S. HRG. 108–195

CONFIRMATION HEARING ON THE NOMINATION OF EDUARDO AGUIRRE, JR. TO BE DIRECTOR, BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

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NOMINATION OF EDUARDO AGUIRRE, JR., OF TEXAS, NOMINEE TO BE DIRECTOR, BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

FRIDAY, JUNE 6, 2003

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 9:41 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Saxby Chambliss presiding.

Present: Senators Chambliss, Grassley, Cornyn, Leahy, and Kennedy.

OPENING STATEMENT OF HON. SAXBY CHAMBLISS, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator CHAMBLISS. The hearing will come to order.

We are pleased to have Eduardo Aguirre before this Committee as the nominee to be Director of the Bureau of Citizenship and Immigration Services at the Department of Homeland Security. I would like to welcome his daughter, Tessie, who is with him this morning.

Mr. Aguirre's nomination is significant because he brings extensive management experience to a brand-new Bureau. He has held top-level positions in the banking industry for over 30 years and most recently served as Vice Chairman and Chief Operating Officer of the Export–Import Bank.

Mr. Aguirre will bring much needed management skills and qualifications to the Bureau. We all know the problems of the old INS, some of which were institutional as a product of an agency with competing demands. For years, Members of Congress declared the INS was broken and must be reformed. Now that opportunity is at hand, and I am confident that Mr. Aguirre is up to the task.

As a young immigrant from Cuba, Mr. Aguirre has experienced the American dream through hard work in both his business success and his community service. And he will surely work with Congress and the various agencies to make that dream a reality for others seeking opportunities in the United States. I commend the President for his nomination, and I look forward to Mr. Aguirre's statement and responses to our questions.

At this time I will turn to my friend, the Senator from Massachusetts, Senator Kennedy.

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

Senator KENNEDY. Thank you very much, Mr. Chairman, and I want to express my appreciation to you and to the Chairman of the Committee for arranging the hearing today. You and I were both in attendance at the Rules Committee yesterday dealing with some extremely important matters relating to the procedures in the Senate, and I am personally appreciative of having this hearing this morning when we can do justice to our nominee and to the importance of this office.

It is a privilege to participate in the nomination of Eduardo Aguirre to be the first Director of the new Bureau of Citizenship and Immigration Services. As you mentioned, he brings an impressive background to this position. He has served as the Acting Chair of the Export–Import Bank, where he produced an organization more oriented to customer service and positive results. In the private sector, at the Bank of America, he made customer and employee satisfaction his highest priority. And with respect to the Bureau of Citizenship and Immigration Service, he has said he intends to make integrity, respect, and ingenuity the core values of the Bureau.

Mr. Aguirre is also sensitive to the plight of immigrants and refugees. He came to the United States at the age of 15, a Cuban refugee with no family, no money, and no ability to speak English. His plight was very similar to the plight of many of today's immigrants and refugees. With the help of charitable organizations—the same organizations that help today's new arrivals—he overcame many obstacles to become the inspiring success story he is today. His refugee roots will serve him well and the Nation well as Director of the Bureau of Citizenship and Immigration Services.

Overseeing immigration affairs is a major challenge. More than 500 million citizens, permanent residents, lawful visitors, students, and temporary workers cross our borders each year. Hundreds of thousands of applications are processed for citizenship, permanent residence, asylum, and other matters.

As the Director of the Bureau of Citizenship and Immigration Services, Mr. Aguirre will have a major role in influencing immigration policy, including long-needed improvements in the services of the Bureau. It is obvious that we can do more to serve citizens, our visitors, our immigrants, by reducing unacceptable backlogs and making the customer service functions more helpful and efficient.

The Bureau will need a strong Director to lead this transformation and guide the Bureau's integration with the Department of Homeland Security. The most important responsibilities of the position are to see that the service and enforcement functions are well coordinated and that the service functions are not given short shrift. Without strong leadership and the insistence on close coordination, the officials in the various immigration bureaus of the Department of Homeland Security are likely to issue conflicting policies and legal interpretations and generate even more disarray.

The Bureau of Citizenship and Immigration Services must be adequately funded to make this transformation possible. Reliance on application fees to fund the processing of immigration applica-

tions has not worked, as we know from the long backlogs and delays facing immigrants who apply for permanent residence or citizenship.

We also need to make progress on other important areas of immigration reform. We must find a way to maintain security and still enable refugees to find safe haven in our country.

We must return to the issue of immigration reform. Earlier this week, Secretary of State Powell said that we must "move forward" on immigration policies that provide legitimate ways for persons to enter the country and that legalize hard-working immigrants.

The status quo is unacceptable. It must be replaced with sensible reforms that create a manageable and orderly system where legality is the prevailing rule. We need immigration policies that reflect economic realities, but also respect our heritage and history as a Nation of immigrants.

Finally, we must act on the recent findings of the Office of the Inspector General and the "significant problems" he found in the way that the Justice Department treated September 11 detainees. Although immigration detention is not the responsibility of the Bureau, many of the persons detained are eligible for immigration relief and must be allowed to consult with their families and attorneys.

I look forward to today's hearing and to working closely with Mr. Aguirre to achieve these important goals. Immigration is an indispensable part of our Nation, and we must do all we can to see that our immigration laws are fair and consistent with the Nation's fundamental values.

I thank the Chair.

[The prepared statement of Senator Kennedy appears as a submission for the record.]

Senator CHAMBLISS. I now turn to the Chairman of the Finance Committee and a member of this Committee, Senator Grassley.

STATEMENT OF HON. CHARLES E. GRASSLEY, A U.S. SENATOR FROM THE STATE OF IOWA

Senator GRASSLEY. I will be with you just a short period of time because of a hearing I have on prescription drugs. But I do want to take the opportunity to congratulate Mr. Aguirre as well as expressing some concerns, as Senator Kennedy did, about the issues of immigration.

Every member of this panel is concerned about the services that we provide new residents of our United States. We strive to welcome immigrants in a timely and efficient manner. We are frustrated, of course, by reports of backlogs and mistreatment. We have pressured the old Immigration and Naturalization Service for reforms, and we will continue to monitor the new Bureau's ability to serve newcomers.

Today, I want to express my strong belief that superior attention to customer service is necessary despite the Bureau's mission and functions under a new Department. I would encourage the Department and the Bureau to bring enthusiasm and dedication to the duty of providing quality service to our country's newcomers. The Bureau must be acutely aware of the demands facing our Nation's

newcomers. Such demands necessitate the highest standard of customer service and professionalism.

First, I would commend the service for making individual case statuses available online and allowing the public another avenue to learn about their applications. I know that improvements to this electronic system will come, and I will continue to support new efforts to assist the Department's clients.

Second, complaints about the Bureau's employees have been passed along to me that I find unacceptable. For example, some employees find it acceptable to threaten those who are subject to our confusing laws, and obviously new laws to new people coming to this country. I hope that the new administrator will appropriately investigate and address these issues and any others where the conduct of the new Bureau's employees is called into question.

Before closing, I would like to mention that I have been working to obtain more service personnel in the eastern part of my State of Iowa. Last year, I wrote to Attorney General Ashcroft and this year I have written to the new person of responsibility, Secretary Ridge, to request that additional immigration employees be placed in the Quad Cities of the Iowa and Illinois area where they have seen such an increase in immigrants. I am glad that your Bureau has responded by announcing immigration service hours being held in Davenport, Iowa, on June 24th. However, this first step must not be the last.

Mr. Aguirre, you have had experience in shaping organizations, leading hundreds of employees, and managing millions of dollars. I hope that your expertise will help the Bureau of Citizenship and Immigration Services to get off on the right foot, and I welcome you, as I am sure you welcome that challenge, and we obviously wish you all well in your new job, not only to you personally but to the service that you bring to our new immigrants to this country.

Thank you very much.

Senator CHAMBLISS. Thank you, Senator, and you have been a busy man the last few weeks, and we appreciate all the great work you have been doing and all the positive legislation you have been shepherding through our great institution.

Senator GRASSLEY. You keep talking that way, I will stay awhile. [Laughter.]

Senator LEAHY. I think you have too many people waiting in the hall for you, Chuck.

Senator CHAMBLISS. We are now joined by the distinguished Ranking Member of the Senate Judiciary Committee, our friend from Vermont, Senator Leahy, for any comments he might have.

Senator LEAHY. Mr. Chairman, I will have a couple comments about the nominee, but I see both Senator Cornyn and Congresswoman Sheila Jackson Lee here, and I would be happy to let them go ahead. But then I would like to make a couple comments about the nominee.

Senator CHAMBLISS. All right. We will move to the first panel, which is two of our distinguished colleagues from the great State of Texas: my former House colleague, Sheila Jackson Lee, and my good friend and classmate, Senator Cornyn.

Senator Cornyn, we look forward to hearing from you any comments you have about Mr. Aguirre.

PRESENTATION OF EDUARDO AGUIRRE, JR., NOMINEE TO BE DIRECTOR, BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY, BY HON. JOHN CORNYN, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator CORNYN. Thank you, Mr. Chairman. It is good to be here today on this side of the table here in this Committee hearing, of which I am a member, a proud member, and I appreciate your calling this hearing today and providing me an opportunity to testify on behalf of a great American, a great Texan, and, I am pleased to say, a great friend.

It is my pleasure to introduce to the Committee Mr. Eduardo Aguirre, Jr., nominated to serve as the first Director of the Bureau of Citizenship and Immigration Services in the new Department of Homeland Security.

Mr. Aguirre understands deeply how important a role immigrants have played in our Nation's history. As a fellow Texan, I am proud of his contributions that he has made to the State of Texas and to this country, and that he will continue to make if confirmed by the Senate for this position, as he surely should be.

As Senator Kennedy has already noted, at the early age of 15, Eduardo Aguirre fled Cuba in search of a better life. His life story is a success story and a valuable reminder to all of us that immigrants epitomize the hard work, entrepreneurial spirit, and thirst for liberty that embodies the American dream.

As you know, the Department of Homeland Security's Bureau of Citizenship and Immigration Services provides the services to immigrants that were once provided by the former INS. The BCIS has a daunting mission in front of it: to eliminate substantial backlogs, and to improve immigration services for all who come to this country in search of a better life. As Acting Director of BCIS since February, Mr. Aguirre is already aware of the daunting challenges faced by this new Bureau, and he has done an excellent job in leading and managing it.

Mr. Aguirre has already enjoyed an impressive career in management, both in the private and public sectors, and, of course, management experience is precisely what is called for, especially at this particular agency and at this particular time.

He comes to the Department of Homeland Security most recently from the Export–Import Bank of the United States, where he has served as Vice Chairman and Chief Operating Officer. He was confirmed to that post in December 2001 by the unanimous consent of the United States Senate.

Mr. Aguirre served as the Bank's Acting Chairman until December 2002. In that capacity, he guided the Bank through its most recent 5-year Congressional reauthorization and shaped it into a more customer service and results-oriented organization.

Before moving to Washington, Mr. Aguirre enjoyed a 24-year career with the Bank of America, including service as president of International Banking. He has also served as Chairman of the Board of Regents of the University of Houston System, where he

brought clarity of purpose and direction to the four-university system and its approximately 50,000-student body.

Mr. Aguirre is not only a leader in Government and business, but also a civic leader.

He is the founding Chair of the Houston Livestock Show and Rodeo–Go Tejano Committee, further empowering Houston Hispanics with access to college scholarships. He has served on numerous professional and civic boards, including the Texas Children's Hospital, St. Joseph's Hospital, the Center for Excellence in Education, the Bankers Association for Finance and Trade, and the Houston chapters of the American Red Cross and the Salvation Army.

Named "one of the 100 most influential Hispanics in the Nation" by Hispanic Business magazine, Mr. Aguirre has traveled extensively in Latin America, Europe, and Asia, promoting economic growth, international trade, and business opportunities. He has represented the United States in meetings with heads of state, cabinet ministers, and other high-ranking government officials and private sector executives in discussions related to trade financing.

If confirmed, Mr. Aguirre will face important and challenging responsibilities. As Director of the BCIS, Mr. Aguirre will build upon his excellent record of leadership, management, and service on behalf of all of our Nation's immigrants and, indeed, on behalf of this entire Nation.

Thank you, Mr. Chairman.

[The prepared statement of Senator Cornyn appears as a submission for the record.]

Senator CHAMBLISS. Thank you very much for those great comments.

Congresswoman Jackson Lee, we are pleased to have you with us and look forward to hearing from you.

PRESENTATION OF EDUARDO AGUIRRE, JR., NOMINEE TO BE DIRECTOR, BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, U.S. DEPARTMENT OF HOMELAND SECURITY, BY HON. SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Representative JACKSON LEE. Thank you, Mr. Chairman. It is a pleasure to see you and be reminded of the work we did on the CDC, and all I can say is we are trying to continue that work for the Centers for Disease Control and continue to work on the issue of homeland security. In fact, as we speak, the House Select Committee on Homeland Security is meeting, of which I am a member, so I would ask the Committee's pardon after I hopefully share with you my thoughts and feelings about this great nominee, if you would allow my departure for that hearing.

Senator CHAMBLISS. Certainly.

Representative JACKSON LEE. I thank Senator Kennedy as well for his leadership in this Committee and certainly Ranking Member Leahy for his leadership on these very important matters. And, of course, I am very pleased to be able to not only speak of a great Texan and American, but might I say, a great Houstonian that we are also very proud of. And I stand here representing the constitu-

ency of the City of Houston that appreciates the leadership of Eduardo Aguirre, who has served us in our community.

I believe the Committee will answer several questions this morning during this confirmation proceeding. The question will include what is an American and who can be an American, actually will be aspects of the job that Mr. Aguirre will be taking on. I think there could not be a better nominee to represent that question.

I am proud to call him an American, a Houstonian, a Texan, and certainly a friend. And I come today to support his nomination and to encourage the Senate to confirm him as the Director of the Bureau of Citizenship and Immigration Services. It will not be an easy assignment. While the enforcement side of the old Immigration and Naturalization Service came under most of the scrutiny, the service and benefit side also has had its major problems. I am most familiar with Houston, which historically has been one of the most overburdened offices. For instance, immigrants who filed an application for permanent resident status would have to wait some 3 years before they would even begin to process the application. But I am confident that we have the right person, the right man for this challenge.

I know that this gentleman, along with his family members, has always had a can-do attitude in our community. I have seen his work throughout the years, and now as he serves the President of the United States and the people of the United States, he brings to us that can-do attitude.

I also believe that he understands the concept that this Nation was built on the hard work of many, including immigrants, those who seek access to legalization, and I think even after 9/11, he realizes that immigration does not equate to terrorism. I believe that because when Mr. Aguirre spoke at the University of Houston commencement ceremony in May of this year, he described himself as a little kid from Havana who ended up in the administration of the United States President. He told the graduates that America is a country where there are no barriers to what an individual can accomplish. He certainly represents that, and I agree completely.

His experiences are illustrations of the opportunities for social equality and economic independence that attracts immigrants to this Nation. I know, however, that it is not easy to succeed even in this great country. It requires character, ability, and persistence to overcome the obstacles that immigrants face when they establish lives or seek to establish lives for themselves in the United States.

Again, who is an American and who can be an American are questions that I believe Mr. Aguirre can answer very aptly.

Mr. Aguirre comes to this position with the skills and experience that are needed to complete the reorganization of the service and benefit operations from the former Immigration and Naturalization Service. During his tenure as head of the Export–Import Bank, he guided the Bank through its most recent 5-year Congressional reauthorization. In fact, he got a successful vote in the House on the reauthorization of the Export–Import Bank, even with those who desire to express their opposition to that particular entity.

I am particularly pleased to relate to you that he shaped the Bank in a more customer service and results-oriented organization. The Aguirre transformation of the Bank included the implementa-

tion of streamlined customer procedures, the implementation of quality assurance standards, oversight, and initiatives designed to facilitate customer interaction—the very skills that will be needed for this new Bureau to focus on immigration services, but also to encourage those who are seeking legalization, doing the right thing, attempting to be documented, to have the process effectively utilized.

I look forward to seeing him apply his experience and expertise to the customer relations area, to the management of the Bureau of Citizenship and Immigration Services. His intentions in this regard were expressed in a recent newspaper article which conveys a message from Mr. Aguirre to the dozens of immigrants who line up outside of the old Immigration and Naturalization Service office in Houston at 5:00 a.m. every morning and then wait hours for the chance to spend a few minutes talking to a Government officer. His message is he is on your side. He is very conscious of the fact that the lines have to be reduced. He is also good at listening to the immigrants who waited years to get their applications processed and the thousands more who have written letters to the old INS that were never answered.

The same focus on customer service can be seen in the record of his employment prior to joining the Export–Import Bank. As you have heard, he served as president of International Private Banking for the Bank of America, and during his 24-year career with the Bank of America, he led the integration of new teams and corporate cultures into a unified structure responsive to customers, shareholders, and the community at large.

In addition to running a highly profitable unit of this 50,000-employee world-class bank, his team was consistently ranked in the areas of customer and employee satisfaction, and I expect him to do the same here.

We have served together on the State Bar of Texas where he was the first non-attorney. That is a great credit to him. We all know the bias of attorneys, but he was a breath of fresh aid amongst us in serving the Texas State Bar.

As I see Judge Eric Endel here in the audience, I know that he can attest to the importance of civilian work, working with attorneys and making sure that we follow our rules of ethics and, of course, serve our customers, our clients.

He was a wonderful leader of the Texas Bar Foundation, a nonprofit agency, and under his leadership, thankfully we raised $500,000. He has been named three times by Hispanic Business magazine one of the 100 most influential Hispanics in the United States. He has traveled extensively. He knows the importance of relationships internationally. And I think he will be a good friend to not only the Nation but the world in working to show the world of our concern about those who immigrate to this Nation.

I work with him on the Houston Livestock Show, and if any of you are aware of what goes on in February every year in Houston, Texas, everyone is a cowboy. But what the Houston Livestock Show stands for is raising scholarship dollars for young people. And it was the leadership of Mr. Aguirre on the Go Tejano Committee that inspired me to help found the Go Black Texan Committee that

helped to raise scholarship funds for inner-city youngsters. And we have worked together.

He has done great work for the Texas Children's Hospital, St. Joseph's, and many other organizations. But, frankly, I believe this gentleman comes to you with that can-do attitude and a love and understanding of the values of America that we all can be proud of. We all represent one great Nation loving democracy and sharing, and so it is with great pleasure that I hope that this Committee will certainly confirm initially his seeking the position of the Director of this Bureau and that he will move quickly to the United States Senate.

I thank you for giving me the opportunity to provide this insight.

Senator CHAMBLISS. Well, we appreciate very much and I know Mr. Aguirre appreciates very much you being here showing a bipartisan spirit in support of his nomination. Thanks for all you do with our colleagues on the House side, and we appreciate your leadership. Again, thanks for being here and thanks for your comments.

Representative JACKSON LEE. Thank you, Senator.

Senator CHAMBLISS. Before we ask Mr. Aguirre to come up, I will turn to my friend from Vermont, the ranking member, Senator Leahy.

STATEMENT OF HON. PATRICK LEAHY, A U.S. SENATOR FROM THE STATE OF VERMONT

Senator LEAHY. Thank you, Mr. Chairman.

I might to say to the nominee, you ought to just sit there. You are doing okay so far.

[Laughter.]

Senator LEAHY. Here in the Judiciary Committee, it isn't always this way, so enjoy it, luxuriate in it. The sun is shining, and I think you have got all of it in here. You are not doing too bad so far. Even the 101st Senator under the table here, Senator Kennedy's dog Splash, is wagging his tail every time your name is mentioned. And he doesn't always do that.

I am glad that we are having this nomination. I am glad also, to be serious for a moment, that the nomination was referred to the Judiciary Committee which continues to have jurisdiction over immigration legislation and oversight. We had not considered the nomination of Asa Hutchinson as Under Secretary, but it is fitting that Mr. Hutchinson has testified before the Committee since his confirmation and has made himself available to us.

With this hearing on immigration, I suspect we will have more as the year goes on. I think that is an important thing to do. A number of us on both sides of the aisle called for a hearing on the report released on Monday by the Justice Department's Office of the Inspector General concerning the treatment of those aliens who were detained as part of the investigation into the September 11th attacks.

I think it would be important that we hold that hearing as promptly as possible because the Inspector General report shows the severe consequences that can be faced by those immigrants who fail to maintain their lawful status. Of course, the responsibility to remain here legally falls upon immigrants, but there are

occasions when immigrants live up to that responsibility, do all the paperwork, but are sometimes failed by errors and backlogs on the Government's part. And we want to prevent that because I think that you especially as an immigrant know the same thing that my grandparents knew: that this is a wonderful country and it beckons us. But also when immigrants come to our shores, we also want to show them the best face of America, and not make them think, whether intentionally or otherwise, that we don't want them here.

I wouldn't be here if my stonecutter grandfather hadn't come here and earned enough money in Vermont to then send for his wife and children. And I have always remembered that. I still go back to Italy where all my family is from to meet with them.

So I hope that you especially will use your position to battle the perception in many of the immigrant communities that the war on terrorism has become a war on immigrants.

Now, we are justified to go after terrorists, but we shouldn't make immigrants think that we are going after them as a class. We are going after terrorists, not after immigrants.

You have a distinguished career in business. I have talked with my friends at the Export–Import Bank. They have said wonderful things about you, and as the Chairman said, we have two distinguished Members of Congress who have come here and spoken for you.

You are going to have a demanding portfolio. You have gotten letters from Members of Congress, including myself, with concerns about immigration policy. Yesterday we read in the New York Times how backlogs have stranded 20,000 refugees in what are described as "desolate camps in Africa, Asia, and the Middle East." I have been in some of those camps, and they are awful. We can do a better job.

As Director of BCIS, you are going to supervise many constituents of mine at the Service Center in St. Albans, Vermont. They are excellent employees, and I want to commend you for having already made a trip up there in your acting capacity. I can tell you from what I have heard from the men and women there, they appreciated that. They appreciated the fact that you actually cared because, boy, they are working hard. You know, they are dedicated Americans, and they want this Service Center to work.

So keep them in the loop, via me or—I mean, I would be happy to bring you up there anytime. I would be proud to bring you up there anytime—again, assuming you are going to be confirmed, which, of course, you will.

And I think what you are probably going to hear as you have gone around, many of the former INS employees have been left in a state of flux as each DHS branch makes its own reorganization plan. As you reorganize BCIS, I urge you to make assessment unrestricted cohort use as possible of these Vermonters with immigration backgrounds. They have a great deal of expertise and can be available to you, and I would hope you would consider making Vermont a regional center for your agency. I am not asking for a commitment, of course. But I hope you would consider it because these people have so many years of experience that you couldn't replicate anywhere else.

On the national level, it was a priority for many of us that immigration services not be overlooked at the Department of Homeland Security. As I said, immigration is so important to us, and immigration has to be handled in a fair and orderly way. So I look forward to hearing your views on that, about the backlogs in our immigration system. We want to talk about that.

The President has pledged to reduce the average backlog for immigration petitions to 6 months by 2006. I certainly agree with that and want to hear your plans on that.

I am heading off to Vermont today, but I delayed my departure because I wanted to be here to welcome you.

Thank you, Mr. Chairman.

[The prepared statement of Senator Leahy appears as a submission for the record.]

Senator CHAMBLISS. Thank you, sir.

Mr. Aguirre, we will ask that you come forward to be sworn. I will ask that you stand and raise your right hand. Do you solemnly swear the testimony you are about to give before this Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. AGUIRRE. I do.

Senator CHAMBLISS. For the record, will you state your name, please?

Mr. AGUIRRE. Eduardo Aguirre, Jr.

Senator CHAMBLISS. You are going to need to press that button there.

Mr. AGUIRRE. Senator, my name is still Eduardo Aguirre, Jr.

[Laughter.]

Senator CHAMBLISS. Well, we are pleased to have you here this morning. And Senator Leahy is right; it is not always this free-flowing and complementary in this room, and that says a lot about you. And we certainly appreciate the great work you have done for our country to this point, and we look forward to hearing from you this morning, and we will accept any opening statement, and if you would like to tell us about any family or friends you have with us, it is always our pleasure to hear about that, too.

STATEMENT OF EDUARDO AGUIRRE, JR., NOMINEE TO BE DIRECTOR, BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

Mr. AGUIRRE. Thank you, Mr. Chairman and Senators. I am very pleased to come before you today as you consider my nomination to be the first-ever Director of the Bureau of Citizenship and Immigration Services in the newly created Department of Homeland Security. At the onset, I would like to thank my wife of 35 years, Maria Teresa Aguirre, for her continued support in my quest to serve my country through public life. Representing our family and with me today is my daughter, Tessie Aguirre, who is a senior at Texas A&M University and is studying in Washington, D.C., this summer, and my daughter is right behind me.

Should the Senate act favorably on my nomination, this would mark my second Senate-confirmed Presidential appointment service to my adopted country. Almost 42 years ago, I came to this land of freedom and opportunity as a 15-year-old Cuban refugee without

my family or money or working knowledge of the English language. Along the way I was sheltered and taught by Catholic Charities, cared for by the United Way, and helped by many, many, many others. Later, a very affordable U.S. Government student loan program allowed me to attend college and eventually earn a degree from Louisiana State University. I have overcome real and imagined obstacles on my journey to realize my version of the American dream. And I am grateful beyond words. I am extremely proud and humbled to have been selected by President George W. Bush to serve the United States in his administration.

The Bureau of Citizenship and Immigration Services is responsible for providing the right immigration benefits, in the right amount of time, to the right applicants; and to prevent the wrong ones from accessing our benefits. The United States always has, and continues to be, a Nation of immigrants. On a personal level, I share President Bush's vision of "welcoming immigrants with open arms...not endless lines." If confirmed, I look forward to working with Secretary Ridge, Deputy Secretary England, and the rest of the Homeland Security leadership and staff, in addition to others in President Bush's administration, to advance our country's immigration agenda, including a serious focus for the scrutiny and security responsibilities within our scope. Also, as demonstrated in my position as Vice Chairman and Chief Operating Officer of the Export–Import Bank of the United States, I welcome the opportunity to work with the Senate and the House of Representatives.

I am confident that one and half years in a leadership role at the Ex–Im Bank, 34 years in commercial banking, and a number of hands-on civic leadership roles have prepared me to accept this considerable challenge. Beyond my inherent sensitivity to immigrant issues, I hope to bring to the job my proven management and leadership skills, my customer service background, my broad risk analysis experience, a respectful awe for the trust placed in me, an open mind, and some measure of common sense. These skills should be particularly important to the Bureau of Citizenship and Immigration Services as we face the unique challenges of the 21st century. My vision is to lead a world-class Bureau that will excel in customer service and effective risk management. During my tenure, integrity, respect, and ingenuity will be our core values.

In closing, I want to acknowledge my family as the bedrock of my value system. We hard-working, God-fearing people who recognize and treasure our immigrant roots as we strive to give back some of the many blessings that have come our way.

Mr. Chairman, Senators, I respectfully ask for your favorable consideration of my nomination and stand ready to respond to your questions as you may have them.

Thank you very much for your attention.

[The biographical information follows:]

I. BIOGRAPHICAL INFORMATION (PUBLIC)

1. Full name (include any former names used.)

Eduardo Aguirre, Jr.

2. Address: List current place of residence and office address(es.)

Home: 2510 Virginia Avenue, N.W. – Apt. # 410-N
Washington, D.C. 20037-1904
Work: (A) Bureau of Citizenship and Immigration Services
425 I Street, N.W. – Room # 7309
Washington, D.C. 20536
(B) Export-Import Bank of the United States
811 Vermont Avenue. N.W. – Suite 1209
Washington, D.C. 20571

3. Date and place of birth.

July 30, 1946
Havana, Cuba

4. Marital Status: (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es).

Married to Maria Teresa P. Aguirre, home maker and retired educator

5. Education: List each college and law school you have attended, including dates of attendance, degrees received, and dates degrees were granted.

Louisiana State University – 9/63 to 8/69 – Bachelor of Science – 1969
American Bankers Association @ University of Oklahoma, Norman OK – 3/78 to 3/79 – Certified Commercial Lender – 1979

6. Employment Record: List (by year) all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, nonprofit or otherwise, including firms, with which you were connected as an officer, director, partner, proprietor, or employee since graduation from college.

Employee:
10/15/01 to Present – U. S. Government
1- Export-Import Bank of the United States – Vice Chairman, First Vice President and Chief Operating Officer – 12/26/01 to Present
2- Bureau of Citizenship and Immigration Services – (Acting) Director – 2/7/03 to Present

03/77 to 09/01 –	Bank of America, NA – President International Private Bank
10/72 to 03/77 –	First Union National Bank – Vice-President
08/69 to 09/72 –	Texas Commerce Bank – Banking Officer

Community, Civic & Professional Boards and Commissions:

GEORGE WASHINGTON'S MOUNT VERNON ESTATE & GARDENS
ADVISORY COMMITTEE – (6/02 TO PRESENT)

CENTER FOR EXCELLENCE IN EDUCATION – VIENNA, VIRGINIA BOARD OF TRUSTEES – (6/02 TO PRESENT)

UNIVERSITY OF HOUSTON SYSTEM – STATE OF TEXAS – GOVERNOR GEORGE W. BUSH APPOINTMENT
BOARD OF REGENTS – (9/95 TO 9/01)

TEXAS BAR FOUNDATION – AUSTIN, TEXAS
TRUSTEE AND IMMEDIATE PAST CHAIRMAN (6/99 TO 6/03)

HOUSTON LIVESTOCK SHOW & RODEO – HOUSTON, TEXAS
BOARD OF DIRECTORS ('91 TO PRESENT)

TEXAS CHILDREN'S HOSPITAL – HOUSTON, TEXAS
ADVISORY BOARD OF DIRECTORS (1/99 TO 1/01 AND 5/01 TO PRESENT)
BOARD OF DIRECTORS (1/01 TO 5/01)
TEXAS CHILDREN'S HEALTH PLAN, INC.(1/01 TO 5/01)
TEXAS CHILDREN'S INTERNATIONAL (1/00 TO 5/01)

THE LEARNING PLANET, INC. – HOUSTON, TEXAS
BOARD OF DIRECTORS (00 TO 5/01)

DEFENSE ORIENTATION CONFERENCE ASSOCIATION – WASHINGTON, D.C.
MEMBER ('00 TO '02)

HOUSTON INTERNATIONAL FESTIVAL – HOUSTON, TEXAS
BOARD OF DIRECTORS ('99 TO 5/01)

CENTRAL HOUSTON, INC., HOUSTON, TEXAS
BOARD OF DIRECTORS ('00 TO 5/01)

OPERACION PEDRO PAN GROUP, INC., CORAL GABLES, FLORIDA
BOARD OF TRUSTEES ('98 TO 3/03)

EDUCATION COMMISSION OF THE STATES
MEMBER ('99 TO '00)

NATIONAL COMMISSION FOR EMPLOYMENT POLICY – PRESIDENT GEORGE H. W. BUSH APPOINTMENT
COMMISSIONER (1/91- 11/93)

NATIONAL SOCIETY OF HISPANIC MBA
CORPORATE ADVISORY BOARD (11/98 TO 11/99)

SISTERS OF CHARITY (OF THE INCARNATE WORD) HEALTH CARE SYSTEM
ST. JOSEPH HOSPITAL – LOCAL GOVERNING BOARD (8/91 TO 1/98)
SCH SOUTH EAST TEXAS HEALTH CARE – REGIONAL BOARD (6/95 TO 1/99)

THE STATE BAR OF TEXAS – NON-ATTORNEY APPOINTEE BY THE SUPREME COURT OF TEXAS
BOARD OF DIRECTORS (4/90 TO 6/92)

THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS – PUBLIC APOINTTEE
MERIT REVIEW PANEL TO REAPPOINT U.S. MAGISTRATE JUDGE – 2/95 TO 4/95)

HISPANIC BAR ASSOCIATION – HOUSTON, TEXAS
BOARD OF DIRECTORS (EX-OFFICIO) ('91 TO '92)

BOY SCOUTS OF AMERICA - SAM HOUSTON AREA COUNCIL
BOARD OF DIRECTORS (12/89 TO 12/94)
ADVISORY BOARD (12/94 TO 12/95)

SHELTERING ARMS FOUNDATION FOR THE ELDERLY
BOARD OF DIRECTORS (6/93 TO 12/96)

AMERICAN RED CROSS – HOUSTON CHAPTER
BOARD OF DIRECTORS (5/92 TO 5/98)

SALVATION ARMY – HOUSTON CHAPTER
ADVISORY BOARD ('92 TO 12/98)

DELTA SIGMA PI – CO-ED PROFESSIONAL BUSINESS FRATERNITY
MEMBER ('69 TO PRESENT)

STATE JOB TRAINING & COORDINATING COUNCIL – STATE OF TEXAS – GOVERNOR WILLIAM CLEMENTS APPOINTMENT
MEMBER (5/87 TO 4/90)

U. S. SENATE (101ST CONGRESS) – SEN. PHIL GRAMM NOMINATION + SEN.

ORIN HATCH (CHAIR) APPOINTMENT - CONFERENCE TASK FORCE ON HISPANIC AFFAIRS
MEMBER (6/89 TO 6/90)

GREATER HOUSTON PARTNERSHIP – WORLD TRADE DIVISION
DIRECTOR AND EXECUTIVE COMMITTEE (3/89 TO '93)

MUNICIPAL EMPLOYEE PENSION FUND – CITY OF HOUSTON – CITY COUNCIL APPOINTMENT -
BOARD OF TRUSTEES (1/88 TO 1/92)

HEALTH FACILITIES DEVELOPMENT CORPORATION – HARRIS COUNTY, TEXAS – COMMISSIONER'S COURT APPOINTMENT
PRESIDENT (10/88 TO '91)

ANTI-DEFAMATION LEAGUE - HISPANIC – JEWISH BUSINESS ROUNDTABLE
CO-CHAIRMAN ('89 TO '91)

ASSOCIATION FOR THE ADVANCEMENT OF MEXICAN AMERICANS (AAMA)
ADVISORY BOARD OF DIRECTORS ('92 TO '99)

HISPAC – HISPANIC POLITICAL ACTION COMMITTEE, HOUSTON, TX
PRESIDENT ('92 TO 93)
VICE PRESIDENT ('91 TO '92)
SECRETARY ('89 TO '91)

TEXAS MEDICO – SPANISH MEDICAL NEWS, INC
DIRECTOR (2/87 TO 6/87)

BANKERS ASSOCIATION FOR FINANCE AND TRADE (BAFT) – WASHINGTON, D.C.
DIRECTOR AND EXECUTIVE COMMITTEE (83 TO 86)
CHAIRMAN EDUCATION COMMITTEE (84 TO 86)
CENTER FOR INTERNATIONAL BANKING STUDIES (CIBS) –SENIOR FELLOW (82)

AMERICAN BANKERS ASSOCIATION (ABA) – WASHINGTON, D.C.
SCHOOL FOR INTERNATIONAL BANKING – ADVISORY BOARD (84 TO 87)
INTERNATIONAL EDUCATION COMMITTEE (84 TO 87)

HOUSTON WORLD TRADE ASSOCIATION
DIRECTOR AND EXECUTIVE COMMITTEE (82 TO 85)

DELTA SIGMA PI – CO-ED PROFESSIONAL BUSINESS FRATERNITY
MEMBER (69 TO PRESENT)

PRIVATE CLUBS

THE HOUSTON CLUB – HOUSTON, TEXAS
MEMBER AND NON-RESIDENT MEMBER ('92 TO 12/02)

THE ARMY AND NAVY CLUB – WASHINGTON, D.C.
NON-RESIDENT MEMBER (3/01 TO PRESENT)

7. Military Service: Have you had any military service: If so, give particulars, including the dates, branch of service, rank or rate, serial number and type of discharge received.

No military service

8. Honors and Awards: List any scholarships, fellowships, honorary degrees, and honorary society memberships that you believe would be of interest to the Committee.

- University of Houston – 2003 – Doctor of Humane Letters
- Dominican Republic – 2002 – Order of Christopher Columbus – Grade of Grand Officer – Awarded for facilitating trade and commerce in the Americas
- Universidad Tecnologica de Santiago, Dom. Rep. – 1996 – Doctor Honoris Causa
- Bejing Polytechnic University – 1998 – Honorary Professor
- Central University for Nationalities – 1998 – Honorary Professor
- Delta Sigma Pi – 2000 Career Achievement Award – 1997 Outstanding Alumni

9. Bar Associations: List all bar associations, legal or judicial-related committees or conferences of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

I am not an attorney.

Texas Bar Foundation – Austin, Texas
Trustee and Immediate Past Chairman (6/99 To 6/03)

The State Bar of Texas – Non-Attorney Appointee by The Supreme Court of Texas
Board of Directors (4/90 To 6/92)

The U.S. District Court for the Southern District of Texas – Public Appointee Merit Review Panel to Reappoint U.S. Magistrate Judge (2/95 To 4/95)

Hispanic Bar Association – Houston, Texas
Board of Directors (Ex-Officio) ('91 To '92)

10. Other Memberships: List all organizations to which you belong that are active in lobbying before public bodies. Please list all other organizations to which you belong.

Please refer to list answering question # 6 above.

11. Court Admission: List all courts in which you have been admitted to practice, with dates of admission and lapses if any such memberships lapsed. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

I am not an attorney.

12. Published Writings: List the titles, publishers, and dates of books, articles, reports, or other published material you have written or edited. Please supply one copy of all published material not readily available to the Committee. Also, please supply a copy of all speeches by you on issues involving constitutional law or legal policy. If there were press reports about the speech, and they are readily available to you, please supply them.

- As Vice Chairman and Chief Operating Officer of the Export-Import Bank of the United States I testified at various congressional hearings, delivered numerous speeches, authored numerous articles and have been interviewed for news articles related to my duties and responsibilities as well as on foreign trade and export financing.
- As Regent and former Chair of the University of Houston, I testified at the Texas Legislature and delivered commencement addresses, speeches and lectures related to the University of Houston System and on the importance of education.
- As Director of the State Bar of Texas I delivered speeches and testimony on the legal profession and access to legal aid by those in need.
- As President and Officer of HISPAC, I delivered speeches and wrote letters to the media on the importance of political inclusiveness and voter turnout.
- As Commissioner of the National Commission for Employment Policy, member of the US Senate Republican Task Force on Hispanic Affairs, and member of the Texas State Job Training and Coordinating Council I have given testimony and speeches related to employment and training to various commissions, legislative groups and others.
- As Co-Chairman of the Hispanic / Jewish Roundtable of the Anti-Defamation League, I testified against Hate Crimes
- As a Houston civic leader I have given speeches to groups and interviews on a variety of topics, most of them related to education, banking and other subjects mentioned in the above paragraphs.

13. Health: What is the present state of your health? List the date of your last physical examination.

Good health. Last physical examination was within the last 12 months.

14. Public Office: State (chronologically) any public offices you have held, other than judicial

offices, including the terms of service and whether such positions were elected or appointed. State (chronologically) any unsuccessful candidacies for elective public office.

Department of Homeland Security – Bureau of Citizenship and Immigration Services – (Acting) Director – 2/03 to Present – Appointed by President George W. Bush
Export-Import Bank of the United States – First Vice President, Vice Chairman and Chief Operating Officer – 12/01 to Present – Appointed by President Bush and Confirmed by U.S. Senate

University of Houston System – State of Texas – Board of Regents – 9/95 to 9/01 – Appointed by Governor George W. Bush

National Commission for Employment Policy – Commissioner – 1/91 to 11/93 – Appointed by President George H.W. Bush

The State Bar of Texas – Non Attorney Director – 4/90 to 6/92 – Appointed by the Supreme Court of Texas

State Job Training & Coordinating Council – Texas – Member – 6/89 to 6/90 – Appointed by Governor William Clements

Health Facilities Development Corporation – Texas – President – 10/88 to '91 – Appointed by Harris County Commissioners Court

Municipal Employee Pension Fund – Texas – Board of Trustees – 1/88 to 1/92 – Appointed by Houston City Council

15. Legal Career:

I am not an attorney.

a. Describe chronologically your law practice and experience after graduation from law school including:

1. whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

2. whether you practiced alone, and if so, the addresses and dates;

3. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

b. 1. What has been the general character of your law practice, dividing

it into periods with dates if its character has changed over the years?

2. Describe your typical former clients, and mention the areas, if any, in which you have specialized.

c. 1. Did you appear in court frequently, occasionally, or not at all? If the frequency of your appearances in court varied, describe each such variance, giving dates.

2. What percentage of these appearances was in:

(a) federal court;
(b) state courts of record;
(c) other courts.

3. What percentage of your litigation was:

(a) civil:
(b) criminal.

4. State the number of cases in courts of record you tried to verdict or judgment (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

5. What percentage of these trials was:
(a) jury;
(b) non-jury.

16. Litigation: Describe the ten most significant litigated matters which you personally handled. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

I am not an attorney.

(a) the date of representation;
(b) the name of the court and the name of the judge or judges before whom the case was litigated; and
(c) the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

17. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe the nature of your participation in this question, please omit

any information protected by the attorney-client privilege (unless the privilege has been waived).

I am not an attorney.

II. FINANCIAL DATA AND CONFLICT OF INTEREST (PUBLIC)

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients, or customers. Please describe the arrangements you have made to be compensated in the future for any financial or business interest.

   Bank of America Corporation – Retiree with right to exercise 33,400 vested options in future years. Fully vested 401 K and Pension Plans. No continuing obligation to or from Bank of America Corporation.

2. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts-of-interest during your initial service in the position to which you have been nominated.

   All potential conflicts of interest related to my service as Director of the Bureau of Citizenship and Immigration Services have been vetted with General Counsels at White House, Department of Homeland Security and Office of Government Ethics. An ethics agreement was signed and dated 3/18/03.

3. Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service in the position to which you have been nominated? If so, explain.

   No employment. As per ethics agreement dated 3/18/03 and mentioned on the previous answer, I will continue to serve without compensation on a limited number of Boards at civic not-for-profit organizations as director or advisory director.

4. List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500 or more. (If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.)

   SF 278 dated 3/18/03 is enclosed.

5. Please complete the attached financial net worth statement in detail (add schedules as

called for).

6. Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have financially supported and endorsed numerous candidates of Federal, State and Municipal elected offices. I have never played a formal role in any political campaign.

III. GENERAL (PUBLIC)

1. An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I am not an attorney.

2. Do you currently belong, or have you belonged, to any organization which discriminates on the basis of race, sex, or religion - through either formal membership requirements or the practical implementation of membership policies? If so, list, with dates of membership. What you have done to try to change these policies.

No.

Senator CHAMBLISS. Well, thank you very much, and you sure bring a great story and a great background, personally as well as professionally, to this position, and we appreciate your willingness to serve in a public capacity.

I have been to Tigers Stadium on Saturday night, and you all are not always very kind to my Bulldogs down there. But I promise you we are not going to hold that against you this morning.

Mr. AGUIRRE. Well, thank you, Senator. The bipartisanship includes our schools.

Senator CHAMBLISS. Let me start off with a question regarding our visa system. One problem that has certainly been publicized following September 11, but all of us as Members of Congress knew that this problem existed well in advance of that, is the way we track individuals in this country once a lawful visa has been issued to them, particularly when those visas expire, whether it is a student visa or just a normal visa for somebody seeking to come in the country for a particular valid reason.

How do you envision that you are going to be able to improve the system of tracking these individuals who are here legally? And how are we going to make sure that when their visa expires that they do what is correct, either extend it or go back to where they came from?

Mr. AGUIRRE. Thank you, Senator Chambliss. The issue of people who visit our country can be broadly described as immigrants and non-immigrants, and perhaps you're referring to the non-immigrant capacity of many, many of the people that come to this country with either a visitor's visa, a tourist's visa, if you will, or student visas, which comprises really the majority of the 500 million visitors that we receive in this country.

The other side of the equation is the immigrant population which comes here either on a permanent or semi-permanent capacity.

The reason I make that distinction is because our Bureau actually makes that distinction. Our responsibility in the Bureau of Citizenship and Immigration Services is to deal with the immigrant population, and the other parts of our Government have to deal with the non-immigrant population. And I just want to make sure I'm responsive to your question.

Many of the non-immigrants that come to this country are channeled through or handled by either our State Department or the Bureau of Transportation—the Border and Transportation Security that Under Secretary Asa Hutchinson handles. Below him, of course, we have the Bureau of Customs and Immigration, BTPS, I'm not sure, Border Protection, as well as immigration enforcement. And they are more the ones that are going to be tracking the immigrants that perhaps you're referring to.

We, of course, will do our part to cooperate and communicate with them and make sure that we're adding our value to the immigrant community that would be mostly those who have either permanent residency or asylum status or some of the work permits that also we handle.

Senator CHAMBLISS. Is there going to be interfacing between your department and those departments, particularly with respect to computerized information that might be available on these individuals?

Mr. AGUIRRE. Yes, sir. We will coordinate with them to the extent that it's practical and necessary. It's, I think, proper to note that post–9/11 many strides have been made to make different computer databases to interface with each other and communicate with each other. And we have not reached the end of the line. I think we have a long ways to go to improve our background checks and things of that nature.

On our side, sir, as we consider the extension of benefits to those who apply for us, we work with a number of databases to do the background check to ensure that we're dealing with the individual as they should and to check on their background check to make sure that there's no security risk there. So we do interface with other parts of the Government.

Senator CHAMBLISS. There is some backlog of about 5 million cases, I believe, that has built up over the years at the former INS. The President said he wants to reduce that time lag down to 6 months. Can you tell us sort of where we are with respect to a reduction of that backlog?

Mr. AGUIRRE. Yes, sir. I can tell you that I am as dismayed as I'm sure our President is and most everyone should be on the backlog that we are experiencing right now. The President's goal, as stated, brings us to a 6-month turnaround time sometime in 2006. I am confident that we will reach and hopefully improve on that particular goal.

We were making great strides a couple of years ago or so, and then 9/11 came about. And I would say that instead of having a steady growth in terms of completing the cases, we have had a dip because we have to—we, meaning the INS, had to rechannel some of the resources that they were using towards the backlog to deal with the issue of background checks and other things that we were doing.

I can tell you that we have created a group that will return to me within the next 90 days with a recommendation with specific timelines and action items that will establish a more orderly decision on the backlog. And that is definitely one of the three priorities that I have in the big overall sense.

Senator CHAMBLISS. Okay. Senator Kennedy?

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

As you know, you have to depend, particularly with regards to those that are coming into the country and those we have to follow in this country because of potential threats to the Nation, on the CIA sharing the information on that watch list, and the FBI. And we are in the process of trying, with our border security legislation, to coordinate with the INS. I believe your computers are supposed to be up in 2004. Theirs come earlier. But I would be very hopeful that you would monitor that and watch it very carefully because that will have an enormous impact in your ability to track and trace and follow these. And I would hope that you would let us know on the Committee any areas where you do need help and assistance as this moves along. I am sure the Department of Homeland Security wants it to be done well and done right; the President does. We want to give you all the help and support. That is extraordinarily important.

In the areas of the backlog, I am glad that the Chairman mentioned it because, as you mentioned, you have 500 million cases and naturalization applications numbering over 650,000. What happened, of course, as you are familiar with, is that some of the immigrants detained and placed in removal proceedings during the NSEERS registration program had pending benefit applications and would have actually—had their applications processed—had regularized status here. Because they weren't able to do that, a lot of them were both detained and some were deported.

I would hope that as you shorten that time frame, you would be sensitive to what the penalties would be to some of these people that are trying to play by the rules, play by the game, so that while you are trying to catch up so that they are not unfairly penalized. Because that has happened in the past through no fault of their own. We don't want that to happen to them. As you are getting a handle, we want to try and make sure that you get that job done. But if you could take a look at that to make sure that they are not unfairly penalized during that process, that would be important.

And I hope during the period of time as well, if you need additional kinds of resources—we know you are committed to whatever the budget says—we can ask you questions about what you would do if you had additional resources in terms of speeding up the applications, and we can make some independent judgments on this. And the Immigration Service has never been one that has been overly funded, quite frankly, over a period of time on this.

One of the matters I just might mention in the budget and resources, when they had the NSEERS program, they took a lot of staff from working on naturalization and other immigration applications, and they were diverted to enforcement functions. So not only do the diversions of the staff and resources result in delays in applications but also confusion. Personnel is being shifted.

Also, we are hopeful that you are going to get a recovery of resources from the Department so that you are not taking a whack both ways, extending in terms of not being able to move ahead on naturalization and not being reimbursed for the personnel. I don't know how that works, but I imagine that you might just comment about whether you intend to try and gain that reimbursement. Do you have a plan to try and do that? Are you going to talk to those in the Department to try to get reimbursement for funding in that area?

Mr. AGUIRRE. Yes, Senator. If I may start at the last and work my way up, we have—we are towards the end of our negotiations with basically three parties: the Bureau of Immigration and Customs Enforcement, which was the one that mostly drew on our resources for the NSEERS program, and the OMB folks, and I believe we will reach a fair and equitable assessment of the monetary exchange that needs to take place. I have no reason to doubt that we are going to get that done in an orderly fashion.

Of course, this has to do with an appropriation that has yet to be completed in the Congress, so we are actually dealing with dollars that are hopefully coming our way but not there yet.

I thank you for your offer of assistance in the resources and accept it gladly. We will be happy to share that with you.

It is premature for me to determine whether or not we are where we need to be. I feel that our budget of almost approximately $1.8 billion seems to be just about right at this particular time, but we are working on our 2005 fiscal year budget, and we will be including there some things that, in fact, are not there today which I know are of interest to you, the Refugee Corps and things of that nature. And we'll see when the dollars are added up that we would fit well within the Homeland Security structure and then, of course, count on the President to feel comfortable with it as well.

In terms of the backlog, I mean, clearly, it is one of our high priorities, and we will get to work with them and are working on them right away.

And, lastly, in terms of our coordination with CIA and actually the FBI, we are working with them. We do a number of background checks through them depending on the level of benefit applied to. But I must tell you that really the future in terms of resources and where we need to go is biometrics because right now when you're using names and other types of data to identify individuals, it is faulty, at best. And we will have to work our way into the future of technology so that biometrics becomes more the standard rather than the exception.

Senator KENNEDY. Well, I am glad you mentioned that. I think in years past, when we were looking at how you are going to deal with the falsification of documents, it basically comes down to the birth certificate. If people can falsify the birth certificate, it is all over. There is no way in the world that you are going to be able to get a handle on it. And the only way to try to do it is to try to have a tamper-proof birth certificate. This is something Senator Simpson understood very well, and for a while he tried to do it. But the idea that the Federal Government was going to require tamper-proof birth certificates in every community, every church, every synagogue, is completely unrealistic in terms of this country at this time. It just isn't going to go. He made a very bold attempt at trying to do it, but once you get beyond that, it is extremely difficult to ever get tamper-proof. And now we have got new technology, biometrics, which really gives us a new avenue to try and sort of deal with these areas. That is enormously important.

Just a couple of other areas. I want to mention what you already understand, and that is, immigration involves both the enforcement and adjudicatory components. That is going to be enormously important. And the integration with the new Department and coordination among the three Bureaus are, I think, two of the biggest challenges that you have. I don't know if there is anything that you want to tell us about how that is proceeding and give us any sort of reaction there. And then I just have, Mr. Chairman, one other question.

Mr. AGUIRRE. Yes, Senator, I think the issue of coordination begins at the top, and I can tell you unequivocally that Secretary Ridge is ensuring that all of us in Homeland Security, in fact, are coordinating and cooperating with each other, but, most specifically, I can point towards Asa Hutchinson and I, who are peers reporting to Deputy Secretary England, as talking frequently and very specifically and congenially in terms of making sure that we are working with each other.

Beyond that, two of his direct reports, Mike Garcia and Rob Bonner, are individuals with whom our Bureau interfaces with on a frequent if not daily basis. And my communication with them is also frequent. And I have yet to discover an opportunity where we have not come to some agreement, even when we're dealing with issues that could be difficult.

So at the leadership level, I can tell you that we are going to work together, but, more importantly, we have shared some of the resources. At our Bureau we have identified an individual that will—that is actually a liaison with BICE. Asa Hutchinson and I actually yesterday were meeting on this, and we are actually going to identify a liaison as well for his super structure. In fact, our legal counsel, the legal counsel for BICE and for my Bureau, at this particular time wears both hats. So we are sharing some resources. We're making sure that we're coordinating with each other and nothing falls through the cracks as we try to disengage the old INS into the new Bureau of—our Bureau and the other Bureaus as well.

I hope that satisfies your question.

Senator KENNEDY. We again want to help you in every way that we can.

Just last two items briefly. On refugees and asylees, you know, the President had the figure of 70,000. A year ago—we only let 27,000 in. A little over a year ago, we had a conference with Secretary Powell. I think all of us understand the complexities and the difficulties immediately after 9/11. And he was saying that we ought to look at the 2-year period, thinking of last year's 70,000, what we might be expecting this year and thinking of it policywise.

But I am most interested in how you are going to work through that. It is ambitious, clearly, but this is the number—we have got the greatest number of refugees now—that has created enormous kinds of needs. And the ceiling has been established and has been approved by Congress. I am wondering whether you intend to give that a priority as well.

Mr. AGUIRRE. Thank you, Senator. In fact, refugees is one of our priorities, as stated by the items that we need to discharge. As a former refugee myself, I have a special sensitivity to this issue, and I have actually taken quite a bit of interest in it.

I feel very proud to say that our Bureau and our Nation will continue to work the issues of refugees to make sure that we maintain the doors open to those who seek to come here.

Clearly, a number of different factors have come into play here in terms of our refugee population today. Some geopolitical changes such as Eastern Europe and the old Soviet Union are no longer bringing refugees to our shores in the numbers that used to come. Our most two recent wars have changed the dynamics, and certainly 9/11 has changed the dynamics in terms of the background checks that we have to do of refugees, which, as you very well know, are precisely the population where a background check is particularly difficult to do.

We are working with the State Department, and we're working with other organizations, whether multinational organizations or NGOs, nongovernmental organizations, to see what we can do to

alleviate the problem. I feel that this is a year which hopefully will be an anomaly over the long-term period of time, and hopefully the number of refugees will increase and will bump up closer to the ceiling than they would be in this particular fiscal year.

Senator KENNEDY. Thank you. Just finally, in the International Religious—I will send you a note on this because this is technical—Freedom Act of 1998 required the GAO to study the effect of expedited removal on individuals, and they did that. They performed that. But it also authorized the U.S. Commission on International Religious Freedom to designate experts to study the same issue. That had not been done. The act provided the Commission with access to the expedited removal process and detention facilities as well as relative documents.

I think it would be enormously useful, particularly in the wake of what the IG has had over at the Justice Department, to ensure that that study, which was authorized and recommended, is carried through. If you would look into that for me and let me know.

That is a technical question, so let me write you a note on it, and you can give me an answer, unless you want to say something about that now.

Mr. AGUIRRE. All I can say is I look forward to your note, Senator.

Senator KENNEDY. Okay. Very good.

Thank you very much, Mr. Chairman.

Senator CHAMBLISS. Senator Leahy?

Senator LEAHY. Thank you, Mr. Chairman.

Incidentally, I am glad you have your family here and you introduced them. Someday when you look in the family archives and see the transcript of this that you will get, it will note the fact that they were there, and I know you—like I am with my family, you must be very, very proud of them.

Mr. AGUIRRE. Indeed, Senator. Thank you.

Senator LEAHY. One of the things I look forward to the most this weekend is being with my two grandchildren, who totally wear me out, and I will have a great time doing it.

I talked a little bit before in my opening statement about the situation in Vermont, and as I said, I really appreciate and compliment you for taking the time to check that out. There are more than 2,000 Vermonters who work for the INS, either as permanent or contract employees. So the reorganization plans of the Bureau of Immigration and Customs Enforcement or the Bureau of Customs and Border Protection are having a substantial effect on our State, and, of course, everybody is interested about it.

What organizational changes basically do you plan for BCIS?

Mr. AGUIRRE. Thank you, Senator, for that. I'd just like to preface my comments by saying that—thank you for recognizing that I did go to Vermont. I went there not only because I wanted to visit that particular corner of our business, but because Vermont has been and will continue to be an important part of our structure. As you well know, it is the site in Burlington where we have the headquarters for our Eastern Region, and I wanted to get a sense of not only the leadership, but particularly the workforce that we have there.

And I commend you, Senator, for the outstanding professionalism that I found there. I met with essentially every employee that I could, either in a one-on-one setting or in a town hall meeting setting, and I was very impressed with their commitment. I was very impressed with their professionalism and their determination to work in our Bureau.

As such, I can say that it is my intention to maintain Vermont as an integral part of our structure. We have not finished determining how our regions are going to be structured, and I know that is inherent perhaps in your question, only because we want to make sure that we will blend well with the region structure that the Department of Homeland Security will roll out. And when that—we are part of that discussion, and we're making sure—and, in fact, Secretary Ridge is making sure that our concerns are considered in the overall region structure.

Vermont will be an important part in the overall structure going forward, simply because we've got the right people there, they're doing the right job, and we want to leverage them more rather than less.

Senator LEAHY. Thank you. After you get fully settled in, perhaps you and I could spend a little time together going over some of the direction. I appreciate very much what you said, and I will also pass on your words to them about their commitment. I know that will mean a lot. And I think it's important that you continue and your office continue to talk to the people not only in Vermont but in other places, because you can imagine the basic concern that goes on. Here's a major enormous shift in the organization of our Government, and you have dedicated professionals, and they will keep on doing their job, but they also want to know whether they are going to keep on paying their mortgage, too. So I appreciate that.

I would also like you to look at the EB–5 Immigrant Investor Visa program. That is the one that promotes domestic job creation by encouraging foreign investment in the U.S. It has been around a little over 10 years now, and in the past, there seems to be some friction with INS on that. I think last year only 148 visas were granted, even though we see the jobless rate going up in the United States, and 148 visas were granted to those who wanted to create jobs here.

You have had extensive business experience yourself, so I would hope you would work with us to make sure that program is working the way Congress intended. We want to create jobs here in the United States, and I know you do, too.

Mr. AGUIRRE. Well, yes, Senator. Thank you. I have not really looked deeply into the numbers issue of the EB–5, but I have analyzed the alphabet soup of the many programs that we have, and there are so many of them that all really are geared towards bringing the right people to our country to participate in the creation of jobs and improvement of our economy. And, of course, I look forward to working with you on that to making sure that we're maintaining that program strong.

Just a quick comment, sir. You mentioned the fact that you hope I would visit with other parts of the country. I am proud to share with you that in the first 6 weeks of my tenure, I have traveled

around the country and met with a third of our workforce, approximately 5,000 of our employees, just to take their pulse, to get a sense of their morale and their commitment, and as the leader of the team, to make my own assessment of whether or not the team was up to the task.

I am pleased to tell you that we are. We have got a great group of professionals corner to corner. As much as I know you're proud of your Vermonters, I am just as proud of all the other employees we have throughout the Nation, and we'll do the job right, I promise you that.

Senator LEAHY. I am extremely proud of all of them, and I have got to tell you, taking that kind of hands-on approach has to be the best thing you could possibly do right now. And I praise you for doing that.

On the EB–5 program, we passed the Department of Justice authorization act last year, and in that it said the regulations were to be implemented on the changes within 120 days of enactment. Some others were supposed to take effect upon enactment. They have not been implemented, and that is something I would hope that you might take a look at. That was before your time, but if you could, because—

Mr. AGUIRRE. Yes, sir.

Senator LEAHY. There is a lot of bipartisan interest in that program.

Mr. AGUIRRE. Sure.

Senator LEAHY. Now, one thing, I mentioned this concern that the war on terrorism has been perceived by many as being a war on immigrants. I know you don't feel that it is a war on immigrants any more than I do.

Mr. AGUIRRE. No, sir.

Senator LEAHY. But with your own background—and I certainly feel with my family background—I would hope that you would do everything possible to address that perception. I think it is necessary. Our Nation, we can use all the statements that have been made for hundreds of years, "the melting pot" and everything else, but it is true. And our Nation is strengthened by the people who come from all these other countries. We offer a great deal. We offer the highest perceptions and realities of freedom—freedom of speech, freedom of religion. All these other basic rights in our Bill of Rights are things that are praised and honored throughout the world.

You know yourself that in the number of countries that do not have our freedoms, people look to the United States and say that is a shining example. And I don't want people in other countries to think somehow America is different. We have been attacked before. We have gone through world wars, and we have gone through civil wars, and we have always come out stronger for it.

So make sure that torch held high in the New York Harbor is still what it stands for.

Mr. AGUIRRE. Yes, Senator. I would like to just share with you, I feel very comfortable with the leadership that I look to in terms of President Bush and Senator Ridge—or, excuse me, Secretary Ridge. We have very much the same core values when it comes to immigrants, and that is that we need to welcome them. This is a

Nation of immigrants. With the possible exception of Native Americans, if we all scratch our DNA, somehow or another immigrants are the core of our being. And that is what makes America great.

And so it will be my high honor to maintain that standard and that tradition that we have. And when I first met with Secretary Ridge, then–Governor Ridge, I didn't know him, and I told him that the only way I could discharge my responsibilities would be with respect and dignity, respect and dignity not only for the immigrants that come before us, but also my fellow employees. And, of course, he embraced that as very much his own value.

So I can't speak for how the rest of the world looks at us through their own historic glasses at times, but we will do our job to make sure that we can sleep well at night.

Senator LEAHY. Well, thank you, and there is nothing more I could ask of you, and I want you to know that you will have my support, you will have my vote.

Mr. AGUIRRE. Thank you, sir. Appreciate that.

Senator LEAHY. Thank you, Mr. Chairman.

Senator CHAMBLISS. Thank you, Senator Leahy.

Just in closing, two things, Mr. Aguirre. First of all, I appreciate your response to both my question as well as Senator Kennedy's question regarding the issue of making sure that we do follow people here and follow them in the right way. But there is one other aspect of that. You talked about information sharing within the agency and the constant dialogue that is going on. And I appreciate that, and very honestly, that is one problem that we saw following 9/11. There was not the kind of information sharing, either vertically within our Federal agencies but, more significantly, horizontally across the agencies.

As Secretary Ridge knows, I have harped on this for two and a half years now, and we are going to continue to do it. I know there is a plan in place out there to make sure that we are sharing this information with other critical Federal agencies. And there is no more important information to be shared than the information that you gather, because it is not just keeping the bad guys out that is important, but once they get here, anybody who has a suspicious background, once they get here we need to make sure that everybody is on the same wavelength with respect to sharing of that information on individuals in the right way. And I emphasize that. You know exactly what I mean by that.

Secondly, my office, and I am sure Senator Leahy's office, gets overwhelmed at times with immigration cases. In my Congressional office, Social Security was our number one issue. Now, without question, in my senatorial office, immigration is the number one caseload that we have.

In the past at the INS, trying to get a status report on individual cases of constituents has been very, very difficult and very time-consuming, and the response coming back from INS, frankly, was delayed in every instance. And I would hope you would give some concentration to that to make sure that your people at the lower level out there can be very responsive to Members of Congress who do make inquiries. Obviously, you have been there. You know how important it is to these individuals. And we just need to make sure that they are able to keep up with the status of their cases.

Mr. AGUIRRE. Yes, sir. Clearly, our relationship with Congress will be one of the pillars of our administration. I will make sure that we are as responsive as we possibly can be to all Congressional inquiries.

I don't have necessarily a rearview mirror into the old INS as to why or how things happened, but I do know that some of our systems are tired and need to be refurbished and need to be improved. And perhaps that accounts for some of what appears to be inattention on my colleagues' part, certainly not intentional. We will work very hard at being responsive, and hopefully as we improve customer service and reduce backlog, there will be less people coming to you, sir, looking for resolution of problems, that they all get resolved under the normal course of business.

Senator CHAMBLISS. I am sure that will be the case, and I promise you my staff looks forward to your improving that turnaround time for these folks.

Senator Leahy, do you have anything else?

Senator LEAHY. No, I do not.

Senator CHAMBLISS. I want to introduce Chairman Hatch's statement for the record, and without objection, it will be included.

We are going to leave the record open for 7 days. Any other members of the Committee wishing to submit any statement or information will have the opportunity to do so.

Again, Mr. Aguirre, we appreciate your being here this morning, and we appreciate your great service to our country to this point. And Senator Leahy and all other members of this Committee, as well as all other Members of the Senate, look forward to continuing the dialogue and to working with you to make America a better country in which to live and give hope and opportunity to other folks the same way that we have all had, and particularly people like you.

Mr. AGUIRRE. Thank you, Senator.

Senator CHAMBLISS. Thank you very much.

[Whereupon, at 10:52 a.m., the Committee was adjourned.]

[Questions and answers for the record follow.]

Questions from Senator Kohl for Eduardo Aguirre Jr., to be Director of the Bureau of Citizenship Services at the Department of Homeland Security

1. As you may know, I authored a provision of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996 related to international matchmaking organizations. The provision required an Immigration and Naturalization Service (INS) study of the industry, and a regulation aimed at requiring these so-called "mail order bride organizations" to provide their foreign female recruits with information regarding their rights and responsibilities under U.S. immigration law. The study was required to be completed within one year of enactment; unfortunately we did not receive it until two years late.

   Seven years after passage of IIRAIRA, the regulation still remains to be promulgated. This delay is plainly unacceptable. Will you commit to promulgating this regulation in the next 30 days? If not, will you provide a detailed explanation of the status of the regulation and provide a specific timeline for the necessary steps toward its promulgation?

   Response: The Bureau of Citizenship and Immigration Services submitted the proposed regulation to the Department of Homeland Security, Office of Legal Counsel on June 11, 2003. Since this is considered to be a significant rulemaking under the provisions of Executive Order 12866 it will require Office of Management and Budget review and approval prior to publication. I cannot provide a precise timeframe for clearance, but BCIS did request an expedited review and clearance.

2. A situation recently arose in Wisconsin which reveals a small glitch in immigration law. A U.S. citizen who is 23 years old would like to petition to bring his parents from Nigeria to the United States. Because they fall under the "immediate relative" definition, this is not a problem. However, the U.S. citizen also has a 6-year-old sister living in Nigeria with their parents. Under current law, the child is unable to immigrate to the United States with her parents. If the brother were to petition for his sister, she would have to wait 12 years. If the parents came to the United States and petitioned for the child, she would have to wait five years. Humanitarian parole is a gamble – in fact, in this case it was denied – and private relief is not available to every small child in this situation.

   Would you agree that this case highlights an immigration policy problem? What would be the effect of modifying the definition of "immediate relative" as defined in INA Section 201(b)(2)(A)(i) to include minor child siblings of the U.S. citizen petitioner if accompanying or following to join a parent for whom the U.S. citizen is also petitioning? Approximately how many additional admissions per year would be generated by a modified definition of "immediate relative"?

   Response: The "small glitch" referred to reflects the considered policy choice of Congress in enacting the landmark Immigration and Nationality Act Amendments

of 1965, Pub. L. 89-236 (the "1965 Act"). In substantially revising the previous system of "quota" and "nonquota" immigrants dating back to 1924, Congress established a definition of "immediate relatives" analogous to a previous nonquota classification for spouses and children of U.S. citizens, and added parents of U.S. citizens to that definition. Congress explained its 1965 Act structure as follows:

Reunification of families is to be the foremost consideration. The closer the family relationship the higher the preference. In order that the family unit be preserved as much as possible, parents of adult U.S. citizens, as well as spouses and children, may enter the United States without numerical limitation. The unmarried sons and daughters of U.S. citizens are considered to be part of the immediate family unit and thus are given a high priority preference status. As the family relationship becomes more distant, a lower preference status is accorded. It is to be noted that parents of U.S. citizens are presently eligible for second preference status under the quotas, but will hereafter be permitted to enter without numerical limitation.

Senate Rep. No. 748, 89th Cong. 1st. Sess. (reprinted in 1965 U.S. Code Cong. and Admin. News at 3328, 3332). In the 1965 Act, Congress neither provided for derivative classification on an accompanying or following to join basis of other relatives of an alien entitled to immediate relative classification, nor directly provided for classification of siblings of U.S. citizens as immediate relatives rather than in the lowest available preference category, under any circumstances. That has remained the law.

If Congress wishes to revisit these tenets of the family-based immigration system, BCIS would be glad to work with it in the legislative process. Any such effort would need to consider the potential effects of such a change on overall immigration numbers, the efficiency and fairness of the adjudication process, and the availability of visa numbers within the preference categories.

Senate Judiciary Committee
Hearing on the Nomination of Eduardo Aguirre
June 6, 2003

Questions Submitted by U.S. Senator Russell D. Feingold

1. As you know, in June 2001, the INS initiated the Premium Processing Service, which guarantees that certain visa applications will be reviewed within 15 calendar days in exchange for a $1,000 fee. I understand that this service has generated over $115 million in revenue for FY 2002. Yet, an audit conducted by the U.S. Department of Justice reveals that this service may actually be contributing to the current backlog of processing visa applications. In March 2003, the Department of Homeland Security released statistics indicating that this backlog had grown to 5 million in March.

I have heard from several constituents in Wisconsin who are extremely concerned about delays in the processing of visa applications following the terrorist attacks of September 11th. This is an issue that is having a detrimental impact on many diverse constituencies, including businesses, universities, and arts organizations.

(A) Please describe what measures the Bureau of Citizenship and Immigration Services (BCIS) has taken and will take to reduce the current backlog of pending applications in the District Office in Milwaukee, WI, including a timetable for reducing processing times and goals for processing times for both current and future applications.

Response: For FY 2002, BCIS (then INS) developed instituted a comprehensive Backlog Reduction Plan based on a comprehensive workload and staffing analysis for every office. The plan focused on three critical elements:

- Achieve a High Level of Performance by establishing specific performance milestones and monitoring progress
- Transform Business Practices by implementing significant information technology improvements and re-engineering to streamline processes
- Ensure Integrity by establishing a comprehensive quality program

Under the Backlog Elimination Plan, BCIS began to make progress on reducing processing times in FY 2002. However, the events of September 11, 2001, required BCIS to implement labor-intensive national security measures (e.g., IBIS in FY 2002 and NSEERS in FY 2003) that had a negative impact on production. The BCIS is currently revising its plan to reflect specific 6-, 12- and 24-month goals toward achieving the 6-month processing time goal.

Current (as of the end of April 2003) projected processing times for the Milwaukee Sub-Office, Chicago District Office and national average are listed below.

Application/Form	National	Chicago	Milwaukee
Application for Naturalization (N-400)	12 Months	9 Months	18 Months
Application to Adjust Status (I-485)	23 Months	36 Months	28 Months
Immigrant Petition for Alien Relative (I-130)	38 Months	44 Months	36 Months
Application for Employment Authorization (I-765)	2 Months	2 Months	4 Months
Application for Travel Document (I-131)	6 Months	--	2 Months

(B) What steps are you and BCIS taking to streamline procedures, training, and processing at each District Office and Service Center to expedite adjudication of visas while complying with security requirements?

Response: On May 1-2, BCIS held a Strategic Planning Session with Senior Leadership. The objectives of this session were to articulate a vision of success for BCIS in the near future, and identify and prioritize initiatives would advance this vision. Based on this effort, BCIS has chartered several teams to develop plans targeted at streamlining business practices and improving customer service. These initiatives include:

- Identifying self-imposed business requirements that lead to processing bottlenecks;
- Reducing customer lines in BCIS field offices; and
- Re-engineering programs experiencing severe processing delays and identified as containing redundant processes (e.g., "green card" renewal, citizenship certificates for adopted children, and family-based immigrant petitions).

(C) What steps are you and BCIS taking to ensure that the Premium Processing Service does not continue to affect adversely the processing of other visa applications?

Response: When Premium Processing was first implemented, the centers were given resources based on completions estimates that pre-date the mandated additional security checks. Now that recent empirical data reflecting more realistic completions per hour is available, we will take another stab at assessing resources needs for this process.

Because additional security checks have decreased completions per hour across all forms, more and more petitioners are using Premium Processing where applicable. It is our hope to reduce processing times across all forms so that petitioners will not feel obligated to use Premium Processing.

(D) How do you plan to allocate revenue generated by the Premium Processing Service to improve the application process? Does BCIS plan to review whether $1,000 is the appropriate fee for premium processing services?

Response: $25M has been used to expedite processing in direct support of Premium Processing. We have added 141 permanent positions to perform processing and also 54 positions for fraud detection. Another $20M was planned initially and used for backlog reduction of other applications. The final $35M was planned and used as part of the

initial $80M for infrastructure improvements such as our new E-filing system. The additional $35M that was not initially planned is being rolled back into the operation to cover additional costs associated with the increased volume of Premium Processing applications as well as the increased backlogs in other forms.

The BCIS plans to stay with the $1,000 amount until our backlogs are caught up. BCIS does plan to better analyze and communicate the costs associated with the major categories - process applications, fraud investigations, backlog reduction and infrastructure improvements - as recommended by the February 2003 DOJ IG report.

(E) With regard to certain categories of temporary worker visas, is the BCIS considering moving up the date at which applicants may file petitions earlier to compensate for the current delays? What concerns would you have about implementing such a change?

Response: The BCIS is considering such a move and has begun the internal process of implementing the change for the O and P nonimmigrant classifications. Our concerns as we implement these changes include the likelihood that pending backlogs will initially increase after the change, as there will be an influx of new cases that would otherwise have been filed later. We are also concerned that a long lead time for filing will result in difficulties in adjudication as circumstances surrounding the job are more likely to change and BCIS may not always be notified of such changes, especially in the case of *mala fide* petitioners, which may result in improper approvals.

2. As Senator Chambliss noted during your hearing, the backlogs, in turn, have resulted in an increase of immigrant-related casework in state congressional offices. Would you consider creating congressional liaisons in BCIS District Offices to assist members of Congress in addressing their constituents' needs and this increased casework?

Response: The former Immigration and Naturalization Service (INS) had congressional liaison positions at all field offices. Those congressional liaison positions established prior to the transition remain unchanged for the BCIS. In fact, necessary access for congressional offices remains a priority for the newly created Bureaus within the Department of Homeland Security. Additionally, the congressional liaison for the Milwaukee office continues to be the same officer that occupied that position prior to the March 1, transition.

3. It is my understanding that in certain instances casework from the INS/BCIS District Office in Milwaukee has been shifted to Minnesota to expedite the processing of visa, permanent residency, and citizenship applications. As you allocate resources to the various BCIS District Offices and Service Centers throughout the country, I hope that you will consider redirecting resources to those offices that need them most, rather than shifting casework out-of-state. How will you determine the allocation of resources, and what steps will you take in evaluating the needs of the Milwaukee office in particular?

Response: When developing the original Backlog Elimination Plan in FY 2002, BCIS conducted a review of workload and resources requirements, with particular attention

paid to the Milwaukee Sub-Office. The review indicated that the Milwaukee Sub-Office needed 23.5 full-time positions to support timely processing of all applications. A recent preliminary update of this analysis suggests that the resources needed by the Milwaukee Sub-Office to process applications has not increased since FY 2002. The Milwaukee Sub-Office was authorized 31 full-time positions in FY 2002, and continues to be authorized at that level.

4. I have heard from many students and faculty members who complain that following the terrorist attacks of September 11, 2001, foreign students have had difficulty re-entering the U.S. after leaving the country for a brief period of time, sometimes even resulting in students missing classes.

(A) Is BCIS still experiencing delays in approving student visas and re-entry, and how does BCIS intend to coordinate with the State Department and other agencies to alleviate this problem?

Response: The approval or denial of visas, and related processes and procedures, is a function of the Department of State (DOS), Bureau of Consular Affairs. It has been their mission to formulate and implement policies relating to immigration and consular services and to administer the provisions of the Immigration and Nationality Act as they relate to DOS in coordination with DHS. Section 428 of the Homeland Security Act of 2002 will transfer certain visa policy functions to the Department of Homeland Security. DHS and DOS are conducting discussions on this provision of the Homeland Security Act.

As to delays of visa processing, in May 2003 the DOS stated that, in response to the attacks of September 11, 2001, the State Department, working with other U.S. Government agencies, has been engaged in an extensive and ongoing review of visa issuing practices as they relate to our national security.

DOS issued a statement recognizing that "these delays are having an impact on visa applicants, and we have already had success streamlining the process, consistent with our security and legal responsibilities. The State Department is working hard with other government agencies to rationalize clearance procedures in ways that continue to protect US borders, our first priority, while facilitating legitimate travel."

(B) Would you consider implementing some kind of pre-approval process, so that students could apply for re-entry prior to leaving the country?

Response: According to the State Department Website, due to the high volume of cases and the limited resources available, it is not possible to pre-clear individual visa applicants or program participants as a matter of routine. However, US Government-sponsoring agencies could facilitate the Mantis review for participants in a given program in the long term by providing to the law enforcement/intelligence community a program

description that may satisfy concerns regarding the planned activities for visa applicants visiting the U.S. as participants in such programs.

TESTIMONY OF U.S. SENATOR JOHN CORNYN

BEFORE THE UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

Nomination of Eduardo Aguirre, Jr., to be Director, Bureau of Citizenship and Immigration Services, United States Department of Homeland Security

Friday, June 6, 2003, 9:30 a.m.
Dirksen Senate Office Building Room 226

Thank you for calling this hearing, Mr. Chairman, and for providing me with the opportunity to testify on behalf of such a great American, a great Texan, and I am pleased to say, a great friend.

It is truly my pleasure this morning to introduce to the Committee Mr. Eduardo Aguirre, Jr., nominated to serve as the first Director of the Bureau of Citizenship and Immigration Services, in the new Department of Homeland Security.

Mr. Aguirre understands deeply in his heart how important a role immigrants have played, and will continue to play, throughout our nation's history. As a fellow Texan, I am proud of the contributions Mr. Aguirre has already made to the state of Texas and to this country, and that he will continue to make if confirmed by the Senate for this position, as he surely should be.

At fifteen years old, Eduardo Aguirre fled Cuba in search of a better life. His life story is a success story, and a valuable reminder to all of us that immigrants epitomize the hard work, entrepreneurial spirit, and thirst for liberty that embodies the American dream.

As you know, the Department of Homeland Security's Bureau of Citizenship and Immigration Services (the BCIS) provides the services to immigrants that were once provided by the former INS. The BCIS has a daunting mission in front of it: to eliminate substantial backlogs, and to improve immigration services for all who come to this country in search of a better life. As Acting Director of the BCIS since February, Mr. Aguirre is well aware of the challenges faced by this new bureau and has already done an excellent job leading and managing it.

Mr. Aguirre has already enjoyed an impressive career in management in both the private and public sectors – and of course, management experience is precisely what is called for, especially at this particular agency and at this particular time.

He comes to the Department of Homeland Security most recently from the Export-Import Bank of the United States, where he has served as vice chairman and chief operating officer. He was confirmed to that post in December 2001 by the unanimous consent of the Senate.

Mr. Aguirre served as the Bank's acting Chairman until December 2002. As acting Chairman, he guided the Bank through its most recent five-year Congressional reauthorization, and shaped it into a more customer service and results-oriented organization.

Before moving to Washington, Mr. Aguirre enjoyed a 24-year career with Bank of America, including service as President of International Private Banking. He has also served as Chairman of the Board of Regents of the University of Houston System, where he brought clarity of purpose and direction to the four university system and its approximately 50,000-student body.

Mr. Aguirre is not only a leader in government and business management, but also a civic leader.

He is the founding chair of the Houston Livestock Show and Rodeo – Go Tejano Committee, further empowering Houston Hispanics with access to college scholarships. He has also served on numerous professional and civic boards, including the Texas Children's Hospital, St. Joseph's Hospital, the Center for Excellence in Education, the Bankers Association for Finance and Trade, and the Houston chapters of the American Red Cross and the Salvation Army.

Named "one of the 100 most influential Hispanics in the nation" by *Hispanic Business* magazine, Mr. Aguirre has traveled extensively in Latin America, Europe and Asia, promoting economic growth, international trade, and business opportunities. He has represented the United States in meetings with heads of state, cabinet ministers, and other high-ranking government officials and private sector executives in discussions related to trade financing.

If confirmed, Mr. Aguirre will face important and challenging responsibilities. As Director of the BCIS, Mr. Aguirre will build upon his excellent record of leadership, management, and service, on behalf of all of our nation's immigrants.

Thank you, Mr. Chairman.

News Release

JUDICIARY COMMITTEE

United States Senate • Senator Orrin Hatch, Chairman

June 5, 2003 Contact: Margarita Tapia, 202/224-5225

Opening Statement of Chairman Orrin G. Hatch
Before the United States Senate Committee on the Judiciary
Hearing on the Nomination of

EDUARDO AGUIRRE TO BE DIRECTOR OF BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES, DEPARTMENT OF HOMELAND SECURITY

I am pleased that we have the opportunity to consider this morning the nomination of the Eduardo Aguirre for Director of the newly created Bureau of Citizenship and Immigration Services, or BCIS.

As all of you know, the functions of the former Immigration and Naturalization Service were split into several different agencies within the Department of Homeland Security. The BCIS is charged with handling matters relating to benefit services. The creation of a bureau focusing exclusively on immigration benefits is designed to enhance the quality of service for the tens of thousands who apply for naturalization and other immigration benefits.

I am convinced that Eduardo Aguirre is a qualified candidate for this job. Mr. Aguirre brings with him more than three decades of management experience, which includes serving as president of the International Private Bank at the Bank of America, and vice-chairman and chief operating officer at the Export-Import Bank. Throughout his service in both the private and public sectors, Mr. Aguirre has made customer service a top priority, a much needed quality for the director of an agency that emphasizes service. Furthermore, in his most recent capacity as vice-chairman and C.O.O. of the Export-Import Bank, Mr. Aguirre brought his managerial expertise, energy, and a fresh private sector perspective to the job. He has developed and introduced a reorganization dedicated to customer service and fulfilled the Bank's mission to preserve and create jobs for the American people. He brought innovation and was not afraid to institute reform when necessary as he always looked for ways to improve the operation of a sixty-eight year-old agency. One example of such innovation is his willingness to take advantage of modern technology to improve efficiency, which leads to better customer service.

It is this kind of innovative thinking, fresh perspective, and willingness to institute reform that will make Mr. Aguirre a strong leader at the BCIS. Although the BCIS is a brand new agency, it has inherited the legacy of its predecessor, such as an enormous backlog of applications waiting to be adjudicated. I am confident that with Mr. Aguirre's spirit of

innovation and dedication to customer service, the BCIS will resolve these problems and will become a first rate service-oriented organization.

When looking at all of his professional successes, it is easy to forget that Eduardo Aguirre came to the United States as a young boy of 15, without his family, without any money, and without knowledge of the English language. His parents sent him here to escape an oppressive regime in Cuba, and he has never forgotten those in our society that need a helping hand. This is evidenced by his dedication to his community, as he has generously lent his time and talents to many worthy causes, ranging from healthcare for the elderly to education of our youth. Even as vice-chair and C.O.O. of the Ex-Im Bank, he was committed to helping women and minority exporters, as well as small business owners.

I support the nomination of Eduardo Aguirre and I look forward to my colleagues' support in his swift nomination.

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Statement of Senator Edward M. Kennedy
Judiciary Committee Hearing on Eduardo Aguirre's Nomination as Director of the Bureau of Citizenship and Immigration Services
June 6, 2003

It's a privilege to participate in this hearing on the nomination of Eduardo Aguirre (AH-Gee-Ray) to be the first Director of the new Bureau of Citizenship and Immigration Services.

Mr. Aguirre brings an impressive background to this important position. As we all know, the former Immigration and Naturalization Service, especially the service branch, was long plagued by managerial problems. Massive backlogs forced individuals to languish for years waiting for their applications for naturalization and permanent residence to be processed. Files were lost and courteous behavior was too often the exception, rather than the rule. Application fees continued to increase – in spite of poor service and long delays.

This was an agency in dire need of a strong manager, and Mr. Aguirre has a distinguished record as an effective manager. He has demonstrated his ability to lead a large government agency. He served as acting Chairman of the Export-Import Bank, where he produced an organization more oriented to customer service and positive results. In the private sector, at the Bank of America, he made customer and employee

satisfaction his highest priority. With respect to the Bureau of Citizenship and Immigration Service, he has said he intends to make integrity, respect and ingenuity the core values of the bureau.

Mr. Aguirre is also sensitive to the plight of immigrants and refugees. He came to the United States at the age of 15, as a Cuban refugee, with no family, no money, and no ability to speak English. His plight was very similar to the plight of many of today's immigrants and refugees. With the help of charitable organizations – the same organizations that help today's new arrivals – he overcame many obstacles to become the inspiring American success story he is today. His refugee roots will serve him well and the nation well as Director of the Bureau of Citizenship and Immigration Services.

Overseeing immigration affairs is a major challenge. Immigration officers protect our borders. More than 500 million citizens, permanent residents, lawful visitors, students, and temporary workers cross our borders each year. Hundreds of thousands of applications are processed for citizenship, permanent residence, changes of status and work authorization. Immigration officers have a responsibility to apprehend unlawful entrants, and investigate fraud. They adjudicate visa petitions, asylum applications, and refugee claims.

As Director of the Bureau of Citizenship and Immigration Services, Mr. Aguirre will have a major role in influencing immigration policy, including long-needed improvements in the services of the bureau. It's obvious that we can do more to serve citizens, our visitors, and immigrants, by reducing unacceptable backlogs and making the customer service functions more helpful and efficient.

The bureau will need a strong director to lead this transformation and guide the bureau's integration with the Department of Homeland Security. The most important responsibilities of the position are to see that the service and enforcement functions are well-coordinated, and that the service functions are not given short shrift. Without strong leadership and the insistence on close coordination, the officials in the various immigration bureaus of the Department of Homeland Security are likely to issue conflicting policies and legal interpretations and generate even more disarray.

The Bureau of Citizenship and Immigration Services must be adequately funded to make this transformation possible. Reliance on application fees to fund the processing of immigration applications has not

worked, as we know from the long backlogs and delays facing immigrants who apply for permanent residence or citizenship.

We also need to make progress on other important areas of immigration reform. We must find a way to maintain security and still enable refugees to find haven in our country, not languish abroad in refugee camps while lengthy clearance procedures drag on.

We must return to the issue of immigration reform. Earlier this week, Secretary of State Powell said that we must "move forward" on immigration policies that provide legitimate ways for persons to enter the country, and that legalize hard-working immigrants who are making positive contributions to our economy.

The status quo is unacceptable. It must be replaced with sensible reforms that create a manageable and orderly system where legality is the prevailing rule. We need immigration policies that reflect economic realities, but also respect our heritage and history as a nation of immigrants. These are complex issues, and they deserve careful consideration and debate. But they also demand action. We should not have to wait until next year. We have already delayed too long in achieving these long overdue reforms.

Finally, we must act on the recent findings of the Office of the Inspector General in the Department of Justice and the "significant problems" he found in the way the Department treated the September 11 detainees. Too often the Department misused the fear of terrorism as an excuse to adopt harsh tactics that trampled the basic rights of immigrants. Although immigration detention is not the responsibility of bureau, many of the persons detained are eligible for immigration relief and must be allowed to consult with their families and attorneys.

I look forward to today's hearing, and to working closely with Mr. Aguirre to achieve these important goals. Immigration is an indispensable part of our nation, and we must do all we can to see that our immigration laws are fair and consistent with the nation's fundamental values.

U.S. SENATOR PATRICK LEAHY

CONTACT: David Carle, 202-224-3693 VERMONT

Statement of Senator Patrick Leahy
Ranking Member, Senate Judiciary Committee
Confirmation Hearing for Eduardo Aguirre, Jr.
June 6, 2003

The Committee today considers the nomination of Eduardo Aguirre to serve as Director of the Bureau of Citizenship and Immigration Services (BCIS), in the newly-created Department of Homeland Security. I am pleased that this nomination has been referred to the Judiciary Committee, which continues to have jurisdiction over immigration legislation and oversight. I wish that the Committee had also had the opportunity to consider the nomination of Asa Hutchinson as Undersecretary for Border and Transportation Security, but it is fitting that Mr. Hutchinson has testified before the Committee since his confirmation.

We come here today for a hearing on immigration, and I hope it will not be the last one the full Committee holds. I, along with other Members of this Committee from both sides of the aisle called for a hearing on the report released on Monday by the Justice Department's Office of Inspector General, concerning the treatment of those aliens who were detained as part of the investigation into the September 11, 2001, attacks. I hope this hearing will be held as promptly as possible.

The Inspector General report shows the severe consequences that can be faced by those immigrants who fail to maintain their lawful status. Of course, the responsibility to remain here legally falls upon immigrants, but there are occasions when immigrants live up to that responsibility and are nonetheless failed by errors and backlogs on the Government's part. I hope and trust that preventing such errors will be a major priority for you if you are confirmed. I also hope that you will use your position to battle the perception in many immigrant communities that the war on terrorism has become a war on immigrants.

I know that you have had a distinguished career in business, and I have heard good things about your tenure at the Export-Import Bank. I am also impressed that Ms. Jackson Lee has come over from the House to recommend you so highly. As I am sure you already know from your tenure as Acting Director, you will inherit a demanding portfolio should you be confirmed. Indeed, I know that you have already received letters from Members of Congress, including myself, with concerns about immigration policy. Just yesterday, we all read in the New York Times how backlogs have stranded 20,000 refugees in what are described as "desolate camps in Africa, Asia and the Middle East." Working with the State Department, we must do a better job.

I would like to raise an issue with you that I have previously raised with Secretary Ridge and Undersecretary Hutchinson. As Director of the BCIS, you would supervise many constituents of mine at the Service Center in St. Albans, Vermont. I think you will find that they are excellent employees who will exceed your expectations. I ask that you make sure they know what you

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expect of them, and to keep them in the loop if and when you consider plans to reorganize the agency.

Moreover, I know that there are many other fine former INS employees who are currently under the authority of other parts of the Department of Homeland Security. Some of those employees have been left in a state of flux as each DHS branch makes its own reorganization plan. As you reorganize BCIS, I urge you to make as much use as possible of these Vermonters with immigration backgrounds, and to consider making Vermont a regional center for your agency.

On the national level, it was a priority for many of us in Congress that immigration services not be overlooked at the Department of Homeland Security. Although our security is paramount, the new Department must remember that our nation's founding principles and economic health demand that immigration be handled in a fair and orderly way. I look forward to hearing your views about how the Department will balance security concerns with our commitment to legal immigration.

I have written you already about the backlogs that plague our immigration system. I have met many of the employees at the Vermont Service Center, and I have seen their dedication and diligence firsthand. I know also how the increased security measures that have understandably been imposed since the September 11, 2001 attacks have made their jobs substantially more time-consuming. The President has pledged to reduce the average backlog for immigration petitions to six months by 2006 – I am curious to hear your plans for achieving that goal.

I look forward to hearing your testimony today, and to working closely with you in the future.

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