

**PHOTOCOPY
PRESERVATION**

THE WHITE HOUSE
WASHINGTON

October 29, 1999

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice, State,
and the Judiciary
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

As Secretaries of the Federal Departments that share responsibility for immigration and border enforcement issues with the Department of Justice, we are committed to working with the Congress to help improve our Nation's immigration system.

We believe a fundamental restructuring of the Immigration and Naturalization Service (INS), as supported by the Administration, will lead to streamlined and accountable immigration enforcement and service operations while maintaining a single policy voice for immigration issues within the Department of Justice. We support restructuring the INS based on the principles that immigration enforcement and service missions must have clear lines of authority at all levels, from the field to headquarters and that the immigration agency should be led by a single executive, requiring Senate confirmation. This executive would be responsible for integrating immigration policy, standards and management operations within the Department of Justice to maintain the crucial balance between enforcement and services and ensure a coherent national immigration policy.

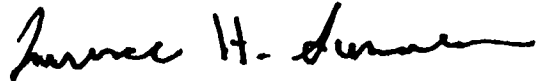
For us to carry out our Departments' respective immigration or border enforcement missions effectively, it is important that there be a single official for immigration matters within the Department of Justice. It is critical that this official be accountable for the leadership and management of Justice's primary role in our immigration system. To ensure this accountability, the immigration official must have statutory authority and the associated support infrastructure composed of key integrating and oversight functions, such as legal counsel, financial management, policy, and communications. The division of enforcement and service operations would ensure clear lines of authority and leadership for each of these important missions, and improve management and accountability.

We are committed to working with Congress to develop an immigration system that incorporates these principles and leads to an immigration agency with clear lines of authority, strengthened accountability, and improved efficiency.

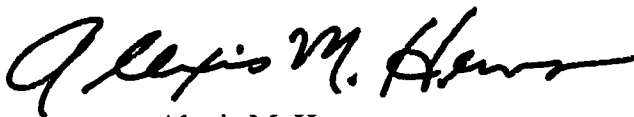
Sincerely,



Madeleine K. Albright
Secretary of State



Lawrence H. Summers
Secretary of the Treasury



Alexis M. Herman
Secretary of Labor



Daniel Glickman
Secretary of Agriculture

Identical Letter Sent To:

The Honorable Spencer Abraham
The Honorable Judd Gregg
The Honorable Ernest Hollings
The Honorable Sheila Jackson-Lee
The Honorable Edward Kennedy
The Honorable Harold Rogers
The Honorable Lamar Smith



**Office of the Attorney General
Washington, D. C. 20530**

November 5, 1999

**The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice, State and the Judiciary
Committee on Appropriations
United States House of Representatives
Washington, DC 20515**

**The Honorable Lamar Smith
Chairman
Subcommittee on Immigration and Claims
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515**

**The Honorable Silvestre Reyes
United States House of Representatives
Washington, DC 20515**

Dear Chairman Rogers, Chairman Smith and Congressman Reyes:

I am writing to express my appreciation for the opportunity to talk with each of you last night and today, and I would like to clarify the Department's position with respect to H.R. 2528, as reported out of the Subcommittee on Immigration and Claims yesterday.

The Department believes H.R. 2528, as amended, represents a substantial step forward from the bill as introduced, and contains many of the issues presented in the fruitful discussions we have had concerning INS restructuring, such as adding an Associate Attorney General for Immigration to address the difficult issue of coordinating the two new immigration bureaus, and adding needed administrative authorities to help manage the transition process.

We share many of the same goals. I am committed to a vastly streamlined immigration structure, that has clear chains of command so that people are held accountable for their actions and decisions. In addition, I strongly believe that there must be an equal balance between the Services and Enforcement Bureaus and that the Bureaus must have the ability to effectively work

The Honorable Harold Rogers
The Honorable Lamar Smith
The Honorable Silvestre Reyes
Page Two

together on areas of common interest. To achieve both of these goals, in my opinion, requires a strong Associate Attorney General for Immigration. I am not advocating a top-heavy structure, but the Office we are creating needs to have a level of clear authority to adequately manage the immigration system. Your bill, as amended, goes a long way to the establishment of this structure. I believe these are your goals as well, and I strongly believe that we can work through any differences that remain. I hope that our discussions will continue as constructively in the future as they have in these past few months.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Reno", written in a cursive style.

Janet Reno

HAROLD ROGERS
5TH DISTRICT, KENTUCKY

**COMMITTEE ON
APPROPRIATIONS**

CHAIRMAN
SUBCOMMITTEE ON COMMERCE,
JUSTICE, STATE, AND THE JUDICIARY

VICE-CHAIRMAN
SUBCOMMITTEE ON ENERGY
AND WATER DEVELOPMENT

**MEMBER, SUBCOMMITTEE ON
TRANSPORTATION**



Congress of the United States
House of Representatives
Washington, DC 20515-1705

PLEASE RESPOND TO:

- ☐ **WASHINGTON OFFICE:**
2670 RAYBURN BUILDING
WASHINGTON, DC 20515-1705
(202) 225-8801
- ☐ **DISTRICT OFFICE:**
861 GLIFTY STREET
SOMERSET, KY 40461
(502) 879-8346 OR
1-800-422-0888
- ☐ **501 MAIN STREET**
MADISON, KY 40131
(502) 479-0784
- ☐ **1001 MARBLEY BLVD.**
FIRKILLE, KY 40121
(502) 432-4308

November 4, 1999

The Honorable Janet Reno
Attorney General of the United States
Department of Justice
Washington, DC 20530

Dear Madam Attorney General,

We have reviewed a letter dated November 3, 1999, from Assistant Attorney General Robert Raben, expressing the views of the Department regarding H.R. 2528, the Immigration Reorganization and Improvement Act of 1999.

The views in Mr. Raben's letter are significantly inconsistent with those you have personally expressed to us in numerous discussions on this legislation.

We would request your prompt review and clarification of the views expressed in Mr. Raben's letter, a copy of which is attached. We look forward to hearing from you.

Sincerely,

HAROLD ROGERS
Member of Congress

LAMAR SMITH
Member of Congress

SILVESTRE REYES
Member of Congress

RESTRUCTURING OF THE IMMIGRATION AND NATURALIZATION SERVICE

Subcommittee: Commerce/Justice/State

On November 4, 1999, the House Immigration and Claims Subcommittee of the Judiciary Committee reported out H.R. 2528, "Immigration and Reorganization and Improvement Act of 1999" (on a party line vote). There is a possibility that CJS Appropriations Chairman Rogers, a co-sponsor of H.R. 2528, will attempt to attach the bill to the CJS appropriations bill.

In negotiations with Rogers, the Department of Justice explained the Administration's position that any restructuring bill must conform with three principles: 1) immigration enforcement and services must be separated and have clear lines of authority from field to headquarters; 2) the immigration agency must be led by a single executive that requires Senate confirmation; and 3) the executive must be responsible for managing and integrating immigration policy and management operations to maintain a balance between enforcement and naturalization/benefit services to ensure a coherent national immigration policy.

H.R. 2528 has moved closer to the Administration's principles, but the bill does not provide the immigration executive with sufficient authority or management control over the newly established immigration enforcement and service bureaus. As written, the bill would separate enforcement and services and authorize a weak Associate Attorney General for Immigration Affairs (AAG) to "oversee" and "coordinate" the work of the bureaus. The AAG would not house general counsel, policy and planning, or external communication, which are essential to manage these functions and to ensure clear and consistent immigration policy.

We believe the AAG as proposed will lead to a split in immigration policy making between enforcement and services and weaken the Executive Branch's ability to speak and act with one voice on immigration matters. The Attorney General has indicated "serious concerns" with the bill. Most immigration groups strongly oppose the bill.

Justice has provided a marked up version of H.R. 2528, which would conform with the three principles. The primary requested changes include:

- authorizing the AAG to "direct, supervise and coordinate" the activities of the immigration enforcement and service bureaus;
- strengthening the management and oversight abilities of the AAG by providing support staff, such as a chief counsel for immigration matters, office of Congressional, intergovernmental and public affairs, and a policy and planning operation headquartered within the AAG;
- establishing an immigration legal proceedings and an immigration services capital investment fund (sought by the immigration groups).

Latest House Action: The House CJS committee bill did not contain INS restructuring.

Latest Senate Action: The Senate CJS bill did not contain any language on INS restructuring. However, Senators Abraham and Kennedy have introduced a bill in the Senate which in some aspects is closer to the Administration's position. Neither Senate CJS Chair Gregg nor Ranking Member Hollings have expressed much interest in the specifics of INS restructuring.

FY 1999 Appropriations Action: Chairman Rogers attached his INS restructuring bill to the 1999 omnibus bill, after getting agreement from the Speaker and Senator Abraham. The Administration was able to get the restructuring proposal removed in negotiations on the final spending bill.

Prepared By/Date: Steve Mertens (5-4935), J:\DATA\99-51\CJ\INS Restructure (11/5/99)



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

November 3, 1999

The Honorable Lamar S. Smith
Chairman
Subcommittee on Immigration and Claims
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter provides the views of the Department of Justice on H.R. 2528, the "Immigration Reorganization and Improvement Act of 1999." As discussed below, we have serious concerns about this proposal.

We strongly endorse the legislation's objective of changing the Immigration and Naturalization Service's (INS) current structure in order to improve accountability and performance at the agency; however, we strongly oppose H.R. 2528 in its current form. While we have a conceptual concern that the bill fails to create a proper balance between enforcement and services, our greatest concerns are operational. The bill does not provide an effective way to direct, coordinate, and integrate enforcement and service functions.

We support restructuring the INS based on the principles that immigration enforcement and service missions must have clear lines of authority at all levels, from the field to headquarters, and that the immigration agency should be led by a single executive, requiring Senate confirmation. This executive would be responsible for integrating immigration policy and management operations within the Department of Justice, in order to maintain the crucial balance between enforcement and services and to ensure a coherent national immigration policy.

Consistent with these principles, we have invested a substantial amount of effort to develop a fundamental restructuring proposal for INS that will enhance enforcement

of the Nation's immigration laws and improve the delivery of services. This proposal, which was released in July, would untangle INS's current confusing and overlapping structure and replace it with two new and clear subordinate entities -- one for immigration services and one for law enforcement -- within one agency. Both of these new organizations would have separate lines of authority. This restructuring proposal would eliminate current INS regional and district offices and replace them with separate networks of immigration services and enforcement area and local offices. It will greatly improve the ability of the INS to perform its duties effectively and efficiently.

Although H.R. 2528 is consistent with a number of the underlying principles of the Department's approach, it fails to address several critical aspects of our proposed immigration system. It recognizes that to improve performance, service and enforcement functions must be split from the ground level to the highest levels of the Department. It also acknowledges that both enforcement and administration of the immigration laws belong primarily in the Department of Justice, not other cabinet agencies. Finally, it recognizes that the enforcement and services functions in the Department are supported by a set of shared services, including records, technology, training and other management functions.

Despite these similarities, H.R. 2528, as introduced, could seriously undermine our efforts to enhance accountability and increase results. We understand that an amendment in the nature of a substitute has been proposed for H.R. 2528. While we have not had the time we would like to consider the substitute with the care it merits, we can say that the substitute amendment represents a significant improvement over H.R. 2528, as introduced. We continue, however, to have substantial concerns.

It is essential, for example, and as noted previously, that any restructuring legislation ensure that a single, high-level Department official manages and directs our immigration system full-time. This senior official must have appropriate staff support offices, separate from the operating bureaus, to ensure immigration issues under consideration reflect a balanced and coherent perspective. These offices would consist of:

- a single Chief Financial Officer to review and allocate resources from an overall immigration policy viewpoint;
- a single Office of Professional Responsibility and Quality Review to provide independent internal conduct and quality assurance activities;

- a single General Counsel's office to provide integrated legal support for both law enforcement and services functions;
- a single policy office to develop and set long range strategies for immigration policy initiatives; and
- a single external relations office to communicate a consistent message both internally and externally.

Replicating these offices under each organization would fragment overall immigration policy administration and reduce coordination. We do not believe that the substitute amendment achieves these goals.

The Department wants to continue to work with the Subcommittee on appropriate legislation to restructure INS in a manner that will improve effectiveness and accountability. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report. Thank you for your attention to this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Raben". The signature is fluid and cursive, with a prominent "R" and "R" at the beginning and end.

Robert Raben
Assistant Attorney General

Restructuring the INS

Background

The immigration challenges facing the nation have changed dramatically in recent years. The growth of the global economy, public policy debates, and new legislative mandates – especially the sweeping 1996 immigration law - have made unprecedented enforcement and service demands on INS. The breadth of these changes, coupled with the agency's explosive growth, demand a change in INS' structure to meet the challenges of the 21st century.

In 1997, the Commission on Immigration Reform (CIR) called for structured changes in the nation's immigration system. The Administration's review of the CIR recommendations led to a proposal for a new framework for improving INS.

The Administration's Proposal

INS, working with outside consultants, is finalizing the Administration's proposal. This blueprint for a new organizational structure fundamentally transforms the INS structure by separating the agency's law enforcement and immigration services missions into two separate chains of command, each with clear and distinct lines of authority. The agency's new structure would:

- Maintain a single agency to coordinate immigration policy, establish accountability, and ensure a balance between service delivery and law enforcement necessary for the coherent administration of U.S. immigration system.
- Eliminate current INS regional and district offices and replace them with new operational offices focused on either immigration service delivery or law enforcement.
- Establish new geographic operational areas based on workload, enforcement priorities, and service delivery considerations, to enhance overall performance effectiveness.
- Increase accountability and establish clear roles and responsibilities for both INS missions by eliminating conflicting priorities for field managers and creating clear lines of authority reaching from the top of the agency directly to the field.
- Place senior managers with specialized skills and backgrounds in charge of the immigration services and enforcement chains of command and hold these managers responsible for performance.

This restructuring proposal is the cornerstone of a major institutional reform project aimed at improving INS performance. Broad management systems improvements have already been planned and are being implemented as a part of this effort. Culture change is a key objective of the reform project. The goal is for INS to become a high-performing organization. Restructuring, management reform, and cultural change are mutually reinforcing. Together they will bring about the changes necessary to improve performance and increase results.

Immigration Services

The proposed structure for **Immigration Services** (IS) leverages the work that INS has already begun in reengineering and customer service as reflected in the streamlined Immigration Services Division and the National Customer Service Center. The new structure is designed to achieve a culture change that will make Immigration Services a model of customer service. The agency's new structure would:

- Establish a senior executive manager for Immigration Services who would be the head of the new Immigration Services chain of command and who would be skilled in service delivery. Working with an integrated program staff organized according to specific services – family, business and trade, resident and status, and citizenship – this executive would be responsible for INS' immigration services mission.
- Establish a Customer Service Advocate to promote customer service throughout the agency, with the position reporting directly to the head of Immigration Services.
- Consolidate all remote operations -- telephone, service, and card centers – under one director reporting to the head of Immigration Services.
- Consolidate the asylum, refugee, and humanitarian affairs programs and maintain the current domestic asylum offices.
- Establish geographic operational areas headed by directors who would report to the head of Immigration Services and oversee all local immigration services offices within their area. Area directors would ensure quality, timely management of adjudications workloads, consistent decision-making, and would be held accountable for achieving performance and customer service standards within their areas.
- Establish approximately 150 local immigration offices reporting to the area directors to serve the immigration community. These offices would provide services such as fingerprinting, general information, problem resolution, testing, and adjudication.

Enforcement

To effectively enforce the nation's immigration laws, the new structure consolidates all existing enforcement functions under one new chain of command while keeping the single mission enforcement units, such as the Border Patrol sectors, intact. This comprehensive law enforcement approach has been designed to promote seamless enforcement from the nation's borders to its interior. It will ensure the effective use of the tools necessary to enhance and support INS's professional law enforcement organization. The new agency's enforcement structure would:

- Integrate all enforcement operations and consolidate domestic and international enforcement programs under one senior law enforcement executive.
- Establish two principal deputy positions - the Chief of the Border Patrol and a deputy for all other enforcement operations.
- Integrate all enforcement functions into geographic enforcement areas headed by law enforcement professionals responsible for monitoring performance and ensuring compliance with standard agency-wide policies and procedures.
- Establish domestic enforcement areas and one international enforcement area based on workload and enforcement priorities. Chief Patrol Agents would manage Border Patrol sectors, and other enforcement supervisory officers would manage port of entry inspections, criminal investigations, removal of deportable aliens, intelligence, detention and other enforcement responsibilities.
- Create Citizen Advisory Panels at the national and area levels to provide community input regarding enforcement operations and prepare reports for use by the area directors, the senior enforcement executive, and the head of the agency.
- Manage the detention program at the national level relying on agency-wide standards governing conditions of custody.
- Establish an anti-smuggling program that melds Border Patrol and investigations anti-smuggling initiatives.

Coordination

Recognizing the interrelated nature of the service and enforcement missions, the proposal establishes agency-wide functions at the national level, provides for operational coordination between the two separate chains of command, and creates a unified administrative support structure.

The agency-wide functions at the national level provide a locus for setting broad strategic direction and ensuring overall coherence in implementation of immigration policy,

application of immigration law, and communication with the public. The new structure centralizes these overarching functions by establishing national offices responsible for:

- Legal functions and representation
- Policy and strategy
- Financial management
- Professional responsibility and review
- Congressional and intergovernmental relations
- Community relations and outreach
- Public information

The new structure also recognizes the need for operational coordination and cooperation between enforcement operations and immigration services. Combating benefit fraud, for example, requires efforts by both adjudicators and investigators to identify cases, investigate them properly, and resolve them through judicial or administrative procedures. The proposal would place investigators in the service centers, where most benefit fraud cases occur.

The new structure provides for unified support operations to effectively serve both the immigration services and law enforcement functions. For example, alien files must be complete and must be made available to employees quickly and easily, without regard to whether these records are needed by an adjudicator or an investigator. The unified support operations structure would provide support activities such as:

- Records and national file center
- Training and human resource functions
- Automation, data support and technology
- Administrative support

A unified support structure serving both chains of command maintains this essential integration, and makes the most effective and efficient use of the resources the Administration and Congress have provided the Service over the last five years.

Conclusion

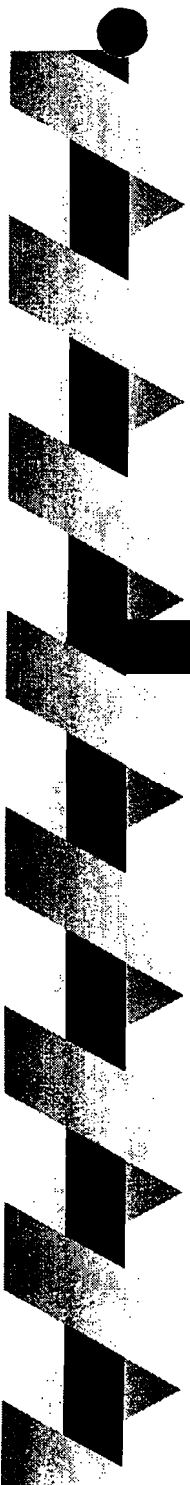
Restructuring must achieve four primary goals. The new structure is designed to:

- Establish **accountability** by providing clear, separate chains of command for immigration services and enforcement from the top of the agency to each local manager, and by holding these managers accountable for performance and results.
- Facilitate a **customer focus** by providing consistent, courteous, accurate and timely service.
- Build a **seamless enforcement** structure that supports all enforcement activities at

and between ports of entry and in the nation's interior.

- Ensure a **coherent immigration system** for the Nation that enforces the border and interior as well as serves the immigration community.

The proposed structure is designed to achieve all of these goals. Separating the two interrelated immigration functions, but keeping them within one agency led by a single executive dedicated and accountable for the leadership and management of our nation's immigration system, will allow the Service to achieve these four primary goals and meet the challenges of the 21st century.



INS RESTRUCTURING



DRAFT DESIGN PROPOSAL

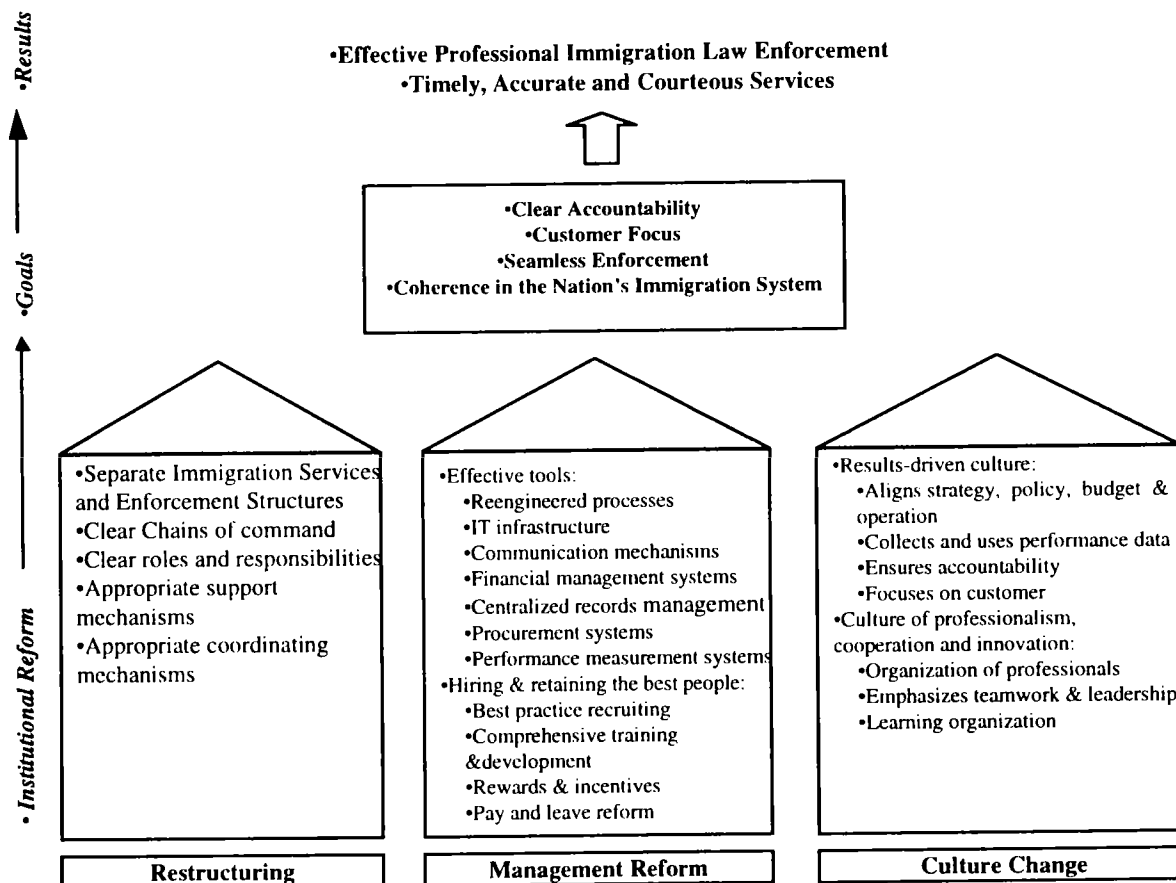
Restructuring - Foundation for the Future



- ✓ Restructuring is one part of INS' ongoing program of institutional reform
- ✓ Restructuring creates the platform for other performance improvement initiatives
 - Management Systems Reform
 - Culture Change
- ✓ All these efforts will transform the agency into a high performing organization



Framework for Success



July 1999

What Makes this Restructuring Different



- ✓ Fundamental change in INS organization structure:
 - Separates immigration services delivery and law enforcement functions
 - Eliminates regional and district offices
 - New geographic boundaries
 - Creates two separate networks of area and local offices, one focused on immigration service delivery and one focused on law enforcement.



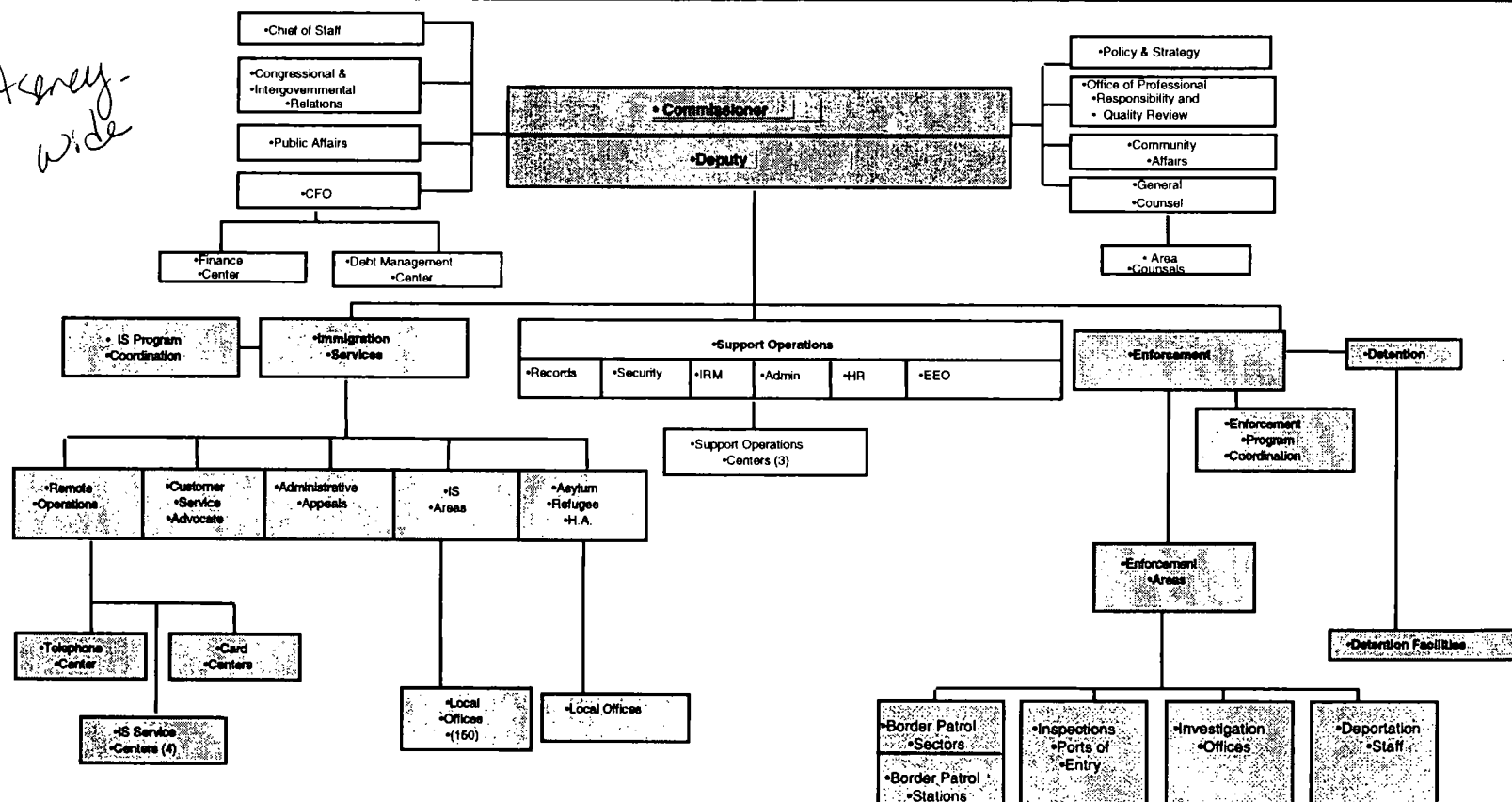
Where We Are in the Process

- ✓ Restructuring builds on Administration's initial concept, *A Framework for Change* (April 1998)
- ✓ Conducted field site interviews and focus groups; did research and compiled data
- ✓ Used design teams, external input and thought leadership to formulate ideas
- ✓ Refined options and selected agency-wide draft design proposal for discussion with Congress



INS Agency-wide Structure

Agency-wide



July 1999



Agency-wide Offices

- ✓ General Counsel
- ✓ Office of Policy and Strategy
- ✓ External Affairs
 - Congressional and Intergovernmental Affairs
 - Public Affairs
 - Community Affairs
- ✓ Chief Financial Officer (CFO)
- ✓ Office of Professional Responsibility and Quality Review (previously Audit office)



Coordination and Integration

- ✓ Leadership Team Organization
 - INS Executive Committee - *staff*
 - Area Council - *Area Directors meet quarterly*
- ✓ Policy, Strategy and Program Development
- ✓ Support Operations
 - Information Systems
 - Files and Records
 - Training
 - Financial Management
 - Human Resources Management
 - Administrative Services

Examples of Required Immigration Services and Enforcement Coordination



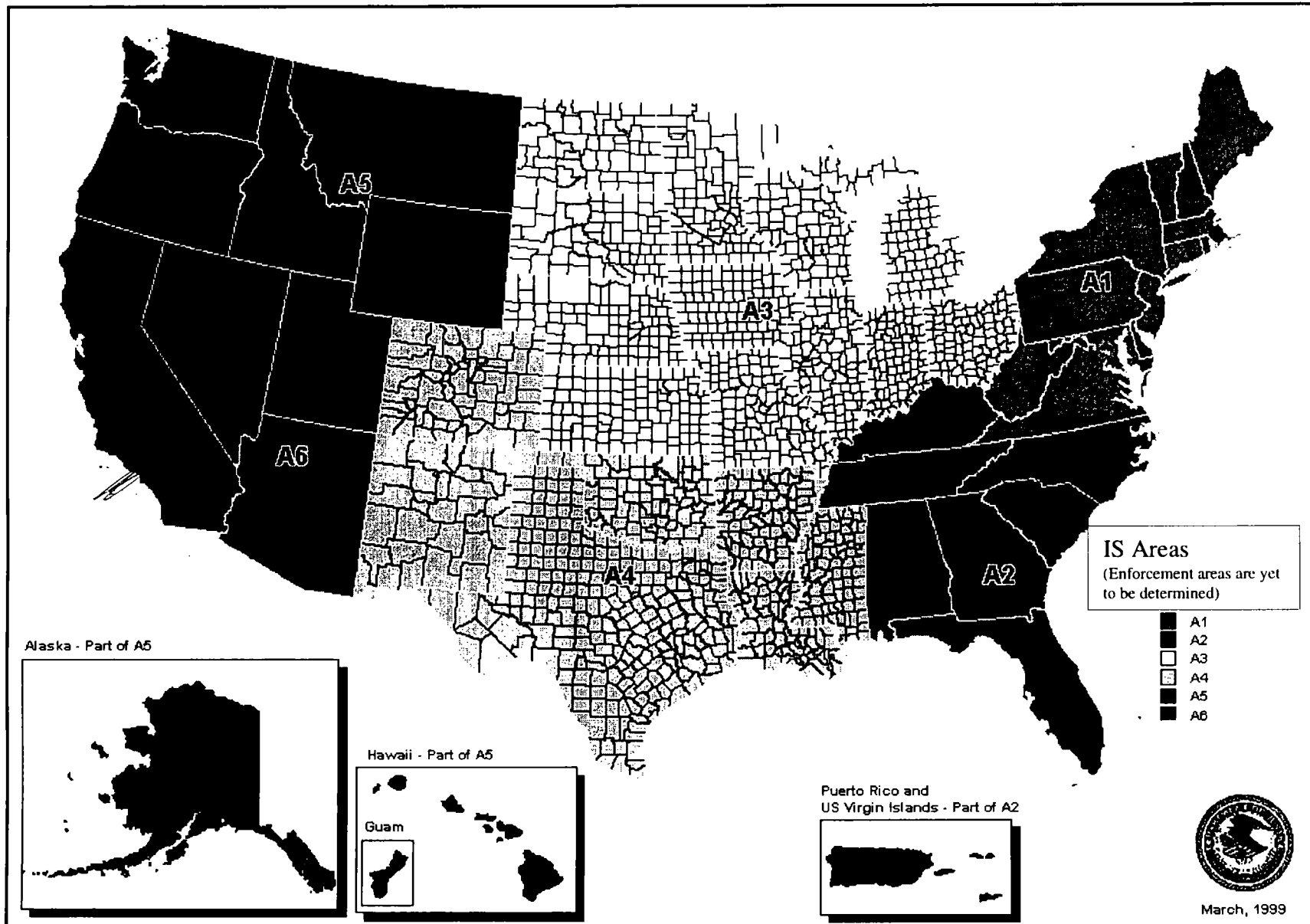
- ✓ Benefit fraud investigations
- ✓ Prevent terrorists or criminals from abusing the system; e.g., Kosovo, Guam and Tinian refugee processing and asylum requests
- ✓ Expedited removal program
- ✓ Development of permanent resident and border crossing cards
- ✓ Development and access to immigrant data in information systems
- ✓ Temporary Protected Status policy decisions



Area Geographic Footprints

- ✓ Six Immigration Services areas
- ✓ Six or more Enforcement areas - *still looking at this*
- ✓ One international area for enforcement
- ✓ Areas retain state boundaries (except for CA) to facilitate coordination with State and other Federal agencies
- ✓ IS area workload is balanced
- ✓ Enforcement areas
 - Reflect workload differences
 - Focus on alien smuggling routes
 - Reflect geographic and time zone realities

Immigration Services Areas



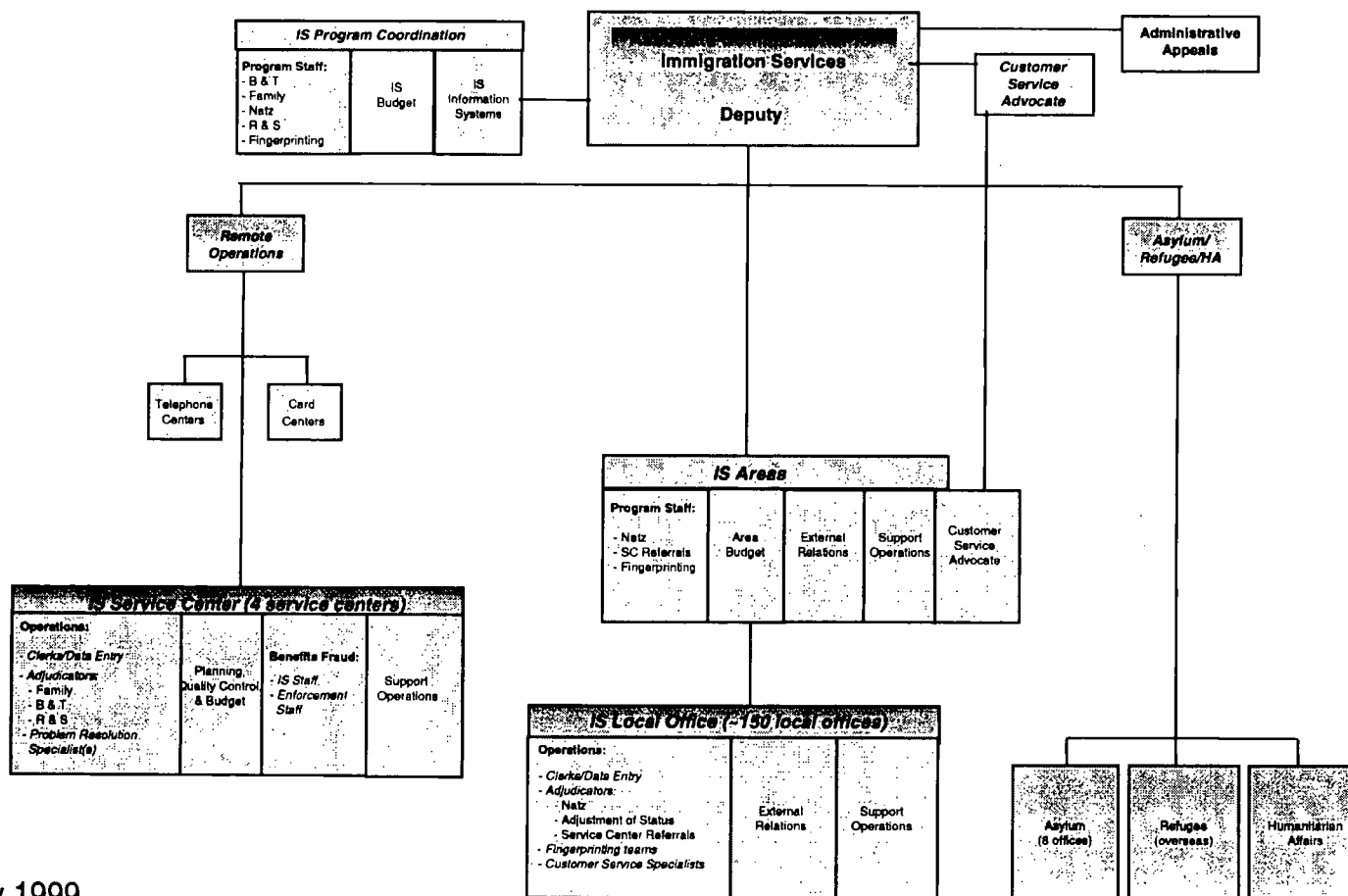
Characteristics of Immigration Services Structure



- ✓ Single, distinct chain of command for Immigration Services
- ✓ Immigration Services led by Associate Commissioner and Deputy AC
- ✓ 6 Area Directors reporting to the AC
 - 150 Local offices - Community based
- ✓ Director for Remote Services reporting to the AC
 - 4 Service Center Directors
 - Card and Telephone Center Directors
- ✓ Consolidated Asylum/Refugee/Humanitarian Affairs Program reporting to the AC - *did not change - based on comments from groups. Report to both Immig Serv + Enforcement*
- ✓ Customer Service Advocates at national and area level = full-time
customer service - rep higher level but everyone will still be responsive
✓ Eliminate layer of management



Immigration Services Structure



July 1999

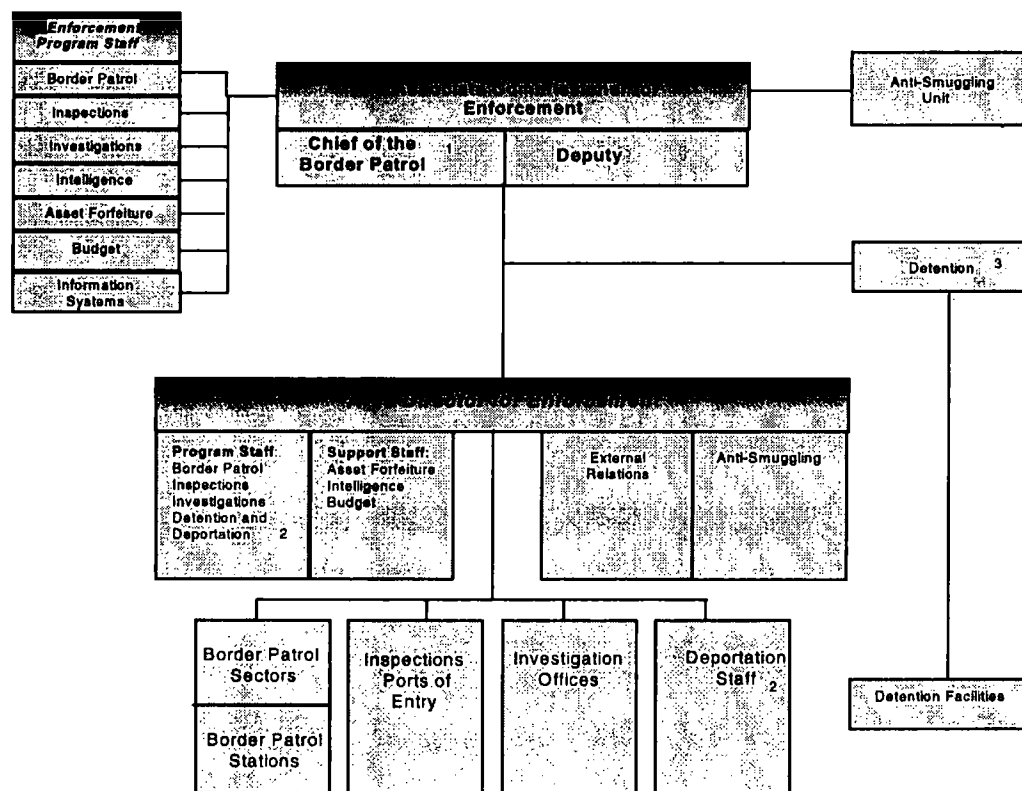
Characteristics of Enforcement Structure



- ✓ Single enforcement chain of command led by Associate Commissioner
- ✓ Chief of the Border Patrol and Deputy AC report to AC
- ✓ Six or more domestic areas and one foreign operations area (alternative proposals still being analyzed)
- ✓ Border Patrol sectors and other enforcement offices report to areas
- ✓ Detention and Deportation
 - Long-term detention and facility operations managed at national level
 - Short-term detention, deportation and transportation are a local responsibility
- ✓ Citizen Advisory Panels at national and area levels
- ✓ Anti-Smuggling established as special units at national and area levels



Enforcement Structure



managed nationally - long-term detention

July 1999

- (1) Area Enforcement Directors will discuss/present issues relevant to the Border Patrol to the Chief of the Border Patrol
(2) Deportation at the area and local level consists of deportation activities, short-term detention and transportation
(3) National detention includes placement, prioritization and utilization of bedspace, management of inspections of facilities and oversight of compliance with standards

Characteristics of Support Operations Structure

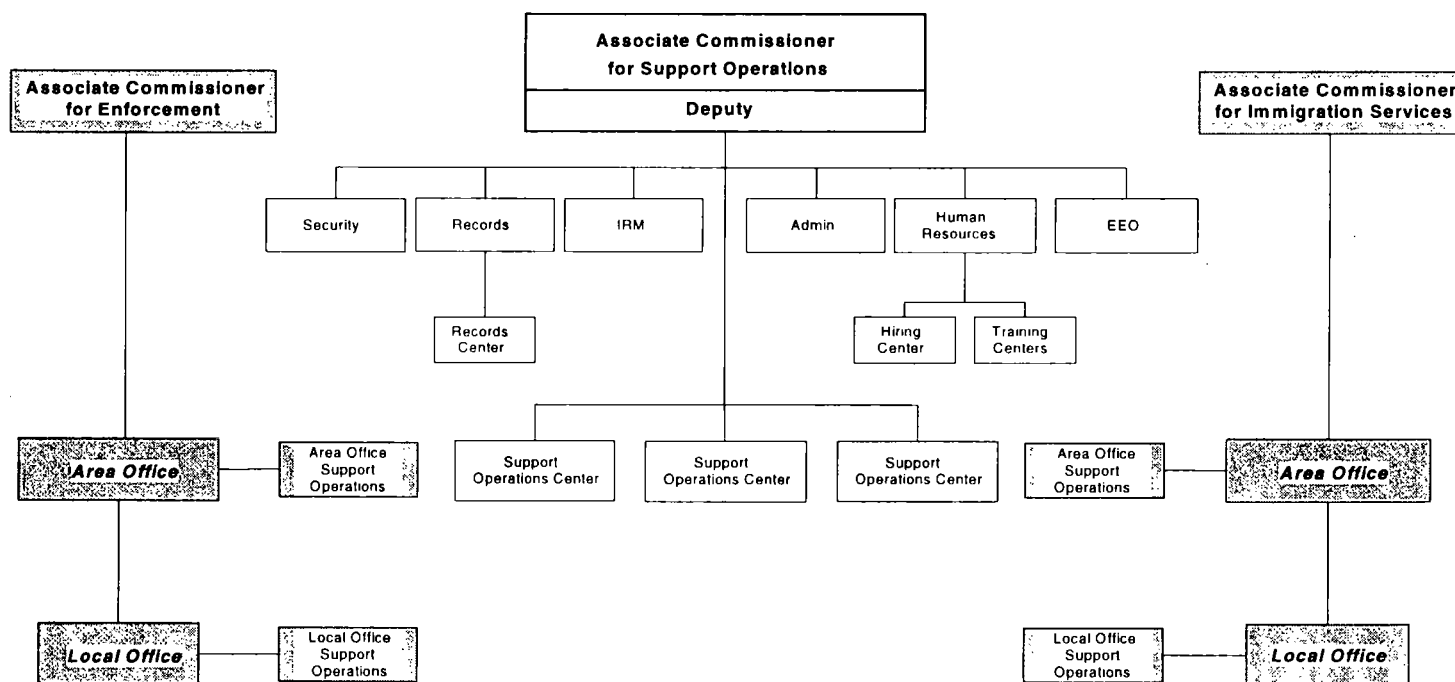


- ✓ Continued mix of centralized and decentralized support operations such as human resources, procurement and information technology
- ✓ Support operations led by Associate Commissioner
- ✓ Retain 3 Support Operations Centers (Administrative Centers)
- ✓ Retain centers for debt collection, hiring and financial management
- ✓ Further analysis needed to determine distribution of Support Operations sub-functions among INS organizations
- ✓ Current facilities and infrastructure will be maximized although functions performed may be different
- ✓ Continued centralization of processes is maintained when it results in economies of scale or is determined to be more effective for INS to achieve its mission.



Support Operations Structure

Support Operations



July 1999

Reports to Support Operations

Reports to Enforcement or
Immigration Services



Costs

- ✓ The cost of most restructuring implementation will be kept to a minimum.
 - Employee relocations and office alterations will be minimal
 - Initially, district offices will be divided into separate Immigration Services and Enforcement offices
 - Existing regional offices will be candidates for area offices
 - As leases expire in the future, some offices may be relocated using available funds
 - Application Support Centers will likely to be expanded into Immigration Services Offices



Restructuring Goals

- ✓ Clear accountability
- ✓ Customer focus
- ✓ Seamless enforcement
- ✓ Coherence in the Nation's immigration system



Clear Accountability

- ✓ Distinct chains of command for IS and Enforcement
- ✓ Clear roles and responsibilities
- ✓ Appropriate support and coordinating mechanisms
- ✓ Streamlined management structure
- ✓ Easier to communicate
- ✓ Easier to ensure quality and compliance
- ✓ Easier to implement strategy and track progress toward goals



Customer Focus

- ✓ Customer Service Advocates
- ✓ Citizen Advisory Panels
- ✓ Convenient local offices
- ✓ Full-service IS offices
- ✓ National toll-free telephone center
- ✓ Customer service specialists & problem resolution staff at local IS offices and service centers



Seamless Enforcement

- ✓ Single chain for enforcement -- ensures strategies quickly communicated, implemented, and monitored
- ✓ Six or more areas integrating all enforcement operations
- ✓ Centralized detention placement at national level
- ✓ Coordinated anti-smuggling

Coherent Administration of Immigration System



- ✓ Integrated immigration policy via one agency
- ✓ Coordination of IS and enforcement -- Executive Committee, Area Council
- ✓ Right mix of centralized and decentralized support operations
- ✓ Uniform, shared information/records/databases
- ✓ Coordinated benefits fraud detection & investigations
- ✓ Continued legal, financial management and other support operations to ensure coherence



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 29, 1998

The Honorable Newt Gingrich
Speaker
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Enclosed herewith is a draft bill entitled, the "Immigration and Naturalization Service Restructuring Act of 1998." The draft bill contains provisions to implement dramatic and fundamental reforms within the INS.

When enacted, this draft bill will untangle the INS' overlapping and confusing organizational structure and replace it with two clear organizational chains of command -- one to accomplish its enforcement mission and the other to provide immigration-related services. By retaining both of these functions within a single agency, the Administration's reform plan will ensure that both enforcement and service operations are appropriately coordinated and supported. In addition, this legislation will strengthen accountability and improve performance by allowing each of the two chains of command to focus on its unique requirements.

Key provisions of the draft bill would:

- Effect an operational split between enforcement and services, resulting in distinct, clear lines of authority from the field to headquarters, with an INS Commissioner continuing to be responsible for overall agency operations;
- Eliminate the current field structure in which district offices serve both enforcement and service functions, and replace it with separate enforcement and service offices that bring the right mix of staff and skills to local service caseloads and enforcement needs;
- Improve the quality of the workforce by creating separate enforcement and service career paths for INS employees, so that the best employees can move up the ladder and be rewarded for high performance;
- Restructure management operations to ensure an effective "shared services" operation (e.g., records and data management, technological support, training, and

administrative support) that will serve both the enforcement and the service sides of the agency; and

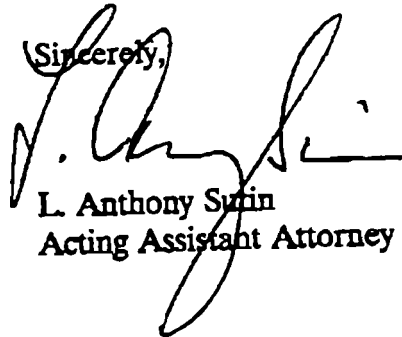
-- Establish a Chief Financial Officer to improve financial, accounting, and budget execution systems.

The bill draft bill fundamentally changes the way the INS conducts business. Most importantly, it will greatly improve the ability of the INS to perform its duties effectively and efficiently and to provide measurably improved services to the immigrant community.

We would appreciate it if you would lay this draft bill before the House. An identical proposal has been transmitted to the President of the Senate.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress from the standpoint of the Administration's program. We look forward to working with you and other members of Congress to implement this legislation and to ensure successful, long-term improvements in our Nation's immigration system.

Sincerely,



L. Anthony Sutin
Acting Assistant Attorney General

Enclosure

cc: The Honorable Richard A. Gephardt
Minority Leader

• A BILL

To provide for the restructuring of the Immigration and Naturalization Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This Act may be cited as the "Immigration and Naturalization Service Restructuring Act of 1998".

SECTION 2. PURPOSES.—The purposes of this Act are to—

(a) Advance the effective enforcement of our immigration laws at our borders and in the interior, and the efficient provision of immigration and citizenship services.

(b) Untangle INS' overlapping and frequently confusing organizational structure by replacing it with two clear operational chains of command--one for enforcement and one for providing services--from the highest level of the agency to the lowest.

(c) Create two parallel operational divisions which can each focus on its unique management, knowledge, skills and abilities, while also retaining the essential functions for guiding and coordinating these operations.

(d) Improve customer-oriented immigrant services by:

- (1) Creating new local service offices;
- (2) Establishing new, distinct lines of accountability of authority for services;
- (3) Setting clear standards for customer service; and,
- (4) Using technology to improve efficiency and customer service.

(e) Strengthen enforcement operations by:

- (1) Establishing a single, coordinated enforcement mission;
- (2) Integrating enforcement, and strengthening accountability;
- (3) Organizing enforcement areas by function, including Border Patrol, inspections, investigations and removals, detention and enforcement support; and,

(f) Provide for efficient integration of service and enforcement by:

(1) Creating an administrative and technical backbone of support for enforcement and service; and,

(2) Developing and managing essential immigration records, computer systems, training and shared administrative functions.

SECTION 3. DEFINITIONS.—For purposes of this Act, the following definitions shall apply—

(a) the term "INA" refers to the Immigration and Nationality Act of 1952, as amended up to the effective date of this Act.

(b) the term "INS" means the Immigration and Naturalization Service.

SECTION 4. EFFECTIVE DATE.—Except as otherwise provided by this Act, this Act shall take effect on October 1, 2000.

TITLE I—AGENCY ORGANIZATION

SECTION. 101. AGENCY ORGANIZATION.—The Immigration and Naturalization Service [the Service] shall be responsible for administering the immigration laws of the United States. The Service will be organized in a way that ensures the effective implementation of enforcement strategies at the border, the interior of the country, and overseas, and the timely and efficient provision of immigrant services and benefits with complete integrity. The Service will be structured along programmatic lines and composed of an: (1) Office of Immigrant Services, (2) Office of Enforcement Operations, and (3) Office of Shared Services.

(a) Headquarters Operations -- The Service will be lead by a Commissioner and Deputy Commissioner who will focus on immigration enforcement and service policy and establish a framework to implement national priorities. In addition, headquarters operations will be responsible for policy formulation, strategic planning and the development of agency goals, objectives and performance targets; agency-wide management support and coordination; budget formulation and execution; public affairs; Congressional relations; general counsel; and internal audit.

(1) Chief Financial Officer -- A Chief Financial Officer (CFO) will be established for the effective

and efficient management and accountability of Service resources. The CFO will coordinate budget formulation, execution and agency-wide financial management operations. To address the Service's diverse funding sources, the CFO will ensure sound agency-wide financial management systems and processes. The CFO will ensure that immigrant services and enforcement operations have clearly separated and defined resource streams.

(2) Strategic Planning and Statistical Measures -- A director of the strategy unit will be responsible for policy formulation, developing the long term-strategy for the Service and facilitating the process of designing programs to execute that strategy, in consultation with the offices of Immigrant Services, Enforcement Operations and Shared Services. This office will create long-range strategic and performance measurement plans, in cooperation with relevant program components. In addition, this office will be responsible for establishing and strengthening Federal immigration statistical policy and measurement operations.

(b) The Office of Immigrant Services will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated solely to immigration services, focusing comprehensively on providing quality, timely and efficient services to the immigrant community and institutions requiring immigrant services. The EAC will be responsible for all aspects of INS service and benefit operations and the Office of Immigration Services will be organized around four functional goals: (1) ensuring timely processing and courteous service for the immigrant community through nationally-established customer service standards, (2) providing efficient, accurate benefit processing from remote service centers and service area operations, (3) ensuring secure documents with uncompromising integrity, and (4) serving the refugee and asylee population through humane and timely service and benefits. Additionally, the EAC is responsible for coordinating, with the Office of Shared Services, the effective acquisition and utilization of shared support items including information technology, financial management, facility construction, personnel and training. The responsibilities and duties of the director of the Office of Immigrant Services shall include:

(1) Service Area Operations -- Service area operations will be located in immigrant communities around the United States. The EAC will develop and maintain performance measures to ensure that offices within each area provide efficient and consistent service, while maintaining the integrity of application processing. These offices will provide a variety of services to applicants, including fingerprinting, photographing, and interviewing applicants. Some offices will be configured as full-service offices and others will serve as satellite locations. All will have a standard appearance with customer-oriented features.

(2) Service Center Operations -- Service center operations will include centralized automated processing and adjudication for applications and petitions that do not require immigrant interviews. In addition, the service centers will provide front-end fee receipt, data entry and scheduling for applications and petitions that require interviews.

The EAC will be responsible for the collection of all management reporting information relative to the service centers, for budget formulation and execution for the service center budgets, for

ensuring the accuracy and quality control of the adjudication of benefits at the service centers, for all employee hiring and grievance issues at the centers and for monitoring, overseeing and executing the mail file and data entry operations. The EAC will also coordinate with the CFO on financial management.

(3) Telephone Center Operations -- The Service will operate a coordinated telephone assistance system to respond to customer inquiries. The EAC will be responsible for designing and operating a telephone system that relies on all assets of the Service to ensure that customer inquiries are promptly and accurately addressed. This will include operating and maintaining the telephone centers, any contract call-answering facilities, and utilizing an overflow telephone call assistance capacity designed to access information officers at the service centers as needed.

(c) The Office of Enforcement Operations will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated solely to immigration enforcement, focusing comprehensively on illegal immigration problems at the border and in the interior of the U.S., and ensuring better linkages of enforcement operations through a single point of accountability for performance. The EAC will be responsible for all aspects of the Service's enforcement and border management operations including international enforcement efforts and will be organized around four functional goals: managing by the Border Patrol of the border between ports-of-entry; conducting inspections and managing all port of entry operations; overseeing investigations and removals; and coordinating and managing detention and enforcement support. Additionally, the EAC is responsible for coordinating, with the Office of Shared Services, the effective acquisition and utilization of shared support items including information technology, financial management, facility construction, personnel and training. The responsibilities and duties of the EAC will include:

(1) Border Management --

By placing both Border Patrol and Inspection activities under a single EAC, the Service will be able to provide seamless border enforcement along the Nation's borders, and will be better able to coordinate operations with other Federal and governmental agencies along the border.

(a) The Border Patrol will perform its current border management and control functions of deterring illegal immigration and apprehending illegal aliens between ports of entry. In addition, the Border Patrol will continue to work with Federal, State and local law enforcement agencies to effectively administer laws related to the interdiction of drug trafficking activities.

(b) Port of Entry management is a key component of border management due to the interrelationship between activities at and between land border ports of entry. The EAC will be

operationally responsible for carrying out these duties in compliance with applicable law and policy and will be responsible for effectively monitoring resource utilization and maintaining accurate performance measures for these activities.

(2) Interior Enforcement and Removals – The EAC will be responsible for consolidating investigations, intelligence and deportation functions into one coordinated multi-disciplinary component to focus on illegal alien removals and to vigorously combat immigration document fraud, smuggling and illegal employment in the workplace. This consolidated approach will ensure swift and proper apprehension, incarceration and removal of those illegally residing and working in this country.

(3) Detention and Enforcement Support -- The EAC will be responsible for ensuring logistical coordination for the incarceration and transportation of criminal and illegal aliens. The director will be responsible for effectively managing the Service's bed space at both Service-owned and contract detention facilities. Additionally, the director will be responsible for effectively acquiring bed space from State and local entities to ensure the Service can detain and transport individuals it apprehends.

(d) The Office of Shared Services will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated to meeting the support requirements for both the enforcement and service operational components. The EAC will be responsible for the effective provision of shared administrative and support services to ensure that each side of the agency has the appropriate administrative and technological tools to do its jobs in the most effective and cost-efficient way. The EAC will accomplish this through four functional goals: establishing and maintaining a records management system that accurately and efficiently documents immigration status; ensuring information and enforcement technology enhancements and initiatives are developed and maintained to operational component specifications; building and maintaining a superior recruiting, hiring and training operation to meet Service employment requirements; and building and managing a Service physical plant to adequately support agency housing needs. The EAC will also coordinate with the CFO on financial management. The responsibilities and duties of the EAC will include:

(1) Automation and Technology -- The EAC will be responsible for ensuring that the Service establishes and maintains state-of-the-art information resources capability to carry out agency enforcement and service functions. The EAC will be responsible for deploying and monitoring technology and ensuring that the Service's workforce operates as effectively as possible with these tools. The EAC will also establish and promulgate agency-wide policy relative to the acquisition and deployment of technology capabilities in coordinating with the operational components of the Service.

(2) Centralized Records Management -- The EAC will be responsible for maintaining a centralized repository for all Service records and will be responsible for establishing a greater

level of data integrity in existing electronic records and managing the transition to an electronic records environment.

(3) Personnel and Training – The EAC will be responsible for tracking the hiring of all categories of Service personnel and ensuring that all employees receive proper training in a timely manner. Specialized training courses and a full spectrum of basic, advanced, and continuing education will be established to ensure a professional workforce.

(4) Administrative Support -- The EAC will be responsible, in coordination with the operational components of the Service, for planning, constructing and renovating all required Service facilities and equipment, including Border Patrol stations, detention facilities, Immigrant Services offices and general support office space. The EAC will also be responsible for logistics; procurement; and environmental, occupational and health activities of the Service.

SEC. 102. SAVINGS PROVISIONS

(a) LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the INS, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date); shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorization official, a court of competent jurisdiction, or operation of law.

(b) Proceedings.—This Act shall not affect any proceedings including proceedings before the Executive Office for Immigration Review and any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office whose functions are transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS.—This Act shall not affect suits commenced before the date of the

enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred by the Act, shall abate by reason of the enactment of this Act.

(e) Continuance of Suits.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this Act such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) Administrative Procedure and Judicial Review.—Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred by this Act.

(g) Department of State – Nothing in this Act shall be construed to preclude or limit in any way the powers, authorities, or duties of special agents of the Department of State and the Foreign Service under section 2709 of title 22, United States Code, or of the Secretary of State under section 4801, et seq. of title 22, United States Code, to investigate illegal passport or visa issuance or use.

SEC 103. COMMISSIONER COMPENSATION.—Effective as of the day following the date on which the present incumbent in the office of the Commissioner ceases to serve as such, the Commissioner of the Immigration and Naturalization Service shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule (section 5314 of title 5, United States Code).

TITLE II—CONFORMING AMENDMENTS

SEC. 201. CONFORMING AMENDMENTS.

(a) Section 103(e)(2) of the INA, 8 U.S.C. section 1103(e)(2), is amended by striking "district office of the Service" and inserting "designated office of the Immigration and Naturalization Service".

(b) Section 242(b)(3)(A) of the INA, 8 U.S.C. section 1252(b)(3)(A), is amended

by striking "Service district" and inserting "designated office of the Immigration and Naturalization Service".

(c) Section 316 of the INA, 8 U.S.C. section 1427, is amended—

(1) in section (a) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service"; and

(2) in section (f)(1) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(d) Section 319 of the INA, 8 U.S.C. section 1430, is amended—

(1) in section (a) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service";

(2) in section (b)(3) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service";

(3) in section (c)(5) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service"; and

(4) in section (d) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(e) Section 324 of the INA, 8 U.S.C. section 1435(a)(1), is amended by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(f) Section 328 of the INA, 8 U.S.C. section 1439, is amended—

(1) in section (a) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service";

(2) in section (b)(1) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service"; and

(3) in section (c) by striking "district of the Service" and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(g) Section 329(b)(2) of the INA, 8 U.S.C. section 1440(b)(2), is amended by striking "district of the Service" and inserting "area serviced by the designated office of the

Immigration and Naturalization Service".

(h) Section 335(f) of the INA, 8 U.S.C. section 1446(f), is amended by striking "district of the Service" each time the phrase appears and inserting "area serviced by the designated office of the Immigration and Naturalization Service".

(i) Section 338 of the INA, 8 U.S.C. section 1449, is amended by striking "district office of the Service" and inserting "designated office of the Immigration and Naturalization Service".

(j) Section 339(b) of the INA, 8 U.S.C. section 1450(b), is amended by striking "district office of the Service" and inserting "designated office of the Immigration and Naturalization Service".

(k) Section 404 of the INA, 8 U.S.C. section 1101, note, is amended—

(1) in section (b)(2)(A)(i) by striking "a district director of the Service" and inserting "a designated Immigration and Naturalization Service officer"; and

(2) in (b)(2)(A)(iii) by striking "in a district" and inserting "in a designated office of the Immigration and Naturalization Service".

Section-by-Section Analysis of the "Immigration and Naturalization Service Restructuring Act of 1998."

Background

America has always been a nation of immigrants. Significant progress has been made in improving the Nation's immigration system. Over the last five years, illegal immigration has been curtailed through tougher border control, a badly abused asylum system has been reformed, and a record numbers of criminal and other aliens have been removed. While important progress has been made, recent changes in the breadth and scope of the Immigration and Naturalization Service's (INS) mission require a rethinking of its structure.

In its final report to Congress last fall, the Commission on Immigration Reform (CIR) called for significant reform to our Nation's immigration system. The major thrust of the CIR's proposed reform was to dismantle the INS and to parcel out its immigration functions to the Departments of Justice, State and Labor.

In response to CIR's recommendations, the President asked the Domestic Policy Council (DPC) to "evaluate carefully the [CIR] proposal and other reform options designed to improve the executive branch's administration of the Nation's immigration laws." In conducting this review, the DPC, working closely with the Office of Management and Budget, consulted with the Departments of Justice, Labor, and State, CIR staff, immigration experts and advocacy groups, and other White House offices, including the National Security Council. This review examined organizational and restructuring options including those formulated by the CIR and members of Congress. From this effort, a new framework for reform was established, and the Justice Department contracted with a management consulting firm to provide an independent assessment of structural options and assisted in developing a framework.

The DPC review process concluded that the CIR report correctly diagnosed many of INS' longstanding problems – insufficient accountability between field offices and headquarters, lack of consistency, need for greater professionalism, overlapping organizational relationships, and significant management weaknesses. These problems have hampered the INS' ability to effectively enforce our immigration laws both at our borders and in the interior, and to efficiently provide immigration services. Improving the ability of the INS to pursue these critical priorities must be the goal of any restructuring.

General description of the amendments

The most effective way to remedy the issues identified by the DPC review is to implement dramatic and fundamental reforms within the INS. The reforms to be implemented will untangle INS' overlapping and frequently confusing organizational structure and replace it with two clear organization chains of command – one for accomplishing its enforcement mission and one for providing services. Each operation will be headed by a senior executive who will report directly to the Commissioner through the Deputy Commissioner.

The restructuring will eliminate the current field structure in which regional district offices serve both enforcement and service functions and replace it with separate enforcement and service offices that bring the right mix of staff and skills to local service caseload and enforcement efficiency and effectiveness. The restructuring will allow each operation to focus on its unique management, knowledge, skills, and abilities, while also retaining the essential functions for coordinating these operations.

The new immigration services operation will locate new service offices in immigrant communities around the country. These offices will focus on providing efficient and effective service, while maintaining the integrity of application processing. The offices will provide a range of services, including: providing information to applicants, taking fingerprints and photographs, and interviewing. Depending on community needs, some offices will be configured as full-service centers and others will serve as satellite locations to perform specific functions. These new service facilities will have a standard "look and feel" with clear signs, comfortable waiting rooms, evening and weekend hours, and other customer-friendly features.

The restructuring will create an operational chain of command dedicated solely to immigration enforcement, focus comprehensively on illegal immigration problems at the border, and establish better linkages with interior enforcement through a single point of accountability for performance. This approach will strengthen professionalism and improve results. This structure also will ensure priorities are shared and allow close coordination of day-to-day operations among each enforcement discipline. Furthermore, the integrated structure will increase the INS's ability to coordinate with other federal enforcement agencies, both along the border of the United States and within the interior. The new enforcement operations areas will combine all functions related to the enforcement of immigration laws. Each enforcement area will be organized according to four functions, and led by a single director. The Area Enforcement Director will report directly to the director of the Office of Enforcement Operations.

The shared services operation (e.g., records and data management, technological support, training, and administrative support) will serve as the administrative and technological backbone upon which both enforcement and service operations depend under the new framework. Under the restructuring, each side of the agency will have the appropriate administrative and technological tools to do its job in the most efficient and cost-effective way. These tools will range from new computer software systems that are "user friendly" for enforcement agents and service officers, to appropriate training to strengthen professionalism.

Finally the restructuring will elevate the Commissioner's pay to a level equal to that of head of other law enforcement agencies.

Section-by-section analysis

Section 1. This bill may be cited as the "Immigration and Naturalization Service Restructuring Act of 1998."

Section 2. The purpose of this bill is to restructure the Immigration and Naturalization Service within the Department of Justice by replacing the current organizational structure with new organizational chains of command. Under the revised structure, the Immigration and Naturalization Service will consist of two separate functions: one enforcement function and one service function, with separate lines of authority. The revised structure will also include one shared services office that will provide administrative and technical support to the two separate functions.

Section 3. This section contains the definitions applicable to the bill.

Section 4. The effective date of this bill is October 1, 2000, unless otherwise specified.

Section 101(a). This subsection identifies the functional units within the Headquarters functions that provide advice and guidance directly to the Office of the Commissioner. The units include internal audit, general counsel, public affairs, congressional relations, a chief financial officer, and strategy and planning.

Section 101(b). This subsection describes the immigrant services function of the INS. This functional unit encompasses all aspects of service operations and consists of the services areas, which will provide personal processing of benefits, and remote services, which will perform activities that benefit from economies of scale and can be performed from remote locations.

Section 101(c). This subsection describes the enforcement operations function, which encompasses all activities relating to the enforcement of immigration laws, including border patrol, inspections, investigations and removals, and detention and enforcement support.

Section 101(d). This subsection describes the shared services function that will support both immigrant services and enforcement operations. This unit will include records, IRM, training, human resources, training, and administrative support.

Section 102(a). This subsection provides that all legal documents that are in effect prior to the restructuring shall continue in effect until modified or terminated.

Section 102(b). This subsection states that the restructuring shall not affect any proceeding or any application for a benefit that is pending on the date of the enactment of the bill.

Section 102(c). This subsection states that the restructuring will not affect any suit that was commenced prior to the time the restructuring occurs.

Section 102(d). This subsection provides that the restructuring will not abate any action or suit pending against the INS or any individual in his or her official capacity.

Section 102(e). This subsection provides that if any INS official is party to a suit with respect to that officer's function, and said function is transferred, the suit will continue with the new officer or office as a substituted or added party.

Section 102(f). This subsection indicates that all statutory requirements relating to administrative procedure and judicial review that currently apply to an office in which a function is transferred will apply in the same way to the new office.

Section 102(g). This section clarifies that nothing in this Act shall be construed to limit in any way the law enforcement authorities of the Secretary of State and the Diplomatic Security Service.

Section 103. This subsection elevates the Commissioner's pay to a level equal to that of the heads of other law enforcement agencies. The INS employs the largest number of law enforcement officers within the Federal government. This subsection shall take effect when the present incumbent in the office of the Commissioner ceases to serve in that position.

Section 201. This Section makes technical and conforming changes to the Immigration and Nationality Act .

105TH CONGRESS
2D SESSION

H. R. 4363

To provide for the restructuring of the Immigration and Naturalization Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 1998

Mr. WATT of North Carolina (for himself and Mr. BERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the restructuring of the Immigration and Naturalization Service, 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.**

4 This Act may be cited as the “Immigration and Nat-
5 uralization Service Restructuring Act of 1998”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

8 (1) advance the effective enforcement of our im-
9 migration laws at our borders and in the interior,

1 and the efficient provision of immigration and citi-
2 zenship services;

3 (2) untangle INS' overlapping and frequently
4 confusing organizational structure by replacing it
5 with two clear operational chains of command—one
6 for enforcement and one for providing services—
7 from the highest level of the agency to the lowest;

8 (3) create two parallel operational divisions
9 which can each focus on its unique management,
10 knowledge, skills, and abilities, while also retaining
11 the essential functions for guiding and coordinating
12 these operations;

13 (4) improve customer-oriented immigrant serv-
14 ices by:

15 (A) creating new local service offices;

16 (B) establishing new, distinct lines of ac-
17 countability of authority for services;

18 (C) setting clear standards for customer
19 service; and

20 (D) using technology to improve efficiency
21 and customer service;

22 (5) strengthen enforcement operations by:

23 (A) establishing a single, coordinated en-
24 forcement mission;

1 (B) integrating enforcement, and strength-
2 ening accountability;

3 (C) organizing enforcement areas by func-
4 tion, including Border Patrol, inspections, in-
5 vestigations and removals, detention, and en-
6 forcement support; and

7 (6) provide for efficient integration of service
8 and enforcement by:

9 (A) creating an administrative and tech-
10 nical backbone of support for enforcement and
11 service; and

12 (B) developing and managing essential im-
13 migration records, computer systems, training,
14 and shared administrative functions.

15 **SEC. 3. DEFINITIONS.**

16 For purposes of this Act, the following definitions
17 shall apply:

18 (1) The term "INA" refers to the Immigration
19 and Nationality Act of 1952, as amended up to the
20 effective date of this Act.

21 (2) The term "INS" means the Immigration
22 and Naturalization Service.

23 **SEC. 4. EFFECTIVE DATE.**

24 Except as otherwise provided by this Act, this Act
25 shall take effect on October 1, 2000.

1 **TITLE I—AGENCY**
2 **ORGANIZATION**

3 **SEC. 101. AGENCY ORGANIZATION.**

4 The Immigration and Naturalization Service [the
5 Service] shall be responsible for administering the immi-
6 gration laws of the United States. The Service will be or-
7 ganized in a way that ensures the effective implementation
8 of enforcement strategies at the border, the interior of the
9 country, and overseas, and the timely and efficient provi-
10 sion of immigrant services and benefits with complete in-
11 tegrity. The Service will be structured along programmatic
12 lines and composed of an: (1) Office of Immigrant Serv-
13 ices, (2) Office of Enforcement Operations, and (3) Office
14 of Shared Services.

15 (a) HEADQUARTERS OPERATIONS.—The Service will
16 be lead by a Commissioner and Deputy Commissioner who
17 will focus on immigration enforcement and service policy
18 and establish a framework to implement national prior-
19 ities. In addition, headquarters operations will be respon-
20 sible for policy formulation, strategic planning and the de-
21 velopment of agency goals, objectives and performance
22 targets; agency-wide management support and coordina-
23 tion; budget formulation and execution; public affairs;
24 Congressional relations; general counsel, and internal
25 audit.

1 (1) CHIEF FINANCIAL OFFICER.—A Chief Fi-
2 nancial Officer (CFO) will be established for the ef-
3 fective and efficient management and accountability
4 of Service resources. The CFO will coordinate budg-
5 et formulation, execution and agency-wide financial
6 management operations. To address the Service's di-
7 verse funding sources, the CFO will ensure sound
8 agency-wide financial management systems and
9 processes. The CFO will ensure that immigrant serv-
10 ices and enforcement operations have clearly sepa-
11 rated and defined resource streams.

12 (2) STRATEGIC PLANNING AND STATISTICAL
13 MEASURES.—A director of the strategy unit will be
14 responsible for policy formulation, developing the
15 long term-strategy for the Service and facilitating
16 the process of designing programs to execute that
17 strategy, in consultation with the offices of Immi-
18 grant Services, Enforcement Operations and Shared
19 Services. This office will create long-range strategic
20 and performance measurement plans, in cooperation
21 with relevant program components. In addition, this
22 office will be responsible for establishing and
23 strengthening Federal immigration statistical policy
24 and measurement operations.

1 (b) The Office of Immigrant Services will be headed
2 by an Executive Associate Commissioner (EAC), a Senior
3 Executive who will report directly to the Office of the
4 Commissioner. The EAC will be responsible for establish-
5 ing an operational chain of command dedicated solely to
6 immigration services, focusing comprehensively on provid-
7 ing quality, timely and efficient services to the immigrant
8 community and institutions requiring immigrant services.
9 The EAC will be responsible for all aspects of INS service
10 and benefit operations and the Office of Immigration
11 Services will be organized around four functional goals:
12 (1) ensuring timely processing and courteous service of the
13 immigrant community through nationally-established cus-
14 tomer service standards, (2) providing efficient, accurate
15 benefit processing from remote service centers and service
16 area operations, (3) ensuring secure documents with un-
17 compromising integrity, and (4) serving the refugee and
18 asylee population through humane and timely service and
19 benefits. Additionally, the EAC is responsible for coordi-
20 nating, with the Office of Shared Services, the effective
21 acquisition and utilization of shared support items includ-
22 ing information technology, financial management, facility
23 construction, personnel and training. The responsibilities
24 and duties of the EAC shall include:

1 (1) SERVICE AREA OPERATIONS.—Service area
2 operations will be located in immigrant communities
3 around the United States. The EAC will develop and
4 maintain performance measures to ensure that of-
5 fices within each area provide efficient and consist-
6 ent service, while maintaining the integrity of appli-
7 cation processing. These offices will provide a variety
8 of services to applicants, including fingerprinting,
9 photographing, and interviewing applicants. Some
10 offices will be configured as full-service offices and
11 others will serve as satellite locations. All will have
12 a standard appearance with customer-oriented fea-
13 tures.

14 (2) SERVICE CENTER OPERATIONS.—Service
15 center operations will include centralized automated
16 processing and adjudication for applications and pe-
17 titions that do not require immigrant interviews. In
18 addition, the service centers will provide front-end
19 fee receipt, data entry and scheduling for applica-
20 tions and petitions that require interviews. The EAC
21 will be responsible for the collection of all manage-
22 ment reporting information relative to the service
23 centers, for budget formulation and execution for the
24 service center budgets, for ensuring the accuracy
25 and quality control of the adjudication of benefits at

1 the service centers, for all employee hiring and griev-
2 ance issues at the centers and for monitoring, over-
3 seeing and executing the mail file and data entry op-
4 erations. The EAC will also coordinate with the
5 CFO on financial management.

6 (3) TELEPHONE CENTER OPERATIONS.—The
7 Service will operate a coordinated telephone assist-
8 ance system to respond to customer inquiries. The
9 EAC will be responsible for designing and operating
10 a telephone system that relies on all assets of the
11 Service to ensure that customer inquiries are
12 promptly and accurately addressed. This will include
13 operating and maintaining the telephone centers,
14 any contract call-answering facilities, and utilizing
15 an overflow telephone call assistance capacity de-
16 signed to access information officers at the service
17 centers as needed.

18 (c) The Office of Enforcement Operations will be
19 headed by an Executive Associate Commissioner (EAC),
20 a Senior Executive who will report directly to the Office
21 of the Commissioner. The EAC will be responsible for es-
22 tablishing an operational chain of command dedicated
23 solely to immigration enforcement, focusing comprehen-
24 sively on illegal immigration problems at the border and
25 in the interior of the U.S., and ensuring better linkages

1 of enforcement operations through a single point of ac-
2 countability for performance. The EAC will be responsible
3 for all aspects of the Service's enforcement and border
4 management operations including international enforce-
5 ment efforts and will be organized around four functional
6 goals: managing by the Border Patrol of the border be-
7 tween ports-of-entry; conducting inspections and manag-
8 ing all port of entry operations; overseeing investigations
9 and removals; and coordinating and managing detention
10 and enforcement support. Additionally, the EAC is respon-
11 sible for coordinating, with the Office of Shared Services,
12 the effective acquisition and utilization of shared support
13 items including information technology, financial manage-
14 ment, facility construction, personnel and training. The
15 responsibilities and duties of the EAC will include:

16 (1) BORDER MANAGEMENT.—By placing both
17 Border Patrol and Inspection activities under a sin-
18 gle EAC, the Service will be able to provide seamless
19 border enforcement along the Nation's borders, and
20 will be better able to coordinate operations with
21 other Federal and governmental agencies along the
22 border.

23 (A) The Border Patrol will perform its
24 current border management and control func-
25 tions of deterring illegal immigration and ap-

1 prehending illegal aliens between ports of entry.
2 In addition, the Border Patrol will continue to
3 work with Federal, State and local law enforce-
4 ment agencies to effectively administer laws re-
5 lated to the interdiction of drug trafficking ac-
6 tivities.

7 (B) Port of Entry management is a key
8 component of border management due to the
9 interrelationship between activities at and be-
10 tween land border ports of entry. The EAC will
11 be operationally responsible for carrying out
12 these duties in compliance with applicable law
13 and policy and will be responsible for effectively
14 monitoring resource utilization and maintaining
15 accurate performance measures of these activi-
16 ties.

17 (2) INTERIOR ENFORCEMENT AND REMOV-
18 ALS.—The EAC will be responsible for consolidating
19 investigations, intelligence and deportation functions
20 into one coordinated multi-disciplinary component to
21 focus on illegal alien removals and to vigorously
22 combat immigration document fraud, smuggling and
23 illegal employment in the workplace. This consoli-
24 dated approach will ensure swift and proper appre-

1 hension, incarceration and removal of those illegally
2 residing and working in this country.

3 (3) DETENTION AND ENFORCEMENT SUP-
4 PORT.—The EAC will be responsible for ensuring
5 logistical coordination for the incarceration and
6 transportation of criminal and illegal aliens. The
7 EAC will be responsible for effectively managing the
8 Service's bed space at both Service-owned and con-
9 tract detention facilities. Additionally, the EAC will
10 be responsible for effectively acquiring bed space
11 from State and local entities to ensure the Service
12 can detain and transport individuals it apprehends.

13 (d) The Office of Shared Services will be headed by
14 an Executive Associate Commissioner (EAC), a Senior
15 Executive who will report directly to the Office of the
16 Commissioner. The EAC will be responsible for establish-
17 ing an operational chain of command dedicated to meeting
18 the support requirements for both the enforcement and
19 service operational components. The EAC will be respon-
20 sible for the effective provision of shared administrative
21 and support services to ensure that each side of the agency
22 has the appropriate administrative and technological tools
23 to do its jobs in the most effective and cost-efficient way.
24 The EAC will accomplish this through four functional
25 goals; establishing and maintaining a records management

1 system that accurately and efficiently documents immigra-
2 tion status; ensuring information and enforcement tech-
3 nology enhancements and initiatives are developed and
4 maintained to operational component specifications; build-
5 ing and maintaining a superior recruiting, hiring and
6 training operation to meet Service employment require-
7 ments; and building and managing a Service physical
8 plant to adequately support agency housing needs. The
9 EAC will also coordinate with the CFO on financial man-
10 agement. The responsibilities and duties of the EAC will
11 include:

12 (1) AUTOMATION AND TECHNOLOGY.—The
13 EAC will be responsible for ensuring that the Serv-
14 ice establishes and maintains state-of-the-art infor-
15 mation resources capability to carry out agency en-
16 forcement and service functions. The EAC will be
17 responsible for deploying and monitoring technology
18 and ensuring that the Service's workforce operates
19 as effectively as possible with these tools. The EAC
20 will also establish and promulgate agency-wide policy
21 relative to the acquisition and deployment of tech-
22 nology capabilities in coordinating with the oper-
23 ational components of the Service.

24 (2) CENTRALIZED RECORDS MANAGEMENT.—
25 The EAC will be responsible for maintaining a cen-

1 tralized repository for all Service records and will be
2 responsible for establishing a greater level of data
3 integrity in existing electronic records and managing
4 the transition to an electronic records environment.

5 (3) PERSONNEL AND TRAINING.—The EAC will
6 be responsible for tracking the hiring of all cat-
7 egories of Service personnel and ensuring that all
8 employees receive proper training in a timely man-
9 ner. Specialized training courses and a full spectrum
10 of basic, advanced, and continuing education will be
11 established to ensure a professional workforce.

12 (4) ADMINISTRATIVE SUPPORT.—The EAC will
13 be responsible, in coordination with the operational
14 components of the Service, for planning, construct-
15 ing and renovating all required Service facilities and
16 equipment, including Border Patrol stations, deten-
17 tion facilities, Immigrant Services offices and gen-
18 eral support office space. The EAC will also be re-
19 sponsible for logistics; procurement; and environ-
20 mental, occupational and health activities of the
21 Service.

22 **SEC. 102. SAVINGS PROVISIONS.**

23 (a) LEGAL DOCUMENTS.—All orders, determinations,
24 rules, regulations, permits, grants, loans, contracts, agree-
25 ments, certificates, licenses, and privileges—

1 (1) that have been issued, made, granted, or al-
2 lowed to become effective by the President, the At-
3 torney General, the Commissioner of the INS, or
4 any other Government official, or by a court of com-
5 petent jurisdiction, in the performance of any func-
6 tion that is transferred; and

7 (2) that are in effect on the effective date of
8 such transfer (or become effective after such date
9 pursuant to their terms as in effect on such effective
10 date); shall continue in effect according to their
11 terms until modified, terminated, superseded, set
12 aside, or revoked in accordance with law by the
13 President, any other authorization official, a court of
14 competent jurisdiction, or operation of law.

15 (b) PROCEEDINGS.—This Act shall not affect any
16 proceedings including proceedings before the Executive
17 Office for Immigration Review and any application for any
18 benefits, service, license, permit, certificate, or financial
19 assistance in pending on the date of the enactment of this
20 Act before an office whose functions are transferred by
21 this Act, but such proceedings and applications shall be
22 continued. Orders shall be issued in such proceedings, ap-
23 peals shall be taken therefrom, and payments shall be
24 made pursuant to such orders, as if this Act had not been
25 enacted, and orders issued in any such proceeding shall

1 continue in effect until modified, terminated, superseded,
2 or revoked by a duly authorized official, by a court of com-
3 petent jurisdiction, or by operation of law. Nothing in this
4 subsection shall be considered to prohibit the discontinu-
5 ance or modification of any such proceeding under the
6 same terms and conditions and to the same extent that
7 such proceeding could have been discontinued or modified
8 if this Act had not been enacted.

9 (c) SUITS.—This Act shall not affect suits com-
10 menced before the date of the enactment of this Act, and
11 in all such suits, proceedings shall be had, appeals taken,
12 and judgments rendered in the same manner and with the
13 same effect as if this Act had not been enacted.

14 (d) NONABATEMENT OF ACTIONS.—No suit, action,
15 or other proceeding commenced by or against the Depart-
16 ment of Justice or the Immigration and Naturalization
17 Service, or by or against any individual in the official ca-
18 pacity of such individual as an officer or employee in con-
19 nection with a function transferred by the Act, shall abate
20 by reason of the enactment of this Act.

21 (e) CONTINUANCE OF SUITS.—If any Government of-
22 ficer in the official capacity of such officer is party to a
23 suit with respect to a function of the officer, and under
24 this Act such function is transferred to any other officer
25 or office, then such suit shall be continued with the other

1 officer or the head of such other office, as applicable, sub-
2 stituted or added as a party.

3 (f) ADMINISTRATIVE PROCEDURE AND JUDICIAL RE-
4 VIEW.—Except as otherwise provided by this Act, any
5 statutory requirements relating to notice, hearings, action
6 upon the record, or administrative or judicial review that
7 apply to any function transferred by this Act shall apply
8 to the exercise of such function by the head of the office,
9 and other officers of the office, to which such function is
10 transferred by this Act.

11 (g) DEPARTMENT OF STATE.—Nothing in this Act
12 shall be construed to preclude or limit in any way the pow-
13 ers, authorities, or duties of special agents of the Depart-
14 ment of State and the Foreign Service under section 2709
15 of title 22, United States Code, or of the Secretary of
16 State under section 4801, et seq. of title 22, United States
17 Code, to investigate illegal passport or visa issuance or
18 use.

19 **SEC. 103. COMMISSIONER COMPENSATION.**

20 Effective as of the day following the date on which
21 the present incumbent in the office of the Commissioner
22 ceases to serve as such, the Commissioner of the Immigra-
23 tion and Naturalization Service shall receive compensation
24 at the rate prescribed for level III of the Federal Executive

1 Salary Schedule (section 5314 of title 5, United States
2 Code).

3 **TITLE II—CONFORMING**
4 **AMENDMENTS**

5 **SEC. 201. CONFORMING AMENDMENTS.**

6 (a) Section 103(e)(2) of the INA, 8 U.S.C. section
7 1103(e)(2), is amended by striking “district office of the
8 Service” and inserting “designated office of the Immigra-
9 tion and Naturalization Service”.

10 (b) Section 242(b)(3)(A) of the INA, 8 U.S.C. section
11 1252(b)(3)(A), is amended by striking “Service district”
12 and inserting “designated office of the Immigration and
13 Naturalization Service”.

14 (c) Section 316 of the INA, 8 U.S.C. section 1427,
15 is amended—

16 (1) in section (a) by striking “district of the
17 Service” and inserting “area serviced by the des-
18 ignated office of the Immigration and Naturalization
19 Service”; and

20 (2) in section (f)(1) by striking “district of the
21 Service” and inserting “area serviced by the des-
22 ignated office of the Immigration and Naturalization
23 Service”.

24 (d) Section 319 of the INA, 8 U.S.C. section 1430,
25 is amended—

1 (1) in section (a) by striking “district of the
2 Service” and inserting “area serviced by the des-
3 ignated office of the Immigration and Naturalization
4 Service”;

5 (2) in section (b)(3) by striking “district of the
6 Service” and inserting “area serviced by the des-
7 ignated office of the Immigration and Naturalization
8 Service”;

9 (3) in section (c)(5) by striking “district of the
10 Service” and inserting “area serviced by the des-
11 ignated office of the Immigration and Naturalization
12 Service”; and

13 (4) in section (d) by striking “district of the
14 Service” and inserting “area serviced by the des-
15 ignated office of the Immigration and Naturalization
16 Service”.

17 (e) Section 324 of the INA, 8 U.S.C. section
18 1435(a)(1), is amended by striking “district of the Serv-
19 ice” and inserting “area serviced by the designated office
20 of the Immigration and Naturalization Service”.

21 (f) Section 328 of the INA, 8 U.S.C. section 1439,
22 is amended—

23 (1) in section (a) by striking “district of the
24 Service” and inserting “area serviced by the des-

1 ignated office of the Immigration and Naturalization
2 Service”;

3 (2) in section (b)(1) by striking “district of the
4 Service” and inserting “area serviced by the des-
5 ignated office of the Immigration and Naturalization
6 Service”; and

7 (3) in section (c) by striking “district of the
8 Service” and inserting “area serviced by the des-
9 ignated office of the Immigration and Naturalization
10 Service”.

11 (g) Section 329(b)(2) of the INA, 8 U.S.C. section
12 1440(b)(2), is amended by striking “district of the Serv-
13 ice” and inserting “area serviced by the designated office
14 of the Immigration and Naturalization Service”.

15 (h) Section 335(f) of the INA, 8 U.S.C. section
16 1446(f), is amended by striking “district of the Service”
17 each time the phrase appears and inserting “area serviced
18 by the designated office of the Immigration and Natu-
19 ralization Service”.

20 (i) Section 338 of the INA, 8 U.S.C. section 1449,
21 is amended by striking “district office of the Service” and
22 inserting “designated office of the Immigration and Natu-
23 ralization Service”.

24 (j) Section 339(b) of the INA, 8 U.S.C. section
25 1450(b), is amended by striking “district office of the

1 Service” and inserting “designated office of the Immigra-
2 tion and Naturalization Service”.

3 (k) Section 404 of the INA, 8 U.S.C. section 1101,
4 note, is amended—

5 (1) in section (b)(2)(A)(i) by striking “a district
6 director of the Service” and inserting “a designated
7 Immigration and Naturalization Service officer”;
8 and

9 (2) in (b)(2)(A)(iii) by striking “in a district”
10 and inserting “in a designated office of the Immi-
11 gration and Naturalization Service”.

○

S 2428 IS

105th CONGRESS

2d Session

S. 2428

To provide for the restructuring of the Immigration and Naturalization Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

August 31, 1998

Mr. KENNEDY (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the restructuring of the Immigration and Naturalization Service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Immigration and Naturalization Service Restructuring Act of 1998'.

SEC. 2. PURPOSES.

The purposes of this Act are to:

- (1) Advance the effective enforcement of our immigration laws at our borders and in the interior, and the efficient provision of immigration and citizenship services.
- (2) Untangle the overlapping and frequently confusing organizational structure of INS' by replacing it with two clear operational chains of command--one for enforcement and one for providing services--from the highest level of the agency to the lowest.
- (3) Create two parallel operational divisions which can each focus on its unique management, knowledge, skills and abilities, while also retaining the essential functions for guiding and coordinating these operations.
- (4) Improve customer-oriented immigrant services by--
 - (A) creating new local service offices;
 - (B) establishing new, distinct lines of accountability of authority for services;
 - (C) setting clear standards for customer service; and
 - (D) using technology to improve efficiency and customer service.

(5) Strengthen enforcement operations by--

- (A) establishing a single, coordinated enforcement mission;
- (B) integrating enforcement, and strengthening accountability;
- (C) organizing enforcement areas by function, including Border Patrol, inspections, investigations and removals, detention and enforcement support; and
- (D) developing overtime pay parity with other Federal law enforcement agencies.

(6) Provide for efficient integration of service and enforcement by--

- (A) creating an administrative and technical backbone of support for enforcement and service; and
- (B) developing and managing essential immigration records, computer systems, training, and shared administrative functions.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

- (1) The term 'INA' refers to the Immigration and Nationality Act of 1952, as amended up to the effective date of this Act.
- (2) The term 'INS' means the Immigration and Naturalization Service.

SEC. 4. EFFECTIVE DATE.

Except as otherwise provided by this Act, this Act shall take effect on October 1, 2000.

TITLE I--AGENCY ORGANIZATION

SEC. 101. AGENCY ORGANIZATION.

(a) The Immigration and Naturalization Service [the Service] shall be responsible for administering the immigration laws of the United States. The Service will be organized in a way that ensures the effective implementation of enforcement strategies at the border, the interior of the country, and overseas, and the timely and efficient provision of immigrant services and benefits with complete integrity. The Service will be structured along programmatic lines and composed of an--

- (1) Office of Immigrant Services;
- (2) Office of Enforcement Operations; and
- (3) Office of Shared Services.

(b) **HEADQUARTERS OPERATIONS-** The Service will be led by a Commissioner and Deputy Commissioner who will focus on immigration enforcement and service policy and establish a framework to implement national priorities. In addition, headquarters operations will be responsible for policy formulation, strategic planning and the development of agency goals, objectives and performance targets; agency-wide management support and coordination; budget formulation and execution; public affairs;

Congressional relations; general counsel; and internal audit.

(1) **CHIEF FINANCIAL OFFICER-** A Chief Financial Officer (CFO) will be established for the effective and efficient management and accountability of Service resources. The CFO will coordinate budget formulation, execution and agency-wide financial management operations. To address the Service's diverse funding sources, the CFO will ensure sound agency-wide financial management systems and processes. The CFO will ensure that immigrant services and enforcement operations have clearly separated and defined resource streams.

(2) **STRATEGIC PLANNING AND STATISTICAL MEASURES-** A director of the strategy unit will be responsible for policy formulation, developing the long-term strategy for the Service and facilitating the process of designing programs to execute that strategy, in consultation with the offices of Immigrant Services, Enforcement Operations and Shared Services. This office will create long-range strategic and performance measurement plans, in cooperation with relevant program components. In addition, this office will be responsible for establishing and strengthening Federal immigration statistical policy and measurement operations.

(c) The Office of Immigrant Services will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated solely to immigration services, focusing comprehensively on providing quality, timely and efficient services to the immigrant community and institutions requiring immigrant services. The EAC will be responsible for all aspects of INS service and benefit operations and the Office of Immigration Services will be organized around four functional goals:

(1) Ensuring timely processing and courteous service for the immigrant community through nationally established customer service standards.

(2) Providing efficient, accurate benefit processing from remote service centers, and service area operations.

(3) Ensuring secure documents with uncompromising integrity.

(4) Serving the refugee and asylee population through humane and timely service and benefits. Additionally, the EAC is responsible for coordinating, with the Office of Shared Services, the effective acquisition and utilization of shared support items including information technology, financial management, facility construction, personnel and training. The responsibilities and duties of the Director of the Office of Immigrant Services shall include:

(A) **SERVICE AREA OPERATIONS-** Service area operations will be located in immigrant communities around the United States. The EAC will develop and maintain performance measures to ensure that offices within each area provide efficient and consistent service, while maintaining the integrity of application processing. These offices will provide a variety of services to applicants, including fingerprinting, photographing, and interviewing applicants. Some offices will be configured as full-service offices and others will serve as satellite locations. All will have a standard appearance with customer-oriented features.

(B) **SERVICE CENTER OPERATIONS-** Service center operations will include centralized automated processing and adjudication for applications and petitions that do not require immigrant interviews. In addition, the service centers will provide front-end fee receipt, data entry and scheduling for applications and petitions that require interviews.

The EAC will be responsible for the collection of all management reporting information relative to the service centers, for budget formulation and execution for the service center budgets, for ensuring the accuracy and quality control of the adjudication of benefits at the service centers, for all employee hiring and grievance issues at the centers and for monitoring, overseeing and executing the mail file and data entry operations. The EAC will also coordinate with the CFO on financial management.

(C) TELEPHONE CENTER OPERATIONS- The Service will operate a coordinated telephone assistance system to respond to customer inquiries. The EAC will be responsible for designing and operating a telephone system that relies on all assets of the Service to ensure that customer inquiries are promptly and accurately addressed. This will include operating and maintaining the telephone centers, any contract call-answering facilities, and utilizing an overflow telephone call assistance capacity designed to access information officers at the service centers as needed.

(d) The Office of Enforcement Operations will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated solely to immigration enforcement, focusing comprehensively on illegal immigration problems at the border and in the interior of the United States, and ensuring better linkages of enforcement operations through a single point of accountability for performance. The EAC will be responsible for all aspects of the Service's enforcement and border management operations including international enforcement efforts and will be organized around 4 functional goals: managing by the Border Patrol of the border between ports-of-entry; conducting inspections and managing all port of entry operations; overseeing investigations and removals; and coordinating and managing detention and enforcement support. Additionally, the EAC is responsible for coordinating, with the Office of Shared Services, the effective acquisition and utilization of shared support items including information technology, financial management, facility construction, personnel and training. The responsibilities and duties of the EAC will include:

(1) BORDER MANAGEMENT- By placing both Border Patrol and Inspection activities under a single EAC, the Service will be able to provide seamless border enforcement along the Nation's borders, and will be better able to coordinate operations with other Federal and governmental agencies along the border.

(A) The Border Patrol will perform its current border management and control functions of deterring illegal immigration and apprehending illegal aliens between ports of entry. In addition, the Border Patrol will continue to work with Federal, State, and local law enforcement agencies to effectively administer laws related to the interdiction of drug trafficking activities.

(B) Port of Entry management is a key component of border management due to the interrelationship between activities at and between land border ports of entry. The EAC will be operationally responsible for carrying out these duties in compliance with applicable law and policy and will be responsible for effectively monitoring resource utilization and maintaining accurate performance measures for these activities.

(2) INTERIOR ENFORCEMENT AND REMOVALS- The EAC will be responsible for consolidating investigations, intelligence and deportation functions into one coordinated multidisciplinary component to focus on illegal alien removals and to vigorously combat immigration document fraud, smuggling, and illegal employment in the workplace. This consolidated approach will ensure swift and proper apprehension, incarceration, and removal of those illegally residing and working in this country.

(3) DETENTION AND ENFORCEMENT SUPPORT- The EAC will be responsible for ensuring logistical coordination for the incarceration and transportation of criminal and

illegal aliens. The director will be responsible for effectively managing the Service's bed space at both Service-owned and contract detention facilities. Additionally, the director will be responsible for effectively acquiring bed space from State and local entities to ensure the Service can detain and transport individuals it apprehends.

(e) The Office of Shared Services will be headed by an Executive Associate Commissioner (EAC), a Senior Executive who will report directly to the Office of the Commissioner. The EAC will be responsible for establishing an operational chain of command dedicated to meeting the support requirements for both the enforcement and service operational components. The EAC will be responsible for the effective provision of shared administrative and support services to ensure that each side of the agency has the appropriate administrative and technological tools to do its jobs in the most effective and cost-efficient way. The EAC will accomplish this through 4 functional goals: establishing and maintaining a records management system that accurately and efficiently documents immigration status; ensuring information and enforcement technology enhancements and initiatives are developed and maintained to operational component specifications; building and maintaining a superior recruiting, hiring and training operation to meet Service employment requirements; and building and managing a Service physical plant to adequately support agency housing needs. The EAC will also coordinate with the CFO on financial management. The responsibilities and duties of the EAC will include:

(1) **AUTOMATION AND TECHNOLOGY**- The EAC will be responsible for ensuring that the Service establishes and maintains state-of-the-art information resources capability to carry out agency enforcement and service functions. The EAC will be responsible for deploying and monitoring technology

and ensuring that the Service's workforce operates as effectively as possible with these tools. The EAC will also establish and promulgate agency-wide policy relative to the acquisition and deployment of technology capabilities in coordinating with the operational components of the Service.

(2) **CENTRALIZED RECORDS MANAGEMENT**- The EAC will be responsible for maintaining a centralized repository for all Service records and will be responsible for establishing a greater level of data integrity in existing electronic records and managing the transition to an electronic records environment.

(3) **PERSONNEL AND TRAINING**- The EAC will be responsible for tracking the hiring of all categories of Service personnel and ensuring that all employees receive proper training in a timely manner. Specialized training courses and a full spectrum of basic, advanced, and continuing education will be established to ensure a professional workforce.

(4) **ADMINISTRATIVE SUPPORT**- The EAC will be responsible, in coordination with the operational components of the Service, for planning, constructing, and renovating all required Service facilities and equipment, including Border Patrol stations, detention facilities, Immigrant Services offices and general support office space. The EAC will also be responsible for logistics; procurement; and environmental, occupational and health activities of the Service.

SEC. 102. SAVINGS PROVISIONS.

(a) **LEGAL DOCUMENTS**- All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges--

(1) that have been issued, made, granted, or allowed to become effective by the President, the Attorney General, the Commissioner of the INS, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date); shall continue in effect

according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorization official, a court of competent jurisdiction, or operation of law.

(b) **PROCEEDINGS**- This Act shall not affect any proceedings including proceedings before the Executive Office for Immigration Review and any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office whose functions are transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) **SUITS**- This Act shall not affect suits commenced before the date of enactment of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) **NONABATEMENT OF ACTIONS**- No suit, action, or other proceeding commenced by or against the Department of Justice or the Immigration and Naturalization Service, or by or against any individual in the official capacity of such individual as an officer or employee in connection with a function transferred by the Act, shall abate by reason of the enactment of this Act.

(e) **CONTINUANCE OF SUITS**- If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this Act such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) **ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW**- Except as otherwise provided by this Act, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this Act shall apply to the exercise of such function by the head of the office, and other officers of the office, to which such function is transferred by this Act.

(g) **DEPARTMENT OF STATE**- Nothing in this Act shall be construed to preclude or limit in any way the powers, authorities, or duties of special agents of the Department of State and the Foreign Service under section 2709 of title 22, United States Code, or of the Secretary of State under section 4801, et seq. of title 22, United States

Code, to investigate illegal passport or visa issuance or use.

SEC. 103. COMMISSIONER COMPENSATION.

Effective as of the day following the date on which the present incumbent in the office of the Commissioner ceases to serve as such, the Commissioner of the Immigration and Naturalization Service shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule (section 5314 of title 5, United States Code).

TITLE II--CONFORMING AMENDMENTS

SEC. 201. CONFORMING AMENDMENTS.

(a) Section 103(e)(2) of the INA, 8 U.S.C. section 1103(e)(2), is amended by striking 'district office of the Service' and inserting 'designated office of the Immigration and Naturalization

Service'.

(b) Section 242(b)(3)(A) of the INA, 8 U.S.C. section 1252(b)(3)(A), is amended by striking 'Service district' and inserting 'designated office of the Immigration and Naturalization Service'.

(c) Section 316 of the INA, 8 U.S.C. section 1427, is amended--

(1) in subsection (a) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'; and

(2) in subsection (f)(1) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'.

(d) Section 319 of the INA, 8 U.S.C. section 1430, is amended--

(1) in subsection (a) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service';

(2) in subsection (b)(3) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service';

(3) in subsection (c)(5) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'; and

(4) in subsection (d) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'.

(e) Section 324 of the INA, 8 U.S.C. section 1435(a)(1), is amended by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'.

(f) Section 328 of the INA, 8 U.S.C. section 1439, is amended--

(1) in subsection (a) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service';

(2) in subsection (b)(1) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'; and

(3) in subsection (c) by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'.

(g) Section 329(b)(2) of the INA, 8 U.S.C. 1440(b)(2), is amended by striking 'district of the Service' and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'.

(h) Section 335(f) of the INA, 8 U.S.C. section 1446(f), is amended by striking 'district of the Service' each time the phrase appears and inserting 'area serviced by the designated office of the Immigration and Naturalization Service'.

(i) Section 338 of the INA, 8 U.S.C. section 1449, is amended by striking 'district office of the Service' and inserting 'designated office of the Immigration and Naturalization Service'.

(j) Section 339(b) of the INA, 8 U.S.C. section 1450(b), is amended by striking 'district office of the Service' and inserting 'designated office of the Immigration and Naturalization Service'.

(k) Section 404 of the INA, 8 U.S.C. section 1101, note, is amended--

(1) in subsection (b)(2)(A)(i) by striking 'a district director of the Service' and inserting 'a designated Immigration and Naturalization Service officer'; and

(2) in subsection (b)(2)(A)(iii) by striking 'in a district' and inserting 'in a designated office of the Immigration and Naturalization Service'.

END



U.S. Department of Justice

Washington, D.C. 20530

The Honorable Harold Rogers
Chairman
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This letter is to notify you of a reorganization within the Immigration and Naturalization Service (INS), as required by Section 605(a)(5) of the Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (P.L.105-119). The reorganization will establish a new Office of the Chief Financial Officer (CFO) reporting directly to the INS Commissioner and Deputy Commissioner to handle financial management and budget matters. The reorganization will realign the current Associate Commissioner for Finance and related financial management and budget functions and positions from the Executive Associate Commissioner for Management to the new office of the CFO. In addition, this reorganization reflects the establishment of the Immigration Services Division as outlined in the Department's August 6, 1998, reprogramming request to the committees.

The CFO will be responsible for directing the overall budget and financial management functions of the INS. This includes: the development of financial policies and procedures; development and maintenance of integrated financial management systems including financial reporting and financial internal controls which comply with all applicable Departmental, Office of Management and Budget (OMB), Treasury and various policies and requirements; oversight of budget formulation, presentation, justification and execution, including the facilitation of efficient and effective distribution of resources; directing the preparation of the annual financial management plan; coordination of financial report requirements as mandated in the CFO Act of 1990; accounting for the collection of fees and ensuring that services performed are appropriately reviewed and full costs are recovered and services rendered.

The Honorable Harold Rogers

Page 2

INS has been criticized for a lack of focus on financial management. Independent studies by the National Academy of Public Administration and Booz-Allen Hamilton have identified this problem and recommended a separate organizational focal point within INS for these matters. This reorganization will elevate the financial management function within INS and allow greater emphasis on and better coordination of these matters by INS executive management.

On March 30, 1998, the Administration put forth a plan that fundamentally changes the way INS will conduct business. This restructuring from top to bottom addresses long-standing concerns about lines of authority and responsibility, consistency of policies and procedures, and performance within INS. Consistent with this plan, this reorganization establishes a CFO to ensure effective allocation, control and monitoring of the agency's finances. This organizational change enhances accountability for managing the agency's resources and ensures that INS has separate and defined resource streams.

The new office of the CFO will be staffed through reassignment of the current Associate Commissioner for Finance and the budget and financial personnel who currently report to it. INS will allocate career Senior Executive Service (SES) positions for the CFO and for the Associate Commissioner for Financial Management within the new office. The Associate Commissioner for Budget already is and will remain at the SES level. This reorganization will be accomplished within current existing approved budgetary authority and will not require a reprogramming.

In addition to the actions pertaining to the CFO, this reorganization also shows the establishment of the Immigration Services Division which was submitted to Congress on August 6, 1998 as part of the reprogramming action aimed at rebuilding the naturalization system. Its purpose is to address backlog reduction, customer service, reengineering, and other daily adjudications operations. For your information, I have enclosed copies of the current and new official organizational charts of INS.

11/19/93 10:19:33 AM 10/19/93 FAX 10/19/93 10:19:33
100-345-110 2000

The Honorable Harold Rogers

Page 3

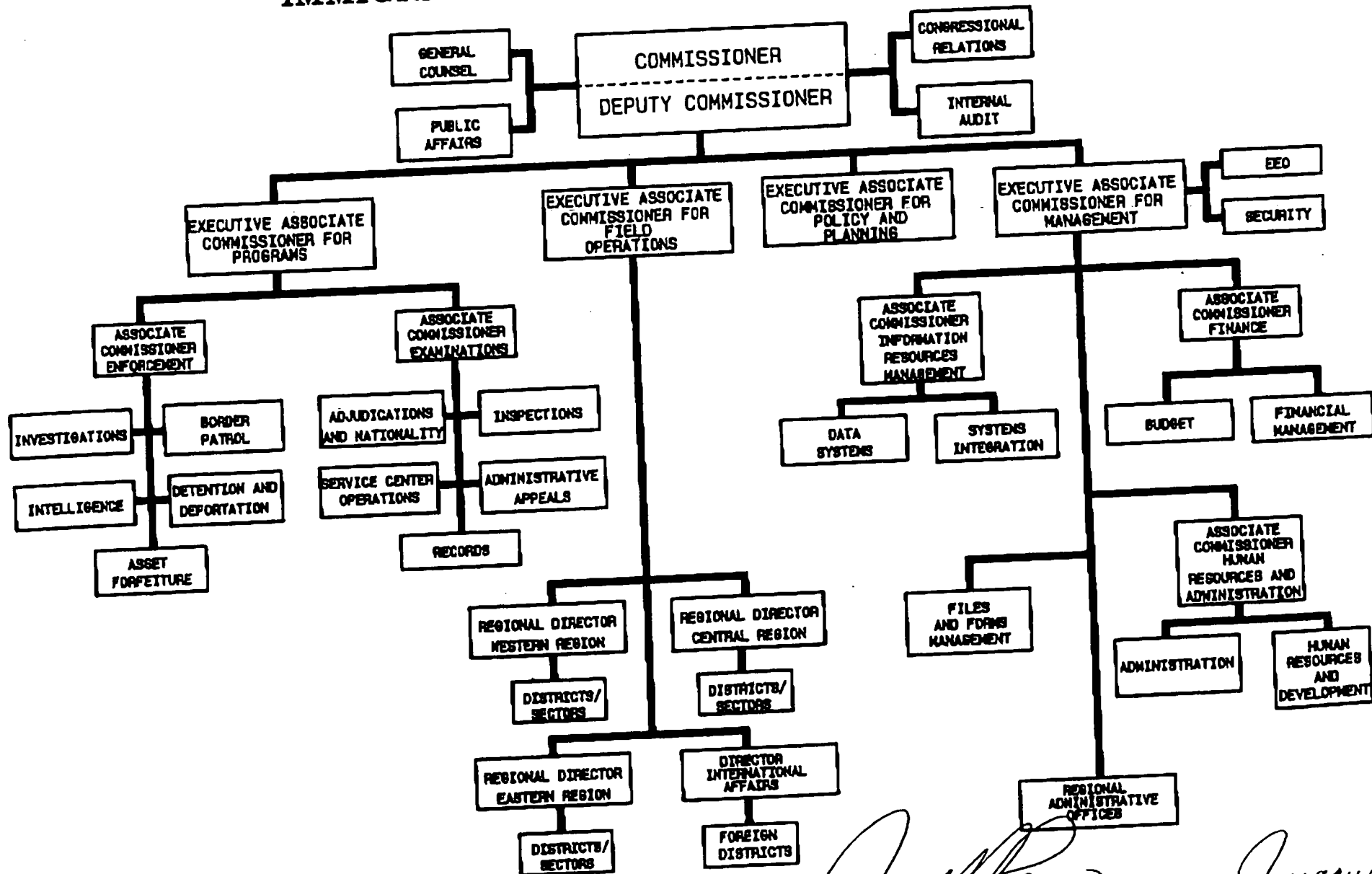
I will proceed with the implementation of the establishment of a CFO for the INS once I receive your approval. If you have any questions or wish to make any comments on the reorganization, please contact me.

Sincerely,

Stephen R. Colgate
Assistant Attorney General
for Administration

Enclosures

IMMIGRATION AND NATURALIZATION SERVICE

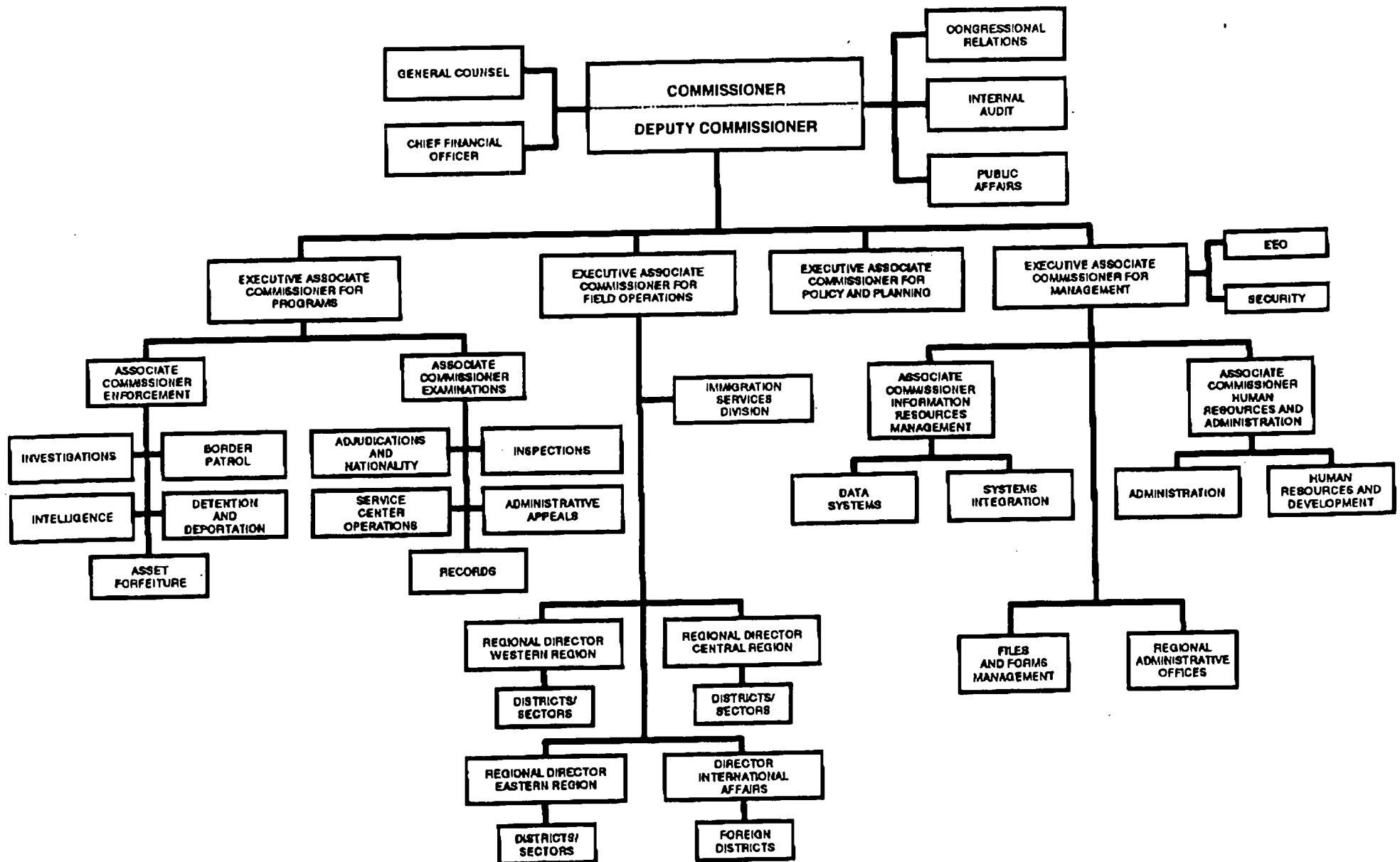


Approved:

Janet Reno
JANET RENO
Attorney General

Date: *June 14, 1994*

IMMIGRATION AND NATURALIZATION SERVICE



PROPOSED OCTOBER 22, 1998

Identical Letters Sent to:

The Honorable Harold Rogers
Chairman
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Ernest F. Hollings
Ranking Minority Member
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Judd Gregg
Chairman
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Alan B. Mollohan
Ranking Minority Member
Subcommittee on the Departments of
Commerce, Justice and State, the
Judiciary, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515