fingerprint cards before they submitted them. So many of them were rejected. Those that were rejected, the overwhelming majority were not reprocessed.

We are fixing this process. In fact, we have fixed this process with the limited exception of ensuring 100 percent compliance. However, we also have a newly developed inspection program that is responsible for reviewing policy compliance and taking corrective action, and that will be proactively implemented in fiscal year 1997.

Let me go a little further on these fingerprints, because I have spent the majority of my time on fingerprints for the past couple of months, given my concern about the allegations being made, and I can honestly tell you that every piece of information I get counters the allegations that you are hearing and what you are reading in the paper.

The FBI just completed a study at our request. From the 1.2 million fingerprint cards, that were processed between January 1, 1996 and September 18, 1996, 98.6 percent were processed within 90 days. We centralized the back end processing of all these returned records in our Lincoln Service Center. For the first time, we are actually organizing and coordinating the receipt of fingerprint records from the FBI, and that includes rejects as well as hits. Rejects, for the first time, are actually being communicated directly to the applicant, and we are requiring them to resubmit new prints for reprocessing, and the necessary flags and holds are put in place until that process is completed.

With regard to hits, not all the hits are convictions. The overwhelming majority are arrests, and many of them include administrative arrest by the INS. We have reports available for you to discuss that.

Mr. SOUDER. Please wind up. I have been lenient on the time because you have been sitting here all afternoon and you are responding to very specific points.

Mr. CROCKETT. With regard to rubber stamping, I would like to comment that also after coming from the field and 19½ years experience, this is a traditional, long-standing perception of the enforcement program. But I would like to connect it to the reference that we don't refer cases to Investigations or don't have them do good moral character checks. That has not been done since the early 1980's, right around the time Investigations developed a case management system where they would only accept priority cases that primarily focused on criminal aliens and work-site enforcement. We now do all those checks within the examination programs and have not lowered one standard.

With regard to the incompetence-versus-plot theory, please let me address that, because I actually object to both. Yes, there are antiquated processes in dire need of improvement; yes, there are regulations in need of revision; and yes, there are statutory needs. But the foundation of our deficiencies is that the benefits program has been underfunded and underequipped for many years, and this is bipartisan. What agency or business could absorb a 300 percent increase in demand with an already extremely limited supply? Not many.

In closing, I assure you that our Citizenship USA efforts are non-partisan and that we are focused and will remain focused on improving the integrity of the citizenship process. Thank you.

Mr. SOUDER. Thank you for your testimony.

[The prepared statement of Mr. Crocetti follows:]



U.S. Department of Justice
Immigration and Naturalization Service

Office of the Commissioner

425 I Street NW.
Washington, DC 20536

Statement of

Louis D. Crocetti
Associate Commissioner for Examinations
Immigration and Naturalization Service

on
Citizenship USA

Before the

House Government Reform and Oversight Committee
Subcommittee on National Security, International Affairs
and Criminal Justice

311 Cannon House Office Building

September 24, 1996

1:00 p.m.

Members of the Subcommittee:

It is a privilege to have the opportunity to respond to your concerns regarding Citizenship USA. We are very proud of this program and of its accomplishments. As Associate Commissioner for Examinations, I have responsibility for all adjudications programs, including naturalization, adjustment of status and other benefits; land, air and sea inspections; benefit and enforcement records; Information; the National Fines Office; the Administrative Appeals Unit and Service Center operations. From this perspective, I can say, categorically, that Citizenship USA has significantly improved the way we do business, both in terms of quality and quantity. In fact, many of these innovative and sorely needed improvements will be helpful to other benefits processes.

Citizenship USA is one of six priority programs which the Commissioner identified for special emphasis in FY 1996, along with Professionalism, Removal of Criminal Aliens, Border Control, Worksite Enforcement, and Customer Service. Like Citizenship USA, all of these priorities contain fiscal year goals and implementation plans. Time frames are focused on the fiscal year, thus explaining why Citizenship USA and other priorities end on 9/30/96. Like Citizenship USA, some priorities continue through FY 1997, such as Removal of Criminal Aliens and Worksite Enforcement. Priorities are set annually in order to respond to the agency's constantly evolving challenges in a strategic and thoughtful way.

I would also like to note that Citizenship USA is one of several National Performance Review (NPR) projects under my jurisdiction. Others include more than a dozen inspections process re-engineering labs at various air and land ports-of-entry, field model office labs in El Paso and Detroit, and the business/government partnership lab at the Miami International Airport. The purpose of an NPR lab is to empower designated interdisciplinary teams to evaluate existing policies and processes with an eye towards identifying non-value added activities.

The goals of Citizenship USA are consistent with these NPR objectives, as well as our

Examinations program goals of eliminating backlogs and reducing processing times, without sacrificing the quality or integrity of our work product, in all of our adjudicative areas. Naturalization and adjustment alone comprise one-third of our adjudications caseload. Thus, we are focusing our effort accordingly.

I have been with the INS for 21 years, and I can tell you that before Citizenship USA, district offices had become completely overwhelmed by the unprecedented increase in citizenship applications. Many offices did not even know how far behind they were, because applications that were mailed in sometimes sat in boxes for months before being entered into our databases. Applicants had no receipt and we had no way to track their cases. Interviews were scheduled manually. Both in terms of manpower and equipment, our offices were under-equipped. They were literally drowning in work. Imagine the fee-paying applicant who has played by all the rules and waited 5 years to apply for citizenship- and was told it would take an unacceptable 4 more years to process their application.

Now we are addressing these problems. Through the Citizenship USA initiative, offices are now staffed and equipped to do their job. Mail is opened. Data is entered into the databases. FBI records are getting to the files. Interviews are being scheduled electronically. Customers are finally receiving the service they are paying for in a timely manner. And, all of this is being done without compromising any standards.

Where Citizenship USA has changed naturalization processing, it has improved it. There have been no changes in the hiring standards or compromise of the background checks, only efficiencies. We have maintained the face-to-face interview which is at the heart of the naturalization adjudication. Applicants who cannot speak English, and are required to by law in order to naturalize, are not being naturalized. This would be contrary to both statute and regulations. In the end, the best evidence that we have not lowered standards is that denial rates are at or above previous levels.

We are also preparing new regulations that will strengthen the consistency and quality of English and civics testing, improve the oversight and control of outside testing organizations, and regulate fingerprint service providers. We are expanding automated technology. We have already expanded Direct Mail to residents of Los Angeles, New York, Miami, and Chicago, who can now send their naturalization forms directly to INS Service Centers, rather than being required to travel to District offices simply to file their application. This allows INS to centralize and perform data entry and other administrative support functions much more quickly, and frees District Office personnel to concentrate on interviews and other adjudicative functions. It also provides better service to our customers, who now get a receipt and notice of processing time frames.

Allegations have been made in the media that the Service has changed its fingerprint clearance policy, so that we no longer have to wait for feedback from FBI. This could not be further from the truth, as quite the opposite is happening. In fact, based on a 1994 OIG report, the Service has been making continuous improvements to the clearance process.

Before I detail the improvements we have made, please allow me the opportunity to provide you with a better understanding of the situation. INS thoroughly checks the criminal records of all citizenship applicants through the FBI. The overwhelming majority of applicants for naturalization do not have any criminal records. The majority of FBI responses pertain to arrests, not convictions. Many pertain to administrative processing by INS, not criminal history. Of the limited number of responses from the FBI demonstrating a criminal record, only a very small fraction represent convictions that bar a person from becoming a citizen. Notwithstanding such, INS conducts fingerprint checks on all applicants between the ages of 14 and 79 years of age. INS takes every reasonable precaution to ensure that individuals with disqualifying convictions are not granted citizenship. In the very rare instances when this does occur, we institute proceedings to revoke the benefit. We are aware of only 60 cases of the nearly 1 million naturalization applicants processed this year where individuals have been wrongly naturalized due to fingerprint matches with disqualifying convictions reaching the files after naturalization

has taken place. In each of these cases, we are proceeding with de-naturalization proceedings.

INS has made numerous important improvements to the fingerprint process this year. In June, INS centralized the receipt and processing of all FBI responses at the Service Center in Lincoln, Nebraska. This allows us to coordinate internal agency processing by communicating the FBI record to the responsible field office's designated point-of-contact by fax for matching with the applicant's file in an expeditious manner. It also allows for data collection and analyses that were nonexistent under the prior process.

In August, the FBI agreed to provide INS a paper record of all negative records, or "no hit", findings. We are actively in the process of developing technology that will allow us to download all FBI responses (negative and positive) into INS databases. In addition, the FBI has agreed to develop and provide INS with a monthly "Aging Report" of cases that reach the 90-day processing point. Upon receipt, the Lincoln Service Center will notify the applicable field office so that they can place the related file on hold until the fingerprint clearance process has been completed.

Effective January 1, 1997, INS will only accept fingerprint cards from Designated Fingerprint Service providers and other recognized law enforcement agencies. This is the first time that INS has regulated who takes fingerprints. Internal controls such as random and unannounced audits conducted by both contractor and Service personnel are built into this program.

In order to get to where we are with Citizenship USA, we have improved, not cheapened, the process. We are enhancing efficiency and customer service, while maintaining if not improving standards of integrity and quality. We are extremely proud of what our employees are accomplishing, and consider Citizenship USA to be one of the most successful initiatives undertaken by the Service. As Commissioner Meissner has repeatedly stated, we have returned the "N" (naturalization) and "S" (service) into the INS. We are also extremely proud to play

such a key role in welcoming new citizens who have played by all of the rules to our country.

Thank you for the opportunity to address the committee on this important subject. I would be happy to take any questions you may have at this time.

Mr. SOUDER. Mr. Rosenberg.

Mr. ROSENBERG. Thank you, Mr. Chairman. I have an opening statement which I will submit for the record.

Mr. SOUDER. Without objection, so ordered.

Mr. ROSENBERG. Citizenship USA is one of the most successful and innovative initiatives the Immigration and Naturalization Service has undertaken in many years. As Project Director, I am proud to be part of this cross-unit project team which involves hundreds of INS employees across the Nation. We are meeting the challenge of modernizing the Nation's naturalization system at a time when a record number of lawful immigrants are seeking to become full members of our national community.

In its first year, Citizenship USA has accomplished several important objectives. We have successfully reduced processing times for citizenship applications nationwide to traditional levels while maintaining the integrity of the naturalization process. We have initiated major improvements to procedures and operations. We have reached out to local officials, civic associations and community service organizations throughout the country to involve communities in the citizenship process. We have responded effectively to an unprecedented workload increase and begun to redesign outmoded processing methods. Our efforts have received bipartisan support from Congress and other elected officials.

Let me briefly review the history of Citizenship USA. The improvement of the naturalization program has been a high priority for Commissioner Meissner from the time she came to INS in October 1993. At her confirmation hearing, she expressed her belief that naturalization is positive for immigrants, for their communities, for the INS and for America and stated that it was "my intention to be much more active on the part of the Service where naturalization is concerned."

More immediately, Citizenship USA addresses a crisis that faced INS in fiscal year 1995, a huge and growing backlog of naturalization applications that had already extended the adjudications process well beyond the traditional period of 6 months. INS was accepting applications and fees from long-term legal resident aliens, knowing that in many locations eligible applicants would have to wait 2 to 4 years to complete the process. Such delays were and are not acceptable to INS, to the Congress or the American people. In short, if we had not implemented this initiative, today INS would under criticism for its failures rather than for its success.

By early 1995, INS was receiving applications for citizenship at an unprecedented rate, which would exceed 1 million for the year, nearly double from the previous year. By January, we already had almost 400,000 cases pending. Even with increased management emphasis and productivity improvements, we knew our existing staff would be able to adjudicate only 500,000 applications that year, which was the most INS had ever handled in 1 year. The gap between our workload and our capacity was already large and potentially overwhelming, and though the waiting times were growing everywhere, about 75 percent of the pending caseload was concentrated in the 5 largest of our 36 districts.

As you know, applicants pay fees with their applications, as with all applications, and they, along with applicable penalties, are col-

lected into the Examinations Fee Account. This account funds the entire naturalization program unless Congress makes specific additional appropriations. Accordingly, the INS sought to utilize the Examinations Fee Account funds from these increased applications to respond to this massive increase in workload.

We communicated our detailed plans in two reprogramming requests to our appropriating committees, which were approved. Both addressed the need for additional staff, particularly in our five districts with 75 percent of our caseload—Los Angeles, New York, Miami, San Francisco and Chicago. We later determined and notified the committees that the approved funding would permit additional hiring for another 15 cities with sizable, but far smaller pending caseloads. The request spelled out other components of our plan as well. Together, these two requests provided approximately \$80 million in additional spending authority for naturalization in fiscal year 1996.

In his January 1996 approval letter, subcommittee Chairman Rogers wrote, "I am pleased the INS is recognizing this significant workload and addressing it in this reprogramming by hiring temporary employees to handle the processing of workload in the six cities that continue to have the highest volume of these applications." The six included another city for adjustment of status applications.

Earlier in the letter, he also stated that, "I further understand with these additional resources INS intends to reduce backlogs in naturalization and adjustment of status applications so that, by midsummer, eligible persons will become citizens within 6 months after applying."

To respond to this workload, we decided to combine three strategies. First and most critically, we have hired a large number of additional staff to be dedicated to naturalization cases. Second, we have re-examined our work processes to improve efficiency and quality. Third, we have worked to develop partnerships with organizations which could help prepare applicants and applications.

Once reprogrammed funds became available, we proceeded with hiring. In the interim, we detailed INS employees from other offices, all of whom volunteered to be part of the project, to key districts to prevent the backlog from worsening. All workers—permanent, temporary and contract—received appropriate security clearances and training. They are all overseen by experienced INS personnel.

I will not go into all the specific changes and improvements we have made in the process unless you have questions specifically on those.

Let me address one or two more points here. Citizenship USA addresses expanding INS's partnerships with schools, civic associations, State and local officials, and community organizations to provide better service to citizenship applicants. These organizations offer information, application assistance, and English and civics classes to prospective citizens. In some districts, officers conduct interviews at community sites. As a result of these partnerships, we receive better-prepared applications and have fewer no-shows at our interviews. We provide no funding and make no payments for these activities. Only trained INS adjudications officers conduct

naturalization interviews; these responsibilities are not delegated to anybody else.

Community organizations and others play an active role in celebrating citizenship at ceremonies, as they have for decades. Partnership efforts of this type help to build bridges and creates cohesion between new Americans and established communities. The Citizenship USA initiative is an ongoing project of the Service. We expect it to continue for several years as its innovations are institutionalized throughout our system.

To correct any misunderstanding, the program is not ending September 30th. As is true for most Federal agencies, our objectives are set on a fiscal year basis. As of today, applications are processed within acceptable timeframes. The number of applications continues at record levels. We expect it will remain high in the coming year.

Our focus is to maintain our new level of capacity, to utilize additional means to ensure the quality and timeliness of our adjudications, and to serve as a catalyst for broad community participation in citizenship.

The Immigration and Naturalization Service is meeting an enormous challenge, implementing an innovative and responsive naturalization reform program with professionalism and solid performance. The Commissioner has stated many times that she is proud of the men and women of the Service. Administering the system that decides who can become a citizen is a high honor and a great responsibility. The American people should remain confident that we are dedicated to carrying out this public trust at the highest level.

Thank you, Mr. Chairman, for the additional time.

[The prepared statement of Mr. Rosenberg follows:]



U.S. Department of Justice
Immigration and Naturalization Service

Office of the Commissioner

425 I Street NW
Washington, DC 20536

Statement of

David Rosenberg
Project Director, Citizenship USA
Immigration and Naturalization Service

on
Citizenship USA

Before the

House Government Reform and Oversight Committee
Subcommittee on National Security, International Affairs
and Criminal Justice

311 Cannon House Office Building
September 24, 1996
1:00 p.m.

Members of the Subcommittee:

Citizenship USA is one of the most successful and innovative initiatives the Immigration and Naturalization Service has undertaken in many years. As Project Director, I am proud to be a part of this cross-unit project team which involves hundreds of INS employees across the nation. We are meeting the challenge of modernizing the nation's naturalization system, at a time when a record number of lawful immigrants are seeking to become full members of our national community.

In its first year, Citizenship USA has accomplished several important objectives. We have successfully reduced processing times for citizenship applications nationwide to traditional levels while maintaining the integrity of the citizenship process. We have initiated major improvements to naturalization procedures and operations. And we have reached out to local officials, civic associations and community service organizations throughout the country to involve communities in the citizenship process. We have responded effectively to an unprecedented workload increase and begun to redesign outmoded processing methods. Our efforts have received bipartisan support from Congress and other elected officials.

Let me briefly review the history of Citizenship USA. The improvement of the naturalization program has been a high priority for Commissioner Meissner from the time she came to INS in October, 1993. At her confirmation hearing, she expressed her belief that naturalization is positive for immigrants, for their communities, for the INS and for America, and stated that it was "my intention to be much more active on the part of the Service where naturalization is concerned."

More immediately, Citizenship USA addresses a crisis that faced INS in Fiscal Year 1995: a huge and growing backlog of naturalization applications, that had already extended the adjudications process well beyond the traditional period of six months. INS was accepting applications and fees from long-time legal resident aliens, knowing that in many locations

eligible applicants would have to wait two years to four years to complete the naturalization process. Such procedural delays were and are not acceptable to the INS, to the Congress or to the American people. In short, if we had not implemented this initiative, today INS would be under criticism for its failures rather than its successes.

By early FY 1995, INS was receiving applications for citizenship at an unprecedented rate, which would exceed one million for the year, nearly double the number from the previous year. By January, 1995, we already had almost 400,000 cases pending. Even with increased management emphasis and productivity improvements, we knew that our existing staff would be able to adjudicate only 500,000 naturalization cases that year, the most INS had ever handled in one year. Thus, the gap between our workload and our capacity was already large and potentially overwhelming. And though the waiting times were growing almost everywhere, about 75% of the pending caseload was concentrated in the five largest of our 36 Districts.

As you know, applicants pay fees with their applications, as well as any applicable penalties, which are collected into the Examinations Fee Account. This account funds the entire naturalization program, unless Congress makes specific additional appropriations. Accordingly, the INS sought to utilize Examinations Fee Account funds generated from these increased applications to respond to this massive naturalization workload.

We communicated our detailed plans for Citizenship USA in two reprogramming requests to our appropriating committees, which were approved. Both addressed the need for additional staff, particularly in our five INS Districts with 75% of the national workload: Los Angeles, New York, Miami, San Francisco and Chicago. We later determined, and notified the Committees, that the approved funding total would also permit additional temporary hiring for another fifteen cities, with sizable but far smaller pending caseloads. The request also spelled out other components of our plan. Together, these two reprogramming requests provided approximately \$80 million in additional spending authority for naturalization in FY1996.

In his January 16, 1996 approval letter, Subcommittee Chairman Rogers (R-KY) wrote: "I am pleased that the INS is recognizing this significant workload and addressing it in this reprogramming by hiring temporary employees to handle the processing of workload in the six cities¹ that continue to have the largest volume of these applications." Earlier in the letter, Congressman Rogers also stated that "I further understand that with these additional resources INS intends to reduce backlogs in naturalization and adjustment of status applications so that by mid-summer, eligible persons will become citizens within six months after applying . . ."

To respond most effectively to this massive workload, we decided to combine three strategies. First and most critically, we have hired a large number of additional staff to be dedicated to naturalization cases. Second, we have re-examined our work processes to improve efficiency and quality. And third, we have worked to develop partnerships with organizations which could help prepare applicants and applications.

Once reprogrammed funds became available, we proceeded with our hiring. In the interim, we detailed INS employees from other offices, all of whom volunteered to be part of this project, to key districts, in order to prevent the backlog from worsening. All workers -- permanent, temporary and contract -- received appropriate security clearances and training. They are overseen by experienced INS personnel.

In the five largest districts, we opened nine new Citizenship Centers to accommodate the increased personnel and to set up a more efficient workflow. These centers are equipped with updated technology. As much as possible, these centers are located in areas that are more accessible to applicants or in areas that are some distance from existing INS citizenship services.

We have made several significant process improvements already, and more are underway.

¹ Congressman Rogers' mentioned six cities because the reprogramming covered additional staff to handle both backlogged naturalization and adjustment of status applications. In addition to the other five cities, Newark, New Jersey received staff increases for adjustment applications.

We have streamlined the application filing process in our largest districts, by having applicants mail their paperwork directly to our four Service Centers. We are also piloting a process which allows applicants to file electronically. We have strengthened the management and monitoring of our external civics testing program. We continue to work closely with the FBI to ensure expeditious and thorough checks of applicants' criminal records. We are developing a new computer system which will assist adjudicators by expediting their access to information from various computer databases. We have improved the timeliness of our data entry and accuracy of statistical reporting. And we are supporting two new public television series to teach English and American civics to potential citizens, so they are better prepared to meet the statutory requirements for naturalization.

Citizenship USA also stresses expanding INS' partnerships with schools, civic associations, state and local officials and community organizations, to provide better service to citizenship applicants. These organizations offer information, application assistance, and English and civics classes to prospective citizens. In some Districts, INS officers conduct interviews in community sites. As a result of these partnerships, INS receives better-prepared applications and has fewer "no-shows" at the interviews. INS provides no funding and makes no payments for these activities. Only trained INS Adjudications Officers conduct naturalization interviews and adjudicate applications; these responsibilities are not delegated to any other party.

Community organizations, schools, foundations and clubs also play an active role in celebrating citizenship at swearing-in ceremonies, as they have for decades. Such partnership efforts help to build bridges and create cohesion between new Americans and established communities.

The Citizenship USA initiative is an ongoing project of the Service, and we expect it to continue for the next several years as its innovations are institutionalized throughout our system. As of today, naturalization applications are being processed within acceptable timeframes. The number of incoming applications continues at record levels, and we expect that it will remain

high in the coming year. Our focus is to maintain our new level of capacity nationwide, to utilize additional means to ensure the quality and timeliness of our adjudications, and to serve as a catalyst for broad community participation in citizenship.

As I have described, the Immigration and Naturalization Service is meeting an enormous challenge, implementing an innovative and responsive naturalization reform program with professionalism and solid performance. As the Commissioner has stated many times, she is very proud of the women and men of the Service. Administering the system that decides who can become a citizen of the United States is a high honor and a great responsibility. The American people should remain confident that we are dedicated to carrying out this public trust at the highest level.

Mr. SOUDER. Let me say up front, and this is just a general comment, that whenever—this used to be called the “oversight committee.” Now we have “reform” because we Republicans are politically correct, as well, that any group, no matter what agency, feels that we are concentrating only on the negative. That is what this committee does.

We are not a cheerleading committee. We are not trying to focus on all the positive things it does. But that can have a demoralizing effect on a lot of people who are doing a good job or good parts of a program—I want to say that up front—and I gave you extra time to respond.

It is also clear that we have some factual debates, just so I can set this for the record, that we may have voting start relatively soon, although I don’t know what the status is of that. We also have a little less controversial government reform thing tonight, and that is, we are voting on, I think, a report on the so-called FBI security files, which is likely to be a little bit of a ruckus as well.

So we may not be able to establish and get into some of the particulars you raised, but if we don’t here, we may do some followup questions.

I want to express some concerns right off the bat. I listened carefully to what you said in response. Let me see if I basically got this point down.

My background is management; I have a business undergraduate, as well as business graduate degree. I have a family business and that is what I did. From what I have seen, the number of documents—and I am sure you are aware of these—that the INS—we have documents that in March 1996 the White House directed—I think we agree on what you are saying is the thrust of this, is that the INS indicated that the White House wanted the program to be accelerated.

We also have documents that show that Mr. Rosenberg along with Mr. Farbrother and Roy Lyons of the Vice President’s office, began to travel around the country to see if the program was moving fast enough. We have documents that show that the Vice President’s staff, including Elaine Kamarck, Mr. Farbrother and Ms. Lyons, began going to other agencies searching for personnel, resources that could be diverted to Citizenship USA. We also have Mr. Farbrother wrote a memo for the Vice President, addressed to the President, which outlined ways to lower the standards for citizenship.

Just to wrap up those and other documents, my understanding of your basic thrust is that what the administration was saying, and in a sense in reinventing government, is that this was unacceptable and that your job was to get the backlog down; and therefore, you are maintaining that this was not political, but rather that it was good government?

Mr. ROSENBERG. Is that directed to me, Mr. Chairman?

Mr. SOUDER. Yes. In other words, your defense is the fact that we see the Vice President’s intervention, the President being notified from time to time, although he pushed it back down, direct White House, that this was something, because you felt it was unacceptable and therefore this isn’t political, this is a version of good

government; it is what you should be doing, getting the backlog down?

Mr. ROSENBERG. Essentially, yes, Mr. Chairman.

Mr. SOUDER. Otherwise, the Vice President's office wouldn't be involved.

Mr. ROSENBERG. I wouldn't characterize it as a defense, but would characterize it as the facts.

In the early spring of this year, the Citizenship program, which is a Justice Performance Review laboratory, one of the reinvention projects for the Justice Department, did come to the attention of the National Performance Review, and they contacted us and said they were very concerned.

We had announced very ambitious goals, we had announced them quite publicly. We had submitted to the Congress a request for funding—to OMB in October; I think it was submitted to the Congress in November. Because of the government shutdown and the delays in OPM and other agencies of the government in reacting when they restarted with all the piled up work and in our own agency, we were running very far behind our schedule to be able to accomplish our goals within the fiscal year, and it looked like we might be very embarrassed as an agency. It also would have been a real slap in the face to our people who were making efforts, had made plans and also were out having made statements in their own communities.

Mr. SOUDER. Basically you are saying, yes, you agree, that it was—you explained why, but it was an attempt to reach your goals and to do what you thought would be good government? It wasn't an attempt to add people to the rolls to affect the election?

Mr. ROSENBERG. Yes, sir.

Mr. SOUDER. Here is my concern, that somebody with a management background, that I wanted to establish, that what I heard Mr. Crocetti say was that any agency would be under pressure to absorb a 300 percent increase. I also heard him say that the backlog in the FBI files is not something—it has been there for a long time. It is not something new; it has been broken for a long time.

Now, what my concern is that while it is true that if you hadn't gotten rid of some of the backlog, we would probably have called you up here and said, hey, we have people waiting. The truth is, if given this choice, would you rather get rid of the backlog or allow people who shouldn't be American citizens into the system? There is a tremendous pressure not to be embarrassed because you are behind or because you had stated goals or because the government shouldn't have been out, and I am sure that the shutdown compounded the problem, but you acknowledge up front that this system wasn't working right, yet you doubled it by soliciting and put more pressure on.

The first goal should have been to make the system work as well as possible and as perfect as possible in that element before you expanded the outreach effort to bring more in. To me, that suggests that in fact it was political or extremely naive from a management standpoint, because the protections in the system are the thing that make America unique, and every person who comes in here, we should know their background, not go back later and try to fix

the program because we were accelerating it. I don't believe that is good management.

Mr. ROSENBERG. If I could respond, we don't believe that we have made a choice to accelerate the process and ignore any kinds of checks on people.

Mr. SOUDER. How do you respond to the fact that those boxes, there were 200 to 300 names in the boxes that the staff didn't know? Once you send the signal that the important thing to us is acceleration of the process at the grass-roots, any MBA knows that that is the natural reaction of the grass-roots, to try to meet what you are stating, not what you are saying, and by the way, check everything.

Mr. ROSENBERG. I would love to have the time to address each specific incident that was alleged, and with the advice and information from the field managers—who, by the way, are present and could have addressed the specific allegations. Many of those statements were partly true, but may be misinformed or misleading.

I think some of the boxes you are talking about, the numbers, we would question, but some of them are the response to the new system of checking fingerprints that Mr. Crocetti described where-by responses were centralized and then sent back to the district. So we would have to go through each of those incidents to make sure which are results of a fix of a problem and which are older problems.

But we certainly did not say, damn the torpedoes, full speed ahead, we don't care about quality. From the very beginning, in every meeting that we had, in every statement of our priorities, we made it clear that we wanted to protect the integrity of the process and to improve the fingerprint process, the file-obtaining process, in fact to speed it up so adjudicators in more cases had the file in their hands when they did the interview.

We want a better process. We are not here to undermine it just for the numbers.

Mr. CROCETTI. With regard to the fingerprint process, keep in mind that we did not develop this initiative having already identified the fact that a fingerprint process could not handle the work. What had happened is during the reengineering process associated with Citizenship USA, we identified a tremendous number of processes that were in need of improvement, and this was one of them.

Mr. SOUDER. Wasn't it the most important, though?

Mr. CROCETTI. We knew from the OIG report that the records were not getting to the file. Over the past couple of years, primarily a year, there were a number of efforts where Headquarters went out to the field telling them, you've got to fix this process, you've got to have people review the records and review the rejects.

When we started Citizenship USA, we realized that for one of the first times in history INS processing times were actually starting to press up against fingerprint processing times. Therefore, it never really surfaced as a major problem because it took us a year to match people. We always had the records back.

So now we are reducing the processing time to 6 months and we are getting to an average 90-day fingerprint processing time that I had mentioned that the FBI is now experiencing, so the red flags go up and we are going to fix it quickly.

We have done a lot of things and are going to do a lot of things that you are going to be very happy with. But I wanted to point that out. It wasn't an already extremely broken system which we abused with Citizenship USA.

With regard to the number of records, over 1 million cases—now we've had a lot of allegations in the field that criminals were being naturalized. We conducted two surveys to the field initially. They came in with numbers that were unsubstantiated. We went back to the field; we want to know for sure you have reviewed the file and made a decision with regard to those aliens not being eligible for the benefit? The number we have come up with—it is a few weeks old, but we're doing another survey as we speak—was 60 for the entire naturalization program.

The numbers are exaggerated depending on how the people want to use the numbers or spin it in the paper or do whatever they want to do. There are two sides to every story. You can spin it as you want. But I can tell you categorically the numbers are not there and anyone who says it is, I challenge them to produce the numbers. Many of the people making these allegations don't have the national understanding. They are very focused on specific offices, many of whom don't even work in the naturalization program.

Now, with regard to Commissioner Meissner, she has internally and publicly promoted naturalization for years. She emphasized time and time again that she wanted to reinstate the "N" for naturalization and the "S" for service in INS, and she has done that. She made it a priority for the first time. And priorities in our administration for the past 10 plus years get attention and get support. Not only did we get the attention and the support from the Commissioner, we got it from the administration and we got it from the Hill.

Now let's connect this to the administration. I can tell you, is this political? Absolutely not, but subject to how you interpret it. For example, we had dozens of national performance reinvention labs. One of my responsibilities, and I have many, beyond adjudications and naturalization, is inspections, air, land, and sea; records, information and enforcement records by the way; as well as the administrative appeals unit and the national firearms unit; the national fines office. I can tell you that we have—I have in my program better than 15 labs, all of them out of the NPR, all of them receiving similar attention and support. Citizenship USA is a lab, and that has been our involvement with the administration limited to that National Performance Review lab.

Now other interests from the administration in the program I look at very favorably and very positively, because the country recognized the need to address this problem. And Congress did that when it approved two preprogramming requests, and I hope you continue to do it because we already have another reprogramming request prepared for fiscal year 1997, early October, that we will be submitting, because we continue—we will continue to focus on Citizenship USA, as well as other benefits-related processes. But please, keep in mind when you hear all of this criticism about these records.

Mr. SOUDER. Mrs. Thurman.

Mrs. THURMAN. Mr. Crocetti, you said you came directly from the field?

Mr. CROCETTI. Yes.

Mrs. THURMAN. So you worked with INS—

Mr. CROCETTI. Since January 1976.

Mrs. THURMAN. So, when you came in and you were asked to look at this program, I mean, did you bring or talk with your colleagues from before and look at what was out there and make suggestions and recommendations before we actually started Citizenship USA?

Mr. CROCETTI. Yes, we did actually. We started looking at the various benefits-related processes and specifically Citizenship USA from a re-engineering perspective.

For several years before I came into Headquarters, I was highly involved in the total quality management process and reinvention and using employees as part of that re-engineering. And we did a very similar thing with Citizenship USA.

Mrs. THURMAN. So based on the chairman's comments about some letter that I guess whoever that was from, talking about where they would let down the rules and regulations, was that to try to pull things along so you could come back, because now you are doing more rules and regulations I understand? Was that to try to break some barriers so that we got out of messes we were in?

Mr. CROCETTI. The spirit and intention of the National Performance Review is to cut through all the bureaucracy and really re-evaluate how you do business, and in one particular area, to focus on how involved government should be. I can tell you, taking that perspective on the Citizenship USA program, we are not experts in the area of education. So that's one of the areas we focused on.

Mrs. THURMAN. Mr. Crocetti and Mr. Rosenberg, based on the testimony that we've heard today, particularly from those who are working every day in the field—and it is a tough job out there and it sounds like it is a lot more demanding. There is overtime. There are a lot more applications being processed and investigations, whatever.

Based on what you have heard, though—I mean, we had requested at a time that we would also have some supervisors come in and testify before this committee, because I want to know if there is some kind of a link here between up here and what these guys are being told and then those people right in the middle.

I mean, there is a communication gap going on somewhere along the line. So I guess what I would like to hear from both of you, particularly from the standpoint that we have employees here who seem to be somewhat concerned of retaliation, one, but also in what's happening out there. What steps can you take now from hearing from these folks as to the kinds of positive steps we could be taking to rectify these problems and to clarify where there may not be?

I mean, the other thing here, you don't have the observation deck that I do, because I can sit here and watch heads bob up and down or yes and no or write notes back and forth. But the idea of it is that I think they've brought in information in here that is very important. But if we don't learn from it what good does it do any of us?

I mean, I think that some of this information may not always flow down to those people who are on the frontlines so you need to give them some encouragement, and I think you need to give this committee encouragement of how we're going to work through some of these issues.

Mr. ROSENBERG. Personally I think that is a very good point, and I take it personally. We have made great efforts to speak to our directors from all across the country. At our examinations benefits conference last year, we met with them all in workshops. We talked about what we were going to do. The workshop that I conducted actually was a brainstorming session for field people to suggest how we should do these things and we took those comments.

You had a panel of people from Chicago, and I would note that I have been out to Chicago several times, first with the Commissioner, and we met with a large number of community organizations and also met with the staff. I have personally met with the examinations staff a couple of times to talk with them, closed door, not for reporting or anything, to say how shall we do this? When we identified a project manager in Chicago, he sat down with them, first with all the examiners and said, what's our plan? We did the same thing in Miami, and elsewhere.

So we have started and our whole philosophy in this was to take a lot of good ideas which have been brewing around INS for a long time but have been withering for a lack of resources. Now that the Congress would allow us to spend that pent-up exams fee account in a significant way to try to use those ideas.

Where do we go from here? Certainly we will look into every one of the statements made today. I do know there is another side to many of those stories. There are people very well intentioned with partial information who made a complaint to someone and thinks it died because it didn't come back to them, when in fact their supervisor took it. It became part of a further investigation or further conversation. I also know that in any large organization there are labor management issues or work issues that emerge and get bound up in policy. But we will certainly take those.

Mrs. THURMAN. One of the things that struck me, and this is not the first time I've heard this, but just the idea that if they had had, and even in some of the testimony there was talk about on-line, some e-mail kinds of stuff that could be going on.

But I think it was Ms. Woods that said they had a typewriter but they had been trained to have a computer. That is our fault, quite frankly, if we are not giving the money for those kinds of pieces of equipment. I certainly will take partly that responsibility. But those are the kinds of requests that we also need to know about.

Mr. Crocetti, I didn't mean to stop you.

Mr. CROCETTI. It is a very legitimate question. Communication has been something that is very close to my heart and something that I have been working on at Headquarters and it's one of the things that when I came in that we needed to improve our communication with the field. As I went through all the documents or as many as I could, the documents that we shared with the committee, I, too, was disheartened by some of the e-mails and some people that I know, and after talking to them realizing that most of

it is not deliberate. It is truly a lack of knowledge and understanding.

And communicating with better than 25,000 employees and keeping up the pace of the immigration in today's environment is extremely difficult, but it's not an excuse. We are focusing on it. We have two outstanding people that I just hired solely to focus on communication. That is their focus and we have identified some tools how we are doing that, and we started doing that with the Citizenship USA newsletter and the exams express bulletin, and keeping them advised of all the activities going on within all the programs within my responsibility. Program conferences involving the field much more so in policy development through work groups and participation; ongoing correspondence just to let them know what is going on.

E-mail is a strange thing to manage. I mean, we are going through e-mail hell right now and I can't fix that right away, but we are working on those things, but we have to be realistic. With the number of employees we have we will always have a certain—and Congressman Souder, you know with your business management background that you will always have a percentage of employees that either do not agree with you or don't understand or deliberately try to undermine the system. You will always have that percentage of employees so we will always have criticism.

I can tell you some of my closest colleagues strongly oppose privatization and strongly oppose involving the community and oppose downsizing and rightsizing. You have all of these opinions just as the subcommittee and the full Congress goes through every day. Being realistic, I want to make sure that you clearly understand that we are focused on that and we recognize the need to improve our communication.

Mr. SOUDER. Mr. Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman.

Let me first start by saying that Mr. Crocetti, both, and you, Mr. Rosenberg, made a point, a very deliberate point of stating in your opening remarks, which were quite extensive and went way beyond the 5-minute period, that this program does not end in September 1996. It does not even end in 1996.

That I must tell you, gentlemen, it sounds like the lady doth protest too much. None of the witnesses that I heard before you came to the dais said that the program ended in 1996. None of them said that it ended in September 1996. What they did say was very clear and it was very specific and that was that there was very significant pressure to process applications by a deadline and that that first deadline had been July and that it was then extended and there was extensive pressure to process those applications by September. Not that the program ended, but to process the applications.

So denying a statement that the earlier witnesses had not made, I think it is important to set the record straight on that.

Mr. Rosenberg, you are responsible for this program; is that right?

Mr. ROSENBERG. I am the project director.

Mr. SHADEGG. You said in your prepared statement that you were extremely proud of the program because—and I made a note

of it—you had been able to do all of this and to maintain the integrity of the citizenship process.

Now that was a part of your prepared statement or a portion of it which you read. I guess my question is, having heard what you heard today, do you believe in fact that the INS has in Citizenship USA and/or in its recent projects been able to maintain the integrity of the process?

Mr. ROSENBERG. Sir, I would state that we have improved the integrity of the process despite the points that were made today, some of which were correct—

Mr. SHADEGG. My time is very limited, so Mr. Crocetti, do you also believe you have maintained the integrity of the process?

Mr. CROCETTI. Yes.

Mr. SHADEGG. Does it trouble you that you have heard today from line employees test scores are often—people are allowed to obtain citizenship without, in fact, passing the test? Does that trouble you, Mr. Rosenberg?

Mr. ROSENBERG. I did not hear any testimony that persons—I am sorry; could you restate that?

Mr. SHADEGG. You should see the young lady behind you. She is one of the line employees who has been part of the testimony today who made it very clear that people are getting citizenship without passing the test. When you just said you didn't hear that testimony, she is sitting back there with a puzzled look on her face.

Mr. ROSENBERG. Excuse me, sir. I didn't say I didn't hear the testimony. I meant to say that I didn't understand the question. A person does have to pass a test and they have to pass a spoken English test by an INS examiner and if that examiner doesn't believe the person can speak English, they shall deny them citizenship.

Mr. SHADEGG. The testimony today has been pretty clearly that people are getting citizenship without passing that test. Does that trouble you?

Mr. BECERRA. Mr. Chairman, may I just ask for a clarification? Who said that people are getting citizenship? If I recall correctly, Ms. Miller said that the 25 people were all stopped in the process.

Mr. SHADEGG. Mr. Sanchez said it. I don't believe—I don't recall the names of the witnesses but I heard it several times. It also came out of the—

Mr. SOUDER. Mr. Becerra, if you have a point, have Mrs. Thurman—I have been very lenient on not objecting to your point or I am not saying you are wrong, but we're going to get way out of the bounds of the committee rules.

Mr. SHADEGG. For the record, Mr. Chairman, that testimony also came out of the original Chicago panel before Mr. Becerra joined us.

Mrs. THURMAN. We will make sure that we have the record on that.

Mr. CROCETTI. Yes, I am concerned, as concerned as I am about being here today, with some of the allegations and concerns and beliefs. But I can tell you that what Mr. Rosenberg is trying to say which is clear in the regulation that these individuals should not be granted if they do not speak English.

Now, if they're required to speak English and if they aren't, we need to know about it because I have not had any cases identified, and if I do, I will have them investigated.

Mr. SHADEGG. I am really trying to get at the issue of the integrity of the process. I heard quite clearly today from a witness on the prior panel from Dallas, TX, Mr. Jacobs, I believe, that he was aware of I believe 12,500 applications that were approved without a single referral for either a misrepresentation or for prosecution based on what went on. He testified that in the normal processing, 5 percent of those would have been referred for either investigation or prosecution. I did bad math. The math—that would have been about 625 referrals and he indicated there were none.

Mr. ROSENBERG, does that concern you?

Mr. ROSENBERG. It would if in fact it were the practice of INS. But I believe, as was stated previously, the examinations unit conducts those. It is not standard practice for there to be large numbers of referrals to examinations. If I could enter into the record a letter from the district director of Dallas addressing that very point that was raised in the Washington Times, we would like to provide that to the committee.

Mr. SOUDER. Without objection, so ordered.

Mr. ROSENBERG. Thank you, sir.

[The information referred to follows:]



U.S. DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

*Dallas District Office
8101 N. Stemmons Freeway
Dallas, Texas 75247*

September 16, 1996

The Editor
THE WASHINGTON TIMES
3600 New York Avenue
Washington, D.C. 20002

Dear Editor:

I am writing to express my disappointment with your article by Ruth Larson, "INS set standards aside, say officials," appearing in today's Washington Times. I am disappointed by the woeful misreporting of the true facts underlying the extraordinary Naturalization Ceremony taking place in the Dallas metroplex tomorrow. But I am even more disappointed that the TIMES "rushed to judgement" and utterly failed to corroborate its "facts" or check with me regarding the information it had which apparently triggered its report. Finally, I am amazed that your reporting expertise failed at least to suggest to you that the information communicated and carefully timed to coincide with the eve of our ceremony, might be coming from a disgruntled employee with a personal agenda extending well beyond "letting the truth be known."

Had you communicated with my office, you would have been told and provided with persuasive evidence that nearly 16,000 applicants for naturalization were screened and/or interviewed before the 10,400 who will be naturalized tomorrow were identified. The remaining 5,600 did indeed fail to establish their eligibility for the benefit being sought at their initial interview or during the "good moral character" and criminal history checks. Reasons for their disqualification included a lack of preparation, failure to meet the threshold requirements for knowledge of the English language or American history and government, or (Oh, yes!) failure to pass the FBI and other screening processes. There was no shortcutting going on here in Dallas!

I would also have been proud to tell you how the ceremony taking place here in Dallas tomorrow was wholly conceived by our employees who accepted our Commissioner's challenge to find better ways to accomplish our work. I would have told you how an INS office with only 11 permanent employees assigned to its naturalization program pulled off the largest administrative naturalization ceremony in INS' history, literally saving the government and

taxpayers nearly \$100,000 dollars, even after some substantial monies were spent on overtime, such monies amounting to less than the costs of 3 additional full-time employees. I would have told you how we solicited volunteers from other programs where we believed we could afford to reassign some INS work on a temporary basis; absolutely no investigative enforcement officer corps personnel were involved in this project, only one clerical support person. I would have told you that the INS employee from El Paso was in Dallas temporarily at his own request and that of his District Director so he could be near the side of a close relative dying in Dallas. He had substantial expertise in the Naturalization program and needed desperately to be in the Dallas area without being off from work and unsalaried for a few weeks. We were happy to help him, and he in return was grateful for the opportunity to continue on the INS payroll. I would have told you how the community responded in providing some very carefully controlled volunteer work, all of a "non-sensitive" nature, again contributing immeasurably to taxpayer savings.

I trust the TIMES will set the record straight on this matter. I'm not sure there are any real or serious problems with the naturalization program anywhere in INS - maybe a few small ones here and there which pale aside the monumental task INS has set for itself. But I do know that there are no problems with the naturalization program in Dallas. It has been run with integrity and an extraordinary amount of employee involvement and sacrifice. I am saddened by the knowledge that one of my "senior INS officials" has embarked on a mission to discredit his conscientious co-workers in a program about which he evidences very little understanding.

Please watch our ceremony on national TV tomorrow and see one of the great success stories of community involvement - the 250 piece HONOR BAND of gifted young musicians from all over north Texas, the 100+ community volunteers and organizations helping out as ushers, the cooperation of TEXAS STADIUM in providing a suitable venue for such a monumental event. See if it doesn't help restore your pride in what it means to be a citizen of the United States!

Sincerely,



Arthur E. Strapp,
District Director

Mr. ROSENBERG. But it says in it that there was a failure to corroborate the facts; that this might be coming from a disgruntled employee with a personal agenda extending well beyond letting the truth be known. This is not the practice of INS to routinely refer cases for naturalization to examination.

Mr. CROCETTI. I would rather this not turn into any character assassination, but I think the point we would like to make is that we challenge that information.

As I stated earlier, with regard to the investigation's case management system, those cases would not have been accepted; they would have been rejected. I think if one made an inquiry they would see that there were literally thousands of cases in the Dallas office that were closed without the knowledge of the district director because they didn't meet the case management system.

These are similar cases, but it doesn't matter here because it's no longer in the area of responsibility of the investigations program. That changed in the early 1980's. They would never have gotten the records anyway. So connecting it to Citizenship USA is actually a disconnect.

Mr. SHADEGG. Mr. Crocetti, one of the points you made was that in fact you were trying to speed up processing of backgrounds checks. I believe Mr. Sanchez made the point that there is technology available where you can do a handprint and that equipment is available apparently just down the block from his office.

Are there—are you familiar with that equipment?

Mr. CROCETTI. Yes, we are very familiar with biometrics. We work and use it and experience with it in airports of entry.

Mr. SHADEGG. Is there some reason why the INS doesn't have it?

Mr. CROCETTI. We are working very closely with the FBI, and I am not a "techie," but it has a lot to do with technology and that is not just available. The FBI is working toward that sometime in the early 2000's.

Right now if you would like an update where we are at with regard to the records, recently the FBI agreed to provide us with negative records as well, which is the very first time we are getting negative records. But keep in mind that even with the resources you have given us, they don't have enough resources to actually connect over 1 million paper records to "A" files.

But what we are in the process of doing is developing an MRD technology that will actually be able to allow our service centers to key in select information off the fingerprint cards, put it on a tape, send it to the FBI with the fingerprint cards so that they will be able to send it back to us, communicate via technology all the negatives and positives. We're hoping to have this up if not by the end of the year, early next year. That is tremendous progress. That includes a full centralized environment where not only will we have linking processing on the back end to match records, we will have front-end processing at all four centers where all the cards will go to the centers, be keyed in, and transmitted electronically. This is a fantastic thing I assure the subcommittee.

Mr. SHADEGG. Mr. Chairman, I would like to ask one final series of questions, all of which are based on some documents which I would like to have put in the record. They include a White House letter which goes to citizens upon their gaining citizenship, an Au-

gust 15 telegraphic message—I guess it has a document number on it.

Do the witnesses have all of these? May I put these in the record?

Mr. SOUDER. Without objection, so ordered.

[The information referred to follows:]

THE WHITE HOUSE
WASHINGTON

Dear Fellow American:

I want to congratulate you on reaching the impressive milestone of becoming a citizen of our great nation. As you enjoy the benefits of American citizenship and assume the responsibilities that accompany it, you follow the many brave men and women who have sacrificed to establish and preserve our democracy over the last two centuries.

You now share in a great experiment: a nation dedicated to the ideal that all of us are created equal, a nation with profound respect for individual rights. The United States is a land of unparalleled natural beauty, vast opportunity, and freedom. It is home to people who have been drawn to our shores from all over the world and who share a common love for life and liberty.

Please join me in devoting your hopes, your prayers, your energies, and your labor to our common good and to the future of this wonderful country. Together we must strive to safeguard the freedoms we hold so dear, not only for ourselves but for future generations.

Hillary and I welcome you as a new citizen and extend our best wishes for much happiness in the future.

Sincerely,



1-006549

TELEGRAPHIC MESSAGE

NAME OF AGENCY IMMIGRATION & NATURALIZATION SERVICE, HEADQUARTERS WASHINGTON, D.C. 20536	PRECEDENCE ACTION: PRIORITY INFO:	SECURITY CLASSIFICATION UNCLASSIFIED
ACCOUNTING CLASSIFICATION 2211 FOR INFORMATION CALL	DATE PREPARED AUG 15 1995	FILE
NAME CRAIG HOWIE	PHONE NUMBER 514-5014	TYPE OF MESSAGE <input type="checkbox"/> SPECIAL <input type="checkbox"/> BOOK <input checked="" type="checkbox"/> MULTIPLE-ADDRESS

THIS SPACE FOR USE OF COMMUNICATION UNIT

MESSAGE TO BE TRANSMITTED (Use double spacing and all capital letters)

TO:
ALL DISTRICT DIRECTORS (EXCEPT FOREIGN)
ALL OFFICERS-IN-CHARGE (EXCEPT FOREIGN)

ALL DISTRICT
DIRECTORS
(EXCEPT
FOREIGN)

SUBJECT: PRESIDENTIAL CONGRATULATORY LETTER/NATURALIZATION

ALL OFFICERS
IN CHARGE
(EXCEPT
FOREIGN)

ALL DISTRICT AND SUB OFFICES ARE REMINDED TO PROVIDE ALL
NEWLY NATURALIZED CITIZENS WITH COPIES OF THE PRESIDENT'S
CONGRATULATORY LETTER. THE WHITE HOUSE DESIRES THAT EACH
NEW CITIZEN RECEIVE A COPY OF THE LETTER AT THE
NATURALIZATION CEREMONY (WHETHER ADMINISTRATIVE OR COURT)
AND HAS ESTABLISHED THIS AS A PRIORITY.

OFFICES MAY OBTAIN SUPPLIES OF THE LETTER FROM THEIR
RESPECTIVE FORM CENTER. QUESTIONS: MARY ELLEN ELWOOD,
HQOPS, 202/514-0078 OR CRAIG HOWIE, HQADN, 202/514-5014.


~~T. ALEXANDER ALENKOFF~~
ACTING EXECUTIVE ASSOCIATE
COMMISSIONER FOR PROGRAMS
Louis D. Crocker, Jr.
Assoc Comm, EXMS.

SECURITY CLASSIFICATION UNCLASSIFIED

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STANDARD FORM 64
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GSA FPMR (41 CFR) 101-11.6

Previous edition obsolete. Form 7540-101-004-1000

U.S. GPO: 1989-345-100/502000

14-100

1-028842

Author: Karyn Dubie at ERO-EFC-001
 Date: 9/27/95 1:53 PM
 Priority: Normal
 TO: HQEXM USA.HQEXM USA POST OFFICE 1:CSHOWIE at GroupWise
 CC: David E Rosenberg at HQ-007
 TO: Scott O Hastings at HQMG3
 TO: Branda K Fuller at WRO-001
 CC: HQEXM USA.HQEXM USA POST OFFICE 1:MEELWOOD at GroupWise
 CC: HQEXM USA.HQEXM USA POST OFFICE 1:TECOOK at GroupWise
 CC: Dale N Saunders at HQ-007
 Subject: Re: Nat's Pres. Letter

----- Message Contents -----

Craig,

An expedited request was placed with HQPRT on July 26, 1995. According to info from HQ the expected ship date is 11-8-95. Quantities ordered are 1,000,000 for East and 700,000 for West. According to your info this is going to be an insufficient amount. If you can get some projected use figures for FY96 as mentioned, I will place a new order with HQ upon receipt of information.

Any action to obtain printing sooner, or increase the quantity of current order, would have to be coordinated through the HQ print shop.

We split our stock with WFC a month or so ago and have since depleted the remaining supply.

Karyn

Date: 09/27/1995 07:12 am (Wednesday)
 From: Craig Howie
 To: CCHAIL.WRO-001.Fuller Branda K, CCHAIL.HQMG3.Hastings Scott O, CCHAIL.ERO-EFC-001.Dubie Karyn
 CC: TECOOK, CCHAIL.HQ-007.Rosenberg David E, MEELWOOD
 Subject: Nat's Pres. Letter

Branda, Karyn & Scott: I received a call from Bob Kettle, LOS Nats, yesterday. He was reporting that they were almost out of the Clinton letter for naturalization ceremonies and that the WForms Center had a backorder request of over 700,000. He noted that they expect to nats at least 35,000 by the end of the calendar year. If ERForms has any extra, can they be shipped out West? Or if these are on order for reprinting, can this request be bumped up in the line?

The Commissioner's goal is to naturalize 1.2 million person in FY96. And as you know, the White House is rather insistant that the Clinton letter be

distributed to each new citizen. I do not think any of us want to be caught short. Please let me know if there is anything the program can do to help with this, and also what can be done to help out LOS. Also, some of the folks on the Citizenship USA team may be able to help the Centers project the distribution numbers of this letter for the five big nats offices for FY96. Thanks. Craig Howie

1-023700

MEMORANDUM

TO: Lee Ann Inadomi
Office of Cabinet Affairs

FROM: Robert L. Bach *RLB*
Executive Associate Commissioner, Policy & Planning, INS

DATE: July 7, 1995

RE: Letters from the President to Newly Naturalized Citizens

You have asked us for information concerning the possibility of the President writing letters to newly naturalized citizens. This proposal raises several operational and policy issues which are discussed briefly below. I understand that discussions on this matter are still in a preliminary stage, and, accordingly, this memo does not attempt to explore exhaustively all of the legal and policy implications such a decision would raise.

Current Practice

- o Newly naturalized citizens, in most instances, already receive a letter from President Clinton addressed "Dear Fellow American." (See copy attached.) These letters have been handed out to new citizens by INS at naturalization ceremonies around the country for a number of years, although there is usually a gap when a new administration takes office until the new president's letter is signed and distributed to INS offices.
- o Upon request, INS also prepares individualized letters from the President to newly naturalized citizens. These requests are usually forwarded to INS from the White House Agency Liaison Office.

Logistics

- o In fiscal year 1994, over 500,000 people naturalized, and the number will be closer to 600,000 in fiscal year 1995. Projections for fiscal years 1996 and 1997 continue to rise. Contacting all of these people would require a substantial investment of resources.
- o At present, INS does not have a program to generate a master list of names and addresses of newly naturalized citizens. Approximately 70 percent of the individuals naturalized have their name and address captured in an automated system (NACS), which can be accessed both by headquarters and field offices. The other 30 percent are not part of an automated system, and their names and addresses are available only through paper records in INS field offices. Some INS offices where records are automated are experiencing significant time lags between the date of naturalization and the availability of names and addresses.

Potential Problems

- o A proposal for INS to forward the names and addresses of newly naturalized citizens to

1-016571

the White House raises Privacy Act concerns that would require legal review in the context of a specific plan. INS discontinued providing lists of naturalized citizens to appropriate Members of Congress some years ago because of Privacy Act concerns.

- o A White House initiative on contacting newly naturalized citizens, separate from the naturalization ceremony, might be criticized as campaign politics in anticipation of the 1996 election.

Recommendation

Continue the current practice of having INS present letters from the President to newly naturalized citizens as part of naturalization ceremonies.

Mr. SOUDER. I believe the minority had all of those.

Mrs. THURMAN. No, Mr. Chairman. Are those from the last hearing? Were they submitted into the record? Do we have copies of them that were given to the minority at the time?

Mr. SOUDER. Have you had copies since August?

Mrs. THURMAN. I reserve the right to object.

Mr. SOUDER. We didn't object when the administration asked to put in things.

Mr. BECERRA. I think it is more a matter just making sure that the minority has a chance to see what documents that the gentleman wishes to submit.

Mrs. THURMAN. It is my understanding that there is something like 30,000 pieces of paper that have been submitted? Well, since you seemed to have had at least four or five of these, would it not be possible that you could pull those four or five out for us instead of us having to go through 30,000?

Mr. SHADEGG. This was just handed to me.

Mrs. THURMAN. Reserving my right to object, truly I realize that maybe we have had these. But when you are looking at something specifically—

Mr. SOUDER. I didn't object to Mr. Rosenberg putting something in the record that I didn't see.

Mrs. THURMAN. I withdraw my reservation.

Mr. SOUDER. But we should get copies.

Mr. SHADEGG. I want to go to the issue of the political nature of this whole experience, I guess is the best word I can find.

The first letter I have is a letter that goes: Dear Fellow American, and it's signed by the President and it is a congratulatory letter, apparently a standard letter.

The subsequent series I have is an August 15 memo regarding the Presidential congratulatory letter on naturalization. And it says:

All district and suboffices are reminded to provide this letter to each person who is naturalized. Then it goes on to say, a copy of the letter—each new citizen is to receive a copy of the letter at the naturalization ceremony, and the White House has established this as a priority.

The second document in the series is a September 27, 1995, e-mail. We've had some discussion of e-mail. I want to call your attention to about nine lines down the page it says, the Commissioner's goal is to naturalize 1.2 million persons in fiscal year 1996, and as you know, the White House is rather insistent that the citizen letter be distributed to each new citizen.

The third is a memo—and this leads to my question—a month earlier, July 7, 1995, in which there is a discussion of this letter and a discussion of a proposal that the INS forward the name and address of each newly naturalized citizen to the White House. And under the category of potential problems, it is noted that that proposal raises Privacy Act concerns.

I would like to know from either of you what you can tell the committee about this White House proposal that the INS forward the names and addresses of newly naturalized citizens to the White House; what you know about that proposal.

Mr. CROCETTI. I vaguely recall it. The first thing I'd like to state, as you referenced, that letter from the President is a standard letter. It's always happened. It's always come from the White House. So if that's political, then I guess it is political.

With regard to this statement, I recall several months ago the issue coming up and I opposed it. But I haven't seen anything since, so I can't really speak in an official capacity because any involvement has been oral.

Mr. ROSENBERG. I was not a party to this letter and this is the first time that I think I've ever seen it. I also recall there was an interest in—about the provision of names and that INS strongly opposed it and it never went anywhere.

Mr. SHADEGG. Can either of you identify for me who in the White House proposed that these names be forwarded by the INS to the White House?

Mr. CROCETTI. I have never had any direct contact with the White House.

Mr. SHADEGG. Thank you, Mr. Chairman. I know you have been generous with the extension of time.

Mr. SOUDER. Mr. Becerra.

Mr. BECERRA. Looking at the memo that the gentleman has been referring to I want to make sure that I read into the record that the recommendation by those individuals within the White House that the INS regarding those comments—regarding letters by the President the recommendation states, "Continue the current practice of having INS present letters from the President to newly naturalized citizens as part of the naturalization ceremonies. Reject any efforts that might be under way to try to send letters beyond that because it would be difficult and perhaps a problem with the Privacy Act."

So to the degree that the President is able to send any personalized letters to people he may know or someone in the family may know, or someone in the administration may know, apparently there is a problem with the Privacy Act. Apparently the memo also states of Members of Congress also used to request this information some years ago but because of Privacy Act concerns I guess the process was stopped.

Hopefully there will be a question here. I ask you to be patient. I will try to search for a question and maybe I will add some inflection to my voice to make it a question.

I don't think there was any doubt that the system was broken before Citizenship USA, before the President took over. I can't tell you how many people, people I know personally because of family or friend, were just so irritated about the INS because of the inability to get their applications processed through.

I want to commend the work that Citizenship USA has done in the last year alone in trying to get people processed through. I do hope that some of the problems that may have been raised by some of the line people at INS are addressed and are addressed quickly so we can find out if there is anything to substantiate some of the allegations and if so that you act quickly to remove those impediments from what I otherwise think is a very noble process.

I don't think people in this country would put up with some of what these new citizens have had to put up with. I don't care if

it is waiting for a refund from the INS or waiting for a passport from Customs or waiting for your Social Security card from the Social Security Administration or just being out in the marketplace at the bank, or a grocery store. No one who has paid for a service would expect to wait 2 or 4 years to have that service provided.

I think it was shameful that the INS allowed this to happen for so long, and I am pleased that the Citizenship USA is a program that is trying to accelerate that.

Again, to the degree that we accelerate that, we don't lose sight of the fact that we want to maintain the integrity of the citizenship process. So I want to make sure that we thank those individuals who came forward to bring out some of the problems and concerns they have with the process as it stands but to articulate that this is a problem that preceded—preceded Citizenship USA.

By the way, I should also mention that I am one of those who advocates for you to move as quickly as possible. I have had meetings with Doris Meissner and my regional INS office, and I happen to represent a part of Los Angeles and I get tired of having people say to me, I just called the INS and it was 6 months since I submitted my application and they couldn't even tell me if they had my application. And fortunately through this process, Citizenship USA, you have not only been able to give them a receipt that they have paid their \$95 fee, but you have been able to tell them where their application stands. I think that is a major progress.

And honestly it seems to me that what we have found from some of these line workers in their testimony is that perhaps Congress has to do a better job of providing you with the resources to get the scanners or whatever else it is that you need to do a quick check for criminal records, whatever else it might be. Maybe we need to help some of the folks that are out there who feel this is a cattle call and they are getting pressure to run folks through the process quickly and they don't have the time to really sit down and figure out if folks are qualified to obtain the U.S. citizenship that they are seeking.

But whatever you do, I hope you continue to move quickly and you take into account the concerns that have been addressed by some of the folks that have been here and provided their testimony. And by the way, I would continue to push you to move as quickly as you can to process people who have waited 2 to 4 years for a service that they have paid for and something they are entitled to now that they have stayed in this country and so that they are qualified.

I am puzzled and disappointed that the committee didn't solicit testimony of some of the INS field managers who are part of the Citizenship USA programs in the various cities. I think certainly if we want to find out what the status of these programs are and if they are failing or making the grade it would be nice to have the folks who are responsible. Ultimately, you want to call to the carpet those who are responsible for the program.

Mrs. THURMAN. Will the gentleman yield? I believe the minority did make that proposal or was going to ask for that.

Mr. BECERRA. OK. Well I'm disappointed, as I said, and puzzled at this committee in trying to ferret out any particular abuse in this particular system and program if there were any, didn't call

for the line managers of the programs to come before it and ask those tough questions.

It seems to me that when you come up here again and make a request for reprogramming that these are questions that will come before you again, whether the system is working well. I hope that next time you come before the Congress you'll have the support of people like Ms. Miller and Mr. Jacobs and the others in the process because they will be able to say that they are being given the time they need to make sure that people are being processed appropriately. I suspect that if they can't come up here and feel comfortable, you're still going to have some headaches from the folks here in Congress to do so.

But I want to say one other point and then I will let the panelists make any comment. Far too long Congress has treated the issue of citizenship with a back hand. We didn't give the program enough money. Sometimes we took the money run through the process, through the fees that were paid by my people, and used it for things other than citizenship application processing.

I hope that we take our political fingers out of the process so you have the dollars you need to do the work and hopefully relieve some of the burdens that the line people have expressed here, and perhaps what we will find is that you can accelerate the system and still provide integrity to the process. Everyone wishes to have U.S. citizens coming to this country who are entitled to the citizenship because they have earned it.

I know my time has expired, but if you have any particular comment, I request the opportunity for the panelists to make any comment.

Mr. SOUDER. Certainly.

Mr. ROSENBERG. Thank you. We will continue to look at how we can improve the process, and we will be listening to the concerns that we heard expressed today.

But two quick statements. One is the denial rates that we have had for naturalization in the year when this has been such a high volume are higher than they have been in the past, not lower. That gives some indication that we have not lowered the standards by which we're doing that. And that is true pretty much across the board, office by office.

Mr. SOUDER. I will ask you to submit that for the record. The number of people who have come in this year is 1.3 million, what percentage?

Mr. ROSENBERG. Yes, sir.

[The information referred to follows:]

	Number
N-400 Naturalization Applications Approved in FY 1996	1,104,329 (82%)
N-400 Naturalization Applications Denied in FY 1996	239,993 (18%)

Mr. ROSENBERG. And the other statement is that when we began the process of looking at the resources that were needed—and the committee has the planning documents that we developed—we based it on the fact of examiners doing the same number of cases

a year that they did the previous year. We did not build it on an assumption of a faster timeframe per examiner. We based it on adding more people.

So it's very important because the premise I think has been here that this was a speedup operation and it has largely not been so, although in local offices that certainly can vary as managers make local decisions.

Mr. SOUDER. I am going to do a second round. We are tight on time but I had a couple of things I wanted to say for the record that there were a couple of reasons we didn't have the regional directors here, one being, hopefully, we can have a 5-hour hearing as opposed to an 8-hour hearing.

The second is more pragmatic. Some of the people involved already in the Chicago panel said they felt intimidated. I believe it is important to get that district office input into, if not the record here, the future hearing.

But there are limitations we have. Both of you here are representing the administration's position and, quite frankly, that's more often than we had as Republicans when we were in the minority and I have been lenient in our response time.

I want to forge into a pretty controversial area here and that is that I don't think it was just us who have been raising some concerns. There is a memo which I believe has been distributed from Mr. Crocetti to—I won't attempt to—I can't understand what it says but it's to Mr. Aleinikoff, where you express concern about Mr. Rosenberg. That you asked: Why is David still out of town—this is from March—at a time when some of the speedup allegations were occurring? I never seem to know where he is, why or what he is doing despite my ongoing effort. You seem to know more about David than I or anyone else. We need to talk about David's role because I am getting all kinds of help from people in the field and New York, and it goes on and asks other questions which I am sure you are both aware of.

I would like to know a couple of questions. One is, does Mr. Rosenberg work for you, Mr. Crocetti? If not, you seem to be questioning who he reports to and what he should be doing. Could you explain the origin of this memo where you express concerns about his being out in the field and if his office travel is truly necessary?

Mr. CROCETTI. Thank you. Well, first of all, obviously this e-mail was meant to be internal between my supervisor and I, but now that it has been exposed—

Mr. SOUDER. As we all know, in public office there are no secrets.

Mr. CROCETTI. This e-mail expressed my frustration primarily related to the crucial roles, responsibilities, and reporting requirements which have since been clarified to the satisfaction of David, myself, and Mr. Aleinikoff.

Mr. Rosenberg's role is to coordinate and direct a nationwide backlog reduction and reengineering initiative as well as other program initiatives, and he does now report to Mr. Aleinikoff.

Mr. SOUDER. So he doesn't report to you?

Mr. CROCETTI. Because of these interdisciplinary cross program area issues.

It is one thing that is very clear with Citizenship USA, is that we could not have accomplished what we accomplished with just a

program-specific approach. We needed the support of every program within INS as well as the support of outside entities, administration, et cetera, and Mr. Rosenberg brings that experience and talent with him.

Mr. SOUDER. Is Mr. Aleinikoff a line employee or a consultant?

Mr. CROCETTI. I am sorry?

Mr. SOUDER. Does Mr. Rosenberg report to Mr. Aleinikoff?

Mr. CROCETTI. Right. Initially when I hired David—Mr. Rosenberg, I hired him initially as an expert consultant because of his expertise in developing and managing immigration-related policies and programs for the Federal and State governments and nonprofit organizations. He had a broad range of experience closely related to many of the areas that Citizenship USA needed, such as English literacy, resettlement, performance-based organizations, anti-discrimination, and legislative and media relations. He also had significant experience in community outreach and educationally he has a master's degree in public administration, many years of experience as executive officer.

When this was brought to my attention and I interviewed David and actually had an opportunity to work with him prior to making the decision. I decided to contract him as an expert and help get Citizenship USA off the ground, and then the recent decision was made because of it, elevating into various interdisciplinary areas that he would get involved also because of his success with Citizenship USA and other program initiatives outside of Citizenship USA which is why he now answers to my superior.

Mr. SOUDER. Your superior reports directly to the Commissioner?

Mr. CROCETTI. Reports directly to the deputy commissioner.

Mr. SOUDER. Given what we have talked about and the potential pressures in the Service, would you not as a line person if you were down at the grass-roots level and you knew that there was a lot of—I mean, I understand what you said earlier is true; I mean, when you try to put a new system in, there is going to be resistance.

But how could someone on the line possibly not conclude that this is a high political priority in the administration when a former consultant has been now elevated above the line authority to go through? I understand why in other businesses that happens as well, but I tell you it sends a signal at the grass-roots level that—in a retail business if you say, here our No. 1 goal is sales, and you bring in an outside consultant and that consultant pushes for sales, you know what you get? You start to get fraud, because people sense the goal that is matched differently than the historic goal even if the goal was not incorrect.

The political pressure on that, it is being talked about and they hear it going back and forth. When you bring consultants in, you don't know why he is coming into town. You in your own memo said you were upset. Why wouldn't a person presume that they needed to do whatever else was necessary to accelerate?

Mr. CROCETTI. This was part of the problem and also what resulted in some of my frustrations. First of all, Mr. Rosenberg had no line authority but that did get lost in the field and the transition. The perceptions, you're right, were with some that this program was politically connected.

However, as I have testified, Citizenship USA is a new way of doing business and it takes time for an organization to accept change. The INS is no exception. In fact, perhaps we're even more bureaucratic than some to a certain degree because Mr. Rosenberg was initially an outsider, contracted as an expert. The field and even many Headquarters' individuals were resistant to accepting him and taking direction and coordination from him.

However, once he was given the opportunity to demonstrate how invaluable he was and is to the program, and how much he has to contribute, that started to change. And he's a very knowledgeable, very hands-on manager, so we also had to deal with some of those issues. We had a very ambitious initiative. We had a job to do and we had to do it. But I do believe a year later that that has changed considerably, and it will continue to improve with the next year.

Mr. SOUDER. That was a year—that was March—about 6 months ago.

Mr. CROCETTI. Right. He was in our Office of Policy and Planning several months before that, which is when I had the opportunity to get some experience working with Mr. Rosenberg.

Mr. SOUDER. Nothing I said questioned the ability of Mr. Rosenberg. It is a question of structure.

Mrs. Thurman.

Mrs. THURMAN. I'm just going to be real brief.

I, first of all, would like to thank everyone who has come here today and testified before this committee and maybe to go back to echo my colleague from Florida, Ms. Ros-Lehtinen, particularly on this issue of whether or not it has been politically motivated, and also the speeches that have been given at the sites of the swearing-ins. I have just read the letter from the President that I just received, and at no point and at no time does it ask them to register to vote. In fact, if anything, it talks about the importance of what their American citizenship means to them.

So I'm glad to see this has been put in the record. I'm also glad to know that this has been going on from every President, based on what this letter says. This is a current practice, that individual letters from the President have continued.

I'm looking forward to whatever kind of report will come out of here. I hope, Mr. Chairman—I tend to doubt that we are going to see anything happen between now and the time that we sine die for this session as we all go home and back to our districts. But I would put I think, and hope that one of the requests that we would make from this committee, whomever is in the majority in the 105th Congress, that we would ask maybe these same people, as well as the people that are sitting in front of us, to come back before this committee to see what kinds of changes have been made and to have that opportunity.

I think that as I've said over and over on this committee, it's not my responsibility to bang on any one person or to try to make people feel uncomfortable, quite honestly, that come before this committee. It is my job to make this government run better and more efficient. To that end what I would not like to see is for this to end here, but certainly to have the opportunity to see, now that we have some ideas out here, what potentially might need to be corrected, or once we get maybe the other side of the story—and, God

knows, we all know what happens when it comes to our office, that there are always three or four or five stories to this, but to clarify those pieces of information.

I hope that possibly at the end of this Congress and as we go into the new Congress and as we see this settle down a little bit that we will have the opportunity once again to have these folks before us and to see what kinds of changes have been made so that we can all come back to the American public and say that the integrity of this program is in check. To those that are becoming citizens, we are truly glad to have them here and we appreciate the effort that they have taken to become U.S. citizens.

So with that, I thank the chairman for doing this, and I will make my recommendations noted in writing.

Mr. Rosenberg.

Mr. ROSENBERG. We certainly thank you, Mrs. Thurman, for that admonishment or suggestion as well for us to take this all to heart, and we certainly will, along with all the statements that have been made by this committee, their cautions to us, their suggestions.

If I sounded passionate in my defense of the program it was because I believe that while there are serious issues to be addressed, and I believe the testing issue in particular is one which we addressed at length last week with the committee and we are moving on, that this is, by and large, a very high quality program that the American public can be proud of, and that the concerns are very real, very serious, but not major in size. And that was what my concern is, that it not be portrayed as a widespread problem but one of very strong significance which we will, in fact, take to heart.

Mr. SOUDER. Mr. Shadegg.

Mr. SHADEGG. Thank you, Mr. Chairman.

I certainly would join the gentlewoman in calling for a continuation of this process. I think we owe that to the American people. I certainly think, as I said before, it is important to have the naturalization process work, and I welcome new citizens to the shores of this country.

But it is clear to me from this testimony today that we need to have an ongoing process to help and assist, to make certain that Mr. Crocetti can get the equipment so we can in fact do this job the way it ought to be done. I certainly will join you regardless of the outcome of this election in continuing this process. I think it is vitally important that we assure the American people that there is integrity and that they can and should have confidence in the system.

I want to make a concluding remark but I want to ask another question before I do. Both of you have stressed, and I think everyone has made it clear, that Citizenship USA, at least in your view, was justified and it is important to deal with the backlog of applications and that INS feels an obligation to catch up on those.

And yet I'm troubled. In many major cities across the country currently while Citizenship USA is going on, a high percentage of the applications are coming in from community-based organizations which are encouraged by INS to bring in those applications. For example, in Chicago, 60 percent of the applications are brought in by these community-based organizations being encouraged by INS to bring them in. In addition to which INS offices are currently send-

ing out form letters encouraging all eligible permanent residents to naturalize, and they are sending letters to community-based organizations encouraging them to naturalize, one of which letter says: Obtaining U.S. citizenship, "Obtaining United States citizenship has never been easier."

In addition to that, I understand that in many instances individuals coming in to get a new green card are being told by INS employees that they should, instead, apply for citizenship. I guess last in the series is that INS has also changed the way it calculates its backlog and as a result of that calculation, the actual backlog has gone up by at least—the numbers provided to our committee is by over 100,000 applications.

I guess culminating that means that of the 1.3 million applications received this year, more than half of those, 700,000 of them had come as a result of, quote, an aggressive outreach program by the INS.

I applaud an aggressive outreach program. That's fine, and indeed good. As I said, I strongly support legal immigration so much so that I tried to put it into the bill that we passed through the House this year. I guess my question is more one of timing. If, indeed, this program is directed to address a backlog, would not it have been prudent to get the backlog brought down before launching this aggressive outreach program, rather than launching the aggressive outreach program at the same time you were trying to solve the backlog?

Mr. ROSENBERG. The answer to your hypothesis is yes, but that is not in fact what occurred, sir. There was no national INS outreach campaign to obtain additional applications despite what the Chicago Tribune has reported. We have encouraged community organizations to speak to their communities. We think applying for citizenship is a very positive thing, but INS did not on its own conduct any major outreach campaign. That was contemplated in the previous fiscal year and, in fact, submitted a budget request to Congress. It was denied.

When you ask why we do it, I do want to cite section 332(h) which says that the Attorney General shall broadly distribute information concerning benefits under this title, which is naturalization, in order to promote opportunities of U.S. citizenship and shall seek the assistance of appropriate community groups, private voluntary agencies, and other relevant organizations. That was added in 1990. So we have a statutory responsibility to do outreach through community organizations, sir.

Mr. SHADEGG. I'm getting a mixed message. You have a duty to do it but you are saying that you have not, in fact, done it?

Mr. ROSENBERG. We encourage it but INS did not conduct a major national outreach.

Mr. SHADEGG. If there has been no major outreach program and there has been a very aggressive program through Citizenship USA and indeed throughout the INS to get rid of the backlog, how do you account for the backlog?

Mr. ROSENBERG. In fact, the backlog has not gone up. Applications have continued to come in from all over the country. In Chicago, we do have an active outreach effort and that is what the Tribune piece took, the activities in Chicago where it is about 60

percent of the applications come in that way and extrapolated it nationally. Nationally, it is only I would say less than 10 percent, maybe 5 percent, of people go to these organizations.

The fact is there are lots of reasons why people are applying for naturalization that have been mentioned by people here today: The legalization program people, green card replacement program, and various other concerns people have about the political situation.

Mr. CROCETTI. If I could add—

Mr. SHADEGG. I just want to clarify one thing. You said there is no aggressive outreach program across the INS specifically, but there is one in Chicago?

Mr. CROCETTI. Chicago has been doing it for years, and I think if you asked any of the panelists, you will see that Chicago has focused on community outreach for quite some time. It is, however, now under new management, and that's another point I'd like to make, is a lot of statements were made but there was no clarification as far as whether they were pre-the current management, which is a change.

The other thing I'd like to do is elaborate on what Mr. Rosenberg said because I was part of the preliminary development of the Citizenship USA plan and the re-engineering of naturalization. At that time we had a promotion strategy. We want to promote the program and recruit applicants. We changed that because the work load was beyond what we could handle as it was. We didn't engage in a promotion campaign. We started working with community outreach groups in a way to have them help with the existing processes getting information but not to promote the program.

Mr. SOUDER. If the gentleman could make a brief comment in conclusion, they are calling from the committee.

Mr. SHADEGG. I think it takes tremendous courage for any employee to come and speak out. I commend each and every one of the line employees that testified here and I implore each of you, gentlemen, to listen to them. One of them talked about labor/management issues. One of them is a union steward. So I'm not certain who was expressing these concerns about the operation. I hope you will pay attention to the testimony that was given.

Mr. CROCETTI. I happen to be the INS management national chair on the Labor/Management Partnership Council and none of these issues have ever been surfaced in that council, but I will promote labor/management relations and I plan on inviting these people to participate in work groups that will even make this process a better one.

Mr. BECERRA. Mr. Chairman, thank you for the time. I will just take a minute.

I thank Mr. Shadegg for pointing out something that I think most folks don't know and that is that the INS is required to do outreach but has never done it. And now that you have the Citizenship USA program out there, you can't afford to do it because you are already so swamped.

So it is intriguing. For the longest time the INS never did its job, to go out there and let people know of the services that are available for folks who qualify for citizenship.

I should mention about the civic organizations that seem to be somewhat under attack, in Los Angeles, the biggest proponent as

far as civic organizations go is the Catholic Church. And on several occasions I've had meetings where the Catholic Church has been insistent on trying to get the INS to move quicker and they are trying, with everything they can, to accelerate the process for the INS, and that is why you find a lot of these organizations willing to help the INS process these applications.

For the longest time they found that a lot of the folks they were serving in their social service programs were saying we submitted applications to the INS 6 months ago, a year ago, and we haven't heard a thing. We haven't gotten a letter saying that we applied and thanks for applying. So the Catholic Church got together with these folks and said, let us help you.

They worked with INS and the regional office in Los Angeles and said, we will make sure that when an application is submitted you will not have to be sure fingerprints are included, because they will make sure they do that, and we will make sure that they have enclosed all the information and they have completed the application correctly, because we don't want these folks to have the process slowed down for them because of errors that they may have committed.

In terms of these civic organizations, I hope you will continue to work with them because many of them were very well intentioned and, honestly, from what I have heard, the results, the effectiveness of these organizations has improved the outcome of those applications being processed through them. Most of the folks that go through, for example, the Catholic Church, have a very high success rate because everything is taken care of ahead of time so that when you all take a look at it, the application is in pretty good order.

The final point that I want to make is last week my grandmother, who is now 91, became a U.S. citizen. I want to thank the Citizenship USA program for that. She was able to go through the process and not have to do what many folks have had to do and that is wait 2 or 3 days in line in an INS office trying to get an application and another week or so to submit the application, and how much more time to get the whole thing through the process at 91 years of age, even though she still works and takes care of her children and grandchildren and great grandchildren. I am glad that the INS has put the "S" back in the Immigration and Naturalization Service.

Thank you, Mr. Chairman.

Mr. SOUDER. One of the ironies is that people keep coming up to me and saying, I have been reading about you and the immigration hearings; can you get me an accelerated process?

I thank everyone. With that our subcommittee is adjourned.

[Whereupon, at 6:11 p.m., the subcommittee was adjourned.]

