

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3231**

**OFFERED BY MR. SENSENBRENNER, MR.
CONYERS, MR. GEKAS,
AND MS. JACKSON-LEE OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Barbara Jordan Immigration Reform and Accountability
4 Act of 2002”.

5 (b) TABLE OF CONTENTS.—The table of contents of
6 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. Authorization of appropriations; prohibition on transfer of fees; leasing or acquisition of property; sense of Congress.
- Sec. 12. Reports and implementation plans.
- Sec. 13. Application of Internet-based technologies.
- Sec. 14. Definitions.
- Sec. 15. Effective date; transition.
- Sec. 16. 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 De-
 11 partment of Justice an office to be known as the “Office
 12 of the Associate Attorney General for Immigration Af-
 13 fairs”.

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 the functions transferred under subsection (h)
21 to the extent that the Associate Attorney General for
22 Immigration Affairs does not delegate such func-
23 tions 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-

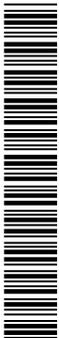


1 tion Enforcement that are not subject to inves-
2 tigation by the Department of Justice Office of
3 the Inspector General;

4 (B) inspecting the operations of the Office
5 of the Associate Attorney General for Immigra-
6 tion Affairs, the Bureau of Citizenship and Im-
7 migration Services, and the Bureau of Immi-
8 gration Enforcement and providing assessments
9 of the quality of the operations of such office
10 and bureaus as a whole and each of their com-
11 ponents; and

12 (C) providing an analysis of the manage-
13 ment of the Office of the Associate Attorney
14 General for Immigration Affairs, the Bureau of
15 Citizenship and Immigration Services, and the
16 Bureau of Immigration Enforcement.

17 (2) SPECIAL CONSIDERATIONS.—In providing
18 assessments in accordance with paragraph (1)(B)
19 with respect to decisions of the Office of the Asso-
20 ciate Attorney General for Immigration Affairs, the
21 Bureau of Citizenship and Immigration Services,
22 and the Bureau of Immigration Enforcement, or any
23 of their components, consideration shall be given
24 to—



1 (A) the accuracy of the finding of fact and
2 conclusions of law used in rendering the deci-
3 sion;

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;

23 (ii) ensuring that the interests of the
24 child are considered in decisions and ac-



1 tions relating to the care and custody of an
2 unaccompanied alien child;

3 (iii) making placement determinations
4 for all unaccompanied alien children appre-
5 hended by the Attorney General or who
6 otherwise come into the custody of the De-
7 partment of Justice;

8 (iv) implementing the placement de-
9 terminations made by the Office;

10 (v) implementing policies with respect
11 to the care and placement of unaccom-
12 panied alien children;

13 (vi) identifying a sufficient number of
14 qualified individuals, entities, and facilities
15 to house unaccompanied alien children;

16 (vii) overseeing the infrastructure and
17 personnel of facilities in which unaccom-
18 panied alien children reside;

19 (viii) reuniting unaccompanied alien
20 children with a parent abroad in appro-
21 priate cases;

22 (ix) compiling, updating, and pub-
23 lishing at least annually a State-by-State
24 list of professionals or other entities quali-



1 fied to provide the guardian and attorney
2 representation services;

3 (x) maintaining statistical information
4 and other data on unaccompanied alien
5 children in the Office's custody and care,
6 which shall include—

7 (I) biographical information such
8 as the child's name, gender, date of
9 birth, country of birth, and country of
10 habitual residence;

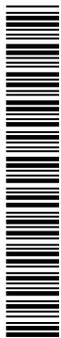
11 (II) the date on which the child
12 came into the custody of the Depart-
13 ment of Justice;

14 (III) information relating to the
15 child's placement, removal, or release
16 from each facility in which the child
17 has resided;

18 (IV) in any case in which the
19 child is placed in detention or re-
20 leased, an explanation relating to the
21 detention or release; and

22 (V) the disposition of any actions
23 in which the child is the subject;

24 (xi) collecting and compiling statistical
25 information from the Office of the Asso-



1 ciate Attorney General, Bureau of Citizen-
2 ship and Immigration Services, and Bu-
3 reau of Enforcement (including Border Pa-
4 trol and inspections officers), on the unac-
5 companied alien children with whom they
6 come into contact; and

7 (xii) conducting investigations and in-
8 spections of facilities and other entities in
9 which unaccompanied alien children reside.

10 (B) COORDINATION WITH OTHER ENTI-
11 TIES.—In making determinations described in
12 subparagraph (A)(iii), the Director of the Office
13 of Children’s Affairs—

14 (i) shall consult with appropriate juve-
15 nile justice professionals, the Director of
16 the Bureau of Citizenship and Immigration
17 Services, and the Director of the Bureau of
18 Immigration Enforcement to ensure that
19 such determinations ensure that unaccom-
20 panied alien children described in such
21 subparagraph—

22 (I) are likely to appear for all
23 hearings or proceedings in which they
24 are involved;



1 (II) are protected from smug-
2 glers, traffickers, or others who might
3 seek to victimize or otherwise engage
4 them in criminal, harmful, or
5 exploitive activity; and

6 (III) are placed in a setting in
7 which they not likely to pose a danger
8 to themselves or others; and

9 (ii) shall not release such children
10 upon their own recognizance.

11 (C) TRANSFER OF FUNCTIONS.—There are
12 transferred to the Director of the Office of Chil-
13 dren’s Affairs functions with respect to the care
14 of unaccompanied alien children under the im-
15 migration laws of the United States vested by
16 statute in, or performed by, the Commissioner
17 of the Immigration and Naturalization Service
18 (or any officer, employee, or component there-
19 of), immediately before the effective date speci-
20 fied in section 15(a).

21 (D) DUTIES WITH RESPECT TO FOSTER
22 CARE.—In carrying out the duties described in
23 subparagraph (A)(vii), the Director of the Of-
24 fice of Children’s Affairs shall assess the extent
25 to which it is cost-effective to use the refugee



1 children foster care system for the placement of
2 unaccompanied alien children.

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 subsection may be construed to transfer the respon-
5 sibility for adjudicating benefit determinations under
6 the Immigration and Nationality Act (8 U.S.C. 1101
7 et seq.) from the authority of any official of the Of-
8 fice of the Associate Attorney General for Immigra-
9 tion Affairs, the Bureau of Citizenship and Immi-
10 gration Services, the Bureau of Immigration En-
11 forcement, the Executive Office of Immigration Re-
12 view, or the Department of State.

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

14 (A) the term “placement” means the place-
15 ment of an unaccompanied alien child in either
16 a detention facility or an alternative to such a
17 facility; and

18 (B) the term “unaccompanied alien child”
19 means a child who—

20 (i) has no lawful immigration status
21 in the United States;

22 (ii) has not attained 18 years of age;

23 and

24 (iii) with respect to whom—



1 (I) there is no parent or legal
2 guardian in the United States; or

3 (II) no parent or legal guardian
4 in the United States is available to
5 provide care and physical custody.

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

19 (i) EMPLOYEE DISCIPLINE FOR WILLFUL DECEIT.—
20 The Associate Attorney General for Immigration Affairs
21 may, notwithstanding any other provision of law, impose
22 disciplinary action, including termination of employment,
23 pursuant to policies and procedures applicable to employ-
24 ees of the Federal Bureau of Investigation, for any em-
25 ployee of the Office of the Associate Attorney General for



1 Immigration Affairs, the Bureau of Citizenship and Immi-
2 gration Services, or the Bureau of Immigration Enforce-
3 ment who willfully deceives the Congress or agency leader-
4 ship on any matter.

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

14 (1) to the head of such component is deemed to
15 refer to the Associate Attorney General for Immigra-
16 tion Affairs; or

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

20 **SEC. 4. ESTABLISHMENT OF BUREAU OF CITIZENSHIP AND**
21 **IMMIGRATION SERVICES.**

22 (a) ESTABLISHMENT OF BUREAU.—

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



1 (2) DIRECTOR.—The head of the Bureau of
2 Citizenship and Immigration Services shall be the
3 Director of the Bureau of Citizenship and Immigra-
4 tion Services, who—

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

7 (B) shall have a minimum of 10 years pro-
8 fessional experience in the rendering of adju-
9 dications on the provision of government bene-
10 fits or services, at least 5 of which shall have
11 been years of service in a managerial capacity
12 or in a position affording comparable manage-
13 ment experience.

14 (3) FUNCTIONS.—The Director of the Bureau
15 of Citizenship and Immigration Services—

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

20 (B) shall oversee the administration of
21 such policies;

22 (C) shall advise the Associate Attorney
23 General for Immigration Affairs with respect to
24 any policy or operation of the Bureau of Citi-
25 zenship and Immigration Services that may af-

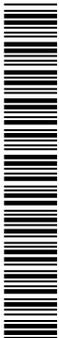


1 fect the Bureau of Immigration Enforcement,
2 including potentially conflicting policies or oper-
3 ations;

4 (D) shall meet regularly with the Ombuds-
5 man to correct serious service problems identi-
6 fied by the Ombudsman; and

7 (E) shall establish procedures requiring a
8 formal response to any recommendations sub-
9 mitted in the Ombudsman's annual report to
10 the Congress within 3 months after its submis-
11 sion to the Congress.

12 (4) STUDENT VISA PROGRAMS.—The Director
13 of the Bureau of Citizenship and Immigration Serv-
14 ices shall designate an official to be responsible for
15 administering student visa programs and the Stu-
16 dent and Exchange Visitor Information System es-
17 tablished under section 641 of the Illegal Immigra-
18 tion Reform and Immigrant Responsibility Act of
19 1996 (8 U.S.C. 1372), and successor programs and
20 systems, until September 30, 2004. The Director
21 may continue such policy after September 30, 2004,
22 at the Director's discretion. The Director shall pro-
23 vide any information collected by the Student and
24 Exchange Visitor Information System to the Direc-
25 tor of the Bureau of Immigration Enforcement that



1 is necessary for the performance of the functions of
2 the Bureau of Immigration Enforcement.

3 (b) TRANSFER OF FUNCTIONS FROM COMMIS-
4 SIONER.—There are transferred from the Commissioner
5 of the Immigration and Naturalization Service to the Di-
6 rector of the Bureau of Citizenship and Immigration Serv-
7 ices the following functions, and all personnel, infrastruc-
8 ture, and funding provided to the Commissioner in sup-
9 port of such functions immediately before the effective
10 date specified in section 15(a):

11 (1) Adjudications of nonimmigrant and immi-
12 grant visa petitions.

13 (2) Adjudications of naturalization petitions.

14 (3) Adjudications of asylum and refugee appli-
15 cations.

16 (4) Adjudications performed at service centers.

17 (5) All other adjudications under the Immigra-
18 tion and Nationality Act (8 U.S.C. 1101 et seq.)
19 performed by the Immigration and Naturalization
20 Service immediately before the effective date speci-
21 fied in section 15(a).

22 (c) OFFICE OF POLICY AND STRATEGY.—There is es-
23 tablished in the Bureau of Citizenship and Immigration
24 Services an office to be known as the “Office of Policy
25 and Strategy”. The head of the Office of Policy and Strat-



1 egypt shall be the Chief of the Office of Policy and Strategy.

2 In consultation with Bureau of Citizenship and Immigra-

3 tion Services personnel in field offices, the Chief of the

4 Office of Policy and Strategy shall be responsible for—

5 (1) establishing national immigration services
6 policies and priorities;

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

9 (3) coordinating immigration policy issues with
10 the Office of Policy and Strategy for the Bureau of
11 Immigration Enforcement and the Associate Attor-
12 ney General for Immigration Affairs through the
13 Policy Advisor for the Associate Attorney General
14 for Immigration Affairs, as appropriate.

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

18 (e) CHIEF BUDGET OFFICER FOR BUREAU OF CITI-
19 ZENSHIP AND IMMIGRATION SERVICES.—There shall be a
20 position of Chief Budget Officer for the Bureau of Citizen-
21 ship and Immigration Services. The Chief Budget Officer
22 shall be responsible for formulating and executing the
23 budget of the Bureau of Citizenship and Immigration
24 Services. The Chief Budget Officer shall report to the Di-
25 rector of the Bureau of Citizenship and Immigration Serv-



1 ices and shall provide information to, and coordinate reso-
2 lution of relevant issues with, the Chief Financial Officer
3 for the Associate Attorney General for Immigration Af-
4 fairs.

5 (f) OFFICE OF CONGRESSIONAL, INTERGOVERN-
6 MENTAL, AND PUBLIC AFFAIRS.—There is established in
7 the Bureau of Citizenship and Immigration Services an
8 office to be known as the “Office of Congressional, Inter-
9 governmental, and Public Affairs”. The head of such of-
10 fice shall be the Chief of the Office of Congressional,
11 Intergovernmental, and Public Affairs. The Chief shall be
12 responsible for—

13 (1) providing information relating to immigra-
14 tion services to the Congress, including information
15 on specific cases relating to immigration services;

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

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

20 (g) OFFICE OF CITIZENSHIP.—There is established
21 in the Bureau of Citizenship and Immigration Services an
22 office to be known as the “Office of Citizenship”. The
23 head of such office shall be the Chief of the Office of Citi-
24 zenship. The Chief shall be responsible for promoting in-
25 struction and training on citizenship responsibilities for



1 aliens interested in becoming naturalized citizens of the
2 United States, including the development of educational
3 materials.

4 (h) SECTORS.—Headed by sector directors, and lo-
5 cated in appropriate geographic locations, sectors of the
6 Bureau of Citizenship and Immigration Services shall be
7 responsible for directing all aspects of the Bureau of Citi-
8 zenship and Immigration Services' operations within their
9 assigned geographic areas of activity. Sector directors
10 shall provide general guidance and supervision to the field
11 offices of the Bureau of Citizenship and Immigration
12 Services within their sectors.

13 (i) FIELD OFFICES.—Headed by field directors, who
14 may be assisted by deputy field directors, field offices of
15 the Bureau of Citizenship and Immigration Services shall
16 be responsible for assisting the Director of the Bureau of
17 Citizenship and Immigration Services in carrying out the
18 Director's functions. Field directors shall be subject to the
19 general supervision and direction of their respective sector
20 director, except that field directors outside of the United
21 States shall be subject to the general supervision and di-
22 rection of the Director of the Bureau of Citizenship and
23 Immigration Services. All field directors shall remain ac-
24 countable to, and receive their authority from, the Direc-
25 tor of the Bureau of Citizenship and Immigration Serv-



1 ices, in order to ensure consistent application and imple-
2 mentation of policies nationwide.

3 (j) SERVICE CENTERS.—Headed by service center di-
4 rectors, service centers of the Bureau of Citizenship and
5 Immigration Services shall be responsible for assisting the
6 Director of the Bureau of Citizenship and Immigration
7 Services in carrying out the Director's functions that can
8 be effectively carried out at remote locations. Service cen-
9 ter directors are subject to the general supervision and
10 direction of their respective sector director, except that all
11 service center directors shall remain accountable to, and
12 receive their authority from, the Director of the Bureau
13 of Citizenship and Immigration Services, in order to en-
14 sure consistent application and implementation of policies
15 nationwide.

16 (k) TRANSFER AND REMOVAL.—Notwithstanding
17 any other provision of law, the Director of the Bureau of
18 Citizenship and Immigration Services may, in the Direc-
19 tor's discretion, transfer or remove any sector director,
20 field director, or service center director.

21 (l) REFERENCES.—With respect to any function
22 transferred by this section or Act to, and exercised on or
23 after the effective date specified in section 15(a) by, the
24 Director of the Bureau of Citizenship and Immigration
25 Services, any reference in any other Federal law, Execu-



1 tive order, rule, regulation, or delegation of authority, or
2 any document of or pertaining to a component of govern-
3 ment from which such function is transferred—

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

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

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

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

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

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

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

22 (4) to identify potential legislative changes
23 which may be appropriate to mitigate such problems.

24 (b) ANNUAL REPORTS.—



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

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

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

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

21 (D) shall contain an inventory of the items
22 described in subparagraphs (A) and (B) for
23 which action remains to be completed and the
24 period during which each item has remained on
25 such inventory;



1 (E) shall contain an inventory of the items
2 described in subparagraphs (A) and (B) for
3 which no action has been taken, the period dur-
4 ing which each item has remained on such in-
5 ventory, the reasons for the inaction, and iden-
6 tify any Bureau of Citizenship and Immigration
7 Services official who is responsible for such in-
8 action;

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

16 (G) shall include such other information as
17 the Ombudsman may deem advisable.

18 (2) REPORT TO BE SUBMITTED DIRECTLY.—
19 Each report required under this subsection shall be
20 provided directly to the committees described in
21 paragraph (1) without any prior review or comment
22 from the Attorney General, Associate Attorney Gen-
23 eral for Immigration Affairs, any other officer or
24 employee of the Department of Justice or the Office
25 of Management and Budget.



1 (c) OTHER RESPONSIBILITIES.—The Ombudsman—

2 (1) shall monitor the coverage and geographic
3 allocation of local offices of the Ombudsman;

4 (2) shall develop guidance to be distributed to
5 all Bureau of Citizenship and Immigration Services
6 officers and employees outlining the criteria for re-
7 ferral of inquiries to local offices of the Ombudsman;

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

12 (4) shall meet regularly with the Director of the
13 Bureau of Citizenship and Immigration Services to
14 identify serious service problems and to present rec-
15 ommendations for administrative action as may be
16 appropriate to resolve problems encountered by indi-
17 viduals and employers.

18 (d) PERSONNEL ACTIONS.—

19 (1) IN GENERAL.—The Ombudsman shall have
20 the responsibility and authority—

21 (A) to appoint local ombudsmen and make
22 available at least 1 such ombudsman for each
23 State; and

24 (B) to evaluate and take personnel actions
25 (including dismissal) with respect to any em-



1 ployee of any local office of the Ombudsman de-
2 scribed in subparagraph (A).

3 (2) CONSULTATION.—The Ombudsman may
4 consult with the appropriate supervisory personnel of
5 the Bureau of Citizenship and Immigration Services
6 in carrying out the Ombudsman’s responsibilities
7 under this subsection.

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

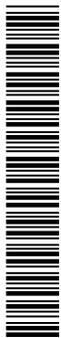
14 (f) OPERATION OF LOCAL OFFICES.—

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

16 (A) shall report to the Ombudsman or del-
17 egate thereof;

18 (B) may consult with the appropriate su-
19 pervisory personnel of the Bureau of Citizen-
20 ship and Immigration Services regarding the
21 daily operation of the local office of such om-
22 budsman;

23 (C) shall, at the initial meeting with any
24 individual or employer seeking the assistance of
25 such local office, notify such individual or em-



1 ployer that the local offices of the Ombudsman
2 operate independently of any other component
3 in the Office of the Associate Attorney General
4 for Immigration Affairs and report directly to
5 the Congress through the Ombudsman; and

6 (D) at the local ombudsman's discretion,
7 may determine not to disclose to the Bureau of
8 Citizenship and Immigration Services contact
9 with, or information provided by, such indi-
10 vidual or employer.

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

19 **SEC. 6. ESTABLISHMENT OF BUREAU OF IMMIGRATION EN-**
20 **FORCEMENT.**

21 (a) ESTABLISHMENT OF BUREAU.—

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



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

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

6 (B) shall have a minimum of 10 years pro-
7 fessional experience in law enforcement, at least
8 5 of which shall have been years of service in
9 a managerial capacity.

10 (3) FUNCTIONS.—The Director of the Bureau
11 of Immigration Enforcement—

12 (A) shall establish the policies for per-
13 forming such functions as are transferred to the
14 Director by this section or this Act or otherwise
15 vested in the Director by law;

16 (B) shall oversee the administration of
17 such policies; and

18 (C) shall advise the Associate Attorney
19 General for Immigration Affairs with respect to
20 any policy or operation of the Bureau of Immi-
21 gration Enforcement that may affect the Bu-
22 reau of Citizenship and Immigration Services,
23 including potentially conflicting policies or oper-
24 ations.



1 (b) TRANSFER OF FUNCTIONS.—There are trans-
2 ferred from the Commissioner of the Immigration and
3 Naturalization Service to the Director of the Bureau of
4 Immigration Enforcement all functions performed under
5 the following programs, and all personnel, infrastructure,
6 and funding provided to the Commissioner in support of
7 such programs immediately before the effective date speci-
8 fied in section 15(a):

9 (1) The Border Patrol program.

10 (2) The detention and removal program.

11 (3) The intelligence program.

12 (4) The investigations program.

13 (5) The inspections program.

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

22 (1) establishing national immigration enforce-
23 ment policies and priorities;

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



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

7 (d) LEGAL ADVISOR.—There may be a position of
8 Legal Advisor for the Bureau of Immigration Enforce-
9 ment.

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

21 (f) OFFICE OF CONGRESSIONAL, INTERGOVERN-
22 MENTAL, AND PUBLIC AFFAIRS.—There is established in
23 the Bureau of Immigration Enforcement an office to be
24 known as the “Office of Congressional, Intergovernmental,
25 and Public Affairs”. The head of such office shall be the



1 Chief of the Office of Congressional, Intergovernmental,
2 and Public Affairs. The Chief shall be responsible for—

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

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

9 (3) responding to inquiries from the media and
10 the general public on immigration enforcement
11 issues.

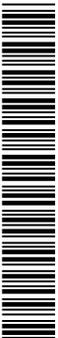
12 (g) SECTORS.—Headed by sector directors, and lo-
13 cated in appropriate geographic locations, sectors of the
14 Bureau of Immigration Enforcement shall be responsible
15 for directing all aspects of the Bureau of Immigration En-
16 forcement's operations within their assigned geographic
17 areas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

20 (h) FIELD OFFICES.—Headed by field directors, who
21 may be assisted by deputy field directors, field offices of
22 the Bureau of Immigration Enforcement shall be respon-
23 sible for assisting the Director of the Bureau of Immigra-
24 tion Enforcement in carrying out the Director's functions.
25 Field directors shall be subject to the general supervision



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

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



1 receive their authority from, the Director of the Bureau
2 of Immigration Enforcement, in order to ensure consistent
3 application and implementation of policies nationwide.

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

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

17 (1) to the head of such component is deemed to
18 refer to the Director of the Bureau of Immigration
19 Enforcement; or

20 (2) to such component is deemed to refer to the
21 Bureau of Immigration Enforcement.

22 **SEC. 7. OFFICE OF IMMIGRATION STATISTICS WITHIN BU-**
23 **REAU OF JUSTICE STATISTICS.**

24 (a) IN GENERAL.—Part C of title I of the Omnibus
25 Crime Control and Safe Streets Act of 1968 (42 U.S.C.



1 3731 et seq.) is amended by adding at the end the fol-
2 lowing:

3 “OFFICE OF IMMIGRATION STATISTICS

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

10 “(b) The Director of the Office shall be responsible
11 for the following:

12 “(1) Maintenance of all immigration statistical
13 information of the Office of the Associate Attorney
14 General for Immigration Affairs, the Bureau of Citi-
15 zenship and Immigration Services, the Bureau of
16 Immigration Enforcement, and the Executive Office
17 for Immigration Review. Such statistical information
18 shall include information and statistics of the type
19 contained in the publication entitled ‘Statistical
20 Yearbook of the Immigration and Naturalization
21 Service’ prepared by the Immigration and Natu-
22 ralization Service (as in effect on the day prior to
23 the effective date specified in section 15(a) of the
24 Barbara Jordan Immigration Reform and Account-
25 ability Act of 2002).



1 “(2) Establishment of standards of reliability
2 and validity for immigration statistics collected by
3 the Office of the Associate Attorney General for Im-
4 migration Affairs, the Bureau of Citizenship and
5 Immigration Services, the Bureau of Immigration
6 Enforcement, and the Executive Office for Immigra-
7 tion Review.

8 “(c) The Office of the Associate Attorney General for
9 Immigration Affairs, the Bureau of Citizenship and Immi-
10 gration Services, the Bureau of Immigration Enforcement,
11 and the Executive Office for Immigration Review shall
12 provide statistical information to the Office of Immigra-
13 tion Statistics from the operational data systems con-
14 trolled by the Office of the Associate Attorney General for
15 Immigration Affairs, the Bureau of Citizenship and Immi-
16 gration Services, the Bureau of Immigration Enforcement,
17 and the Executive Office for Immigration Review, respec-
18 tively, for the purpose of meeting the responsibilities of
19 the Director.”.

20 (b) TRANSFER OF FUNCTIONS.—There are trans-
21 ferred to the Office of Immigration Statistics established
22 under section 305 of the Omnibus Crime Control and Safe
23 Streets Act of 1968, as added by subsection (a), the func-
24 tions performed by the Statistics Branch of the Office of
25 Policy and Planning of the Immigration and Naturaliza-



1 tion Service on the day before the effective date specified
2 in section 15(a).

3 (c) CONFORMING AMENDMENTS.—Section 302(c) of
4 the Omnibus Crime Control and Safe Streets Act of 1968
5 (42 U.S.C. 3732(c)) is amended—

6 (1) by striking “and” at the end of paragraph
7 (22);

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

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

11 “(24) collect, maintain, compile, analyze, pub-
12 lish, and disseminate information and statistics
13 about immigration in the United States, including
14 information and statistics involving the functions of
15 the Office of the Associate Attorney General for Im-
16 migration Affairs, the Bureau of Citizenship and
17 Immigration Services, the Bureau of Immigration
18 Enforcement, and the Executive Office for Immigra-
19 tion Review.”.

20 **SEC. 8. EXERCISE OF AUTHORITIES.**

21 (a) IN GENERAL.—Except as otherwise provided by
22 law, a Federal official to whom a function is transferred
23 by this Act may, for purposes of performing the function,
24 exercise all authorities under any other provision of law
25 that were available with respect to the performance of that



1 function to the official responsible for the performance of
2 the function immediately before the effective date specified
3 in section 15(a).

4 (b) PRESERVATION OF ATTORNEY GENERAL'S AU-
5 THORITY.—

6 (1) IN GENERAL.—Any function for which this
7 Act vests responsibility in an official other than the
8 Attorney General, or which is transferred by this Act
9 to such an official, may, notwithstanding any provi-
10 sion of this Act, be performed by the Attorney Gen-
11 eral, or the Attorney General's delegate, in lieu of
12 such official.

13 (2) REFERENCES.—In a case in which the At-
14 torney General performs a function described in
15 paragraph (1), any reference in any other Federal
16 law, Executive order, rule, regulation, document, or
17 delegation of authority to the official otherwise re-
18 sponsible for the function is deemed to refer to the
19 Attorney General.

20 (c) STATUTORY CONSTRUCTION.—Nothing in this
21 Act may be construed to preclude or limit in any way the
22 powers, authorities, or duties of the Secretary of State and
23 special agents of the Department of State and the Foreign
24 Service under the State Department Basic Authorities Act
25 of 1956 (22 U.S.C 2651 note), the Immigration and Na-



1 tionality Act (8 U.S.C. 1101 et seq.), or any other Act,
2 to investigate illegal passport or visa issuance or use.

3 **SEC. 9. SAVINGS PROVISIONS.**

4 (a) LEGAL DOCUMENTS.—All orders, determinations,
5 rules, regulations, permits, grants, loans, contracts, agree-
6 ments, recognition of labor organizations, certificates, li-
7 censes, and privileges—

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

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

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

24 (b) PROCEEDINGS.—Sections 4 and 6 and this sec-
25 tion shall not affect any proceedings or any application



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

17 (c) SUITS.—This Act shall not affect suits com-
18 menced before the effective date specified in section 15(a),
19 and in all such suits, proceedings shall be had, appeals
20 taken, and judgments rendered in the same manner and
21 with the same effect as if this Act had not been enacted.

22 (d) NONABATEMENT OF ACTIONS.—No suit, action,
23 or other proceeding commenced by or against the Depart-
24 ment of Justice or the Immigration and Naturalization
25 Service, or by or against any individual in the official ca-



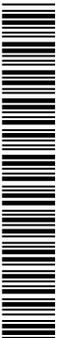
1 the Bureau of Immigration Enforcement and would, if
2 transferred, further the purposes of the bureau to which
3 the function is transferred), and the assets, liabilities, con-
4 tracts, property, records, and unexpended balance of ap-
5 propriations, authorizations, allocations, and other funds
6 employed, held, used, arising from, available to, or to be
7 made available to, the Immigration and Naturalization
8 Service or the Office of Immigration Litigation of the Civil
9 Division in connection with the functions transferred by
10 this Act, subject to section 202 of the Budget and Ac-
11 counting Procedures Act of 1950, shall be transferred to
12 the Associate Attorney General for Immigration Affairs
13 for allocation to the appropriate component or bureau.
14 Unexpended funds transferred pursuant to this subsection
15 shall be used only for the purposes for which the funds
16 were originally authorized and appropriated. The Attorney
17 General shall have the right to adjust or realign transfers
18 of funds and personnel effected pursuant to this Act for
19 a period of 2 years after the effective date specified in
20 section 15(a).

21 (b) DELEGATION AND ASSIGNMENT.—Except as oth-
22 erwise expressly prohibited by law or otherwise provided
23 in this Act, of the Associate Attorney General for Immi-
24 gration Affairs, the Director of the Bureau of Citizenship
25 and Immigration Services, and the Director of the Bureau



1 of Immigration Enforcement, the person to whom func-
2 tions are transferred under this Act may delegate any of
3 the functions so transferred to such officers and employees
4 of the Office of the Associate Attorney General for Immi-
5 gration Affairs, the Bureau of Citizenship and Immigra-
6 tion Services, or the Bureau of Immigration Enforcement,
7 respectively, as the person may designate, and may au-
8 thorize successive redelegations of such functions as may
9 be necessary or appropriate. No delegation of functions
10 under this subsection or under any other provision of this
11 Act shall relieve the official to whom a function is trans-
12 ferred under this Act of responsibility for the administra-
13 tion of the function.

14 (c) AUTHORITIES OF ATTORNEY GENERAL.—The At-
15 torney General (or a delegate of the Attorney General),
16 at such time or times as the Attorney General (or the dele-
17 gate) shall provide, may make such determinations as may
18 be necessary with regard to the functions transferred by
19 this Act, and may make such additional incidental disposi-
20 tions of personnel, assets, liabilities, grants, contracts,
21 property, records, and unexpended balances of appropria-
22 tions, authorizations, allocations, and other funds held,
23 used, arising from, available to, or to be made available
24 in connection with such functions, as may be necessary
25 to carry out the provisions of this Act. The Attorney Gen-

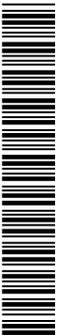


1 eral shall provide for such further measures and disposi-
2 tions as may be necessary to effectuate the purposes of
3 this Act.

4 (d) DATABASES.—The Associate Attorney General
5 for Immigration Affairs shall ensure that the databases
6 of the Office of the Associate Attorney General for Immi-
7 gration Affairs and those of the Bureau of Citizenship and
8 Immigration Services and the Bureau of Immigration En-
9 forcement are integrated with the databases of the Execu-
10 tive Office for Immigration Review in such a way as to
11 permit—

12 (1) the electronic docketing of each case by date
13 of service upon an alien of the notice to appear in
14 the case of a removal proceeding (or an order to
15 show cause in the case of a deportation proceeding,
16 or a notice to alien in the case of an exclusion pro-
17 ceeding); and

18 (2) the tracking of the status of any alien
19 throughout the alien's contact with United States
20 immigration authorities without regard to whether
21 the entity with jurisdiction over the alien is the Bu-
22 reau of Citizenship and Immigration Services, the
23 Bureau of Immigration Enforcement, or the Execu-
24 tive Office for Immigration Review.



1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS; PROHIBI-**
2 **TION ON TRANSFER OF FEES; LEASING OR**
3 **ACQUISITION OF PROPERTY; SENSE OF CON-**
4 **GRESS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS FOR TRAN-
6 SITION.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated such sums as may be necessary to ef-
9 fect the abolition of the Immigration and Natu-
10 ralization Service, the establishment of the Office of
11 the Associate Attorney General for Immigration Af-
12 fairs, the Bureau of Citizenship and Immigration
13 Services, and the Bureau of Immigration Enforce-
14 ment and their components, and the transfers of
15 functions required to be made under this Act, and
16 to carry out any other duty related to the reorga-
17 nization of the immigration and naturalization func-
18 tions that is made necessary by this Act.

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

22 (3) TRANSITION ACCOUNT.—

23 (A) ESTABLISHMENT.—There is estab-
24 lished in the general fund of the Treasury of
25 the United States a separate account, which
26 shall be known as the “Immigration Reorga-



1 nization Transition Account” (in this paragraph
2 referred to as the “Account”).

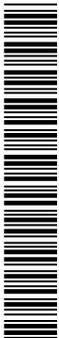
3 (B) USE OF ACCOUNT.—There shall be de-
4 posited into the Account all amounts appro-
5 priated under paragraph (1).

6 (C) ADVANCED AVAILABILITY OF
7 FUNDS.—To the extent provided in appropria-
8 tions Acts, funds in the Account shall be avail-
9 able for expenditure before the effective date
10 specified in section 15(a).

11 (b) SEPARATION OF FUNDING.—

12 (1) IN GENERAL.—There shall be established
13 separate accounts in the Treasury of the United
14 States for appropriated funds and other deposits
15 available for the Bureau of Citizenship and Immi-
16 gration Services and the Bureau of Immigration En-
17 forcement.

18 (2) SEPARATE BUDGETS.—To ensure that the
19 Bureau of Citizenship and Immigration Services and
20 the Bureau of Immigration Enforcement are funded
21 to the extent necessary to fully carry out their re-
22 spective functions, the Director of the Office of Man-
23 agement and Budget shall separate the budget re-
24 quests for each such entity.



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

6 (4) FEES NOT TRANSFERABLE.—No fee may be
7 transferred between the Bureau of Citizenship and
8 Immigration Services and the Bureau of Immigra-
9 tion Enforcement for purposes not authorized by
10 section 286 of the Immigration and Nationality Act
11 (8 U.S.C. 1356).

12 (5) ESTABLISHMENT OF FEES FOR ADJUDICA-
13 TION AND NATURALIZATION SERVICES.—Section
14 286(m) of the Immigration and Nationality Act (8
15 U.S.C. 1356(m)) is amended by striking “services,
16 including the costs of similar services provided with-
17 out charge to asylum applicants or other immi-
18 grants.” and inserting “services.”.

19 (c) LEASING OR ACQUISITION OF PROPERTY.—Not-
20 withstanding the Federal Property and Administrative
21 Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney
22 General is authorized to expend, from the appropriation
23 provided for the administration and enforcement of the
24 Immigration and Nationality Act (8 U.S.C. 1101 et seq.),
25 such amounts as may be necessary for the leasing or ac-



1 quision of property in the fulfillment of establishing the
2 Office of the Associate Attorney General for Immigration
3 Affairs, the Bureau of Citizenship and Immigration Serv-
4 ices, and the Bureau of Immigration Enforcement under
5 this Act.

6 (d) SENSE OF CONGRESS.—It is the sense of the
7 Congress that—

8 (1) the missions of the Office of the Associate
9 Attorney General for Immigration Affairs, the Bu-
10 reau of Citizenship and Immigration Services, and
11 the Bureau of Immigration Enforcement are equally
12 important and, accordingly, they each should be ade-
13 quately funded; and

14 (2) the functions of the Associate Attorney
15 General for Immigration Affairs described in section
16 3, the immigration adjudication and service func-
17 tions referred to in section 4, and the immigration
18 enforcement functions referred to in section 6 should
19 not operate at levels below that in existence prior to
20 the enactment of this Act.

21 (e) ELIMINATION OF LIMITATION ON EXPENDITURES
22 FOR BACKLOG REDUCTION.—Section 204(b) of the Immi-
23 gration Services and Infrastructure Improvements Act of
24 2000 (8 U.S.C. 1573(b)) is amended by striking para-
25 graph (4).



1 **SEC. 12. REPORTS AND IMPLEMENTATION PLANS.**

2 (a) DIVISION OF FUNDS.—The Attorney General, not
3 later than 120 days after the date of the enactment of
4 this Act, shall submit to the Committees on Appropria-
5 tions and the Judiciary of the House of Representatives
6 and of the Senate a report on the proposed division and
7 transfer of funds, including unexpended funds, appropria-
8 tions, and fees, among the Office of the Associate Attorney
9 General for Immigration Affairs, the Bureau of Citizen-
10 ship and Immigration Services, and the Bureau of Immi-
11 gration Enforcement.

12 (b) DIVISION OF PERSONNEL.—The Attorney Gen-
13 eral, not later than 120 days after the date of the enact-
14 ment of this Act, shall submit to the Committees on Ap-
15 propriations and the Judiciary of the House of Represent-
16 atives and of the Senate a report on the proposed division
17 of personnel among the Office of the Associate Attorney
18 General for Immigration Affairs, the Bureau of Citizen-
19 ship and Immigration Services, and the Bureau of Immi-
20 gration Enforcement.

21 (c) IMPLEMENTATION PLAN.—

22 (1) IN GENERAL.—The Attorney General, not
23 later than 120 days after the date of the enactment
24 of this Act, and every 6 months thereafter until the
25 termination of fiscal year 2005, shall submit to the
26 Committees on Appropriations and the Judiciary of



1 the House of Representatives and of the Senate an
2 implementation plan to carry out this Act.

3 (2) CONTENTS.—The implementation plan
4 should include details concerning the separation of
5 the Office of the Associate Attorney General for Im-
6 migration Affairs, the Bureau of Citizenship and
7 Immigration Services, and the Bureau of Immigra-
8 tion Enforcement, including the following:

9 (A) Organizational structure, including the
10 field structure.

11 (B) Chain of command.

12 (C) Procedures for interaction among such
13 office and bureaus.

14 (D) Procedures for the Director of Shared
15 Services to perform all shared support func-
16 tions, including authorizing the Directors of the
17 Bureau of Citizenship and Immigration Services
18 and the Bureau of Immigration Enforcement to
19 approve training curricula and to acquire such
20 supplies and equipment as may be necessary to
21 perform the daily operations of their bureau.

22 (E) Procedures to establish separate ac-
23 counts and financial management systems for
24 the Bureau of Citizenship and Immigration
25 Services and the Bureau of Immigration En-



1 forcement, and to implement all provisions of
2 section 11(b).

3 (F) Fraud detection and investigation.

4 (G) The processing and handling of re-
5 moval proceedings, including expedited removal
6 and applications for relief from removal.

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

10 (I) Establishment of a transition team.

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

19 (d) REPORT ON IMPROVING IMMIGRATION SERV-
20 ICES.—

21 (1) IN GENERAL.—The Attorney General, not
22 later than 1 year after the date of the enactment of
23 this Act, shall submit to the Committees on the Ju-
24 diary and Appropriations of the House of Rep-
25 resentatives and of the Senate a report containing a



1 plan for how the Director of the Bureau of Citizen-
2 ship and Immigration Services will complete effi-
3 ciently, fairly, and within a reasonable time, the ad-
4 judications described in paragraphs (1) through (5)
5 of section 4(b).

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

10 (A) Any potential savings of resources that
11 may be implemented without affecting the qual-
12 ity of the adjudication.

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

15 (C) Any statutory modifications with re-
16 spect to the adjudication that the Attorney
17 General considers advisable.

18 (3) CONSULTATION.—In carrying out para-
19 graph (1), the Attorney General shall consult with
20 the Secretary of State, the Secretary of Labor, the
21 Associate Attorney General for Immigration Affairs,
22 the Director of the Bureau of Immigration Enforce-
23 ment, and the Director of the Executive Office for
24 Immigration Review to determine how to streamline
25 and improve the process for applying for and mak-



1 ing adjudications described in section 4(b) and re-
2 lated processes.

3 (e) REPORT ON IMPROVING ENFORCEMENT FUNC-
4 TION.—

5 (1) IN GENERAL.—The Attorney General, not
6 later than 1 year after the date of the enactment of
7 this Act, shall submit to the Committees on Appro-
8 priations and the Judiciary of the House of Rep-
9 resentatives and of the Senate a report with a plan
10 detailing how the Bureau of Immigration Enforce-
11 ment, after the transfer of functions performed
12 under the programs described in paragraphs (1)
13 through (5) of section 6(b), will enforce comprehen-
14 sively, effectively, and fairly all the enforcement pro-
15 visions of the Immigration and Nationality Act (8
16 U.S.C. 1101 et seq.) relating to such programs.

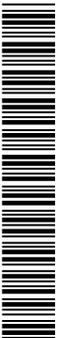
17 (2) CONSULTATION.—In carrying out para-
18 graph (1), the Attorney General shall consult with
19 the Secretary of State, the Director of the Federal
20 Bureau of Investigation, the Secretary of the Treas-
21 ury, the Secretary of Labor, the Commissioner of
22 Social Security, the Associate Attorney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



1 the heads of State and local law enforcement agen-
2 cies to determine how to most effectively conduct en-
3 forcement operations.

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

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



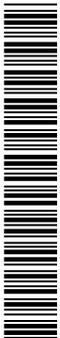
1 (1) STATUS REPORTS ON TRANSITION.—Not
2 later than 18 months after the effective date speci-
3 fied in section 15(a), and every 6 months thereafter,
4 until full implementation of this Act has been com-
5 pleted, the Comptroller General of the United States
6 shall submit to the Committees on Appropriations
7 and on the Judiciary of the House of Representa-
8 tives and the Senate a report containing the fol-
9 lowing:

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

15 (B) If the transfer of functions made by
16 sections 4 and 6 of this Act has been com-
17 pleted, an identification of any issues that have
18 arisen due to the completed transfer of func-
19 tions.

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

23 (2) REPORT ON MANAGEMENT.—Not later than
24 4 years after the effective date specified in section
25 15(a), the Comptroller General of the United States



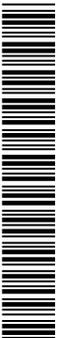
1 shall submit to the Committees on Appropriations
2 and on the Judiciary of the House of Representa-
3 tives and the Senate a report, following a study, con-
4 taining the following:

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

- 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 ings related to immigrant services. The study shall
2 also include an estimate of the timeframe and cost
3 and shall consider other factors in implementing
4 such a filing system, including the feasibility of fee
5 payment on-line.

6 (2) REPORT.—A report on the study under this
7 subsection shall be submitted to the Committees on
8 the Judiciary of the House of Representatives and
9 the Senate not later than 1 year after the date of
10 the enactment of this Act.

11 (c) TECHNOLOGY ADVISORY COMMITTEE.—

12 (1) ESTABLISHMENT.—The Attorney General
13 shall establish, not later than 60 days after the date
14 of the enactment of this Act an advisory committee
15 (in this section referred to as the “Technology Advi-
16 sory Committee”) to assist the Attorney General
17 in—

18 (A) establishing the tracking system under
19 subsection (a); and

20 (B) conducting the study under subsection
21 (b).

22 The Technology Advisory Committee shall be estab-
23 lished after consultation with the Committees on the
24 Judiciary of the House of Representatives and the
25 Senate.



1 (2) COMPOSITION.—The Technology Advisory
2 Committee shall be composed of representatives
3 from high technology companies capable of estab-
4 lishing and implementing the system in an expedi-
5 tious manner, and representatives of persons who
6 may use the tracking system described in subsection
7 (a) and the on-line filing system described in sub-
8 section (b)(1).

9 **SEC. 14. DEFINITIONS.**

10 For purposes of this Act:

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

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

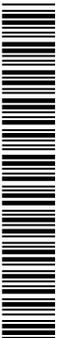
17 **SEC. 15. EFFECTIVE DATE; TRANSITION.**

18 (a) IN GENERAL.—The abolishment of the Immigra-
19 tion and Naturalization Service, the establishment of 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, and
23 the transfers of functions specified under this Act shall
24 take effect on the date that is 1 year after the date of
25 the enactment of this Act. The Associate Attorney General



1 for Immigration Affairs, the Director of the Bureau of
2 Citizenship and Immigration Services, and the Director of
3 the Bureau of Immigration Enforcement shall be ap-
4 pointed not later than such effective date. To the extent
5 that functions to be transferred to such persons under this
6 Act continue to be performed by the Immigration and
7 Naturalization Service and the Office of Immigration Liti-
8 gation of the Civil Division during fiscal year 2003, the
9 Attorney General shall provide for an appropriate account-
10 ing of funds and an appropriate transfer of funds appro-
11 priated to such entities to the appropriate component of
12 the Office of the Associate Attorney General for Immigra-
13 tion Affairs, the Bureau of Citizenship and Immigration
14 Services, or the Bureau of Immigration Enforcement.

15 (b) TRANSITION PERIOD FOR CERTAIN BUREAU
16 FUNCTIONS.—Notwithstanding subsection (a), during the
17 18-month period after the transfer of functions under this
18 Act takes effect, the Associate Attorney General for Immi-
19 gration Affairs is authorized to perform the functions de-
20 scribed in subsections (c), (d), and (g) of each of sections
21 4 and 6 for both the Bureau of Citizenship and Immigra-
22 tion Services and the Bureau of Immigration Enforce-
23 ment.



1 **SEC. 16. CONFORMING AMENDMENT.**

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

4 “Commissioner of Immigration and Naturaliza-
5 tion, Department of Justice.”.

Amend the title so as to read: “A bill 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.”.

