

107TH CONGRESS
2D SESSION

H. R. 3231

AN ACT

To replace the Immigration and Naturalization Service with the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement, and for other purposes.

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To replace the Immigration and Naturalization Service with the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement, 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 “Barbara Jordan Immigration Reform and Accountability
 6 Act of 2002”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Abolishment of Immigration and Naturalization Service; establishment of Office of Associate Attorney General for Immigration Affairs.
- Sec. 3. Positions within Office of Associate Attorney General for Immigration Affairs.
- Sec. 4. Establishment of Bureau of Citizenship and Immigration Services.
- Sec. 5. Office of the Ombudsman.
- Sec. 6. Establishment of Bureau of Immigration Enforcement.
- Sec. 7. Office of Immigration Statistics within Bureau of Justice Statistics.
- Sec. 8. Exercise of authorities.
- Sec. 9. Savings provisions.
- Sec. 10. Transfer and allocation of appropriations and personnel.
- Sec. 11. Voluntary separation incentive payments.
- Sec. 12. Authority to conduct a demonstration project relating to disciplinary action.
- Sec. 13. Authorization of appropriations; prohibition on transfer of fees; leasing or acquisition of property; sense of Congress.
- Sec. 14. Reports and implementation plans.
- Sec. 15. Application of Internet-based technologies.
- Sec. 16. Definitions.
- Sec. 17. Effective date; transition.
- Sec. 18. Conforming amendment.

1 **SEC. 2. ABOLISHMENT OF IMMIGRATION AND NATURALIZA-**
2 **TION SERVICE; ESTABLISHMENT OF OFFICE**
3 **OF ASSOCIATE ATTORNEY GENERAL FOR IM-**
4 **MIGRATION AFFAIRS.**

5 (a) ABOLISHMENT OF INS.—The Immigration and
6 Naturalization Service of the Department of Justice is
7 abolished.

8 (b) ESTABLISHMENT OF OFFICE OF ASSOCIATE AT-
9 TORNEY GENERAL FOR IMMIGRATION AFFAIRS.—

10 (1) IN GENERAL.—There is established in the
11 Department of Justice an office to be known as the
12 “Office of the Associate Attorney General for Immi-
13 gration Affairs”.

14 (2) ASSOCIATE ATTORNEY GENERAL.—The
15 head of the Office shall be the Associate Attorney
16 General for Immigration Affairs. The Associate At-
17 torney General for Immigration Affairs—

18 (A) shall be appointed by the President, by
19 and with the consent of the Senate; and

20 (B) shall have a minimum of 5 years of ex-
21 perience in managing a large and complex orga-
22 nization.

23 (3) COMPENSATION AT LEVEL III OF EXECU-
24 TIVE SCHEDULE.—Section 5314 of title 5, United
25 States Code, is amended by adding at the end the
26 following:

1 “Associate Attorney General for Immigration
2 Affairs.”.

3 (c) FUNCTIONS.—The Associate Attorney General for
4 Immigration Affairs shall be responsible for—

5 (1) overseeing the work of, and supervising, the
6 Director of the Bureau of Citizenship and Immigra-
7 tion Services and the Director of the Bureau of Im-
8 migration Enforcement;

9 (2) coordinating the administration of national
10 immigration policy, including coordinating the oper-
11 ations of the Bureau of Citizenship and Immigration
12 Services and the Bureau of Immigration Enforce-
13 ment, and reconciling conflicting policies of such bu-
14 reaus; and

15 (3) allocating and coordinating resources in-
16 volved in supporting shared support functions for
17 the Bureau of Citizenship and Immigration Services
18 and the Bureau of Immigration Enforcement,
19 through the Office of Shared Services established by
20 section 3.

21 **SEC. 3. POSITIONS WITHIN OFFICE OF ASSOCIATE ATTOR-**
22 **NEY GENERAL FOR IMMIGRATION AFFAIRS.**

23 (a) POLICY ADVISOR.—

1 (1) IN GENERAL.—There shall be a position of
2 Policy Advisor for the Associate Attorney General
3 for Immigration Affairs.

4 (2) FUNCTIONS.—The Policy Advisor shall be
5 responsible for—

6 (A) providing advice to the Associate At-
7 torney General for Immigration Affairs on all
8 matters relating to immigration and naturaliza-
9 tion policy; and

10 (B) coordinating and reconciling the reso-
11 lution of policy issues by the Bureau of Citizen-
12 ship and Immigration Services and the Bureau
13 of Immigration Enforcement.

14 (b) GENERAL COUNSEL.—

15 (1) IN GENERAL.—There shall be a position of
16 General Counsel to the Associate Attorney General
17 for Immigration Affairs.

18 (2) FUNCTIONS.—The General Counsel shall
19 serve as the principal legal advisor to the Associate
20 Attorney General for Immigration Affairs. The Gen-
21 eral Counsel shall be responsible for—

22 (A) providing specialized legal advice, opin-
23 ions, determinations, regulations, and any other
24 assistance to the Associate Attorney General for
25 Immigration Affairs with respect to legal mat-

1 ters affecting the Office of the Associate Attor-
2 ney General for Immigration Affairs, the Bu-
3 reau of Citizenship and Immigration Services,
4 or the Bureau of Immigration Enforcement;

5 (B) representing the Bureau of Citizenship
6 and Immigration Services in visa petition ap-
7 peal proceedings before the Executive Office for
8 Immigration Review and in other legal or ad-
9 ministrative proceedings involving immigration
10 services issues; and

11 (C) representing the Bureau of Immigra-
12 tion Enforcement in all exclusion, deportation,
13 or removal proceedings before the Executive Of-
14 fice for Immigration Review, including in pro-
15 ceedings to adjudicate relief from exclusion, de-
16 portation, or removal, and in other legal or ad-
17 ministrative proceedings involving immigration
18 enforcement issues.

19 (3) LIMITATION.—Paragraph (2) shall not
20 apply to the functions transferred under subsection
21 (h) to the extent that the Associate Attorney Gen-
22 eral for Immigration Affairs does not delegate such
23 functions to the General Counsel.

24 (c) CHIEF FINANCIAL OFFICER.—

1 (1) IN GENERAL.—There shall be a position of
2 Chief Financial Officer for the Associate Attorney
3 General for Immigration Affairs.

4 (2) FUNCTIONS.—The Chief Financial Officer
5 shall be responsible for—

6 (A) financial management of the Office of
7 the Associate Attorney General for Immigration
8 Affairs, the Bureau of Citizenship and Immi-
9 gration Services, and the Bureau of Immigra-
10 tion Enforcement and shall have the authorities
11 and functions described in section 902 of title
12 31, United States Code, in relation to financial
13 activities of such office and bureaus;

14 (B) collecting all payments, fines, and
15 other debts for the Bureau of Citizenship and
16 Immigration Services and the Bureau of Immi-
17 gration Enforcement; and

18 (C) coordinating all budget and other fi-
19 nancial management issues with the Bureau of
20 Citizenship and Immigration Services and the
21 Bureau of Immigration Enforcement.

22 (d) DIRECTOR OF SHARED SERVICES.—

23 (1) IN GENERAL.—There shall be a position of
24 Director of the Office of Shared Services for the As-
25 sociate Attorney General for Immigration Affairs.

1 (2) FUNCTIONS.—The Director of the Office of
2 Shared Services shall be responsible for the appro-
3 priate allocation and coordination of resources in-
4 volved in supporting shared support functions for
5 the Bureau of Citizenship and Immigration Services
6 and the Bureau of Immigration Enforcement,
7 including—

8 (A) facilities management;

9 (B) information resources management, in-
10 cluding computer databases and information
11 technology;

12 (C) records and file management; and

13 (D) forms management.

14 (e) OFFICE OF THE OMBUDSMAN.—

15 (1) ESTABLISHMENT.—

16 (A) IN GENERAL.—There is established in
17 the Office of the Associate Attorney General for
18 Immigration Affairs an office to be known as
19 the “Office of the Ombudsman”.

20 (B) OMBUDSMAN.—

21 (i) IN GENERAL.—The Office of the
22 Ombudsman shall be under the supervision
23 and direction of an official to be known as
24 the “Ombudsman”. The Ombudsman shall

1 report directly to the Associate Attorney
2 General for Immigration Affairs.

3 (ii) QUALIFICATIONS.—The Ombuds-
4 man shall have a background in customer
5 service as well as immigration law.

6 (2) FUNCTIONS OF OFFICE.—The Ombudsman
7 shall perform the functions described in section 5.

8 (f) OFFICE OF PROFESSIONAL RESPONSIBILITY AND
9 QUALITY REVIEW.—

10 (1) IN GENERAL.—There is established in the
11 Office of the Associate Attorney General for Immi-
12 gration Affairs an office to be known as the “Office
13 of Professional Responsibility and Quality Review”.
14 The head of the Office of Professional Responsibility
15 and Quality Review shall be the Director of the Of-
16 fice of Professional Responsibility and Quality Re-
17 view. The Director of the Office of Professional Re-
18 sponsibility and Quality Review shall be responsible
19 for—

20 (A) conducting investigations of non-
21 criminal allegations of misconduct, corruption,
22 and fraud involving any employee of the Office
23 of the Associate Attorney General for Immigra-
24 tion Affairs, the Bureau of Citizenship and Im-
25 migration Services, or the Bureau of Immigra-

tion Enforcement that are not subject to investigation by the Department of Justice Office of the Inspector General;

(B) inspecting the operations of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement and providing assessments of the quality of the operations of such office and bureaus as a whole and each of their components; and

(C) providing an analysis of the management of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement.

(2) SPECIAL CONSIDERATIONS.—In providing assessments in accordance with paragraph (1)(B) with respect to a decision of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, or the Bureau of Immigration Enforcement, or any of their components, consideration shall be given to—

1 (A) the accuracy of the findings of fact
2 and conclusions of law used in rendering the
3 decision;

4 (B) any fraud or misrepresentation associ-
5 ated with the decision; and

6 (C) the efficiency with which the decision
7 was rendered.

8 (g) OFFICE OF CHILDREN'S AFFAIRS.—

9 (1) IN GENERAL.—There is established within
10 the Office of the Associate Attorney General for Im-
11 migration Affairs an office to be known as the “Of-
12 fice of Children's Affairs”. The head of the Office of
13 Children's Affairs shall be the Director of the Office
14 of Children's Affairs.

15 (2) FUNCTIONS.—

16 (A) IN GENERAL.—The Director of the Of-
17 fice of Children's Affairs shall be responsible
18 for—

19 (i) coordinating and implementing law
20 and policy for unaccompanied alien chil-
21 dren who come into the custody of the De-
22 partment of Justice, including developing a
23 plan to be submitted to the Congress on
24 how to ensure that qualified and inde-
25 pendent legal counsel is timely appointed

1 to represent the interests of each such
2 child, consistent with the law regarding ap-
3 pointment of counsel that is in effect on
4 the date of the enactment of this Act;

5 (ii) ensuring that the interests of the
6 child are considered in decisions and ac-
7 tions relating to the care and custody of an
8 unaccompanied alien child;

9 (iii) making placement determinations
10 for all unaccompanied alien children appre-
11 hended by the Attorney General or who
12 otherwise come into the custody of the De-
13 partment of Justice;

14 (iv) implementing the placement de-
15 terminations made by the Office;

16 (v) implementing policies with respect
17 to the care and placement of unaccom-
18 panied alien children;

19 (vi) identifying a sufficient number of
20 qualified individuals, entities, and facilities
21 to house unaccompanied alien children;

22 (vii) overseeing the infrastructure and
23 personnel of facilities in which unaccom-
24 panied alien children reside;

1 (viii) reuniting unaccompanied alien
2 children with a parent abroad in appro-
3 priate cases;

4 (ix) compiling, updating, and pub-
5 lishing at least annually a state-by-state
6 list of professionals or other entities quali-
7 fied to provide guardian and attorney rep-
8 resentation services for unaccompanied
9 alien children;

10 (x) maintaining statistical information
11 and other data on unaccompanied alien
12 children in the Office's custody and care,
13 which shall include—

14 (I) biographical information, such
15 as a child's name, gender, date of
16 birth, country of birth, and country of
17 habitual residence;

18 (II) the date on which the child
19 came into the custody of the Depart-
20 ment of Justice;

21 (III) information relating to the
22 child's placement, removal, or release
23 from each facility in which the child
24 has resided;

1 (IV) in any case in which the
2 child is placed in detention or re-
3 leased, an explanation relating to the
4 detention or release; and

5 (V) the disposition of any actions
6 in which the child is the subject;

7 (xi) collecting and compiling statistical
8 information from the Office of the Asso-
9 ciate Attorney General, Bureau of Citizen-
10 ship and Immigration Services, and Bu-
11 reau of Enforcement (including Border Pa-
12 trol and inspections officers), on the unac-
13 companied alien children with whom they
14 come into contact; and

15 (xii) conducting investigations and in-
16 spections of facilities and other entities in
17 which unaccompanied alien children reside.

18 (B) COORDINATION WITH OTHER ENTI-
19 TIES; NO RELEASE ON OWN RECOGNIZANCE.—
20 In making determinations described in subpara-
21 graph (A)(iii), the Director of the Office of
22 Children's Affairs—

23 (i) shall consult with appropriate juve-
24 nile justice professionals, the Director of
25 the Bureau of Citizenship and Immigration

1 Services, and the Director of the Bureau of
2 Immigration Enforcement to ensure that
3 such determinations ensure that unaccom-
4 panied alien children described in such
5 subparagraph—

6 (I) are likely to appear for all
7 hearings or proceedings in which they
8 are involved;

9 (II) are protected from smug-
10 glers, traffickers, or others who might
11 seek to victimize or otherwise engage
12 them in criminal, harmful, or
13 exploitive activity; and

14 (III) are placed in a setting in
15 which they not likely to pose a danger
16 to themselves or others; and

17 (ii) shall not release such children
18 upon their own recognizance.

19 (C) TRANSFER OF FUNCTIONS.—There are
20 transferred to the Director of the Office of Chil-
21 dren’s Affairs functions with respect to the care
22 of unaccompanied alien children under the im-
23 migration laws of the United States vested by
24 statute in, or performed by, the Commissioner
25 of the Immigration and Naturalization Service

(or any officer, employee, or component thereof), immediately before the effective date specified in section 17(a).

(D) DUTIES WITH RESPECT TO FOSTER CARE.—In carrying out the duties described in subparagraph (A)(vii), the Director of the Office of Children’s Affairs shall assess the extent to which it is cost-effective to use the refugee children foster care system for the placement of unaccompanied alien children.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) from the authority of any official of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement, the Executive Office of Immigration Review, or the Department of State.

(4) DEFINITION.—As used in this subsection—

(A) the term “placement” means the placement of an unaccompanied alien child in either a detention facility or an alternative to such a facility; and

1 (B) the term “unaccompanied alien child”
2 means a child who—

3 (i) has no lawful immigration status
4 in the United States;

5 (ii) has not attained 18 years of age;
6 and

7 (iii) with respect to whom—

8 (I) there is no parent or legal
9 guardian in the United States; or

10 (II) no parent or legal guardian
11 in the United States is available to
12 provide care and physical custody.

13 (h) TRANSFER OF FUNCTIONS OF OFFICE OF IMMI-
14 GRATION LITIGATION.—There are transferred from the
15 Assistant Attorney General, Civil Division, to the Asso-
16 ciate Attorney General for Immigration Affairs all func-
17 tions performed by the Office of Immigration Litigation,
18 and all personnel, infrastructure, and funding provided to
19 the Assistant Attorney General, Civil Division, in support
20 of such functions, immediately before the effective date
21 specified in section 17(a). The Associate Attorney General
22 for Immigration Affairs may, in the Associate Attorney
23 General’s discretion, charge the General Counsel to the
24 Associate Attorney General for Immigration Affairs with
25 such functions.

1 (i) EMPLOYEE DISCIPLINE FOR WILLFUL DECEIT.—

2 The Associate Attorney General for Immigration Affairs
3 may, notwithstanding any other provision of law, impose
4 disciplinary action, including termination of employment,
5 pursuant to policies and procedures applicable to employ-
6 ees of the Federal Bureau of Investigation, on any em-
7 ployee of the Office of the Associate Attorney General for
8 Immigration Affairs, the Bureau of Citizenship and Immi-
9 gration Services, or the Bureau of Immigration Enforce-
10 ment who willfully deceives the Congress or agency leader-
11 ship on any matter.

12 (j) REFERENCES.—With respect to any function
13 transferred by this section or Act to, and exercised on or
14 after the effective date specified in section 17(a) by, the
15 Associate Attorney General for Immigration Affairs or any
16 other official whose functions are described in this section,
17 any reference in any other Federal law, Executive order,
18 rule, regulation, or delegation of authority, or any docu-
19 ment of or pertaining to a component of government from
20 which such function is transferred—

21 (1) to the head of such component is deemed to
22 refer to the Associate Attorney General for Immigra-
23 tion Affairs; or

1 (2) to such component is deemed to refer to the
2 Office of the Associate Attorney for Immigration Af-
3 fairs.

4 **SEC. 4. ESTABLISHMENT OF BUREAU OF CITIZENSHIP AND**
5 **IMMIGRATION SERVICES.**

6 (a) ESTABLISHMENT OF BUREAU.—

7 (1) IN GENERAL.—There is established in the
8 Department of Justice a bureau to be known as the
9 “Bureau of Citizenship and Immigration Services”.

10 (2) DIRECTOR.—The head of the Bureau of
11 Citizenship and Immigration Services shall be the
12 Director of the Bureau of Citizenship and Immigra-
13 tion Services, who—

14 (A) shall report directly to the Associate
15 Attorney General for Immigration Affairs; and

16 (B) shall have a minimum of 10 years pro-
17 fessional experience in the rendering of adju-
18 dications on the provision of government bene-
19 fits or services, at least 5 of which shall have
20 been years of service in a managerial capacity
21 or in a position affording comparable manage-
22 ment experience.

23 (3) FUNCTIONS.—The Director of the Bureau
24 of Citizenship and Immigration Services—

1 (A) shall establish the policies for per-
2 forming such functions as are transferred to the
3 Director by this section or this Act or otherwise
4 vested in the Director by law;

5 (B) shall oversee the administration of
6 such policies;

7 (C) shall advise the Associate Attorney
8 General for Immigration Affairs with respect to
9 any policy or operation of the Bureau of Citi-
10 zenship and Immigration Services that may af-
11 fect the Bureau of Immigration Enforcement,
12 including potentially conflicting policies or oper-
13 ations;

14 (D) shall meet regularly with the Ombuds-
15 man to correct serious service problems identi-
16 fied by the Ombudsman; and

17 (E) shall establish procedures requiring a
18 formal response to any recommendations sub-
19 mitted in the Ombudsman's annual report to
20 the Congress within 3 months after its submis-
21 sion to the Congress.

22 (4) STUDENT VISA PROGRAMS.—The Director
23 of the Bureau of Citizenship and Immigration Serv-
24 ices shall designate an official to be responsible for
25 administering student visa programs and the Stu-

1 dent and Exchange Visitor Information System es-
2 tablished under section 641 of the Illegal Immigra-
3 tion Reform and Immigrant Responsibility Act of
4 1996 (8 U.S.C. 1372), and successor programs and
5 systems, until September 30, 2004. The Director
6 may continue such policy after September 30, 2004,
7 at the Director's discretion. The Director shall pro-
8 vide any information collected by the Student and
9 Exchange Visitor Information System to the Direc-
10 tor of the Bureau of Immigration Enforcement that
11 is necessary for the performance of the functions of
12 the Bureau of Immigration Enforcement.

13 (5) MANAGERIAL ROTATION PROGRAM.—

14 (A) IN GENERAL.—Not later than 1 year
15 after the effective date specified in section
16 18(a), the Director of the Bureau of Citizenship
17 and Immigration Services shall design and im-
18 plement a managerial rotation program under
19 which employees of such bureau holding posi-
20 tions involving supervisory or managerial re-
21 sponsibility and classified, in accordance with
22 chapter 51 of title 5, United States Code, as a
23 GS-14 or above, shall, as a condition on further
24 promotion—

1 (i) gain some experience in all the
2 major functions performed by such bureau;
3 and

4 (ii) work in at least one field office
5 and one service center of such bureau.

6 (B) REPORT.—Not later than 2 years after
7 the effective date specified in section 17(a), the
8 Attorney General shall submit a report to the
9 Congress on the implementation of such pro-
10 gram.

11 (6) PILOT INITIATIVES FOR BACKLOG ELIMI-
12 NATION.—The Director of the Bureau of Citizenship
13 and Immigration Services is authorized to implement
14 innovative pilot initiatives to eliminate any remain-
15 ing backlog in the processing of immigration benefit
16 applications, and to prevent any backlog in the proc-
17 essing of such applications from recurring, in ac-
18 cordance with section 204(a) of the Immigration
19 Services and Infrastructure Improvements Act of
20 2000 (8 U.S.C. 1573(a)). Such initiatives may in-
21 clude measures such as increasing personnel, trans-
22 ferring personnel to focus on areas with the largest
23 potential for backlog, and streamlining paperwork.

24 (b) TRANSFER OF FUNCTIONS FROM COMMIS-
25 SIONER.—There are transferred from the Commissioner

1 of the Immigration and Naturalization Service to the Di-
2 rector of the Bureau of Citizenship and Immigration Serv-
3 ices the following functions, and all personnel, infrastruc-
4 ture, and funding provided to the Commissioner in sup-
5 port of such functions immediately before the effective
6 date specified in section 17(a):

7 (1) Adjudications of nonimmigrant and immi-
8 grant visa petitions.

9 (2) Adjudications of naturalization petitions.

10 (3) Adjudications of asylum and refugee appli-
11 cations.

12 (4) Adjudications performed at service centers.

13 (5) All other adjudications performed by the
14 Immigration and Naturalization Service immediately
15 before the effective date specified in section 17(a).

16 (c) OFFICE OF POLICY AND STRATEGY.—There is es-
17 tablished in the Bureau of Citizenship and Immigration
18 Services an office to be known as the “Office of Policy
19 and Strategy”. The head of the Office of Policy and Strat-
20 egy shall be the Chief of the Office of Policy and Strategy.

21 In consultation with Bureau of Citizenship and Immigra-
22 tion Services personnel in field offices, the Chief of the
23 Office of Policy and Strategy shall be responsible for—

24 (1) establishing national immigration services
25 policies and priorities;

1 (2) performing policy research and analysis on
2 immigration services issues; and

3 (3) coordinating immigration policy issues with
4 the Chief of the Office of Policy and Strategy for the
5 Bureau of Immigration Enforcement and the Asso-
6 ciate Attorney General for Immigration Affairs
7 through the Policy Advisor for the Associate Attor-
8 ney General for Immigration Affairs, as appropriate.

9 (d) LEGAL ADVISOR.—There may be a position of
10 Legal Advisor for the Bureau of Citizenship and Immigra-
11 tion Services.

12 (e) CHIEF BUDGET OFFICER FOR BUREAU OF CITI-
13 ZENSHIP AND IMMIGRATION SERVICES.—There shall be a
14 position of Chief Budget Officer for the Bureau of Citizen-
15 ship and Immigration Services. The Chief Budget Officer
16 shall be responsible for formulating and executing the
17 budget of the Bureau of Citizenship and Immigration
18 Services. The Chief Budget Officer shall report to the Di-
19 rector of the Bureau of Citizenship and Immigration Serv-
20 ices and shall provide information to, and coordinate reso-
21 lution of relevant issues with, the Chief Financial Officer
22 for the Associate Attorney General for Immigration Af-
23 fairs.

24 (f) OFFICE OF CONGRESSIONAL, INTERGOVERN-
25 MENTAL, AND PUBLIC AFFAIRS.—There is established in

1 the Bureau of Citizenship and Immigration Services an
2 office to be known as the “Office of Congressional, Inter-
3 governmental, and Public Affairs”. The head of such of-
4 fice shall be the Chief of the Office of Congressional,
5 Intergovernmental, and Public Affairs. The Chief shall be
6 responsible for—

7 (1) providing information relating to immigra-
8 tion services to the Congress, including information
9 on specific cases relating to immigration services;

10 (2) serving as a liaison with other Federal
11 agencies on immigration services issues; and

12 (3) responding to inquiries from the media and
13 general public on immigration services issues.

14 (g) OFFICE OF CITIZENSHIP.—There is established
15 in the Bureau of Citizenship and Immigration Services an
16 office to be known as the “Office of Citizenship”. The
17 head of such office shall be the Chief of the Office of Citi-
18 zenship. The Chief shall be responsible for promoting in-
19 struction and training on citizenship responsibilities for
20 aliens interested in becoming naturalized citizens of the
21 United States, including the development of educational
22 materials.

23 (h) SECTORS.—Headed by sector directors, and lo-
24 cated in appropriate geographic locations, sectors of the
25 Bureau of Citizenship and Immigration Services shall be

1 responsible for directing all aspects of the operations of
2 the Bureau of Citizenship and Immigration Services with-
3 in their assigned geographic areas of activity. Sector direc-
4 tors shall provide general guidance and supervision to the
5 field offices of the Bureau of Citizenship and Immigration
6 Services within their sectors.

7 (i) FIELD OFFICES.—Headed by field directors, who
8 may be assisted by deputy field directors, field offices of
9 the Bureau of Citizenship and Immigration Services shall
10 be responsible for assisting the Director of the Bureau of
11 Citizenship and Immigration Services in carrying out the
12 Director’s functions. Field directors shall be subject to the
13 general supervision and direction of their respective sector
14 director, except that field directors outside of the United
15 States shall be subject to the general supervision and di-
16 rection of the Director of the Bureau of Citizenship and
17 Immigration Services. All field directors shall remain ac-
18 countable to, and receive their authority from, the Direc-
19 tor of the Bureau of Citizenship and Immigration Serv-
20 ices, in order to ensure consistent application and imple-
21 mentation of policies nationwide.

22 (j) SERVICE CENTERS.—Headed by service center di-
23 rectors, service centers of the Bureau of Citizenship and
24 Immigration Services shall be responsible for assisting the
25 Director of the Bureau of Citizenship and Immigration

1 Services in carrying out the Director's functions that can
2 be effectively carried out at remote locations. Service cen-
3 ter directors are subject to the general supervision and
4 direction of their respective sector director, except that all
5 service center directors shall remain accountable to, and
6 receive their authority from, the Director of the Bureau
7 of Citizenship and Immigration Services, in order to en-
8 sure consistent application and implementation of policies
9 nationwide.

10 (k) TRANSFER AND REMOVAL.—Notwithstanding
11 any other provision of law, the Director of the Bureau of
12 Citizenship and Immigration Services may, in the Direc-
13 tor's discretion, transfer or remove any sector director,
14 field director, or service center director.

15 (l) MISSION.—It shall be the mission of the field of-
16 fices and service centers of the Bureau of Citizenship and
17 Immigration Services to directly and consistently follow all
18 instructions and guidelines of the Director of the Bureau
19 of Citizenship and Immigration Services and the Associate
20 Attorney General for Immigration Affairs in order to en-
21 sure the development of a cohesive and consistent national
22 immigration policy.

23 (m) REFERENCES.—With respect to any function
24 transferred by this section or Act to, and exercised on or
25 after the effective date specified in section 17(a) by, the

1 Director of the Bureau of Citizenship and Immigration
2 Services, any reference in any other Federal law, Execu-
3 tive order, rule, regulation, or delegation of authority, or
4 any document of or pertaining to a component of govern-
5 ment from which such function is transferred—

6 (1) to the head of such component is deemed to
7 refer to the Director of the Bureau of Citizenship
8 and Immigration Services; or

9 (2) to such component is deemed to refer to the
10 Bureau of Citizenship and Immigration Services.

11 **SEC. 5. OFFICE OF THE OMBUDSMAN.**

12 (a) FUNCTIONS.—It shall be the function of the Of-
13 fice of the Ombudsman established under section 3—

14 (1) to assist individuals and employers in re-
15 solving problems with the Bureau of Citizenship and
16 Immigration Services;

17 (2) to identify areas in which individuals and
18 employers have problems in dealing with the Bureau
19 of Citizenship and Immigration Services;

20 (3) to the extent possible, to propose changes in
21 the administrative practices of the Bureau of Citi-
22 zenship and Immigration Services to mitigate prob-
23 lems identified under paragraph (2); and

24 (4) to identify potential legislative changes that
25 may be appropriate to mitigate such problems.

1 (b) ANNUAL REPORTS.—

2 (1) OBJECTIVES.—Not later than June 30 of
3 each calendar year, the Ombudsman shall report to
4 the Committee on the Judiciary of the United States
5 House of Representatives and the Senate on the ob-
6 jectives of the Office of the Ombudsman for the fis-
7 cal year beginning in such calendar year. Any such
8 report shall contain full and substantive analysis, in
9 addition to statistical information, and—

10 (A) shall identify the initiatives the Office
11 of the Ombudsman has taken on improving
12 services and responsiveness of the Bureau of
13 Citizenship and Immigration Services;

14 (B) shall contain a summary of the most
15 pervasive and serious problems encountered by
16 individuals and employers, including a descrip-
17 tion of the nature of such problems;

18 (C) shall contain an inventory of the items
19 described in subparagraphs (A) and (B) for
20 which action has been taken and the result of
21 such action;

22 (D) shall contain an inventory of the items
23 described in subparagraphs (A) and (B) for
24 which action remains to be completed and the

1 period during which each item has remained on
2 such inventory;

3 (E) shall contain an inventory of the items
4 described in subparagraphs (A) and (B) for
5 which no action has been taken, the period dur-
6 ing which each item has remained on such in-
7 ventory, the reasons for the inaction, and shall
8 identify any official of the Bureau of Citizen-
9 ship and Immigration Services who is respon-
10 sible for such inaction;

11 (F) shall contain recommendations for
12 such administrative and legislative action as
13 may be appropriate to resolve problems encoun-
14 tered by individuals and employers, including
15 problems created by excessive backlogs in the
16 adjudication and processing of immigration ben-
17 efit petitions and applications; and

18 (G) shall include such other information as
19 the Ombudsman may deem advisable.

20 (2) REPORT TO BE SUBMITTED DIRECTLY.—

21 Each report required under this subsection shall be
22 provided directly to the committees described in
23 paragraph (1) without any prior review or comment
24 from the Attorney General, Associate Attorney Gen-
25 eral for Immigration Affairs, any other officer or

1 employee of the Department of Justice or the Office
2 of Management and Budget.

3 (c) OTHER RESPONSIBILITIES.—The Ombudsman—

4 (1) shall monitor the coverage and geographic
5 allocation of local offices of the Ombudsman;

6 (2) shall develop guidance to be distributed to
7 all officers and employees of the Bureau of Citizen-
8 ship and Immigration Services outlining the criteria
9 for referral of inquiries to local offices of the Om-
10 budsman;

11 (3) shall ensure that the local telephone number
12 for each local office of the Ombudsman is published
13 and available to individuals and employers served by
14 the office; and

15 (4) shall meet regularly with the Director of the
16 Bureau of Citizenship and Immigration Services to
17 identify serious service problems and to present rec-
18 ommendations for such administrative action as may
19 be appropriate to resolve problems encountered by
20 individuals and employers.

21 (d) PERSONNEL ACTIONS.—

22 (1) IN GENERAL.—The Ombudsman shall have
23 the responsibility and authority—

1 (A) to appoint local ombudsmen and make
 2 available at least 1 such ombudsman for each
 3 State; and

4 (B) to evaluate and take personnel actions
 5 (including dismissal) with respect to any em-
 6 ployee of any local office of the Ombudsman.

7 (2) CONSULTATION.—The Ombudsman may
 8 consult with the appropriate supervisory personnel of
 9 the Bureau of Citizenship and Immigration Services
 10 in carrying out the Ombudsman’s responsibilities
 11 under this subsection.

12 (e) RESPONSIBILITIES OF BUREAU OF CITIZENSHIP
 13 AND IMMIGRATION SERVICES.—The Director of the Bu-
 14 reau of Citizenship and Immigration Services shall estab-
 15 lish procedures requiring a formal response to all rec-
 16 ommendations submitted to such director by the Ombuds-
 17 man within 3 months after submission to such director.

18 (f) OPERATION OF LOCAL OFFICES.—

19 (1) IN GENERAL.—Each local ombudsman—

20 (A) shall report to the Ombudsman or the
 21 delegate thereof;

22 (B) may consult with the appropriate su-
 23 pervisory personnel of the Bureau of Citizen-
 24 ship and Immigration Services regarding the

1 daily operation of the local office of such om-
2 budsman;

3 (C) shall, at the initial meeting with any
4 individual or employer seeking the assistance of
5 such local office, notify such individual or em-
6 ployer that the local offices of the Ombudsman
7 operate independently of any other component
8 in the Office of the Associate Attorney General
9 for Immigration Affairs and report directly to
10 the Congress through the Ombudsman; and

11 (D) at the local ombudsman's discretion,
12 may determine not to disclose to the Bureau of
13 Citizenship and Immigration Services contact
14 with, or information provided by, such indi-
15 vidual or employer.

16 (2) MAINTENANCE OF INDEPENDENT COMMU-
17 NICATIONS.—Each local office of the Ombudsman
18 shall maintain a phone, facsimile, and other means
19 of electronic communication access, and a post office
20 address, that is separate from those maintained by
21 the Bureau of Citizenship and Immigration Services,
22 or any component of the Bureau of Citizenship and
23 Immigration Services.

1 **SEC. 6. ESTABLISHMENT OF BUREAU OF IMMIGRATION EN-**
2 **FORCEMENT.**

3 (a) ESTABLISHMENT OF BUREAU.—

4 (1) IN GENERAL.—There is established in the
5 Department of Justice a bureau to be known as the
6 “Bureau of Immigration Enforcement”.

7 (2) DIRECTOR.—The head of the Bureau of Im-
8 migration Enforcement shall be the Director of the
9 Bureau of Immigration Enforcement, who—

10 (A) shall report directly to the Associate
11 Attorney General for Immigration Affairs; and

12 (B) shall have a minimum of 10 years pro-
13 fessional experience in law enforcement, at least
14 5 of which shall have been years of service in
15 a managerial capacity.

16 (3) FUNCTIONS.—The Director of the Bureau
17 of Immigration Enforcement—

18 (A) shall establish the policies for per-
19 forming such functions as are transferred to the
20 Director by this section or this Act or otherwise
21 vested in the Director by law;

22 (B) shall oversee the administration of
23 such policies; and

24 (C) shall advise the Associate Attorney
25 General for Immigration Affairs with respect to
26 any policy or operation of the Bureau of Immi-

1 gration Enforcement that may affect the Bu-
2 reau of Citizenship and Immigration Services,
3 including potentially conflicting policies or oper-
4 ations.

5 (4) MANAGERIAL ROTATION PROGRAM.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the effective date specified in section
8 17(a), the Director of the Bureau of Immigra-
9 tion Enforcement shall design and implement a
10 managerial rotation program under which em-
11 ployees of such bureau holding positions involv-
12 ing supervisory or managerial responsibility and
13 classified, in accordance with chapter 51 of title
14 5, United States Code, as a GS–14 or above,
15 shall, as a condition on further promotion—

16 (i) gain some experience in all the
17 major functions performed by such bureau;
18 and

19 (ii) work in at least one field office
20 and one border patrol sector of such bu-
21 reau.

22 (B) REPORT.—Not later than 2 years after
23 the effective date specified in section 17(a), the
24 Attorney General shall submit a report to the

1 Congress on the implementation of such pro-
2 gram.

3 (b) TRANSFER OF FUNCTIONS.—There are trans-
4 ferred from the Commissioner of the Immigration and
5 Naturalization Service to the Director of the Bureau of
6 Immigration Enforcement all functions performed under
7 the following programs, and all personnel, infrastructure,
8 and funding provided to the Commissioner in support of
9 such programs immediately before the effective date speci-
10 fied in section 17(a):

11 (1) The Border Patrol program.

12 (2) The detention and removal program.

13 (3) The intelligence program.

14 (4) The investigations program.

15 (5) The inspections program.

16 (c) OFFICE OF POLICY AND STRATEGY.—There is es-
17 tablished in the Bureau of Immigration Enforcement an
18 office to be known as the “Office of Policy and Strategy”.
19 The head of the Office of Policy and Strategy shall be
20 the Chief of the Office of Policy and Strategy. In consulta-
21 tion with Bureau of Immigration Enforcement personnel
22 in field offices, the Chief of the Office of Policy and Strat-
23 egy shall be responsible for—

24 (1) establishing national immigration enforce-
25 ment policies and priorities;

1 (2) performing policy research and analysis on
2 immigration enforcement issues; and

3 (3) coordinating immigration policy issues with
4 the Chief of the Office of Policy and Strategy for the
5 Bureau of Citizenship and Immigration Services and
6 the Associate Attorney General for Immigration Af-
7 fairs through the Policy Advisor for the Associate
8 Attorney General for Immigration Affairs, as appro-
9 priate.

10 (d) **LEGAL ADVISOR.**—There may be a position of
11 Legal Advisor for the Bureau of Immigration Enforce-
12 ment.

13 (e) **CHIEF BUDGET OFFICER FOR THE BUREAU OF**
14 **IMMIGRATION ENFORCEMENT.**—There shall be a position
15 of Chief Budget Officer for the Bureau of Immigration
16 Enforcement. The Chief Budget Officer shall be respon-
17 sible for formulating and executing the budget of the Bu-
18 reau of Immigration Enforcement. The Chief Budget Offi-
19 cer shall report to the Director of the Bureau of Immigra-
20 tion Enforcement and shall provide information to, and
21 coordinate resolution of relevant issues with, the Chief Fi-
22 nancial Officer for the Associate Attorney General for Im-
23 migration Affairs.

24 (f) **OFFICE OF CONGRESSIONAL, INTERGOVERN-**
25 **MENTAL, AND PUBLIC AFFAIRS.**—There is established in

1 the Bureau of Immigration Enforcement an office to be
2 known as the “Office of Congressional, Intergovernmental,
3 and Public Affairs”. The head of such office shall be the
4 Chief of the Office of Congressional, Intergovernmental,
5 and Public Affairs. The Chief shall be responsible for—

6 (1) providing information relating to immigra-
7 tion enforcement to the Congress, including informa-
8 tion on specific cases relating to immigration en-
9 forcement;

10 (2) serving as a liaison with other Federal
11 agencies on immigration enforcement issues; and

12 (3) responding to inquiries from the media and
13 the general public on immigration enforcement
14 issues.

15 (g) SECTORS.—Headed by sector directors, and lo-
16 cated in appropriate geographic locations, sectors of the
17 Bureau of Immigration Enforcement shall be responsible
18 for directing all aspects of the operations of the Bureau
19 of Immigration Enforcement within their assigned geo-
20 graphic areas of activity. Sector directors shall provide
21 general guidance and supervision to the field offices of the
22 Bureau of Immigration Enforcement within their sectors.

23 (h) FIELD OFFICES.—Headed by field directors, who
24 may be assisted by deputy field directors, field offices of
25 the Bureau of Immigration Enforcement shall be respon-

1 sible for assisting the Director of the Bureau of Immigra-
2 tion Enforcement in carrying out the Director's functions.
3 Field directors shall be subject to the general supervision
4 and direction of their respective sector director, except
5 that field directors outside of the United States shall be
6 subject to the general supervision and direction of the Di-
7 rector of the Bureau of Immigration Enforcement. All
8 field directors shall remain accountable to, and receive
9 their authority from, the Director of the Bureau of Immi-
10 gration Enforcement, in order to ensure consistent appli-
11 cation and implementation of policies nationwide. There
12 shall be a field office of the Bureau of Immigration En-
13 forcement situated in at least every location where there
14 is situated a field office of the Bureau of Citizenship and
15 Immigration Services.

16 (i) BORDER PATROL SECTORS.—Headed by chief pa-
17 trol agents, who may be assisted by deputy chief patrol
18 agents, border patrol sectors of the Bureau of Immigra-
19 tion Enforcement shall be responsible for the enforcement
20 of the Immigration and Nationality Act (8 U.S.C. 1101
21 et seq.) and all other laws relating to immigration and
22 naturalization within their assigned geographic areas of
23 activity, unless any such power and authority is required
24 to be exercised by higher authority or has been exclusively
25 delegated to another immigration official or class of immi-

1 gration officer. Chief patrol agents are subject to the gen-
2 eral supervision and direction of their respective sector di-
3 rector, except that they shall remain accountable to, and
4 receive their authority from, the Director of the Bureau
5 of Immigration Enforcement, in order to ensure consistent
6 application and implementation of policies nationwide.

7 (j) TRANSFER AND REMOVAL.—Notwithstanding any
8 other provision of law, the Director of the Bureau of Im-
9 migration Enforcement may, in the Director’s discretion,
10 transfer or remove any sector director, field director, or
11 chief patrol officer.

12 (k) REFERENCES.—With respect to any function
13 transferred by this section or Act to, and exercised on or
14 after the effective date specified in section 17(a) by, the
15 Director of the Bureau of Immigration Enforcement, any
16 reference in any other Federal law, Executive order, rule,
17 regulation, or delegation of authority, or any document of
18 or pertaining to a component of government from which
19 such function is transferred—

20 (1) to the head of such component is deemed to
21 refer to the Director of the Bureau of Immigration
22 Enforcement; or

23 (2) to such component is deemed to refer to the
24 Bureau of Immigration Enforcement.

1 **SEC. 7. OFFICE OF IMMIGRATION STATISTICS WITHIN**
2 **BUREAU OF JUSTICE STATISTICS.**

3 (a) IN GENERAL.—Part C of title I of the Omnibus
4 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
5 3731 et seq.) is amended by adding at the end the fol-
6 lowing:

7 “OFFICE OF IMMIGRATION STATISTICS

8 “SEC. 305. (a) There is established within the Bu-
9 reau of Justice Statistics of the Department of Justice
10 an Office of Immigration Statistics (in this section re-
11 ferred to as the ‘Office’), which shall be headed by a Direc-
12 tor who shall be appointed by the Attorney General and
13 who shall report to the Director of Justice Statistics.

14 “(b) The Director of the Office shall be responsible
15 for the following:

16 “(1) Maintenance of all immigration statistical
17 information of the Office of the Associate Attorney
18 General for Immigration Affairs, the Bureau of Citi-
19 zenship and Immigration Services, the Bureau of
20 Immigration Enforcement, and the Executive Office
21 for Immigration Review. Such statistical information
22 shall include information and statistics of the type
23 contained in the publication entitled ‘Statistical
24 Yearbook of the Immigration and Naturalization
25 Service’ prepared by the Immigration and Natu-
26 ralization Service (as in effect on the day prior to

1 the effective date specified in section 17(a) of the
2 Barbara Jordan Immigration Reform and Account-
3 ability Act of 2002), including region-by-region sta-
4 tistics on the aggregate number of applications and
5 petitions filed by an alien (or filed on behalf of an
6 alien) and denied by such offices and bureaus, and
7 the reasons for such denials, disaggregated by cat-
8 egory of denial and application or petition type.

9 “(2) Establishment of standards of reliability
10 and validity for immigration statistics collected by
11 the Office of the Associate Attorney General for Im-
12 migration Affairs, the Bureau of Citizenship and
13 Immigration Services, the Bureau of Immigration
14 Enforcement, and the Executive Office for Immigra-
15 tion Review.

16 “(c) The Office of the Associate Attorney General for
17 Immigration Affairs, the Bureau of Citizenship and Immi-
18 gration Services, the Bureau of Immigration Enforcement,
19 and the Executive Office for Immigration Review shall
20 provide statistical information to the Office of Immigra-
21 tion Statistics from the operational data systems con-
22 trolled by the Office of the Associate Attorney General for
23 Immigration Affairs, the Bureau of Citizenship and Immi-
24 gration Services, the Bureau of Immigration Enforcement,
25 and the Executive Office for Immigration Review, respec-

1 tively, for the purpose of meeting the responsibilities of
2 the Director.”.

3 (b) TRANSFER OF FUNCTIONS.—There are trans-
4 ferred to the Office of Immigration Statistics established
5 under section 305 of the Omnibus Crime Control and Safe
6 Streets Act of 1968, as added by subsection (a), the func-
7 tions performed by the Statistics Branch of the Office of
8 Policy and Planning of the Immigration and Naturaliza-
9 tion Service on the day before the effective date specified
10 in section 17(a).

11 (c) CONFORMING AMENDMENTS.—Section 302(c) of
12 the Omnibus Crime Control and Safe Streets Act of 1968
13 (42 U.S.C. 3732(c)) is amended—

14 (1) by striking “and” at the end of paragraph
15 (22);

16 (2) by striking the period at the end of para-
17 graph (23) and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(24) collect, maintain, compile, analyze, pub-
20 lish, and disseminate information and statistics
21 about immigration in the United States, including
22 information and statistics involving the functions of
23 the Office of the Associate Attorney General for Im-
24 migration Affairs, the Bureau of Citizenship and
25 Immigration Services, the Bureau of Immigration

1 Enforcement, and the Executive Office for Immigra-
2 tion Review.”.

3 **SEC. 8. EXERCISE OF AUTHORITIES.**

4 (a) IN GENERAL.—Except as otherwise provided by
5 law, a Federal official to whom a function is transferred
6 by this Act may, for purposes of performing the function,
7 exercise all authorities under any other provision of law
8 that were available with respect to the performance of that
9 function to the official responsible for the performance of
10 the function immediately before the effective date specified
11 in section 17(a).

12 (b) PRESERVATION OF ATTORNEY GENERAL’S AU-
13 THORITY.—

14 (1) IN GENERAL.—Any function for which this
15 Act vests responsibility in an official other than the
16 Attorney General, or which is transferred by this Act
17 to such an official, may, notwithstanding any provi-
18 sion of this Act, be performed by the Attorney Gen-
19 eral, or the Attorney General’s delegate, in lieu of
20 such official.

21 (2) REFERENCES.—In a case in which the At-
22 torney General performs a function described in
23 paragraph (1), any reference in any other Federal
24 law, Executive order, rule, regulation, document, or
25 delegation of authority to the official otherwise re-

1 sponsible for the function is deemed to refer to the
2 Attorney General.

3 (c) STATUTORY CONSTRUCTION.—Nothing in this
4 Act may be construed to preclude or limit in any way the
5 powers, authorities, or duties of the Secretary of State and
6 special agents of the Department of State and the Foreign
7 Service under the State Department Basic Authorities Act
8 of 1956 (22 U.S.C. 2651 note), the Immigration and Na-
9 tionality Act (8 U.S.C. 1101 et seq.), or any other Act,
10 to investigate illegal passport or visa issuance or use.

11 **SEC. 9. SAVINGS PROVISIONS.**

12 (a) LEGAL DOCUMENTS.—All orders, determinations,
13 rules, regulations, permits, grants, loans, contracts, agree-
14 ments, recognition of labor organizations, certificates, li-
15 censes, and privileges—

16 (1) that have been issued, made, granted, or al-
17 lowed to become effective by the President, the At-
18 torney General, the Commissioner of the Immigra-
19 tion and Naturalization Service, their delegates, or
20 any other Government official, or by a court of com-
21 petent jurisdiction, in the performance of any func-
22 tion that is transferred by this Act; and

23 (2) that are in effect on the effective date of
24 such transfer (or become effective after such date

1 pursuant to their terms as in effect on such effective
2 date),
3 shall continue in effect according to their terms until
4 modified, terminated, superseded, set aside, or revoked in
5 accordance with law by the President, any other author-
6 ized official, a court of competent jurisdiction, or operation
7 of law.

8 (b) PROCEEDINGS.—Sections 4 and 6 and this sec-
9 tion shall not affect any proceedings or any application
10 for any benefit, service, license, permit, certificate, or fi-
11 nancial assistance pending on the effective date specified
12 in section 17(a) before an office whose functions are trans-
13 ferred by this Act, but such proceedings and applications
14 shall be continued. Orders shall be issued in such pro-
15 ceedings, appeals shall be taken therefrom, and payments
16 shall be made pursuant to such orders, as if this Act had
17 not been enacted, and orders issued in any such pro-
18 ceeding shall continue in effect until modified, terminated,
19 superseded, or revoked by a duly authorized official, by
20 a court of competent jurisdiction, or by operation of law.
21 Nothing in this section shall be considered to prohibit the
22 discontinuance or modification of any such proceeding
23 under the same terms and conditions and to the same ex-
24 tent that such proceeding could have been discontinued
25 or modified if this section had not been enacted.

1 (c) SUITS.—This Act shall not affect suits com-
2 menced before the effective date specified in section 17(a),
3 and in all such suits, proceedings shall be had, appeals
4 taken, and judgments rendered in the same manner and
5 with the same effect as if this Act had not been enacted.

6 (d) NONABATEMENT OF ACTIONS.—No suit, action,
7 or other proceeding commenced by or against the Depart-
8 ment of Justice or the Immigration and Naturalization
9 Service, or by or against any individual in the official ca-
10 pacity of such individual as an officer or employee in con-
11 nection with a function transferred by this Act, shall abate
12 by reason of the enactment of this Act.

13 (e) CONTINUANCE OF SUITS.—If any Government of-
14 ficer in the official capacity of such officer is party to a
15 suit with respect to a function of the officer, and under
16 this Act (or an amendment made by this Act) such func-
17 tion is transferred to any other officer or office, then such
18 suit shall be continued with the other officer or the head
19 of such other office, as applicable, substituted or added
20 as a party.

21 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
22 VIEW.—Except as otherwise provided by this Act, any
23 statutory requirements relating to notice, hearings, action
24 upon the record, or administrative or judicial review that
25 apply to any function transferred by this Act shall apply

1 to the exercise of such function by the head of the office,
2 and other officers of the office, to which such function is
3 transferred by this Act.

4 **SEC. 10. TRANSFER AND ALLOCATION OF APPROPRIATIONS**
5 **AND PERSONNEL.**

6 (a) IN GENERAL.—The personnel of the Department
7 of Justice employed in connection with the functions
8 transferred by this Act (and functions that the Attorney
9 General determines are properly related to the functions
10 of the Bureau of Citizenship and Immigration Services or
11 the Bureau of Immigration Enforcement and would, if
12 transferred, further the purposes of the bureau to which
13 the function is transferred), and the assets, liabilities, con-
14 tracts, property, records, and unexpended balance of ap-
15 propriations, authorizations, allocations, and other funds
16 employed, held, used, arising from, available to, or to be
17 made available to, the Immigration and Naturalization
18 Service or the Office of Immigration Litigation of the Civil
19 Division in connection with the functions transferred by
20 this Act, subject to section 202 of the Budget and Ac-
21 counting Procedures Act of 1950, shall be transferred to
22 the Associate Attorney General for Immigration Affairs
23 for allocation to the appropriate component or bureau.
24 Unexpended funds transferred pursuant to this subsection
25 shall be used only for the purposes for which the funds

1 were originally authorized and appropriated. The Attorney
2 General shall have the right to adjust or realign transfers
3 of funds and personnel effected pursuant to this Act for
4 a period of 2 years after the effective date specified in
5 section 17(a).

6 (b) DELEGATION AND ASSIGNMENT.—Except as oth-
7 erwise expressly prohibited by law or otherwise provided
8 in this Act, of the Associate Attorney General for Immi-
9 gration Affairs, the Director of the Bureau of Citizenship
10 and Immigration Services, and the Director of the Bureau
11 of Immigration Enforcement, the person to whom func-
12 tions are transferred under this Act may delegate any of
13 the functions so transferred to such officers and employees
14 of the Office of the Associate Attorney General for Immi-
15 gration Affairs, the Bureau of Citizenship and Immigra-
16 tion Services, or the Bureau of Immigration Enforcement,
17 respectively, as the person may designate, and may au-
18 thorize successive redelegations of such functions as may
19 be necessary or appropriate. No delegation of functions
20 under this subsection or under any other provision of this
21 Act shall relieve the official to whom a function is trans-
22 ferred under this Act of responsibility for the administra-
23 tion of the function.

24 (c) AUTHORITIES OF ATTORNEY GENERAL.—The At-
25 torney General (or a delegate of the Attorney General),

1 at such time or times as the Attorney General (or the dele-
2 gate) shall provide, may make such determinations as may
3 be necessary with regard to the functions transferred by
4 this Act, and may make such additional incidental disposi-
5 tions of personnel, assets, liabilities, grants, contracts,
6 property, records, and unexpended balances of appropria-
7 tions, authorizations, allocations, and other funds held,
8 used, arising from, available to, or to be made available
9 in connection with such functions, as may be necessary
10 to carry out the provisions of this Act. The Attorney Gen-
11 eral shall provide for such further measures and disposi-
12 tions as may be necessary to effectuate the purposes of
13 this Act.

14 (d) DATABASES.—The Associate Attorney General
15 for Immigration Affairs shall ensure that the databases
16 of the Office of the Associate Attorney General for Immi-
17 gration Affairs and those of the Bureau of Citizenship and
18 Immigration Services and the Bureau of Immigration En-
19 forcement are integrated with the databases of the Execu-
20 tive Office for Immigration Review in such a way as to
21 permit—

22 (1) the electronic docketing of each case by date
23 of service upon the alien of the notice to appear in
24 the case of a removal proceeding (or an order to
25 show cause in the case of a deportation proceeding,

1 or a notice to alien in the case of an exclusion pro-
2 ceeding); and

3 (2) the tracking of the status of any alien
4 throughout the alien's contact with United States
5 immigration authorities, without regard to whether
6 the entity with jurisdiction over the alien is the Bu-
7 reau of Citizenship and Immigration Services, the
8 Bureau of Immigration Enforcement, or the Execu-
9 tive Office for Immigration Review.

10 **SEC. 11. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**

11 (a) DEFINITIONS.—For purposes of this section—

12 (1) the term “employee” means an employee
13 (as defined by section 2105 of title 5, United States
14 Code) who—

15 (A) has completed at least 3 years of cur-
16 rent continuous service with 1 or more covered
17 entities; and

18 (B) is serving under an appointment with-
19 out time limitation;

20 but does not include any person under subpara-
21 graphs (A)–(G) of section 663(a)(2) of Public Law
22 104–208 (5 U.S.C. 5597 note);

23 (2) the term “covered entity” means—

24 (A) the Immigration and Naturalization
25 Service;

1 (B) the Office of Immigration Litigation of
2 the Civil Division;

3 (C) the Office of the Associate Attorney
4 General for Immigration Affairs;

5 (D) the Bureau of Immigration Enforce-
6 ment; and

7 (E) the Bureau of Citizenship and Immi-
8 gration Services; and

9 (3) the term “transfer date” means the date on
10 which the transfer of functions specified under this
11 Act takes effect.

12 (b) STRATEGIC RESTRUCTURING PLAN.—Before ob-
13 ligating any resources for voluntary separation incentive
14 payments under this section, the Attorney General shall
15 submit to the appropriate committees of Congress a stra-
16 tegic restructuring plan, which shall include—

17 (1) an organizational chart depicting the cov-
18 ered entities after their restructuring pursuant to
19 this Act;

20 (2) a summary description of how the authority
21 under this section will be used to help carry out that
22 restructuring; and

23 (3) the information specified in section
24 663(b)(2) of Public Law 104–208 (5 U.S.C. 5597
25 note).

1 As used in the preceding sentence, the “appropriate com-
2 mittees of Congress” are the Committees on Appropria-
3 tions, Government Reform, and the Judiciary of the
4 House of Representatives, and the Committees on Appro-
5 priations, Governmental Affairs, and the Judiciary of the
6 Senate.

7 (c) AUTHORITY.—The Attorney General may, to the
8 extent necessary to help carry out the strategic restruc-
9 turing plan described in subsection (b), make voluntary
10 separation incentive payments to employees. Any such
11 payment—

12 (1) shall be paid to the employee, in a lump
13 sum, after the employee has separated from service;

14 (2) shall be paid from appropriations or funds
15 available for the payment of basic pay of the em-
16 ployee;

17 (3) shall be equal to the lesser of—

18 (A) the amount the employee would be en-
19 titled to receive under section 5595(c) of title 5,
20 United States Code; or

21 (B) an amount not to exceed \$25,000, as
22 determined by the Attorney General;

23 (4) may not be made except in the case of any
24 qualifying employee who voluntarily separates

1 (whether by retirement or resignation) before the
2 end of—

3 (A) the 3-month period beginning on the
4 date on which such payment is offered or made
5 available to such employee; or

6 (B) the 3-year period beginning on the
7 date of the enactment of this Act,
8 whichever occurs first;

9 (5) shall not be a basis for payment, and shall
10 not be included in the computation, of any other
11 type of Government benefit; and

12 (6) shall not be taken into account in deter-
13 mining the amount of any severance pay to which
14 the employee may be entitled under section 5595 of
15 title 5, United States Code, based on any other sepa-
16 ration.

17 (d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE
18 RETIREMENT FUND.—

19 (1) IN GENERAL.—In addition to any payments
20 which it is otherwise required to make, the Depart-
21 ment of Justice shall, for each fiscal year with re-
22 spect to which it makes any voluntary separation in-
23 centive payments under this section, remit to the Of-
24 fice of Personnel Management for deposit in the
25 Treasury of the United States to the credit of the

1 Civil Service Retirement and Disability Fund the
2 amount required under paragraph (2).

3 (2) AMOUNT REQUIRED.—The amount required
4 under this paragraph shall, for any fiscal year, be
5 the amount under subparagraph (A) or (B), which-
6 ever is greater.

7 (A) FIRST METHOD.—The amount under
8 this subparagraph shall, for any fiscal year, be
9 equal to the minimum amount necessary to off-
10 set the additional costs to the retirement sys-
11 tems under title 5, United States Code (payable
12 out of the Civil Service Retirement and Dis-
13 ability Fund) resulting from the voluntary sepa-
14 ration of the employees described in paragraph
15 (3), as determined under regulations of the Of-
16 fice of Personnel Management.

17 (B) SECOND METHOD.—The amount
18 under this subparagraph shall, for any fiscal
19 year, be equal to 45 percent of the sum total
20 of the final basic pay of the employees described
21 in paragraph (3).

22 (3) COMPUTATIONS TO BE BASED ON SEPARA-
23 TIONS OCCURRING IN THE FISCAL YEAR IN-
24 VOLVED.—The employees described in this para-
25 graph are those employees who receive a voluntary

1 separation incentive payment under this section
2 based on their separating from service during the
3 fiscal year with respect to which the payment under
4 this subsection relates.

5 (4) FINAL BASIC PAY DEFINED.—In this sub-
6 section, the term “final basic pay” means, with re-
7 spect to an employee, the total amount of basic pay
8 which would be payable for a year of service by such
9 employee, computed using the employee’s final rate
10 of basic pay, and, if last serving on other than a
11 full-time basis, with appropriate adjustment there-
12 for.

13 (e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH
14 THE GOVERNMENT.—An individual who receives a vol-
15 untary separation incentive payment under this section
16 and who, within 5 years after the date of the separation
17 on which the payment is based, accepts any compensated
18 employment with the Government or works for any agency
19 of the Government through a personal services contract,
20 shall be required to pay, prior to the individual’s first day
21 of employment, the entire amount of the incentive pay-
22 ment. Such payment shall be made to the covered entity
23 from which the individual separated or, if made on or after
24 the transfer date, to the Associate Attorney General for

1 Immigration Affairs (for transfer to the appropriate com-
2 ponent of the Department of Justice, if necessary).

3 (f) EFFECT ON EMPLOYMENT LEVELS.—

4 (1) INTENDED EFFECT.—Voluntary separations
5 under this section are not intended to necessarily re-
6 duce the total number of full-time equivalent posi-
7 tions in any covered entity.

8 (2) USE OF VOLUNTARY SEPARATIONS.—A cov-
9 ered entity may redeploy or use the full-time equiva-
10 lent positions vacated by voluntary separations
11 under this section to make other positions available
12 to more critical locations or more critical occupa-
13 tions.

14 **SEC. 12. AUTHORITY TO CONDUCT A DEMONSTRATION**
15 **PROJECT RELATING TO DISCIPLINARY AC-**
16 **TION.**

17 (a) IN GENERAL.—The Attorney General may, dur-
18 ing a period ending not later than 5 years after the date
19 of the enactment of this Act, conduct a demonstration
20 project for the purpose of determining whether one or
21 more changes in the policies or procedures relating to
22 methods for disciplining employees would result in im-
23 proved personnel management.

24 (b) SCOPE.—The demonstration project—

1 (1) may not cover any employees apart from
2 those employed in or under a covered entity; and

3 (2) shall not be limited by any provision of
4 chapter 43, 75, or 77 of title 5, United States Code.

5 (c) PROCEDURES.—Under the demonstration
6 project—

7 (1) the use of alternative means of dispute reso-
8 lution (as defined in section 571 of title 5, United
9 States Code) shall be encouraged, whenever appro-
10 prium; and

11 (2) each covered entity shall be required to pro-
12 vide for the expeditious, fair, and independent review
13 of any action to which section 4303 or subchapter
14 II of chapter 75 of such title 5 would otherwise
15 apply (except an action described in section 7512(5)
16 thereof).

17 (d) ACTIONS INVOLVING DISCRIMINATION.—Not-
18 withstanding any other provision of this section, if, in the
19 case of any matter described in section 7702(a)(1)(B) of
20 title 5, United States Code, there is no judicially review-
21 able action under the demonstration project within 120
22 days after the filing of an appeal or other formal request
23 for review (referred to in subsection (c)(2)), an employee
24 shall be entitled to file a civil action to the same extent
25 and in the same manner as provided in section 7702(e)(1)

1 of such title 5 (in the matter following subparagraph (C)
2 thereof).

3 (e) CERTAIN EMPLOYEES.—Employees shall not be
4 included within any project under this section if such em-
5 ployees are—

6 (1) neither managers nor supervisors; and

7 (2) within a unit with respect to which a labor
8 organization is accorded exclusive recognition under
9 chapter 71 of title 5, United States Code.

10 Notwithstanding the preceding sentence, an aggrieved em-
11 ployee within a unit (referred to in paragraph (2)) may
12 elect to participate in a complaint procedure developed
13 under the demonstration project in lieu of any negotiated
14 grievance procedure and any statutory procedure (as such
15 term is used in section 7121 of such title 5).

16 (f) REPORTS.—The General Accounting Office shall
17 prepare and submit to the Committees on Government Re-
18 form and the Judiciary of the House of Representatives
19 and the Committees on Governmental Affairs and the Ju-
20 diciary of the Senate periodic reports on any demonstra-
21 tion project conducted under this section, such reports to
22 be submitted after the second and fourth years of its oper-
23 ation. Upon request, the Attorney General shall furnish
24 such information as the General Accounting Office may
25 require to carry out this subsection.

1 (g) DEFINITIONS.—In this section—

2 (1) the term “Attorney General” means the At-
3 torney General or his designee; and

4 (2) the term “covered entity” has the meaning
5 given such term in section 11(a)(2).

6 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS; PROHIBI-**
7 **TION ON TRANSFER OF FEES; LEASING OR**
8 **ACQUISITION OF PROPERTY; SENSE OF CON-**
9 **GRESS.**

10 (a) AUTHORIZATION OF APPROPRIATIONS FOR TRAN-
11 SITION.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated such sums as may be necessary to ef-
14 fect the abolition of the Immigration and Natu-
15 ralization Service, the establishment of the Office of
16 the Associate Attorney General for Immigration Af-
17 fairs, the Bureau of Citizenship and Immigration
18 Services, and the Bureau of Immigration Enforce-
19 ment and their components, and the transfers of
20 functions required to be made under this Act (and
21 the amendments made by this Act), and to carry out
22 any other duty related to the reorganization of the
23 immigration and naturalization functions that is
24 made necessary by this Act (or any such amend-
25 ment).

1 (2) AVAILABILITY OF FUNDS.—Amounts appro-
2 priated under paragraph (1) shall remain available
3 until expended.

4 (3) TRANSITION ACCOUNT.—

5 (A) ESTABLISHMENT.—There is estab-
6 lished in the general fund of the Treasury of
7 the United States a separate account, which
8 shall be known as the “Immigration Reorga-
9 nization Transition Account” (in this paragraph
10 referred to as the “Account”).

11 (B) USE OF ACCOUNT.—There shall be de-
12 posited into the Account all amounts appro-
13 priated under paragraph (1).

14 (C) ADVANCED AVAILABILITY OF
15 FUNDS.—To the extent provided in appropria-
16 tions Acts, funds in the Account shall be avail-
17 able for expenditure before the effective date
18 specified in section 17(a).

19 (b) SEPARATION OF FUNDING.—

20 (1) IN GENERAL.—There shall be established
21 separate accounts in the Treasury of the United
22 States for appropriated funds and other deposits
23 available for the Bureau of Citizenship and Immi-
24 gration Services and the Bureau of Immigration En-
25 forcement.

1 (2) SEPARATE BUDGETS.—To ensure that the
2 Bureau of Citizenship and Immigration Services and
3 the Bureau of Immigration Enforcement are funded
4 to the extent necessary to fully carry out their re-
5 spective functions, the Director of the Office of Man-
6 agement and Budget shall separate the budget re-
7 quests for each such entity.

8 (3) FEES.—Fees imposed for a particular serv-
9 ice, application, or benefit shall be deposited into the
10 account established under paragraph (1) that is for
11 the bureau with jurisdiction over the function to
12 which the fee relates.

13 (4) FEES NOT TRANSFERABLE.—No fee may be
14 transferred between the Bureau of Citizenship and
15 Immigration Services and the Bureau of Immigra-
16 tion Enforcement for purposes not authorized by
17 section 286 of the Immigration and Nationality Act
18 (8 U.S.C. 1356).

19 (5) ESTABLISHMENT OF FEES FOR ADJUDICA-
20 TION AND NATURALIZATION SERVICES.—Section
21 286(m) of the Immigration and Nationality Act (8
22 U.S.C. 1356(m)) is amended by striking “services,
23 including the costs of similar services provided with-
24 out charge to asylum applicants or other immi-
25 grants.” and inserting “services.”.

1 (6) AUTHORIZATION OF APPROPRIATIONS FOR
2 REFUGEE AND ASYLUM ADJUDICATIONS.—There are
3 authorized to be appropriated such sums as may be
4 necessary to carry out the provisions of sections 207
5 through 209 of the Immigration and Nationality Act
6 (8 U.S.C. 1157–1159). All funds appropriated under
7 this paragraph shall be deposited into the Immigra-
8 tion Examinations Fee Account established under
9 section 286(m) of the Immigration and Nationality
10 Act (8 U.S.C. 1356(m)) and shall remain available
11 until expended.

12 (c) LEASING OR ACQUISITION OF PROPERTY.—Not-
13 withstanding the Federal Property and Administrative
14 Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney
15 General is authorized to expend, from the appropriation
16 provided for the administration and enforcement of the
17 Immigration and Nationality Act (8 U.S.C. 1101 et seq.),
18 such amounts as may be necessary for the leasing or ac-
19 quisition of property in the fulfillment of establishing the
20 Office of the Associate Attorney General for Immigration
21 Affairs, the Bureau of Citizenship and Immigration Serv-
22 ices, and the Bureau of Immigration Enforcement under
23 this Act.

24 (d) SENSE OF CONGRESS.—It is the sense of the
25 Congress that—

1 (1) the missions of the Office of the Associate
2 Attorney General for Immigration Affairs, the Bu-
3 reau of Citizenship and Immigration Services, and
4 the Bureau of Immigration Enforcement are equally
5 important and, accordingly, they each should be ade-
6 quately funded; and

7 (2) the functions of the Associate Attorney
8 General for Immigration Affairs described in section
9 3, the immigration adjudication and service func-
10 tions referred to in section 4, and the immigration
11 enforcement functions referred to in section 6 should
12 not operate at levels below that in existence prior to
13 the enactment of this Act.

14 (e) BACKLOG ELIMINATION.—Section 204(a) of the
15 Immigration Services and Infrastructure Improvements
16 Act of 2000 (8 U.S.C. 1573(a)) is amended by striking
17 “October 17, 2000;” and inserting “the effective date
18 specified in section 15(a) of the Barbara Jordan Immigra-
19 tion Reform and Accountability Act of 2002;”.

20 **SEC. 14. REPORTS AND IMPLEMENTATION PLANS.**

21 (a) DIVISION OF FUNDS.—The Attorney General, not
22 later than 120 days after the date of the enactment of
23 this Act, shall submit to the Committees on Appropria-
24 tions and the Judiciary of the United States House of
25 Representatives and of the Senate a report on the pro-

1 posed division and transfer of funds, including unexpended
2 funds, appropriations, and fees, among the Office of the
3 Associate Attorney General for Immigration Affairs, the
4 Bureau of Citizenship and Immigration Services, and the
5 Bureau of Immigration Enforcement.

6 (b) DIVISION OF PERSONNEL.—The Attorney Gen-
7 eral, not later than 120 days after the date of the enact-
8 ment of this Act, shall submit to the Committees on Ap-
9 propriations and the Judiciary of the United States House
10 of Representatives and of the Senate a report on the pro-
11 posed division of personnel among the Office of the Asso-
12 ciate Attorney General for Immigration Affairs, the Bu-
13 reau of Citizenship and Immigration Services, and the Bu-
14 reau of Immigration Enforcement.

15 (c) IMPLEMENTATION PLAN.—

16 (1) IN GENERAL.—The Attorney General, not
17 later than 120 days after the date of the enactment
18 of this Act, and every 6 months thereafter until the
19 termination of fiscal year 2005, shall submit to the
20 Committees on Appropriations and the Judiciary of
21 the United States House of Representatives and of
22 the Senate an implementation plan to carry out this
23 Act.

24 (2) CONTENTS.—The implementation plan
25 should include details concerning the separation of

1 the Office of the Associate Attorney General for Im-
2 migration Affairs, the Bureau of Citizenship and
3 Immigration Services, and the Bureau of Immigra-
4 tion Enforcement, including the following:

5 (A) Organizational structure, including the
6 field structure.

7 (B) Chain of command.

8 (C) Procedures for interaction among such
9 office and bureaus.

10 (D) Procedures for the Director of Shared
11 Services to perform all shared support func-
12 tions, including authorizing the Director of the
13 Bureau of Citizenship and Immigration Services
14 and the Director of the Bureau of Immigration
15 Enforcement to approve training curricula and
16 to acquire such supplies and equipment as may
17 be necessary to perform the daily operations of
18 that director's bureau.

19 (E) Procedures to establish separate ac-
20 counts and financial management systems for
21 the Bureau of Citizenship and Immigration
22 Services and the Bureau of Immigration En-
23 forcement, and to implement all provisions of
24 section 13(b).

25 (F) Fraud detection and investigation.

1 (G) The processing and handling of re-
2 moval proceedings, including expedited removal
3 and applications for relief from removal.

4 (H) Recommendations for conforming
5 amendments to the Immigration and Nation-
6 ality Act (8 U.S.C. 1101 et seq.).

7 (I) Establishment of a transition team.

8 (J) Ways to phase in the costs of sepa-
9 rating the administrative support systems of
10 the Immigration and Naturalization Service in
11 order to provide for separate administrative
12 support systems for the Bureau of Citizenship
13 and Immigration Services and the Bureau of
14 Immigration Enforcement in instances where
15 separate systems are more efficient or effective.

16 (d) REPORT ON IMPROVING IMMIGRATION SERV-
17 ICES.—

18 (1) IN GENERAL.—The Attorney General, not
19 later than 1 year after the date of the enactment of
20 this Act, shall submit to the Committees on the Ju-
21 diciary and Appropriations of the United States
22 House of Representatives and of the Senate a report
23 containing a plan for how the Director of the Bu-
24 reau of Citizenship and Immigration Services will
25 complete efficiently, fairly, and within a reasonable

1 time, the adjudications described in paragraphs (1)
2 through (5) of section 4(b).

3 (2) CONTENTS.—For each type of adjudication
4 to be undertaken by the Director of the Bureau of
5 Citizenship and Immigration Services, the report
6 shall include the following:

7 (A) Any potential savings of resources that
8 may be implemented without affecting the qual-
9 ity of the adjudication.

10 (B) The goal for processing time with re-
11 spect to the application.

12 (C) Any statutory modifications with re-
13 spect to the adjudication that the Attorney
14 General considers advisable.

15 (3) CONSULTATION.—In carrying out para-
16 graph (1), the Attorney General shall consult with
17 the Secretary of State, the Secretary of Labor, the
18 Associate Attorney General for Immigration Affairs,
19 the Director of the Bureau of Immigration Enforce-
20 ment, and the Director of the Executive Office for
21 Immigration Review to determine how to streamline
22 and improve the process for applying for and mak-
23 ing adjudications described in section 4(b) and re-
24 lated processes.

1 (e) REPORT ON IMPROVING ENFORCEMENT FUNC-
2 TION.—

3 (1) IN GENERAL.—The Attorney General, not
4 later than 1 year after the date of the enactment of
5 this Act, shall submit to the Committees on Appro-
6 priations and the Judiciary of the United States
7 House of Representatives and of the Senate a report
8 with a plan detailing how the Bureau of Immigra-
9 tion Enforcement, after the transfer of functions
10 performed under the programs described in para-
11 graphs (1) through (5) of section 6(b), will enforce
12 comprehensively, effectively, and fairly all the en-
13 forcement provisions of the Immigration and Nation-
14 ality Act (8 U.S.C. 1101 et seq.) relating to such
15 programs.

16 (2) CONSULTATION.—In carrying out para-
17 graph (1), the Attorney General shall consult with
18 the Secretary of State, the Director of the Federal
19 Bureau of Investigation, the Secretary of the Treas-
20 ury, the Secretary of Labor, the Commissioner of
21 Social Security, the Associate Attorney General for
22 Immigration Affairs, the Director of the Bureau of
23 Citizenship and Immigration Services, the Director
24 of the Executive Office for Immigration Review, and
25 the heads of State and local law enforcement agen-

1 cies to determine how to most effectively conduct en-
2 forcement operations.

3 (f) REPORT ON SHARED SERVICES.—The Attorney
4 General, not later than 3 years after the effective date
5 specified in section 17(a), shall submit to the Committees
6 on the Judiciary and Appropriations of the United States
7 House of Representatives and of the Senate a report on
8 whether the Director of Shared Services is properly serv-
9 ing the Bureau of Citizenship and Immigration Services
10 and the Bureau of Immigration Enforcement. The report
11 should address whether it would be more efficient to trans-
12 fer one or more of the functions described in section 3
13 to the Director of the Bureau of Citizenship and Immigra-
14 tion Services or the Director of the Bureau of Immigration
15 Enforcement, and shall include an estimate of the cost of
16 any such transfer that the Attorney General recommends.
17 The report should also address whether it would be more
18 efficient to transfer one or more of the functions described
19 in sections 4 and 6 to the Office of the Associate Attorney
20 General for Immigration Affairs, and shall include an esti-
21 mate of the cost of any such transfer that the Attorney
22 General recommends.

23 (g) COMPTROLLER GENERAL STUDIES AND RE-
24 PORTS.—

1 (1) STATUS REPORTS ON TRANSITION.—Not
2 later than 18 months after the effective date speci-
3 fied in section 17(a), and every 6 months thereafter,
4 until full implementation of this Act has been com-
5 pleted, the Comptroller General of the United States
6 shall submit to the Committees on Appropriations
7 and on the Judiciary of the United States House of
8 Representatives and the Senate a report containing
9 the following:

10 (A) A determination of whether the trans-
11 fers of functions made by sections 4 and 6 have
12 been completed, and if a transfer of functions
13 has not taken place, identifying the reasons why
14 the transfer has not taken place.

15 (B) If the transfers of functions made by
16 sections 4 and 6 have been completed, an iden-
17 tification of any issues that have arisen due to
18 the completed transfers.

19 (C) An identification of any issues that
20 may arise due to any future transfer of func-
21 tions.

22 (2) REPORT ON MANAGEMENT.—Not later than
23 4 years after the effective date specified in section
24 17(a), the Comptroller General of the United States
25 shall submit to the Committees on Appropriations

1 and on the Judiciary of the United States House of
2 Representatives and the Senate a report, following a
3 study, containing the following:

4 (A) Determinations of whether the transfer
5 of functions from the Immigration and Natu-
6 ralization Service to the Bureau of Citizenship
7 and Immigration Services and the Bureau of
8 Immigration Enforcement, and the transfer of
9 functions from the Immigration and Naturaliza-
10 tion Service and the Office of Immigration Liti-
11 gation of the Civil Division to the Office of the
12 Associate Attorney General for Immigration Af-
13 fairs, under this Act have improved, with re-
14 spect to each function transferred, the fol-
15 lowing:

16 (i) Operations.

17 (ii) Management, including account-
18 ability and communication.

19 (iii) Financial administration.

20 (iv) Recordkeeping, including informa-
21 tion management and technology.

22 (B) A statement of the reasons for the de-
23 terminations under subparagraph (A).

24 (C) Any recommendations for further im-
25 provements to the Office of the Associate Attor-

1 ney General for Immigration Affairs, the Bu-
2 reau of Citizenship and Immigration Services,
3 and the Bureau of Immigration Enforcement.

4 (3) REPORT ON FEES.—Not later than 90 days
5 after the date of the enactment of this Act, the
6 Comptroller General of the United States shall sub-
7 mit to the Committees on the Judiciary of the
8 House of Representatives and of the Senate a report
9 examining whether the Bureau of Citizenship and
10 Immigration Services is likely to derive sufficient
11 funds from fees to carry out its functions in the ab-
12 sence of appropriated funds.

13 (h) REPORT ON INTERIOR CHECKPOINTS.—Not later
14 than 6 months after the date of the enactment of this Act,
15 the Attorney General shall submit to the Congress a report
16 on whether all permanent interior checkpoints operated by
17 the Immigration and Naturalization Service ought to be
18 closed, and the funds that otherwise would be expended
19 for the operation of such checkpoints ought to be reallo-
20 cated for protecting and maintaining the integrity of the
21 borders of the United States and increasing enforcement
22 at other points of entry into the United States.

23 (i) REPORT ON RESPONDING TO FLUCTUATING
24 NEEDS.—Not later than 30 days after the date of the en-
25 actment of this Act, the Attorney General shall submit to

1 the Congress a report on changes in law, including
2 changes in authorizations of appropriations and in appro-
3 priations, that are needed to permit the Immigration and
4 Naturalization Service, and, after the effective date speci-
5 fied in section 17(a), the Bureau of Citizenship and Immi-
6 gration Services, to ensure a prompt and timely response
7 to emergent, unforeseen, or impending changes in the
8 number of applications for immigration benefits, and oth-
9 erwise to ensure the accommodation of changing immigra-
10 tion service needs.

11 **SEC. 15. APPLICATION OF INTERNET-BASED TECH-**
12 **NOLOGIES.**

13 (a) ESTABLISHMENT OF TRACKING SYSTEM.—The
14 Attorney General, not later than 1 year after the date of
15 the enactment of this Act, in consultation with the Tech-
16 nology Advisory Committee established under subsection
17 (c), shall establish an Internet-based system, that will per-
18 mit a person, employer, immigrant, or nonimmigrant who
19 has filings with the Attorney General for any benefit under
20 the Immigration and Nationality Act (8 U.S.C. 1101 et
21 seq.), access to online information about the processing
22 status of the filing involved.

23 (b) FEASIBILITY STUDY FOR ONLINE FILING AND
24 IMPROVED PROCESSING.—

1 (1) ONLINE FILING.—The Attorney General, in
2 consultation with the Technology Advisory Com-
3 mittee established under subsection (c), shall con-
4 duct a feasibility study on the online filing of the fil-
5 ings described in subsection (a). The study shall in-
6 clude a review of computerization and technology of
7 the Immigration and Naturalization Service relating
8 to the immigration services and processing of filings
9 related to immigrant services. The study shall also
10 include an estimate of the timeframe and cost and
11 shall consider other factors in implementing such a
12 filing system, including the feasibility of fee payment
13 online.

14 (2) REPORT.—A report on the study under this
15 subsection shall be submitted to the Committees on
16 the Judiciary of the United States House of Rep-
17 resentatives and the Senate not later than 1 year
18 after the date of the enactment of this Act.

19 (c) TECHNOLOGY ADVISORY COMMITTEE.—

20 (1) ESTABLISHMENT.—The Attorney General
21 shall establish, not later than 60 days after the date
22 of the enactment of this Act, an advisory committee
23 (in this section referred to as the “Technology Advi-
24 sory Committee”) to assist the Attorney General
25 in—

- 1 (A) establishing the tracking system under
2 subsection (a); and
3 (B) conducting the study under subsection
4 (b).

5 The Technology Advisory Committee shall be estab-
6 lished after consultation with the Committees on the
7 Judiciary of the United States House of Representa-
8 tives and the Senate.

9 (2) COMPOSITION.—The Technology Advisory
10 Committee shall be composed of representatives
11 from high technology companies capable of estab-
12 lishing and implementing the system in an expedi-
13 tious manner, and representatives of persons who
14 may use the tracking system described in subsection
15 (a) and the online filing system described in sub-
16 section (b)(1).

17 **SEC. 16. DEFINITIONS.**

18 For purposes of this Act:

19 (1) The term “function” includes any duty, ob-
20 ligation, power, authority, responsibility, right, privi-
21 lege, activity, or program.

22 (2) The term “office” includes any office, ad-
23 ministration, agency, bureau, institute, council, unit,
24 organizational entity, or component thereof.

1 **SEC. 17. EFFECTIVE DATE; TRANSITION.**

2 (a) IN GENERAL.—The abolishment of the Immigra-
3 tion and Naturalization Service, the establishment of the
4 Office of the Associate Attorney General for Immigration
5 Affairs, the Bureau of Citizenship and Immigration Serv-
6 ices, and the Bureau of Immigration Enforcement, the
7 transfers of functions specified under this Act, and the
8 amendments made by this Act, shall take effect 1 year
9 after the date of the enactment of this Act. The Associate
10 Attorney General for Immigration Affairs, the Director of
11 the Bureau of Citizenship and Immigration Services, and
12 the Director of the Bureau of Immigration Enforcement
13 shall be appointed not later than such effective date. To
14 the extent that functions to be transferred to such persons
15 under this Act continue to be performed by the Immigra-
16 tion and Naturalization Service and the Office of Immi-
17 gration Litigation of the Civil Division during fiscal year
18 2003, the Attorney General shall provide for an appro-
19 priate accounting of funds and an appropriate transfer of
20 funds appropriated to such entities to the appropriate
21 component of the Office of the Associate Attorney General
22 for Immigration Affairs, the Bureau of Citizenship and
23 Immigration Services, or the Bureau of Immigration En-
24 forcement.

25 (b) TRANSITION PERIOD FOR CERTAIN BUREAU
26 FUNCTIONS.—Notwithstanding subsection (a), during the

1 18-month period after the transfer of functions under this
2 Act takes effect, the Associate Attorney General for Immi-
3 gration Affairs is authorized to perform the functions de-
4 scribed in subsections (c), (d), and (f) of each of sections
5 4 and 6 for both the Bureau of Citizenship and Immigra-
6 tion Services and the Bureau of Immigration Enforce-
7 ment.

8 **SEC. 18. CONFORMING AMENDMENT.**

9 Section 5315 of title 5, United States Code, is
10 amended by striking the following:

11 “Commissioner of Immigration and Naturaliza-
12 tion, Department of Justice.”.

Passed the House of Representatives April 25, 2002.

Attest:

Clerk.