

A NATION CHALLENGED: IMMIGRATION; Congress Set to Break Up Beleaguered Agency

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Body

After several abortive efforts over nearly three decades, **Congress** is taking the first steps this week toward the likely overhaul of the **beleaguered Immigration** and Naturalization Service.

The House Judiciary Committee is prepared to approve an unusual bipartisan bill on Wednesday that would abolish the **immigration** service and split its functions into two separate bureaus, one for enforcement and one for services. The bureaus would be overseen by a new associate attorney general, who would be the third-ranking official in the Justice Department, the **immigration** service's parent **agency**.

The full House could vote by the end of the month on the legislation, which has the support of both Speaker J. Dennis Hastert, Republican of Illinois, and Representative Richard A. Gephardt of Missouri, the House Democratic leader. Proponents argue that the bill would elevate the priority of **immigration** issues in the government, and separate the **agency's** often conflicting responsibilities.

Similar legislation in the Senate sponsored by Senators Edward M. Kennedy, Democrat of Massachusetts, and Sam Brownback, Republican of Kansas, is likely to be introduced this week or next, Congressional aides said.

Reorganizing the **immigration** service, one of the government's fastest-growing **agencies**, with 37,000 employees and a \$6.2 billion budget, has been a legislative perennial since the late 1970's. But past efforts to restructure the **agency** have always failed.

This year, however, what remaining defenders the **agency** had on Capitol Hill jumped ship after a series of mishaps. The **agency** suffered a humiliating setback after the disclosure in March that an I.N.S. service contractor mailed out visa extensions that month for two of the dead Sept. 11 hijackers.

With the **agency** reeling from that debacle, one of its port inspectors in Norfolk, Va., ignored new post-Sept. 11 security guidelines, and allowed four Pakistani seamen to come ashore, where they then disappeared. One seaman has since been arrested, but the three others are at large. The fugitive sailors are not considered security risks, but their entry was another embarrassment for the **agency**.

The Bush administration and House supporters of the legislation agree that the **agency's** functions must be separated to improve efficiency and accountability. But they sharply disagree over the solution.

President Bush has said that the commissioner of **immigration** and naturalization, James W. Ziglar, should be given a chance to fix his service's problems through an administrative overhaul that separates the **agency's** enforcement and services functions, and allows Mr. Ziglar to keep his job.

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House leaders say **Congress** must take matters into its own hands and impose a legislative remedy. "The I.N.S. tinkered with the boxes five times during just the 1980's," Representative F. James Sensenbrenner Jr., a Wisconsin Republican who heads the House Judiciary Committee, said at a hearing today. "Despite all these internal reorganizations, the **agency** is as dysfunctional as it's ever been."

Mr. Sensenbrenner won support for his bill from the panel's ranking Democrat, Representative John Conyers Jr. of Michigan, by agreeing to a series of compromises, including assigning a general counsel to the new associate attorney general's office to oversee legal matters for the two bureaus. The new associate attorney general would also have an office to handle children's issues.

Immigration specialists say the changes make the legislation more palatable, but they still voice concern that the House bill would divorce functions that are inextricably linked. **Immigration** inspectors at airports, for instance, are the first line of defense against potential terrorists, but they are also the first officials encountered by a foreigner seeking asylum. These specialists also say the legislation falls short of creating a strong overall **immigration** czar.

"We think it's a step in right direction, but we still have a lot of concerns," said Judy Golub, advocacy director for the American **Immigration** Lawyers Association.

The Bush administration is in a delicate political position, and is not taking a public position on the House bill. **Immigration** experts say the Justice Department does not want to pick a fight with Mr. Sensenbrenner, especially since Mr. Bush is considering another alternative for border security that would require Congressional approval.

Under that plan, proposed by Tom Ridge, the director of homeland security, the Border Patrol, which is now a part of the **immigration** service, would be merged with the Customs Service, now a part of the Treasury Department, with the new combined **agency** falling under the Justice Department. But this plan is likely to face stiff opposition, particularly in the Senate, aides said.

"Ridge is making a grab for your jurisdiction," Mr. Conyers told Mr. Ziglar at today's hearing. But Mr. Ziglar refused to take the bait, and said he would go along with whatever the administration and **Congress** decided was best for the country.

Seven months into the job, however, Mr. Ziglar is racing against the clock, trying to direct as many improvements and efficiencies as possible to stave off the **agency's** critics, and maintain support from Attorney General John Ashcroft and Mr. Bush.

"What needs to be addressed is the lack of good, strong and empowered managers and the lack of culture of accountability throughout the **agency**," said Michael R. Bromwich, a former Justice Department inspector general. "People do bad things, people don't get punished or dismissed for incompetence or worse, and I.N.S. personnel realize nothing has changed. That's the vicious cycle that needs to be addressed."

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Graphic

Photo: James W. Ziglar, left, the **immigration** chief, at a hearing yesterday with F. James Sensenbrenner Jr., the House Judiciary Committee chairman. (Paul Hosefros/The New York Times)

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