

106TH CONGRESS
1ST SESSION

S. 1563

To establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

Mr. ABRAHAM (for himself, Mr. KENNEDY, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “INS Reform and Border Security Act of 1999”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Immigration laws of the United States defined.

TITLE I—IMMIGRATION AFFAIRS AGENCY

Sec. 101. Establishment of Immigration Affairs Agency.

- Sec. 102. Establishment of the Office of the Associate Attorney General for Immigration Affairs.
- Sec. 103. Establishment of Bureau of Immigration Services and Adjudications.
- Sec. 104. Office of Ombudsman within the Service Bureau.
- Sec. 105. Establishment of Bureau of Enforcement and Border Affairs.
- Sec. 106. Exercise of authorities.
- Sec. 107. Savings provisions.
- Sec. 108. Transfer and allocation of appropriations and personnel.
- Sec. 109. Executive Office for Immigration Review and Attorney General litigation authorities not affected.
- Sec. 110. Definitions.
- Sec. 111. Effective date.

TITLE II—PERSONNEL FLEXIBILITIES

- Sec. 201. Improvements in personnel flexibilities.
- Sec. 202. Voluntary separation incentive payments.
- Sec. 203. Basis for evaluation of Immigration Affairs Agency employees.
- Sec. 204. Employee training program.
- Sec. 205. Effective date.

TITLE III—ADDITIONAL PROVISIONS

- Sec. 301. Expedited processing of documents.
- Sec. 302. Funding adjudication and naturalization services.
- Sec. 303. Increase in Border Patrol agents and support personnel.

1 **SEC. 2. IMMIGRATION LAWS OF THE UNITED STATES DE-**
 2 **FINED.**

3 In this Act, the term “immigration laws of the United
 4 States” means the following:

- 5 (1) The Immigration and Nationality Act.
- 6 (2) The Illegal Immigration Reform and Immigrant
 7 Responsibility Act of 1996.
- 8 (3) The Immigration and Nationality Technical
 9 Corrections Act of 1994.
- 10 (4) The Immigration Act of 1990.
- 11 (5) The Immigration Reform and Control Act
 12 of 1986.
- 13 (6) The Refugee Act of 1980.

1 (1) IN GENERAL.—The Agency shall be headed
2 by an Associate Attorney General for Immigration
3 Affairs, who shall be appointed by the President, by
4 and with the advice and consent of the Senate.

5 (2) COMPENSATION AT RATE OF PAY FOR EX-
6 ECUTIVE LEVEL III.—Section 5314 of title 5, United
7 States Code, is amended by adding at the end the
8 following:

9 “Associate Attorney General for Immigration
10 Affairs, Department of Justice.”.

11 (3) CONFORMING AMENDMENTS.—(A) Section
12 103(c) of the Immigration and Nationality Act is
13 amended—

14 (i) by striking the first sentence; and

15 (ii) in the second sentence, by striking
16 “He” and inserting “The Associate Attorney
17 General for Immigration Affairs”.

18 (B) Section 103 of such Act is amended by
19 striking “Commissioner” and inserting “Associate
20 Attorney General for Immigration Affairs”.

21 (C) Section 5315 of title 5, United States Code,
22 is amended by striking the following:

23 “Commissioner of Immigration and Naturaliza-
24 tion, Department of Justice.”.

1 (c) REPEALS.—The following provisions of law are
2 repealed:

3 (1) Section 4 of the Act of February 14, 1903,
4 as amended (32 Stat. 826; relating to the establish-
5 ment of the Immigration and Naturalization Serv-
6 ice).

7 (2) Section 7 of the Act of March 3, 1891, as
8 amended (26 Stat. 1085; relating to the establish-
9 ment of the office of the Commissioner of Immigra-
10 tion and Naturalization).

11 (3) Section 201 of the Act of June 20, 1956
12 (70 Stat. 307; relating to the compensation of as-
13 sistant commissioners and district director).

14 (4) Section 1 of March 2, 1895 (28 Stat. 780;
15 relating to special immigrant inspectors).

16 (d) REFERENCES.—Except as otherwise provided in
17 sections 103 and 105, any reference in any statute, reor-
18 ganization plan, Executive order, regulation, agreement,
19 determination, or other official document or proceeding to
20 the Immigration and Naturalization Service shall be
21 deemed to refer to the Immigration Affairs Agency.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to the Agency such sums as may be
25 necessary to carry out its functions.

1 (2) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated pursuant to paragraph (1) are authorized to
3 remain available until expended.

4 **SEC. 102. OFFICE OF THE ASSOCIATE ATTORNEY GENERAL**
5 **FOR IMMIGRATION AFFAIRS.**

6 (a) POLICY AND ADMINISTRATIVE FUNCTIONS DE-
7 FINED.—In this section, the term “immigration policy and
8 administrative functions” includes the following functions
9 under the immigration laws of the United States:

10 (1) Inspections at ports of entry in the United
11 States.

12 (2) Policy and planning formulation on immi-
13 gration matters.

14 (3) Information technology, information re-
15 sources management, and maintenance of records
16 and databases, and the coordination of records and
17 other information of the two bureaus within the
18 Agency.

19 (4) Such other functions as involve providing
20 resources and other support for the Bureau of Immi-
21 gration Services and Adjudications (established in
22 section 103) and the Bureau of Enforcement and
23 Border Affairs (established in section 105).

24 (b) ESTABLISHMENT OF OFFICE.—

1 (1) IN GENERAL.—There is established within
2 the Agency the Office of the Associate Attorney
3 General for Immigration Affairs (in this title re-
4 ferred to as the “Office”).

5 (2) GENERAL COUNSEL.—

6 (A) IN GENERAL.—There shall be within
7 the Office of the Associate Attorney General for
8 Immigration Affairs a General Counsel, who
9 shall be appointed by the Attorney General.

10 (B) COMPENSATION.—Section 5316 of title
11 5, United States Code, is amended by adding at
12 the end the following:

13 “General Counsel, Immigration Affairs
14 Agency.”.

15 (3) CHIEF FINANCIAL OFFICER FOR THE IMMI-
16 GRATION AFFAIRS AGENCY.—

17 (A) IN GENERAL.—There shall be a posi-
18 tion of Chief Financial Officer for the Immigra-
19 tion Affairs Agency and this position shall be a
20 career reserved position within the Senior Exec-
21 utive Service and shall have the authorities and
22 functions described in section 902 of title 31,
23 United States Code, in relation to financial ac-
24 tivities related to immigration policy and ad-
25 ministrative functions. For purposes of section

1 902(a)(1) of such title, the Associate Attorney
2 General for Immigration Affairs shall be
3 deemed to be the head of the agency. The provi-
4 sions of section 903 of such title (relating to
5 Deputy Chief Financial Officers) shall also
6 apply in the same manner as the previous sen-
7 tence.

8 (B) COMPENSATION.—Section 5316 of title
9 5, United States Code, is amended by adding at
10 the end the following:

11 “Chief Financial Officer, Immigration Af-
12 fairs Agency.”.

13 (c) RESPONSIBILITIES OF THE OFFICE.—Under the
14 direction of the Attorney General, the Office of the Asso-
15 ciate Attorney General for Immigration Affairs shall be
16 responsible for carrying out the immigration policy and
17 administrative functions of the Agency.

18 (d) DELEGATION OF AUTHORITY BY THE ATTORNEY
19 GENERAL.—All immigration policy and administrative
20 functions vested by statute in, or exercised by—

21 (1) the Attorney General, or

22 (2) the Commissioner of Immigration and Nat-
23 uralization, the Immigration and Naturalization
24 Service, or officers, employees, or components there-
25 of,

1 immediately prior to the effective date of this title shall
 2 be exercised by the Attorney General through the Asso-
 3 ciate Attorney General for Immigration Affairs.

4 (e) REFERENCES.—Any reference in any statute, re-
 5 organization plan, Executive order, regulation, agreement,
 6 determination, or other official document or proceeding
 7 to—

8 (1) the Commissioner of Immigration and Nat-
 9 uralization or any other officer or employee of the
 10 Immigration and Naturalization Service (insofar as
 11 such references refer to any immigration policy and
 12 administrative function) shall be deemed to refer to
 13 the Associate Attorney General for Immigration Af-
 14 fairs; or

15 (2) the Immigration and Naturalization Service
 16 (insofar as such references refer to any immigration
 17 policy and administrative function) shall be deemed
 18 to refer to the Office of the Associate Attorney Gen-
 19 eral for Immigration Affairs.

20 **SEC. 103. ESTABLISHMENT OF BUREAU OF IMMIGRATION**
 21 **SERVICES AND ADJUDICATIONS.**

22 (a) IMMIGRATION ADJUDICATION AND SERVICE
 23 FUNCTIONS DEFINED.—In this section, the term “immi-
 24 gration adjudication and service functions” means the fol-

1 lowing functions under the immigration laws of the United
2 States:

3 (1) Adjudications of nonimmigrant and immi-
4 grant visa petitions.

5 (2) Adjudications of naturalization petitions.

6 (3) Adjudications of asylum and refugee appli-
7 cations.

8 (4) Determinations concerning custody, parole,
9 and conditions of parole regarding applicants for
10 asylum detained at ports of entry who do not have
11 prior nonpolitical criminal records and who have
12 been found to have a credible fear of persecution,
13 and responsibility for the detention of any such ap-
14 plicant with respect to whom a determination has
15 been made that detention is required.

16 (5) Adjudications performed at Service centers.

17 (6) All other adjudications under the immigra-
18 tion laws of the United States.

19 (b) ESTABLISHMENT OF BUREAU.—

20 (1) IN GENERAL.—There is established within
21 the Agency a bureau to be known as the Bureau of
22 Immigration Services and Adjudications (in this sec-
23 tion referred to as the “Service Bureau”).

24 (2) SENSE OF CONGRESS.—It is the sense of
25 Congress that the structure of the Service Bureau

1 should be based on the organization of the Social
2 Security Administration.

3 (3) DIRECTOR.—The head of the Service Bu-
4 reau shall be the Director of Immigration Services
5 and Adjudications who—

6 (A) shall be appointed by the President, by
7 and with the advice and consent of the Senate;
8 and

9 (B) shall report directly to the Associate
10 Attorney General for Immigration Affairs.

11 (4) COMPENSATION AT LEVEL IV OF EXECU-
12 TIVE SCHEDULE.—Section 5315 of title 5, United
13 States Code, is amended by adding at the end the
14 following:

15 “Director of Immigration Services and Adju-
16 dications, Immigration Affairs Agency.”.

17 (c) RESPONSIBILITIES OF THE BUREAU.—Subject to
18 the policy guidance of the Associate Attorney General for
19 Immigration Affairs, the Service Bureau shall be respon-
20 sible for carrying out the immigration adjudication and
21 service functions of the Agency.

22 (d) DELEGATION OF AUTHORITY BY THE ATTORNEY
23 GENERAL.—All immigration adjudication and service
24 functions vested by statute in, or exercised by—

25 (1) the Attorney General, or

1 (2) the Commissioner of Immigration and Nat-
2 uralization, the Immigration and Naturalization
3 Service, or officers, employees, or components there-
4 of,

5 immediately prior to the effective date of this title shall
6 be exercised by the Attorney General through the Asso-
7 ciate Attorney General for Immigration Affairs and the
8 Director of the Service Bureau.

9 (e) CHIEF FINANCIAL OFFICER FOR THE BUREAU
10 OF IMMIGRATION SERVICES AND ADJUDICATIONS.—

11 (1) IN GENERAL.—There shall be a position of
12 Chief Financial Officer for the Bureau of Immigra-
13 tion Services and Adjudications and this position
14 shall be a career reserved position within the Senior
15 Executive Service and shall have the authorities and
16 functions described in section 902 of title 31, United
17 States Code, in relation to financial activities of the
18 Service Bureau. For purposes of section 902(a)(1)
19 of such title, the Director of the Service Bureau
20 shall be deemed to be the head of the agency. The
21 provisions of section 903 of such title (relating to
22 Deputy Chief Financial Officers) shall also apply to
23 such Bureau in the same manner as the previous
24 sentence applies to such Bureau.

1 (2) COMPENSATION.—Section 5316 of title 5,
2 United States Code, is amended by adding at the
3 end the following:

4 “Chief Financial Officer, Bureau of Immigra-
5 tion Services and Adjudications of the Immigration
6 Affairs Agency.”.

7 (f) REGIONAL COMMISSIONERS.—There shall be
8 within the Service Bureau Regional Commissioners who
9 shall be responsible for carrying out the functions of the
10 Bureau within specified geographic regions. The Director
11 of the Service Bureau shall establish the number of Re-
12 gional Commissioners based on workload and economies
13 of scale.

14 (g) AREA DIRECTORS.—The Director of the Service
15 Bureau shall appoint Area Directors who shall report to
16 the Regional Commissioner in his or her region. In States
17 with large populations there may be more than one Area
18 Director. Each Area Director is in charge of field offices
19 within his or her area.

20 (h) FIELD OFFICE MANAGERS.—A Field Office Man-
21 ager is in charge of each field office. The field offices, lo-
22 cated in cities and other places around the country, are
23 the Service Bureau’s main source of contact with the pub-
24 lic. Congress encourages the development of telephone
25 service centers to improve service and efficiency, which

1 may or may not be located in the same location as service
2 centers under subsection (k).

3 (i) TERM OF SERVICE.—No Field Office Manager or
4 Area Director may hold his or her post in a single geo-
5 graphic region for more than 6 years without a break of
6 at least 2 years. The Attorney General may waive this sub-
7 section for extraordinary reasons.

8 (j) SERVICE CENTERS.—In addition, there shall be
9 Service Centers, located depending on the workloads and
10 economies of scale. The head of each Service Center shall
11 report to the Regional Commissioner in the region in
12 which the Service Center is situated.

13 (k) QUALITY ASSURANCE.—There shall be within the
14 Service Bureau an Office of Quality Assurance, modeled
15 on the corresponding office of the Social Security Adminis-
16 tration, that shall develop procedures and conduct audits
17 to—

18 (1) ensure that national policies are correctly
19 implemented;

20 (2) determine whether Service Bureau policies
21 or practices result in poor file management or poor
22 or inaccurate service; and

23 (3) report findings recommending corrective ac-
24 tion to the Director of the Service Bureau.

1 (l) OFFICE OF PROFESSIONAL RESPONSIBILITY.—

2 There shall be within the Service Bureau an Office of Pro-
3 fessional Responsibility that shall have the responsibility
4 of receiving charges of misconduct or ill treatment made
5 by the public and investigating the charges and providing
6 an appropriate remedy or disposition.

7 (m) TRAINING OF PERSONNEL.—The Director of the
8 Service Bureau, in consultation with the Associate Attor-
9 ney General for Immigration Affairs, shall have responsi-
10 bility for the training of all personnel of the Service Bu-
11 reau.

12 (n) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There are authorized to be
14 appropriated to the Service Bureau such sums as
15 may be necessary to carry out its functions.

16 (2) AVAILABILITY OF FUNDS.—Amounts appro-
17 priated pursuant to paragraph (1) are authorized to
18 remain available until expended.

19 (o) REFERENCES.—Any reference in any statute, re-
20 organization plan, Executive order, regulation, agreement,
21 determination, or other official document or proceeding
22 to—

23 (1) the Commissioner of Immigration and Nat-
24 uralization or any other officer or employee of the
25 Immigration and Naturalization Service (insofar as

1 such references refer to any immigration adjudica-
2 tion and service function) shall be deemed to refer
3 to the Director of the Service Bureau; or

4 (2) the Immigration and Naturalization Service
5 (insofar as such references refer to any immigration
6 adjudication and service function) shall be deemed to
7 refer to the Service Bureau.

8 **SEC. 104. OFFICE OF THE OMBUDSMAN WITHIN THE SERV-**
9 **ICE BUREAU.**

10 (a) **IN GENERAL.**—There is established within the
11 Service Bureau the Office of the Ombudsman, which shall
12 be headed by the Ombudsman.

13 (b) **OMBUDSMAN.**—

14 (1) **APPOINTMENT.**—The Ombudsman shall be
15 appointed by the Director of the Service Bureau
16 after consultation with the Associate Attorney Gen-
17 eral for Immigration Affairs and without regard to
18 the provisions of title 5, United States Code, relat-
19 ing to appointments in the competitive service or the
20 Senior Executive Service. The Ombudsman shall re-
21 port directly to the Director of the Service Bureau.

22 (2) **COMPENSATION.**—The Ombudsman shall be
23 entitled to compensation at the same rate as the
24 highest rate of basic pay established for the Senior
25 Executive Service under section 5382 of title 5,

1 United States Code, or, if the Attorney General so
2 determines, at a rate fixed under section 9503 of
3 such title.

4 (c) FUNCTIONS OF OFFICE.—The functions of the
5 Office of the Ombudsman shall include to—

6 (1) assist individuals in resolving service or case
7 problems with the Agency or Service Bureau;

8 (2) identify areas in which individuals have
9 problems in dealings with the Immigration Affairs
10 Agency or Service Bureau;

11 (3) to the extent possible, propose changes in
12 the administrative practices of the Agency or Service
13 Bureau to mitigate problems identified under para-
14 graph (2);

15 (4) monitor the coverage and geographic alloca-
16 tion of local offices of the Service Bureau; and

17 (5) ensure that the local telephone number for
18 each local office of the Service Bureau is published
19 and available to individuals served by the office.

20 (e) PERSONNEL ACTIONS.—The Ombudsman shall
21 have the responsibility and authority to appoint local or
22 regional representatives of the Ombudsman's Office as in
23 the Ombudsman's judgment may be necessary to address
24 and rectify serious service problems.

1 (f) RESPONSIBILITIES OF DIRECTOR OF THE SERV-
2 ICE BUREAU.—The Director of the Service Bureau shall
3 establish procedures requiring a formal response to all rec-
4 ommendations submitted to the Director by the Ombuds-
5 man within 3 months after submission of the Ombuds-
6 man's reports or recommendations. The Director of the
7 Service Bureau shall meet regularly with the Ombudsman
8 to identify and correct serious service problems.

9 (g) ANNUAL REPORTS.—

10 (1) OBJECTIVES.—Not later than June 30 of
11 each calendar year, the Ombudsman shall report to
12 the Committee on the Judiciary of the House of
13 Representatives and the Committee on the Judiciary
14 of the Senate on the objectives of the Office of the
15 Ombudsman for the fiscal year beginning in such
16 calendar year. Any such report shall contain full and
17 substantive analysis, in addition to statistical infor-
18 mation.

19 (2) ACTIVITIES.—Not later than December 31
20 of each calendar year, the Ombudsman shall submit
21 a report to the Committee on the Judiciary of the
22 House of Representatives and the Committee on the
23 Judiciary of the Senate on the activities of the Om-
24 budsman during the fiscal year ending in that cal-
25 endar year. Any such report shall contain a full and

1 substantive analysis, in addition to statistical infor-
2 mation, and shall—

3 (A) identify the initiatives the Office of the
4 Ombudsman has taken on improving services
5 and the responsiveness of the Agency and the
6 Service Bureau;

7 (B) contain a summary of the most serious
8 problems encountered by individuals, including
9 a description of the nature of such problems;

10 (C) contain an inventory of the items de-
11 scribed in subparagraphs (A) and (B) for which
12 action has been taken, and the result of such
13 action;

14 (D) contain an inventory of the items de-
15 scribed in subparagraphs (A) and (B) for which
16 action remains to be completed and the period
17 during which each item has remained on such
18 inventory;

19 (E) contain an inventory of the items de-
20 scribed in subparagraphs (A) and (B) for which
21 no action has been taken, the period during
22 which each item has remained on such inven-
23 tory, the reasons for the inaction, and identify
24 any Agency or Service Bureau official who is
25 responsible for such inaction;

1 (F) contain recommendations as may be
2 appropriate to resolve problems encountered by
3 individuals;

4 (G) include such other information as the
5 Ombudsman may deem advisable.

6 **SEC. 105. ESTABLISHMENT OF BUREAU OF ENFORCEMENT**
7 **AND BORDER AFFAIRS.**

8 (a) IMMIGRATION ENFORCEMENT FUNCTIONS DE-
9 FINED.—In this section, the term “immigration enforce-
10 ment functions” means the following functions under the
11 immigration laws of the United States:

12 (1) The Border Patrol program.

13 (2) The detention program (except as specified
14 in section 103(a)).

15 (3) The deportation program.

16 (4) The intelligence program.

17 (5) The investigations program.

18 (b) ESTABLISHMENT OF BUREAU.—

19 (1) IN GENERAL.—There is established within
20 the Agency a bureau to be known as the Bureau of
21 Enforcement and Border Affairs (in this section re-
22 ferred to as the “Enforcement Bureau”).

23 (2) ENFORCEMENT BUREAU.—It is the sense of
24 Congress that the Enforcement Bureau be organized
25 in accordance with the “best practices” of other fed-

1 eral law enforcement agencies, including the Federal
2 Bureau of Investigation and the Drug Enforcement
3 Agency.

4 (3) DIRECTOR.—The head of the Enforcement
5 Bureau shall be the Director of the Bureau of En-
6 forcement and Border Affairs who—

7 (A) shall be appointed by the President, by
8 and with the advice and consent of the Senate;
9 and

10 (B) shall report directly to the Associate
11 Attorney General for Immigration Affairs.

12 (4) COMPENSATION AT LEVEL IV OF EXECU-
13 TIVE SCHEDULE.—Section 5315 of title 5, United
14 States Code, is amended by adding at the end the
15 following:

16 “Director of Enforcement and Border Affairs,
17 Immigration Affairs Agency.”.

18 (c) RESPONSIBILITIES OF THE BUREAU.—Subject to
19 the policy guidance of the Associate Attorney General for
20 Immigration Affairs, the Enforcement Bureau shall be re-
21 sponsible for carrying out the immigration enforcement
22 functions of the Agency.

23 (d) DELEGATION OF AUTHORITY BY THE ATTORNEY
24 GENERAL.—All immigration enforcement functions vested
25 by statute in, or exercised by—

1 (1) the Attorney General, or

2 (2) the Commissioner of Immigration and Nat-
3 uralization, the Immigration and Naturalization
4 Service, or officers, employees, or components there-
5 of,

6 immediately prior to the effective date of this title shall
7 be exercised by the Attorney General through the Asso-
8 ciate Attorney General for Immigration Affairs and the
9 Director of the Enforcement Bureau.

10 (e) CHIEF FINANCIAL OFFICER FOR THE BUREAU
11 OF ENFORCEMENT AND BORDER AFFAIRS.—

12 (1) IN GENERAL.—There shall be a position of
13 Chief Financial Officer for the Bureau of Enforce-
14 ment and Border Affairs and this position shall be
15 a career reserved position within the Senior Execu-
16 tive Service and shall have the authorities and func-
17 tions described in section 902 of title 31, United
18 States Code, in relation to financial activities of the
19 Enforcement Bureau. For purposes of section
20 902(a)(1) of such title, the Director of the Enforce-
21 ment Bureau shall be deemed to be the head of the
22 agency. The provisions of section 903 of such title
23 (relating to Deputy Chief Financial Officers) shall
24 also apply to such Bureau in the same manner as
25 the previous sentence applies to such Bureau.

1 (2) COMPENSATION.—Section 5316 of title 5,
2 United States Code, is amended by adding at the
3 end the following:

4 “Chief Financial Officer, Bureau of Enforce-
5 ment and Border Affairs of the Immigration Affairs
6 Agency.”.

7 (f) ORGANIZATION.—The Director of the Enforce-
8 ment Bureau shall establish field offices in major cities
9 and regions of the United States. The locations shall be
10 selected according to trends in illegal immigration, alien
11 smuggling, criminal aliens, the need for regional cen-
12 tralization, and the need to manage resources efficiently.
13 Field offices shall also establish satellite offices as needed.

14 (g) OFFICE OF PROFESSIONAL RESPONSIBILITY.—
15 There shall be within the Enforcement Bureau an Office
16 of Professional Responsibility that shall have the responsi-
17 bility of receiving charges of misconduct or ill treatment
18 made by the public and investigating the charges and pro-
19 viding an appropriate remedy or disposition.

20 (h) TRAINING OF PERSONNEL.—The Director of the
21 Enforcement Bureau, in consultation with the Associate
22 Attorney General for Immigration Affairs, shall have re-
23 sponsibility for determining the law enforcement training
24 for all personnel of the Enforcement Bureau.

1 (i) REFERENCES.—Any reference in any statute, re-
2 organization plan, Executive order, regulation, agreement,
3 determination, or other official document or proceeding
4 to—

5 (1) the Commissioner of Immigration and Nat-
6 uralization or any other officer or employee of the
7 Immigration and Naturalization Service (insofar as
8 such references refer to any immigration enforce-
9 ment function) shall be deemed to refer to the Direc-
10 tor of the Enforcement Bureau; or

11 (2) the Immigration and Naturalization Service
12 (insofar as such references refer to any immigration
13 enforcement function) shall be deemed to refer to
14 the Enforcement Bureau.

15 (j) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There are authorized to be
17 appropriated to the Enforcement Bureau such sums
18 as may be necessary to carry out its functions.

19 (2) AVAILABILITY OF FUNDS.—Amounts appro-
20 priated pursuant to paragraph (1) are authorized to
21 remain available until expended.

22 **SEC. 106. EXERCISE OF AUTHORITIES.**

23 Except as otherwise provided by law, a Federal offi-
24 cial to whom a function is transferred pursuant to this
25 title may, for purposes of performing the function, exercise

1 all authorities under any other provision of law that were
2 available with respect to the performance of that function
3 to the official responsible for the performance of the func-
4 tion immediately before the effective date of the transfer
5 of the function pursuant to this title.

6 **SEC. 107. SAVINGS PROVISIONS.**

7 (a) **LEGAL DOCUMENTS.**—All orders, determinations,
8 rules, regulations, permits, grants, loans, contracts, agree-
9 ments, certificates, licenses, and privileges—

10 (1) that have been issued, made, granted, or al-
11 lowed to become effective by the President, the At-
12 torney General, the Commissioner of the Immigra-
13 tion and Naturalization Service, their delegates, or
14 any other Government official, or by a court of com-
15 petent jurisdiction, in the performance of any func-
16 tion that is transferred pursuant to this title; and

17 (2) that are in effect on the effective date of
18 such transfer (or become effective after such date
19 pursuant to their terms as in effect on such effective
20 date);

21 shall continue in effect according to their terms until
22 modified, terminated, superseded, set aside, or revoked in
23 accordance with law by the President, any other author-
24 ized official, a court of competent jurisdiction, or operation
25 of law.

1 (b) PROCEEDINGS.—Sections 101 through 105 and
2 this section shall not affect any proceedings or any appli-
3 cation for any benefits, service, license, permit, certificate,
4 or financial assistance pending on the effective date of this
5 title before an office whose functions are transferred pur-
6 suant to this title, but such proceedings and applications
7 shall be continued. Orders shall be issued in such pro-
8 ceedings, appeals shall be taken therefrom, and payments
9 shall be made pursuant to such orders, as if this Act had
10 not been enacted, and orders issued in any such pro-
11 ceeding shall continue in effect until modified, terminated,
12 superseded, or revoked by a duly authorized official, by
13 a court of competent jurisdiction, or by operation of law.
14 Nothing in this section shall be considered to prohibit the
15 discontinuance or modification of any such proceeding
16 under the same terms and conditions and to the same ex-
17 tent that such proceeding could have been discontinued
18 or modified if this section had not been enacted.

19 (c) SUITS.—This title shall not affect suits com-
20 menced before the effective date of this title, and in all
21 such suits, proceeding shall be had, appeals taken, and
22 judgments rendered in the same manner and with the
23 same effect as if this title had not been enacted.

24 (d) NONABATEMENT OF ACTIONS.—No suit, action,
25 or other proceeding commenced by or against the Depart-

1 ment of Justice or the Immigration and Naturalization
2 Service, or by or against any individual in the official ca-
3 pacity of such individual as an officer or employee in con-
4 nection with a function transferred pursuant to this sec-
5 tion, shall abate by reason of the enactment of this Act.

6 (e) CONTINUANCE OF SUITS.—If any Government of-
7 ficer in the official capacity of such officer is party to a
8 suit with respect to a function of the officer, and pursuant
9 to this title such function is transferred to any other offi-
10 cer or office, then such suit shall be continued with the
11 other officer or the head of such other office, as applicable,
12 substituted or added as a party.

13 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
14 VIEW.—Except as otherwise provided by this title, any
15 statutory requirements relating to notice, hearings, action
16 upon the record, or administrative or judicial review that
17 apply to any function transferred pursuant to this title
18 shall apply to the exercise of such function by the head
19 of the office, and other officers of the office, to which such
20 function is transferred pursuant to such section.

21 **SEC. 108. TRANSFER AND ALLOCATION OF APPROPRIA-**
22 **TIONS AND PERSONNEL.**

23 (a) IN GENERAL.—

24 (1) TRANSFERS.—The personnel of the Depart-
25 ment of Justice employed in connection with the

1 functions transferred pursuant to this title (and
2 functions that the Attorney General determines are
3 properly related to the functions of the Office, the
4 Service Bureau, or the Enforcement Bureau would,
5 if so transferred, further the purposes of the Office
6 and the respective Bureau), and the assets, liabil-
7 ities, contracts, property, records, and unexpended
8 balance of appropriations, authorizations, alloca-
9 tions, and other funds employed, held, used, arising
10 from, available to, or to be made available to the Im-
11 migration and Naturalization Service in connection
12 with the functions transferred pursuant to this title,
13 subject to section 202 of the Budget and Accounting
14 Procedures Act of 1950, shall be transferred to the
15 Office or the Bureau, as the case may be, for appro-
16 priate allocation by the Associate Attorney General
17 for Immigration Affairs for the Office or the Bu-
18 reau, as the case may be. Unexpended funds trans-
19 ferred pursuant to this subsection shall be used only
20 for the purposes for which the funds were originally
21 authorized and appropriated. The Attorney General
22 shall retain the right to adjust or realign transfers
23 of funds and personnel effected pursuant to this title
24 for a period of 2 years after the date of the estab-
25 lishment of the Agency.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There are authorized to be appropriated such sums
3 as may be necessary to carry out the transfers made
4 pursuant to this title.

5 (b) DELEGATION AND ASSIGNMENT.—Except as oth-
6 erwise expressly prohibited by law or otherwise provided
7 in this title, the Associate Attorney General for Immigra-
8 tion Affairs, the Director of the Service Bureau, and the
9 Director of the Enforcement Bureau to whom functions
10 are transferred pursuant to this title may delegate any of
11 the functions so transferred to such officers and employees
12 of the Office of the Associate Attorney General for Immi-
13 gration Affairs, the Service Bureau, and the Enforcement
14 Bureau, respectively, as the Associate Attorney General
15 or such Director may designate, and may authorize suc-
16 cessive redelegations of such functions as may be nec-
17 essary or appropriate. No delegation of functions under
18 this subsection or under any other provision of this title
19 shall relieve the official to whom a function is transferred
20 pursuant to this title of responsibility for the administra-
21 tion of the function.

22 (c) AUTHORITIES OF ATTORNEY GENERAL.—

23 (1) INCIDENTAL TRANSFERS.—The Attorney
24 General (or a delegate of the Attorney General), at
25 such time or times as the Attorney General (or the

1 delegate) shall provide, may make such determina-
2 tions as may be necessary with regard to the func-
3 tions transferred pursuant to this title, and to make
4 such additional incidental dispositions of personnel,
5 assets, liabilities, grants, contracts, property,
6 records, and unexpended balances of appropriations,
7 authorizations, allocations, and other funds held,
8 used, arising from, available to, or to be made avail-
9 able in connection with such functions, as may be
10 necessary to carry out the provisions of this title.
11 The Attorney General shall provide for such further
12 measures and dispositions as may be necessary to ef-
13 fectuate the purposes of this title.

14 (2) TREATMENT OF SHARED RESOURCES.—

15 (A) IN GENERAL.—The Associate Attorney
16 General for Immigration Affairs is authorized
17 to provide for an appropriate allocation, or co-
18 ordination, or both, of resources involved in
19 supporting shared support functions for the Of-
20 fice, the Service Bureau, the Enforcement Bu-
21 reau, and offices within the Department of Jus-
22 tice. The Associate Attorney General for Immi-
23 gration Affairs shall maintain oversight and
24 control over the shared computer databases and
25 systems and records management.

1 (B) DATABASES.—The Associate Attorney
2 General for Immigration Affairs, with the as-
3 sistance of the Attorney General, shall ensure
4 that the Immigration Affairs Agency’s data-
5 bases and those of the Service Bureau and the
6 Enforcement Bureau are integrated with the
7 databases of the Executive Office for Immigra-
8 tion Review in such a way as to permit—

9 (i) the electronic docketing of each
10 case by date of service upon an alien of the
11 notice to appear in the case of a removal
12 proceeding (or an order to show cause in
13 the case of a deportation proceeding); and

14 (ii) the tracking of the status of any
15 alien throughout the alien’s contact with
16 United States immigration authorities
17 without regard to whether the entity with
18 jurisdiction over the alien is the Immigra-
19 tion Affairs Agency, the Service Bureau,
20 the Enforcement Bureau, or the Executive
21 Office for Immigration Review.

1 **SEC. 109. EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**
2 **AND ATTORNEY GENERAL LITIGATION AU-**
3 **THORITIES NOT AFFECTED.**

4 Nothing in this title may be construed to authorize
5 or require the transfer or delegation of any function vested
6 in, or exercised by—

7 (1) the Executive Office for Immigration Re-
8 view of the Department of Justice, or any officer,
9 employee, or component thereof, or

10 (2) the Attorney General with respect to the in-
11 stitution of any prosecution, or the institution or de-
12 fense of any action or appeal, in any court of the
13 United States established under Article III of the
14 Constitution,

15 immediately prior to the effective date of this title.

16 **SEC. 110. DEFINITIONS.**

17 For purposes of this title:

18 (1) **FUNCTION.**—The term “function” includes
19 any duty, obligation, power, authority, responsibility,
20 right, privilege, activity, or program.

21 (2) **OFFICE.**—The term “office” includes any
22 office, administration, agency, bureau, institute,
23 council, unit, organizational entity, or component
24 thereof.

1 **SEC. 111. EFFECTIVE DATE.**

2 This title, and the amendments made by this title,
3 shall take effect 18 months after the date of enactment
4 of this Act.

5 **TITLE II—PERSONNEL**
6 **FLEXIBILITIES**

7 **SEC. 201. IMPROVEMENTS IN PERSONNEL FLEXIBILITIES.**

8 (a) IN GENERAL.—Part III of title 5, United States
9 Code, is amended by adding at the end the following new
10 subpart:

11 **“Subpart J—Immigration Affairs Agency Personnel**
12 **“CHAPTER 96—PERSONNEL FLEXIBILI-**
13 **TIES RELATING TO THE IMMIGRATION**
14 **AFFAIRS AGENCY**

“Sec.

“9601. Immigration Affairs Agency personnel flexibilities.

“9602. Pay authority for critical positions.

“9603. Streamlined critical pay authority.

“9604. Recruitment, retention, relocation incentives, and relocation expenses.

“9605. Performance awards for senior executives.

15 **“§ 9601. Immigration Affairs Agency personnel flexi-**
16 **bilities**

17 “(a) Any flexibilities provided by sections 9602
18 through 9610 of this chapter shall be exercised in a man-
19 ner consistent with—

20 “(1) chapter 23 (relating to merit system prin-
21 ciples and prohibited personnel practices);

22 “(2) provisions relating to preference eligibles;

1 “(3) except as otherwise specifically provided,
2 section 5307 (relating to the aggregate limitation on
3 pay);

4 “(4) except as otherwise specifically provided,
5 chapter 71 (relating to labor-management relations);
6 and

7 “(5) subject to subsections (b) and (c) of sec-
8 tion 1104, as though such authorities were delegated
9 to the Attorney General under section 1104(a)(2).

10 “(b) The Attorney General shall provide the Office
11 of Personnel Management with any information that Of-
12 fice requires in carrying out its responsibilities under this
13 section.

14 “(c) Employees within a unit to which a labor organi-
15 zation is accorded exclusive recognition under chapter 71
16 shall not be subject to any flexibility provided by sections
17 9607 through 9610 of this chapter unless the exclusive
18 representative and the Immigration Affairs Agency have
19 entered into a written agreement which specifically pro-
20 vides for the exercise of that flexibility. Such written
21 agreement may be imposed by the Federal Services Im-
22 passes Panel under section 7119.

23 **“§ 9602. Pay authority for critical positions**

24 “(a) When the Attorney General seeks a grant of au-
25 thority under section 5377 for critical pay for 1 or more

1 positions at the Immigration Affairs Agency, the Office
2 of Management and Budget may fix the rate of basic pay,
3 notwithstanding sections 5377(d)(2) and 5307, at any
4 rate up to the salary set in accordance with section 104
5 of title 3.

6 “(b) Notwithstanding section 5307, no allowance, dif-
7 ferential, bonus, award, or similar cash payment may be
8 paid to any employee receiving critical pay at a rate fixed
9 under subsection (a), in any calendar year if, or to the
10 extent that, the employee’s total annual compensation will
11 exceed the maximum amount of total annual compensation
12 payable at the salary set in accordance with section 104
13 of title 3.

14 **“§ 9603. Streamlined critical pay authority**

15 “(a) Notwithstanding section 9602, and without re-
16 gard to the provisions of this title governing appointments
17 in the competitive service or the Senior Executive Service
18 and chapters 51 and 53 (relating to classification and pay
19 rates), the Attorney General may, for a period of 10 years
20 after the date of enactment of this section, establish, fix
21 the compensation of, and appoint individuals to, des-
22 ignated critical administrative, technical, and professional
23 positions needed to carry out the functions of the Immi-
24 gration Affairs Agency, if—

25 “(1) the positions—

1 “(A) require expertise of an extremely high
2 level in an administrative, technical, or profes-
3 sional field; and

4 “(B) are critical to the Immigration Af-
5 fairs Agency’s successful accomplishment of an
6 important mission;

7 “(2) exercise of the authority is necessary to re-
8 cruit or retain an individual exceptionally well quali-
9 fied for the position;

10 “(3) the number of such positions does not ex-
11 ceed 40 at any one time;

12 “(4) designation of such positions are approved
13 by the Attorney General;

14 “(5) the terms of such appointments are limited
15 to no more than 4 years;

16 “(6) appointees to such positions were not Im-
17 migration Affairs Agency employees prior to July 1,
18 1999;

19 “(7) total annual compensation for any ap-
20 pointee to such positions does not exceed the highest
21 total annual compensation payable at the rate deter-
22 mined under section 104 of title 3; and

23 “(8) all such positions are excluded from the
24 collective bargaining unit.

1 Agency may be paid a performance bonus without regard
2 to the limitation in section 5384(b)(2) if the Attorney
3 General finds such award warranted based on the execu-
4 tive's performance.

5 “(b) In evaluating an executive's performance for
6 purposes of an award under this section, the Attorney
7 General shall take into account the executive's contribu-
8 tions toward the successful accomplishment of goals and
9 objectives established under the Government Performance
10 and Results Act of 1993 and other performance metrics
11 or plans established in consultation with the Attorney
12 General.

13 “(c) Any award in excess of 20 percent of an execu-
14 tive's rate of basic pay shall be approved by the Attorney
15 General.

16 “(d) Notwithstanding section 5384(b)(3), the Attor-
17 ney General shall determine the aggregate amount of per-
18 formance awards available to be paid during any fiscal
19 year under this section and section 5384 to career senior
20 executives in the Immigration Affairs Agency. Such
21 amount may not exceed an amount equal to 5 percent of
22 the aggregate amount of basic pay paid to career senior
23 executives in the Immigration Affairs Agency during the
24 preceding fiscal year. The Immigration Affairs Agency
25 shall not be included in the determination under section

1 5384(b)(3) of the aggregate amount of performance
 2 awards payable to career senior executives in the Depart-
 3 ment of the Justice other than the Immigration Affairs
 4 Agency.

5 “(e) Notwithstanding section 5307, a performance
 6 bonus award may not be paid to an executive in a calendar
 7 year if, or to the extent that, the executive’s total annual
 8 compensation will exceed the maximum amount of total
 9 annual compensation payable at the rate determined
 10 under section 104 of title 3.”

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 for part III of title 5, United States Code, is amended
 13 by adding at the end the following new items:

“SUBPART J—IMMIGRATION AFFAIRS AGENCY PERSONNEL

“96. Personnel flexibilities relating to the Immigration Affairs Agency 9601.”

14 **SEC. 202. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**

15 (a) DEFINITION.—In this section, the term “em-
 16 ployee” means an employee (as defined by section 2105
 17 of title 5, United States Code) who is employed by the
 18 Immigration Affairs Agency serving under an appointment
 19 without time limitation, and has been currently employed
 20 for a continuous period of at least 3 years, but does not
 21 include—

22 (1) a reemployed annuitant under subchapter
 23 III of chapter 83 or chapter 84 of title 5, United
 24 States Code, or another retirement system;

1 (2) an employee having a disability on the basis
2 of which such employee is or would be eligible for
3 disability retirement under the applicable retirement
4 system referred to in paragraph (1);

5 (3) an employee who is in receipt of a specific
6 notice of involuntary separation for misconduct or
7 unacceptable performance;

8 (4) an employee who, upon completing an addi-
9 tional period of service as referred to in section
10 3(b)(2)(B)(ii) of the Federal Workforce Restruc-
11 turing Act of 1994 (5 U.S.C. 5597 note), would
12 qualify for a voluntary separation incentive payment
13 under section 3 of such Act;

14 (5) an employee who has previously received
15 any voluntary separation incentive payment by the
16 Federal Government under this section or any other
17 authority and has not repaid such payment;

18 (6) an employee covered by statutory reemploy-
19 ment rights who is on transfer to another organiza-
20 tion; or

21 (7) any employee who, during the 24-month pe-
22 riod preceding the date of separation, has received a
23 recruitment or relocation bonus under section 5753
24 of title 5, United States Code, or who, within the
25 12-month period preceding the date of separation,

1 received a retention allowance under section 5754 of
2 title 5, United States Code.

3 (b) AUTHORITY TO PROVIDE VOLUNTARY SEPARA-
4 TION INCENTIVE PAYMENTS.—

5 (1) IN GENERAL.—The Associate Attorney Gen-
6 eral for Immigration Affairs may pay voluntary sep-
7 aration incentive payments under this section to any
8 employee to the extent necessary to carry out the
9 plan to reorganize the Immigration Affairs Agency
10 under title I.

11 (2) AMOUNT AND TREATMENT OF PAYMENTS.—
12 A voluntary separation incentive payment—

13 (A) shall be paid in a lump sum after the
14 employee's separation;

15 (B) shall be paid from appropriations or
16 funds available for the payment of the basic pay
17 of the employees;

18 (C) shall be equal to the lesser of—

19 (i) an amount equal to the amount
20 the employee would be entitled to receive
21 under section 5595(c) of title 5, United
22 States Code; or

23 (ii) an amount determined by an
24 agency head not to exceed \$25,000;

1 (D) may not be made except in the case of
2 any qualifying employee who voluntarily sepa-
3 rates (whether by retirement or resignation) be-
4 fore January 1, 2003;

5 (E) shall not be a basis for payment, and
6 shall not be included in the computation, of any
7 other type of Government benefit; and

8 (F) shall not be taken into account in de-
9 termining the amount of any severance pay to
10 which the employee may be entitled under sec-
11 tion 5595 of title 5, United States Code, based
12 on any other separation.

13 (c) ADDITIONAL IMMIGRATION AFFAIRS AGENCY
14 CONTRIBUTIONS TO THE RETIREMENT FUND.—

15 (1) IN GENERAL.—In addition to any other
16 payments which it is required to make under sub-
17 chapter III of chapter 83 of title 5, United States
18 Code, the Immigration Affairs Agency shall remit to
19 the Office of Personnel Management for deposit in
20 the Treasury of the United States to the credit of
21 the Civil Service Retirement and Disability Fund an
22 amount equal to 15 percent of the final basic pay of
23 each employee who is covered under subchapter III
24 of chapter 83 or chapter 84 of title 5, United States

1 Code, to whom a voluntary separation incentive has
2 been paid under this section.

3 (2) DEFINITION.—In paragraph (1), the term
4 “final basic pay”, with respect to an employee,
5 means the total amount of basic pay which would be
6 payable for a year of service by such employee, com-
7 puted using the employee’s final rate of basic pay,
8 and, if last serving on other than a full-time basis,
9 with appropriate adjustment therefore.

10 (d) EFFECT OF SUBSEQUENT EMPLOYMENT WITH
11 THE GOVERNMENT.—An individual who has received a
12 voluntary separation incentive payment under this section
13 and accepts any employment for compensation with the
14 Government of the United States, or who works for any
15 agency of the United States Government through a per-
16 sonal services contract, within 5 years after the date of
17 the separation on which the payment is based, shall be
18 required to pay, prior to the individual’s first day of em-
19 ployment, the entire amount of the incentive payment to
20 the Immigration Affairs Agency.

21 (e) USE OF VOLUNTARY SEPARATIONS.—The Immi-
22 gration Affairs Agency may redeploy or use the full-time
23 equivalent positions vacated by voluntary separations
24 under this section to make other positions available to
25 more critical locations or more critical occupations.

1 **SEC. 203. BASIS FOR EVALUATION OF IMMIGRATION AF-**
2 **FAIRS AGENCY EMPLOYEES.**

3 (a) **FAIR AND EQUITABLE TREATMENT.**—The Immi-
4 gration Affairs Agency shall use the fair and equitable
5 treatment of aliens by employees as one of the standards
6 for evaluating employee performance.

7 (b) **EFFECTIVE DATE.**—This section shall apply to
8 evaluations conducted on or after the date of the enact-
9 ment of this Act.

10 **SEC. 204. EMPLOYEE TRAINING PROGRAM.**

11 (a) **IN GENERAL.**—Not later than 180 days after the
12 effective date of this Act, the Director of the Service Bu-
13 reau and the Director of the Enforcement Bureau, in con-
14 sultation with the Associate Attorney General for Immi-
15 gration Affairs, shall each implement an employee training
16 program for the personnel of their respective bureaus and
17 shall each submit an employee training plan to the Com-
18 mittee on the Judiciary of the Senate and the Committee
19 on the Judiciary of the House of Representatives.

20 (b) **CONTENTS.**—The plan submitted under sub-
21 section (a) shall—

22 (1) detail a schedule for training and the fiscal
23 years during which the training will occur;

24 (2) detail the funding of the program and rel-
25 evant information to demonstrate the priority and
26 commitment of resources to the plan;

1 (3) with respect to the Service Bureau, after
2 consultation by the Associate Attorney General for
3 Immigration Affairs with the Director of the Service
4 Bureau, detail a comprehensive employee training
5 program to ensure adequate customer service train-
6 ing;

7 (4) detail any joint training of both Service Bu-
8 reau and Enforcement Bureau personnel in appro-
9 priate areas;

10 (5) review the organizational design of customer
11 service; and

12 (6) provide for the implementation of a per-
13 formance development system.

14 **SEC. 205. EFFECTIVE DATE.**

15 Except as otherwise provided in this title, this title,
16 and the amendments made by this title, shall take effect
17 18 months after the date of enactment of this Act.

18 **TITLE III—ADDITIONAL**
19 **PROVISIONS**

20 **SEC. 301. EXPEDITED PROCESSING OF DOCUMENTS.**

21 (a) 30-DAY PROCESSING OF “H-1B”, “L”, “O”, OR
22 “P-1” NONIMMIGRANTS.—Section 214(c)(1) of the Immi-
23 gration and Nationality Act (8 U.S.C. 1184(c)(1)) is
24 amended by adding at the end the following: “The Attor-
25 ney General shall provide a process for reviewing and act-

1 ing upon petitions under this subsection with respect to
2 nonimmigrants described in section 101(a)(15) (H)(i)(b),
3 (L), (O), or (P)(i) within 30 days after the date a com-
4 pleted petition has been filed.”.

5 (b) 30-DAY PROCESSING OF “R” NON-
6 IMMIGRANTS.—Section 214(c) of the Immigration and
7 Nationality Act (8 U.S.C. 1184(c)) is amended by adding
8 at the end the following:

9 “(10) The Attorney General shall provide a
10 process for reviewing and acting upon petitions
11 under the subsection with respect to nonimmigrants
12 described in section 101(a)(15)(R) within 30 days
13 after the date a completed petition has been filed.”.

14 (c) 60-DAY PROCESSING OF IMMIGRANTS.—Section
15 204 of the Immigration and Nationality Act (8 U.S.C.
16 1154) is amended by adding at the end the following:

17 “(j) The Attorney General shall provide a process for
18 reviewing and acting upon petitions under this section
19 within 60 days after the date a completed petition has
20 been filed under this section.”.

21 (d) 90-DAY PROCESSING OF ADJUSTMENT OF STA-
22 TUS APPLICATIONS.—Section 245 of the Immigration and
23 Nationality Act (8 U.S.C. 1255) is amended by adding
24 at the end the following new subsection:

1 “(l) The Attorney General shall provide a process for
2 reviewing and acting upon petitions under this subsection
3 within 90 days after the date a completed petition has
4 been filed.”.

5 (e) 90-DAY PROCESSING OF IMMIGRANT VISA APPLI-
6 CATIONS.—Section 222 of the Immigration and Nation-
7 ality Act (8 U.S.C. 1202) is amended by adding at the
8 end the following new subsection:

9 “(h) The Secretary of State shall provide a process
10 for reviewing and acting upon petitions under this section
11 within 90 days after the date a completed application has
12 been filed.”.

13 (f) REENTRY PERMITS.—Section 223 of the Immi-
14 gration and Nationality Act (8 U.S.C. 1203) is amended
15 by adding at the end the following new subsection:

16 “(f) EXCEPTION.—No permit shall be required for a
17 permanent resident who is transferred abroad temporarily
18 as a result of employment with a United States employer
19 or its overseas parent, subsidiary, or affiliate.”.

20 (g) ELECTRONIC FILING.—Not later than one year
21 after the date of enactment of this Act, the Attorney Gen-
22 eral shall establish a demonstration project regarding the
23 feasibility of electronic filing of petitions with respect to
24 nonimmigrants described in section 101(a)(15) (H), (L),
25 (O), (P)(i), or (R) of the Immigration and Nationality Act.

1 The demonstration project shall utilize a representative
 2 number of employers who seek to employ those non-
 3 immigrants. The demonstration project shall make provi-
 4 sion for payment by the employer of related fees through
 5 the establishment of an account with the Immigration and
 6 Naturalization Service or through a credit card. Within
 7 2 years of the date of enactment of this Act, the Attorney
 8 General shall consider the feasibility of offering electronic
 9 filing to all petitioners.”.

10 (h) REPORT.—Section 214(c)(8) of the Immigration
 11 and Nationality Act (8 U.S.C. 1184(c)(8)) is amended by
 12 adding at the end the following new subparagraph:

13 “(F) The average processing time of each such
 14 type of petition shall be reported annually and quar-
 15 terly.”.

16 (i) EFFECTIVE DATE.—The amendments made by
 17 this section shall take effect 6 months after the effective
 18 date of Title I.

19 **SEC. 302. FUNDING ADJUDICATION AND NATURALIZATION**
 20 **SERVICES.**

21 Section 286(m) of the Immigration and Nationality
 22 Act (8 U.S.C. 1356(m)) is amended—

23 (1) by striking “: *Provided further*,” and all
 24 that follows through “immigrants.” and inserting
 25 the following: “Each fee collected for the provision

1 of an adjudication or naturalization service may be
2 used only to fund adjudication or naturalization
3 services or the costs of similar services provided
4 without charge to asylum or refugee applicants.”;
5 and

6 (2) by adding at the end the following new sen-
7 tences: “Nothing in this subsection shall be con-
8 strued to modify the conditions specified in section
9 286(s) for the expenditure of the proceeds for the
10 fee authorized under section 214(c)(9). There are
11 authorized to be appropriated such sums as may be
12 necessary to carry out the provisions of section 207
13 through 209 of this Act.”.

14 **SEC. 303. INCREASE IN BORDER PATROL AGENTS AND SUP-**
15 **PORT PERSONNEL.**

16 Section 101(a) of the Illegal Immigration Reform and
17 Immigrant Responsibility Act of 1996 is amended by
18 striking “and 2001” and inserting “2001, 2002, 2003,
19 and 2004”.

○