Memorandum

Subject: Guidance on Use of Funds	Date: DEC 18 1997
To: Executive Associate Commissioners Regional Directors District Directors Sector Chiefs Administrative Center Directors Service Center Directors	From: Office of Budget

Thru: George H. Bohlinger, III
Executive Associate Commissioner
Management

In the past, I have distributed memoranda concerning descriptions of Immigration and Naturalization Service (INS) accounts and congressionally mandated reprogramming guidelines (attached). However, results from recent INSpect reviews have identified the need for more specific guidance regarding the proper use of funds appropriated to the Immigration and Naturalization Service (INS). While specific detailed policy is being incorporated into the Administrative Manual, the information discussed below will serve as interim guidance.

The FY 1998 INS budget is composed of twelve accounts and thirteen programs (decision units). (See attachment.) The appropriation language places extreme restrictions on the use of these funds for purposes other than those intended by Congress. For all practical purposes, any change in the use of funds must be communicated to Congress, as either a notification or reprogramming, in advance, and acknowledgment and/or approval must be received from Congress before the change in the use of funds is implemented. The Office of Budget is the only INS organization authorized to prepare notifications and reprogrammings for submission to Congress. Therefore, the interim guidance described below should be followed.

1. You may not use funds allocated from a fee account for any purpose outside of that account regardless of the program involved.

2. You may not charge a permanent employee's Personal Salary & Benefits (PS&B) cost to any other account/program other than the one to which the employee is assigned (reference the Table of Organization). There is some flexibility

available for the use of overtime. For example, if an airport inspector provides support to an activity normally funded by the Examinations Fee Account, during overtime hours, that overtime should be funded from the Examinations Fee Account.

3. You may not use funds from one program to purchase goods and/or services for another program(s).

4. You may use funds from the Salaries and Expenses account for discretionary overtime and the purchase of goods and/or services benefitting Crime Fund account activities and vice versa; <u>however, the program must be the same in both accounts</u>, and you must have exhausted funds in the benefitting account (the funds are not moved, rather the obligations are coded against the account/program with the available funds).

5. You may use funds in the Breached Bond/Detention Fund for alien detention costs including discretionary overtime and other-than-permanent position costs for the Detention and Deportation program as in the Salaries and Expenses and Crime Funds accounts.

6. If the purchase of goods and/or services will benefit more than one account(s) and/or program(s), you may "pro rate" or distribute the total obligation (cost) against the benefitting account(s) and/or program(s).

7. If a requirement is mission critical, you may request additional funds via the chain-of-command if there are no other funding options.

NOTE: The appropriation language does allow adjustments between programs, projects and activities, provided the amount is $500,000 or 10%, whichever is less, without Congressional notification. However, this is an annual maximum, applies Servicewide, and is cumulative. This augmentation authority is rarely used and must be coordinated by the Office of Budget.

I hope this guidance clarifies the parameters under which we must operate regarding the various sources of funding provided to INS. If you have questions regarding funding issues, please call me or Gary Crevonis, Chief, Execution Operations Branch, (202) 514-2669. Thank you for your cooperation.

Jeffrey M. Weber
Assistant Commissioner

Attachments

Memorandum

Subject Summary Information on INS Budget Accounts

Date DEC 27 1996

To

Management Team
Regional Directors
District Directors
Chief Patrol Agents
Directors, Asylum Offices
Directors, Administrative Centers
Directors, Service Centers

From

Office of Budget

Thru: George H. Bohlinger, III
Executive Associate Commissioner
Management

From time to time, questions come up regarding INS' budget accounts and the programs and activities which can be funded by them. Enclosed is a brief summary description of the accounts, including information on FY 1997 funding which may be of use in making sense out of INS' complex budgeting requirements. You should also be aware that additional budget accounts for detention funding and for the use of fines for enforcement programs are authorized in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

If you have questions or would like additional information, please contact me at 514-3206.

Jeffrey M. Weber
Assistant Commissioner

Attachment

Summary of INS Budget Accounts in FY 1997

Salaries and Expenses (S&E)

This is the agency's primary appropriated account. It provides resources for activities in the general areas of enforcement, citizenship and benefits, immigration support, and management direction. The amount appropriated for this account in FY 1997 is $1.6 billion.

Appropriations language for the S&E account reads that the funding is for expenses for the administration and enforcement of laws relating to immigration, naturalization, and alien registration. Presently, the Congress has authorized five fee accounts and two appropriated accounts, which supplement the S&E account to provide resources to support INS' mission. In general, any immigration-related activity may be funded with the S&E appropriation, although, in some instances, a reprogramming notification may be required if the activity was not included in the Congressional budget (i.e., new office openings). Similarly, funds in the S&E account may be used to supplement activities normally funded with fee account resources. Again, reprogramming notification procedures may apply. Fee account resources may not be used to supplement the S&E account.

The creation of the Immigration User Fee account authorized the collection of fees for immigration inspections at air and sea ports-of-entry and moved funding for inspections at airports and seaports (and related support costs) from the S&E account to the Immigration User Fee account. The creation of the Immigration Examinations Fee account moved funding for the adjudication of applications and petitions for immigration benefits (and related support costs) from the S&E account to the Immigration Examinations Fee account. In FY 1997, resources available through all fee accounts will total over $963 million.

Other than the S&E appropriation, funding in all INS accounts remains available until expended. Funds in the S&E appropriation are available for one-year only, unless otherwise specified.

Violent Crime Reduction Programs (VCRP)

Authorization for appropriations for this account is contained in the Violent Crime Control and Law Enforcement Act of 1995. Appropriations are derived from the Violent Crime Reduction Trust Fund, remain available until expended, and are authorized for INS in four areas: (1) improving border controls; (2) asylum reform; (3) expanded special deportation proceedings (the Institutional Hearing Program); and, (4) the criminal alien tracking center (also called the Law Enforcement Support Center (LESC)). The authorization covers FY 1995 through FY 2000.

The appropriations for the VCRP account in FY 1995 and FY 1996 provided resources under all of the areas authorized, except the LESC, which was not appropriated in either year.

The amount appropriated for the account in FY 1997 is $500 million. It includes resources for improving border control (enforcement and support personnel, equipment, automation and technology enhancements for border control systems), detention and deportation of criminal and deportable aliens (including failed asylum seekers), and limited training and administrative support. The FY 1997 appropriation added new language providing flexibility in the use of resources appropriated for the detention and removal of failed asylum seekers, allowing INS to use these resources for other general detention and removal activities. Again, the Congress did not appropriate resources for the LESC this fiscal year.

Congressional action on this appropriation for FY 1997 moved resources for asylum reform ($29.6 million) to the Examinations Fee account. The Congress also moved resources for examinations-related infrastructure technology/automation improvements ($26.9 million) to the Examinations Fee account.

Immigration Examinations Fee

The Immigration Examinations Fee account was authorized by the Congress in FY 1989 to establish a separate account to deposit adjudications fees collected under the regulations governing INS. The Examinations Fee account provides the substantial majority of resources for the Adjudications and Naturalization program for activities surrounding the adjudication of immigration benefits. In FY 1991, the International Affairs program was moved from the S&E account to the Examinations Fee account. Besides these two major programs, the account provides resources for operational and administrative support related to adjudications activities, as well as activities of the Investigations and Intelligence programs, which are related to the investigation of immigration benefits fraud.

For FY 1997, the approved resource level for the account is $566.5 million. As mentioned earlier, the Congress moved funding for asylum reform ($29.6 million) from the VCRP account into the Examinations Fee account. Part of the funding in the VCRP account for infrastructure technology improvements ($26.9 million) was also moved to the Examinations Fee account.

Immigration User Fee

The Immigration User Fee account was authorized by the Congress in FY 1986 to provide additional resources for the inspection of arriving passengers at air and sea ports-of-entry. All resources in the Inspections program for airport and seaport inspections were moved from the S&E account to the User Fee account. Other activities supported by the User Fee account include the following: administering debt collection activities; expanding and operating information systems for non-immigrant control and debt collection; detecting fraudulent documents used by air and sea passengers traveling to the U.S.; detaining and deporting excludable aliens arriving on commercial aircraft and vessels; providing exclusion and asylum proceedings at air or sea ports-of-entry; and, providing necessary support for operations to that the objectives of the programs are met. Resources are derived from the collection of a fee of $6.00 from most international passengers arriving at U.S. airports and seaports. The resource level for the User Fee account is $377.4 million in FY 1997.

Immigration Legalization

The Immigration Legalization account was authorized in the Immigration Reform and Control Act of 1986, which established a legalization program that granted amnesty to aliens who entered the U.S. illegally or lapsed into illegal status before January 1, 1982, resided in the U.S. in an unlawful status since January 1, 1982, and were nct excludable. Activity in this account has been phased down, with a funded level of $1.9 million in FY 1997 for the completion of processing of appeals and other closeout work. Most of these resources are utilized by the Adjudications and Naturalization program.

Land Border Inspection Fee

This account was established in FY 1991 for the purpose of conducting pilot projects, which would test the feasibility of methods designed to improve and facilitate inspection services at land border ports-of-entry. Dedicated commuter lane projects for pre-qualified U.S. citizens and aliens have been the most common tested. Automated inspections are being tested, including a major test in California at the Otay Mesa Port-of-Entry and an Automated Permit Port in Montana at the Scobey Port-of-Entry. The Inspections program has been the primary recipient of resources from this account.

In the FY 1997 budget, the Data and Communications and Construction and Engineering programs were included in the budget of this account to support improvements needed in technology and facilities supporting the pilot projects. The resource level for the account in FY 1997 is $11.1 million, subject to the collection of fees.

Breached Bond/Detention Fund

The Breached Bond/Detention Fund (BB/DF) was created in FY 1993 to allow INS to retain a portion of the amount of aliens' breached surety and cash bonds collected each year to provide additional resources to manage bonds and collection activities, and to support litigation to obtain compliance from surety companies found to be delinquent. The BB/DF also provides resources which are used to detain and remove deportable and excludable aliens and to operate automated systems in support of these activities

The first $8 million collected in this fund is deposited in the General Fund of the U.S. Treasury and is not available to INS. The remainder that is collected is available to INS from the BB/DF. The account has been used to provide resources to the Detention and Deportation, Legal

Proceedings and Management and Administration programs. The resource level available to INS for this account in FY 1997 is $6.6 million.

Construction

This account was established by the Congress beginning in FY 1995 for INS to fund border infrastructure projects, including Border Patrol facilities, detention facilities and border fence/barrier improvements. The establishment of a separate Construction appropriation allows that multi-year projects which generate low outlays in the early years, can be scored differently than other accounts, such as the S&E appropriation, which has a higher level of outlays each year. The funding for this account was $50 million in FY 1995, $25 million in FY 1996, and $9.8 million in FY 1997.

Memorandum

Subject	Date
INS Funding Sources Book	FEB 20 1998

To Executive Staff

From Office of Budget

Attached is a copy of the Immigration and Naturalization Service (INS) Funding Sources book to provide background information regarding the various accounts established for use by the agency. The book includes brief explanations of the appropriated accounts, as well as the fee, fines, and special fund accounts. In addition, the book includes budget charts for FY 1998, a statement of government user fee policy, and a list of the legal opinions which the Office of General Counsel has prepared for the various accounts.

At your request, your office may also receive a copy of the more comprehensive INS Fee Account book. In addition to the materials included in the INS Funding Sources book, the Office of Budget has assembled copies of all the legal opinions for the various accounts and copies of the statutes or appropriations acts by fiscal year for each fee account in this book. This book will be updated on a continuing basis to incorporate new information in subsequent fiscal years.

If you have any questions regarding the contents of the INS Funding Sources book or would like to request a copy of the INS Fee Account book, please contact Jolene A. Lauria Sullens of my staff at 514-3206.

Jeffrey M. Weber
Assistant Commissioner

Enclosure

INS Funding Sources

INS Office of Budget
February, 1998

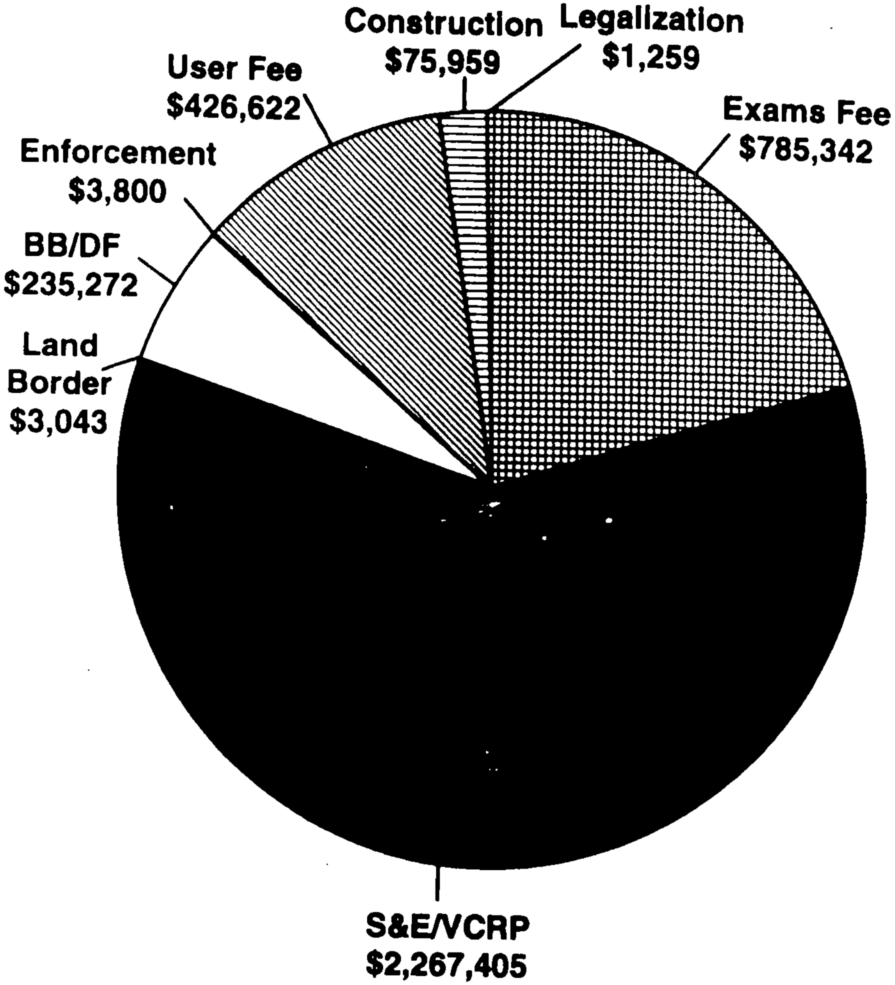
INS Funding Sources

INS Office of Budget
February, 1998

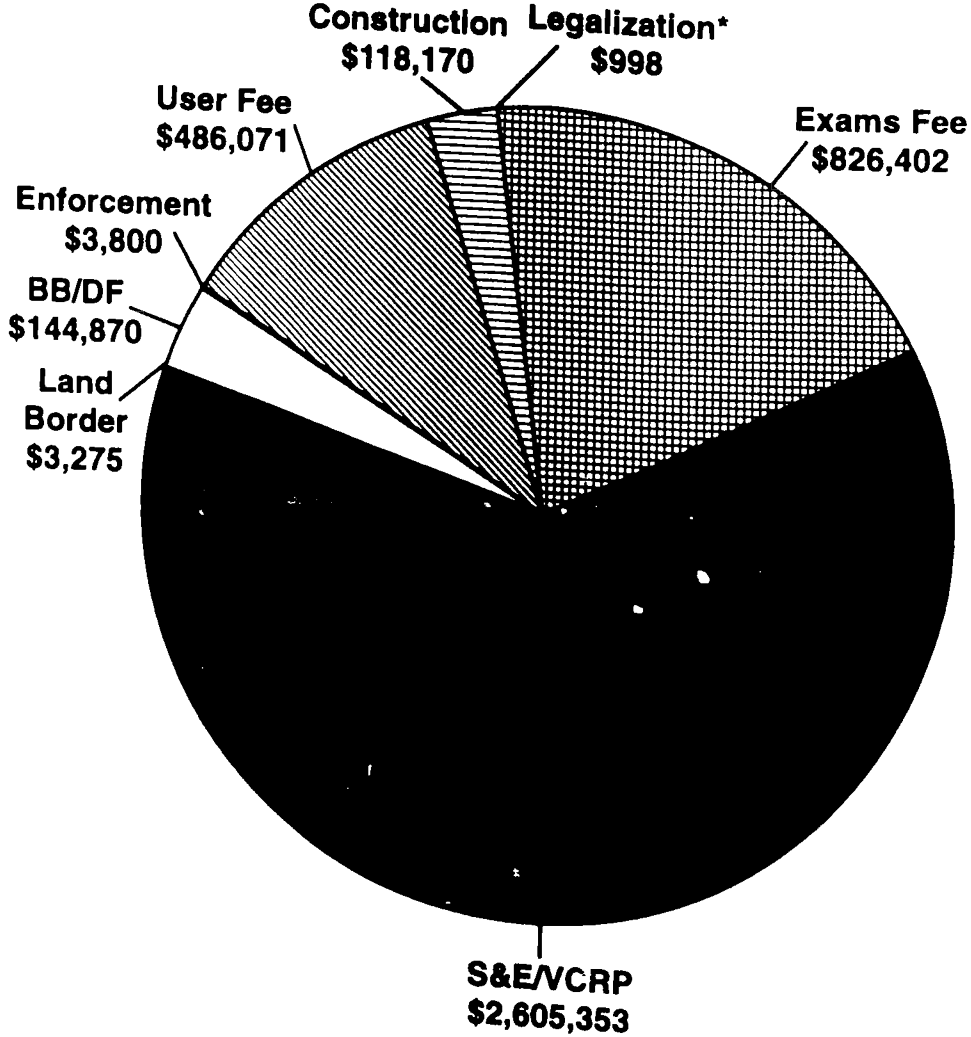
Table of Contents

Budget Charts

INS Budget - FY 1998 and FY 1999
(Dollars in thousands)



FY 1998 Enacted
$3,798,702



FY 1999 Request to Congress
$4,188,939

January 1998
Prepared by INS Office of Budget
9Fy9PIE1.PRS

DECISION UNIT RESOURCE ALLOCATION BY ACCOUNT
FY 1998

	Salaries and Expenses	Violent Crime Reduction Program	Construction Account	Examinations Fee Account	User Fee Account	Breached Bond Detention Fund	Immigration Enforcement Account	Land Border Inspection Fee Account	Immigration Emergency Fund
ıspections	yes	yes		yes	yes			yes	
order Patrol	yes	yes							
ıvestigations	yes	yes		yes	yes				
etention & eportation	yes	yes			yes	yes			
ıtelligence	yes			yes	yes				
djudications Natz	yes			yes					
ıternational ffairs	yes			yes					
raining	yes	yes		yes	yes				yes
ata & omm stems	yes	yes		yes	yes		yes		
formation Records gmt	yes	yes		yes	yes				
nstruction Eng.	yes	yes	yes	yes	yes				
gal oceedings	yes	yes		yes	yes	yes			
ınagement Admin	yes	yes		yes	yes	yes			

"yes" indicates that a program is funded under the specific account in the table.

Appropriated Accounts

Salaries and Expenses Account

Creation

- The Salaries and Expenses account (S&E) is an appropriated account. This means that the resources provided in this account are authorized by an act of Congress which permits INS to incur obligations and to make payments out of the Treasury for specified purposes.

- The Immigration and Naturalization Service's primary account is the Salaries and Expenses account. It provides resources for activities in the general areas of enforcement, citizenship and benefits, immigration support, and management direction. This account was created by the Immigration Act of 1891, when Congress created the Office of Immigration, the predecessor to INS.

What the appropriation can pay for

- Appropriated resources represent legal authority granted by Congress to incur obligations and to make disbursements. The obligations and disbursements can only be made during the time periods, and up to the amount limitations, specified in an appropriations act.

- Within INS, Salaries and Expenses resources are used for the Border Patrol, Detention and Deportation, and Investigations Programs, among others, to pay for salaries, programs, and various mandatory costs. The Department of Justice, Commerce, and State, the Judiciary and Related agencies Appropriations Act of 1998, stated that the appropriation shall be used, "For expenses, not otherwise provided for, for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration..."

- Any immigration related activity may be funded with resources from the Salaries and Expenses account. In some instances, however, a reprogramming notification to Congress must be prepared if the activity was not included in the Congressional budget. Also, S&E resources may be used to supplement activities normally funded with fee account resources (the reverse, however, is not true), providing a reprogramming notification is given to Congress if the amount exceeds $500,000 or 10% of the funding level for the program involved, whichever is less.

- Funds in the S&E account, unless otherwise specified, are available for one year only.

What the appropriation cannot pay for

- Simply stated, appropriated funds must be used for the purpose or purposes for which they were appropriated. 31 U.S.C. Section 1301(a) prohibits charging authorized items to the wrong appropriation, and unauthorized items to any appropriation.

- "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law." An expenditure must meet a three pronged test in order for it to be legal: 1) the purpose of the obligation or expenditure must be authorized, 2) The obligation must occur within the time limits applicable to the appropriation, and 3) The obligation and expenditure must be within the amounts Congress has established.

Current Budget

- **The FY 1997 budget for the Salaries and Expense account was 16,445 positions and $1,605,133,159. The FY 1998 budget is 16,492 positions and $1,657,836,000.**

Violent Crime Reduction Trust Fund (VCRTF)

Creation

- The Violent Crime Reduction Trust Fund was authorized by the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). The Act contains specific authorizations for appropriations for programs under the Immigration and Naturalization Service. These are contained in Title XIII of the Act, "Criminal Aliens and Immigration Enforcement."

- The VCRTF is, like the Salaries and Expenses account, an appropriated account.

- The VCRTF provides resources for activities in the general areas of enforcement, citizenship and benefits, immigration support, and management direction.

- The FY 1997 appropriation added new language providing flexibility in the use of resources previously appropriated only for the detention and removal of failed asylum seekers, allowing INS to use these resources for other general detention and removal activities.

- Appropriations in this account are no-year, meaning that they remain available until expended.

What the appropriations can pay for

- The VCRTF authorization covers FY 1995 through FY 2000 with the resources to be spent in 4 areas within INS:

  1) improving border controls (enforcement and support personnel, equipment, automation and technology enhancements for border control systems;

  2) asylum reform (detaining failed asylum seekers); (Note: In FY 1997, Congress transferred all asylum program costs within the Office of International Affairs to the Exams Fee account)

  3) expanded special deportation proceedings ; and,

  4) the criminal alien tracking center (Law Enforcement Support Center (LESC)).

What the appropriations cannot pay for

- The resources within the VCRTF cannot be used for purposes other than those specifically stated in the Violent Crime Control and Law Enforcement Act of 1994.

- Simply stated, appropriated funds must be used for the purpose or purposes for which they were appropriated. 31 U.S.C. Section 1301(a) prohibits charging authorized items to the wrong appropriation, and unauthorized items to any appropriation.

- "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law." An expenditure must meet a three pronged test in order for it to be legal: 1) the purpose of the obligation or expenditure must be authorized, 2) The obligation must occur within the time limits applicable to the appropriation, and 3) The obligation and expenditure must be within the amounts Congress has established.

Current Budget

- The FY 1997 budget for the VCRTF account was 1,641 positions and $500,000,000. The FY 1998 budget is 3,142 positions and $608,206,000.

Construction Account

Creation

- The INS Construction account was established by Congress in the Department of Justice Appropriations Act of 1995 (P.L. 103-317), to fund United States border infrastructure projects, including Border Patrol facilities, detention facilities, and border fence/barrier improvements.

- **The FY 1995 initial appropriation was for $50,000,000, and was provided specifically for infrastructure for Border Patrol front-line enforcement efforts, such as stations, station related infrastructure, and traffic checkpoints.**

- In the FY 1996 DOJ appropriations Act (P.L. 104-134), Congress approved an additional $25,000,000 to remain available until expended for INS construction. The additional resources were provided for Border Patrol and Detention and Deportation related projects.

- The existence of the Construction account allows for multi-year projects which generate low outlays in the early years to be scored differently than other accounts, which have higher outlays each year.

- The Construction account funds are no-year funds, meaning that they are not on a time line, but are available until expended.

- Beginning in FY 1998, Congress transferred resources from the Salaries and Expenses account for facility repairs and alteration to the Construction account.

What the appropriations can pay for

- The resources in this account may be spent on planning, construction, renovation, equipping and maintaining buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration.

- The resources within the Construction account may be used to pay salaries and benefits.

- The resources within this account helped fund the building of a high profile $5,000,000 Border Training facility in Charleston, S. C.

- In 1996, the phase I of a $4,300,000 Triple Fence project along the Southwest border began.

- Although not currently done, Construction account resources may be used, with Congressional authority, to fund rent, lease, and contract facility costs.

What the appropriations cannot pay for

- Simply stated, appropriated funds must be used for the purpose or purposes for which they were appropriated. 31 U.S.C. Section 1301(a) prohibits charging authorized items to the wrong appropriation, and unauthorized items to any appropriation.

- "Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law." An expenditure must meet a three pronged test in order for it to be legal: 1) the purpose of the obligation or expenditure must be authorized, 2) The obligation must occur within the time limits applicable to the appropriation, and 3) The obligation and expenditure must be within the amounts Congress has established.

Current Budget

- The FY 1997 budget for the Construction account was 2 positions and $9,841,000. The FY 1998 budget is 15 positions and $75,959,000.

Government User Fees

Government User Fees

When developing fees for Services, the INS adheres to the principles contained in OMB Circular Number A-125, User Charges. OMB Circular A-25 states that as a general policy a "user charge...will be assessed against each identifiable recipient for special benefits derived from Federal activities beyond those received by the general public." (OMB Circular A-25, User Charges, Sectio.. .̃.) INS also adheres to the cost accounting concepts and standards recommended by the Federal Accounting Standards Advisory Board.

- The Circular indicates that the charge imposed should recover the full cost to the Government for providing the special benefit, or, in special cases, the market price. "Full cost" is defined as all direct and indirect costs to any part of the Federal Government for providing a product or service. Full cost includes, but is not limited to; direct and indirect personnel costs; physical overhead, consulting, and other indirect costs including material and supply costs, utilities, insurance, travel, and rents or imputed rents on land, buildings, and equipment; management and supervisory costs; and costs of enforcement, collection, research, establishment of standards, and regulations, including any required environmental impact statements.

- The Federal Accounting Standards Advisory Board (FASAB) established standards for Federal agencies to use in determining and reporting the costs of their products, services, and activities. These standards support the concept of recognizing the full cost of producing a product or providing a service, and also provide guidance on how costs should be assigned to an agency's programs, products, and services.

- The Department of Justice issued guidance on User Fee Programs in April 1993. The guidance states that as a general policy "(a) charge shall be imposed to recover the full cost to the Federal Government of rendering a service that provides specific benefits to an identifiable recipient above and beyond those that accrue to the public at large."

INS Fee Accounts

Immigration Examinations Fee Account

Creation

- The Exams Account was established by the Department of Justice Appropriations Act, 1989, P.L. 100-459. This Act authorizes the INS to establish and "collect fees" to recover the cost of providing certain immigration adjudication and naturalization services and established the Exams Fee account in the Treasury of the US to "receive" the fees.

- **At the discretion of the Attorney General, the revenues are collected in order to "...reimburse any appropriation the amount paid out of such appropriation for expenses in providing immigration adjudication and naturalization services and the collection, safeguarding, and accounting for fees..."** [8 U.S.C. 136 (n)].

- In FY 1994, INS established (following favorable report language) fees for certain adjudicatory services provided along United States land borders. There are five services for fees applications, the Arrival/Departure, Waiver for Arrival Departure, Canadian Border Boat Landing Permit, Mexican Border Crossing Card (BCC) and the Canadian BCC.

- In FY 1995, the Congress amended Section 245 of the Immigration Nationality Act to allow certain categories of aliens to adjust their status in the United States upon payment of a penalty fee for this benefit (245 (i) applicants). In FY 1997, Section 245 was amended a second time to increase the penalty portion of this application from $650 to $1,000 and redirect the use of the "penalty" portion of the revenue from Exams fee account spending to detention related spending.

- In FY 1998, legislative language restricts eligibility to apply for 245(i). In order to remain eligible for adjustment of status, an applicant must have an approved visa petition, have filed a relative petition, or filed an employment preference petition by January 14, 1998.

- In total, there are over 40 different application fees ranging from naturalization adjudication to school approval (see Attachment A).

- Key applications: Naturalization (N-400); Permanent Residence (I-485); Alien Petitions (I-130); Employment Authorization (I-765); Replacement Alien Card (I-90); and Mexican/Canadian Border Crossing Card (I-175/I-190).

What the fees can pay for

The resources in this account are available for the following activities:

- All costs related to the processing and adjudication of applications and petitions for benefits under the Immigration and Nationality Act;

- Other adjudication activities related to and supporting the granting of immigration benefits (i.e. Inspections adjudication of border crossing cards; automated telephone systems that provides public access to immigration information);

- Administrative support that includes all training, administration and management, records, facilities, and legal services required for the support activities and program areas listed above.

- Support functions necessary in the processing and adjudication of applicants and petitions (i.e. functions related to files transactions, including creating, verifying, transferring, and verifying records, technology for INS employees performing application processing;

- Activities related to the integrity of the process (i.e.: criminal investigations of cases relating to INS benefit fra·d, technical support from the Forensic Document lab to assist in identifying counterfeit documents). These activities are reasonably related to and necessary for providing benefits (opined by INS General Counsel, October 1993). The prevention of fraudulent access to immigration benefits enhances the implementation of the program and facilitates efficient provision of services to legitimate applicants.

- Reimbursements to other Agencies - EOIR, courts, and OIG

- Items Mandated by Congress - Asylum, refugee, parole, humanitarian affairs (formerly Cuban Haitian Entrant Program) and overseas programs.

What the fees cannot pay for

- Unless statutorily mandated by Congress, these resources cannot pay for any items that are not clearly related to providing the Service or benefit for which the fees were paid. For example, resources can not be expended for Border Patrol, Detention and Deportation programs or any other program's related expenses that are not in support of processing Exams Fee account applications and asylum and refugee services.

Collection and Deposits

- Fees for applications for immigration nationality and citizenship benefits are received in field offices located throughout the country and Direct Mail in four Service Centers located in California, Texas, Vermont, and Nebraska. We also receive fees from State Department consular affairs offices and from EOIR for appeals of Immigration Judge and District Director decisions. These fees are deposited into the Exams Fee account and are available, subject to Congressionally approved budgets/reprogrammings, until expended.

- Similarly, the fees for services at land border ports-of-entry are collected at land border POE's and deposited in the Exams Fee account, but tracked separately and referred to as the "Fees for Services at Land Border" portion of the account.

- The Exams Fee account application fees are revised through the regulatory process consistent with the User Fee Statute, the Chief Financial Officer Act, the Administrative Procedures Act and other guidance and statutes. A proposed Rule that will revise the fee schedule will be published soon.

Fee Projections

- Revenue is projected by an INS working group. This group uses a statistical model based on adjudications workload data from the Performance Analysis System (PAS) to project Exams Fee revenue. The model takes the total number of applications for naturalization and other immigration benefits adjudicated at District offices and Service Centers in a given year. The annual estimate is made by using a time series model to select a 12-month ahead forecast.

Current Budget

- The FY 1997 budget for the Exams Fee account was 4,881 positions and $653,372,000; and FY 1998 budget is 5,257 positions and $785,342,000.

Immigration User Fee Account

Creation

- The User Fee account was established in the Department of Justice Appropriations Act of 1987 (P.L. 99-591). As originally enacted, the Attorney General was directed to charge and collect $5 per individual for the immigration inspection of each ‸ ssenger arriving at an air or sea port-of-entry in the United States, or for the preinspection of a passenger in a place outside of the United States prior to such arrival, aboard a commercial aircraft or commercial vessel. The Department of Justice Appropriations Act of 1994 (P.L. 103-121) increased the user fee from $5 to $6 per passenger. The increase went into effect in December, 1994.

- At the inception of the User Fee account, all air and sea passengers arriving from Canada, Mexico, and the islands adjacent to the United States were exempt from the user fee. Effective December 1, 1990, the fee exemption for commercial aircraft passengers traveling from Canada, Mexico, and the adjacent islands was removed (P.L. 101-515), but still remains for sea vessel passengers.

- In addition to the user fees collected from passengers, revenue from certain fines, liquidated damages, and 1931 Act overtime reimbursements may be deposited into the User Fee account. One-third of the fines collected for INA Sections 271 and 273 fines may be deposited in the User Fee account, while the remaining two-thirds of the fines are deposited in the Immigration Enforcement Account.

- The User Fee statute also provides for the establishment of an advisory committee, whose membership consists of representatives from the airline and other transportation industries who may be subject to any fee or charge authorized by law or proposed by INS. The advisory committee meets on a periodic basis and advises the Attorney General on issues related to the performance of the inspectional services of INS.

What the fees can pay for

The INS may pay for the personnel salaries and benefits (PS&B) and general expenses (GE) for the following activities:

- Provide inspection and preinspection services for commercial aircraft and sea vessels, including overtime immigration inspection services at air and sea POEs;

- Provide for the detention and deportation of inadmissible aliens arriving on commercial aircraft and vessels, including expedited removal proceedings;

- Administer debt recovery, as well as establish and the operate the National Fines Office;

- Operate and maintain information systems for nonimmigrant control and debt collection, such as IBIS, NIIS, INSPASS, and DECOS;

- Provide resources for the detection of fraudulent documents used by passengers traveling to the United States, including training and assistance through the Carrier Consultant Program to airline carriers on the detection of fraudulent documents (IIRIRA mandates that INS spend 5 percent of the total User Fee account expenditures on carrier training). The Forensic Document Lab and other Intelligence program resources may also be funded in the User Fee account; and

- Provide all training, administration and management, records, facilities, and legal services required for the support activities and program areas listed above.

What the fees cannot pay for

The fees cannot pay for any activities not provided by law, such as:

- Any inspections-related costs for persons arriving across a land border.

- No inspections-related costs for adjudicative services provided at ports-of-entry, such as the provision of border crossing cards, Canadian boat permits, or the adjudication of benefits applications sent to the ports during down times (such costs are reimbursed by the Exams Fee account, where applicable).

- No other program area costs such as Detention and Deportation activities related to processing, detention, removal, or investigation of aliens who do not arrive at air and sea ports-of-entry.

Collection and Deposits

- The INS does not collect user fees directly from passengers. Air or sea carriers, travel agents, or other entities that issue tickets for transportation collect the fee. These entities are responsible for remitting the fees to INS on a quarterly basis.

- Fines and liquidated damages assessed to carriers are adjudicated through the National Fines Office and are billed through the Office of Finance.

- **The INS must revise its user fee rates through legislative action, not through the regulatory process. For example, the Congress increased the fee to $6.00 in 1994 through the Department of Justice Appropriations Act.**

Projected Revenue

- Revenue is projected by an INS working group. The working group uses a statistical model based on inspections workload data from the Performance Analysis System (PAS) to project revenue. The Office of Budget also performs trend analyses for carriers over time to project revenue in future fiscal years.

Current Budget

- The FY 1997 budget was 3,376 positions and \$387,399,000 and the FY 1998 budget is 3,674 positions and \$429,296,000.

Breached Bond/Detention Fund

Creation

- The Breached Bond/Detention Fund (BB/DF) was created in Section 112 of the Department of Justice Appropriations Act of 1993 (P.L. 102-395). The Act amended Section 286 of the Immigration and Nationality Act of 1952, as amended, by establishing the account in the General Fund of the Treasury.

- The INS uses bonds as a means of ensuring that illegal aliens appear at deportation hearings. Aliens in custody of the INS may be released on their own recognizance or through the posting of delivery bonds, which are either cash or surety bonds (and a limited number of Treasury bonds or notes). These bonds become contracts between the INS and persons acting on the behalf of aliens (obligors) who promise their appearances in court. Under a cash bond, an obligor deposits the entire amount in cash with the INS. If the alien fails to appear as scheduled, the bond is breached and the Government retains the amount of the posted bond. Under a surety bond, the surety (insurance) company guarantees the amount of the bond and, if the alien fails to appear as required, the surety is liable to INS for the breached bond amount.

- In FY 1995, the Congress amended Section 245 of the Immigration Nationality Act to allow certain categories of aliens to adjust their status in the United States upon payment of fees for this benefit. In September 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (Section 286 (s), P.L. 104-208) authorized the establishment of the Immigration Detention Account and redirected the "penalty" portion of the adjustment application fee to be deposited into this account.

- As of October 1, 1997, to streamline the INS account structure, INS combined the Immigration Detention Account with the BB/DF.

- The FY 1998 Appropriation includes language that restricts eligibility to apply for 245(i). The cut off period to protect a beneficiary's eligibility to file for adjustment of status by either having an approved visa petition, filing a relative petition, or filing employment preference petition is January 14, 1998.

What the revenue can pay for

- These resources may be used for expenses incurred for the detention of aliens under Sections 236(c), mandatory detention of criminal and terrorist aliens, and 241(a), mandatory detention of aliens with final orders of deportation. In particular, resources related to the Sections 236(c) and 241(a) may include but are not limited to PS&B and GE expenses for staff, bedspace funding, transportation vehicles, and equipment; support the detention of criminal and illegal aliens; continuation of bond management and collection activities; litigation to obtain compliance from surety companies found to be delinquent in meeting their obligations to the INS; and continuation of the operation of automated systems to support these activities.

What the revenue cannot pay for

- Items which do not support INS' bond management and collection process, as well as items beyond the legislative intent of Section 286, which includes support for the detention of criminal and illegal aliens.

- **Items beyond the legislative intent of Sections 236(c) mandatory detention of criminal and terrorist aliens, and 241(a), mandatory detention of aliens with final orders of deportation.**

Collection and Deposits

- Breached cash and surety bonds are collected at INS' District Offices and deposited as offsetting receipts into the BB/DF. The law provides that new receipts deposited into the BB/DF, in excess of $8 million, remain available until expended. The $8 million is transferred each fiscal year to the General Fund of the treasury and is not available to INS. Amounts deposited into the BB/DF remain available to the INS, until expended, for expenses incurred in the collection of breached bonds and for expenses associated with the detention of illegal aliens.

- The level of bonds are set at the discretion of the District Director; however IIRIRA set minimum bonds for voluntary departure ($500); and delivery bonds ($1,500).

- Revenue from the 245(i) penalty are received in District Offices located thoughout the country and in four Service Centers located in California, Texas, Vermont, and Nebraska. Receipts from this account are derived from the provisions of section 245(i) of the INA. This provision allows aliens who are out of status, but otherwise eligible, to adjust their status to a legal permanent resident.

- For aliens eligible to adjust their status, each person must pay a $1,000 penalty fee over and above the $130 processing fee. Of the total penalty fee, $925 is applied to the Immigration Detention account, and $75 is added to the processing fee and deposited to the Exams Fee account. Based on a General Counsel opinion, INS may deposit up to $200 into the Exams Fee account to cover costs associated with processing until the new fee schedule is set in place by regulation. Once a new fee regulation is in place to recover full costs to process the 245(i) application, it is anticipated that the full $1,000 penalty fee will be deposited in the Immigration Detention account.

- The Immigration Detention Account revised its penalty fees through the legislative process.

Fee Projections

- Revenue is projected by an INS working group. This group uses a statistical model based on adjudications workload data from the Performance Analysis System (PAS).

Current Budget

- The actual FY 1997 receipts totaled $132,934,000 with $122,668,000 carrying forward to FY 1998. The projected FY 1998 receipts are $126,273,000. For FY 1998 the Congress has provided $235,272,000 in spending authority for the BB/DF.

Immigration Enforcement Account

Creation

- The Immigration Enforcement account was established in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Under the statute, there is established in the general fund of the Treasury a separate account which shall be known as the Immigration Enforcement Account. The fines collections outlined in Section 328(a) of IIRIRA shall be deposited into the account to remain available until expended. Prior to establishment of the account, fines were deposited either in the Immigration User Fee account or in the General Treasury.

- Most fines result from Section 271 and 273 violations related to the unlawful transport of aliens into the United States by carriers

What the fines can pay for

The INS may pay for the general expenses for the following activities:

- Identification, investigation, apprehension, detention, and removal of criminal aliens. In the past, INS has funded the Law Enforcement Support Center (LESC) operations from fines collections;

- Maintenance and updating of a system to identify and track criminal aliens, deportable aliens, inadmissible aliens, and aliens illegally entering the United States. In FY 1998, Congress has directed that the fines collections replace base resources to fund sensors and remote video surveillance systems for the Border Patrol; and

- Repair, maintenance, or construction on the United States border, in areas experiencing high levels of apprehensions of illegal aliens, or structures to deter illegal entry into the United States.

What the fines cannot pay for

- Fine collections cannot pay for any activities related to inspections at air and sea ports-of-entry currently funded under the User Fee account or any adjudicative activities currently funded under the Exams Fee account.

- With the passage of IIRIRA, the fines deposited into the Immigration Enforcement account may no longer pay for activities related to the Executive Office for Immigration Review for the purpose of removing the backlogs in the preparation of transcripts of deportation proceedings. The Office of Budget has requested INS' General Counsel for a legal opinion on this matter.

Collection and Deposits

- The National Fines Office serves entities with the "Notice of Intent to Fine." All fines are collected by the Office of Finance.

- As of December 25, 1994, INS has not billed carriers for Section 273 fines related to the unlawful transport of aliens into the United States. Based on the Immigration and Nationality Technical Corrections Act of 1994, INS must develop regulations allowing for the mitigation of carrier fines. The National Fines Office and the Office of Inspections are currently awaiting to publish a final rule for mitigation, which will allow INS to bill the 7,300 Section 273 fines currently backlogged.

- **The INS must revise its fine rates through regulatory action.**

Projected Revenue

- The Office of Budget currently utilizes trend analysis as the methodology to determine revenue in the Immigration Enforcement account. Projections relate to the number of fines assessed, as well as the average rate of debt collection for certain fines.

Current Budget

The FY 1997 budget was $3,500,000 and the FY 1998 budget is $3,800,000.

Land Border Inspection Fee Account

Creation

- The Land Border Inspection Fee account was established in the Department of Justice Appropriations Act of 1991 (P.L. 101-515). Under this statute, the Attorney General is authorized to establish by regulation, a project under which a fee may be charged and collected for inspection services provided at one or more land points of entry.

- Since 1991, INS has operated the dedicated commuter lane (DCL) pilot project under the Land Border Inspection Fee account. The INS currently operates four DCLs on the Northern land border in the Seattle and Detroit Districts. Low-risk, frequent border crossers pay a $25 annual fee to participate the DCL program.

- In the Department of Justice Appropriations Act of 1997 (P.L. 104-208), the scope of the Land Border Inspection Fee account was broadened to allow the collection of fees along the entire Southwest border. The INS currently operates a commuter lane at Otay Mesa port-of-entry under the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) project. The fee schedule for SENTRI includes an application fee, fingerprint fee, systems cost fee, card replacement fee, and an additional vehicle fee. The fees charged to the public range from $129 for an individual up to $320 for a family.

What the fees can pay for

The INS may pay for the personnel salaries and benefits (PS&B) and general expenses (GE) for the following activities:

- Provide inspection services for low-risk, frequent commuters enrolled in the DCL and SENTRI projects, including overtime for immigration inspection services at the POEs;

- Maintain information systems and equipment related to the operation of the DCL and SENTRI lanes; and

- Provide all training, administration and management, records, and facilities required for the support activities and program areas listed above.

What the fees cannot pay for

- Any inspections-related costs for persons arriving across the land border in another lane other than the designated DCL or SENTRI lane.

- No inspections-related costs for adjudicative services provided at ports-of-entry, such as the provision of border crossing cards, Canadian boat permits, or the adjudication of benefits applications sent to the ports during down times.

- No inspections-related costs for passengers arriving at air and sea ports-of-entry.

Collection and Deposits

- The INS collects fees directly from enrollees at the ports-of-entry. The ports-of-entry are required to deposit fees on a daily basis to a designated Treasury depository.

- **The INS must revise its user fee rates through regulatory action.**

Projected Revenue

- The Office of Budget currently utilizes trend analysis as the methodology to determine revenue in the Land Border Inspection Fee account. Projections relate to the workload at each individual port, as well as the average rates of renewal in the project. Although the data are limited, the DCL participation rates tend to match overall growth at the land border, increasing by approximately 2 percent per fiscal year.

Current Budget

The FY 1997 budget was 12 positions and $2,323,000 and the FY 1998 budget is 12 positions and $3,043,000.

Immigration Legalization Fee Account

Creation

- The Immigration Legalization Fee Account was established in November 1986 (IRCA), P.L. 99-603. IRCA authorized INS to charge fees for filing of applications for adjustment of unlawful status to temporary resident status. The legalization program was completed in FY 1991. The Legalization program is currently adjudicating appeals related denials for status adjustment and workload resulting from the ongoing litigation of class action suits filed against INS in 1988. The Legalization Appeals Unit located in Washington, D.C. is responsible for adjudicating appeals.

What the fees can pay for

- Adjudication of applications and appeals for status adjustment under the amnesty program.

What the fees cannot pay for

- Resources cannot be spent on expenses that are not in support of processing applications and appeals related to denials for status adjustment.

Collection and Deposits

- These fees are collected in various District Offices within the three regions and deposited to the Legalization Fee account in Treasury.

Current Budget

- The FY 1997 budget was 22 positions and $1,893,000 and the FY 1998 budget is 22 positions and $1,259,000.

Immigration Emergency Fund

Creation

- The Immigration Emergency Fund was established in the Immigration Act of 1990 (P.L. 101-649). Under this statute, the Attorney General may reimburse States and localities for services provided in an immigration emergency, as well as to augment enforcement activities for INS during such an emergency. No amounts may be withdrawn from this fund with respect to an emergency unless the President has determined that an immigration emergency exists and has certified such fact to the Judiciary Committees for the House of Representatives and the Senate.

- In specific instances, the Presidential Determination of an immigration emergency is not required for reimbursements to States and localities. Not more than $20 million is available for all localities to reimburse for providing assistance as required by the Attorney General during an asylum increase of at least 1,000 applications in a calendar quarter as certified by a District Director over the previous calendar quarter; when lives, property, or welfare of the residents are endangered; or any other circumstance as determined by the Attorney General.

What the fund can pay for

Subject to the above conditions, INS may pay for the following activities:

- Provide an increase in Border Patrol or other enforcement activities such as anti-smuggling actions of INS during an immigration emergency as declared by the President.

- Reimburse States and localities for services rendered during an immigration emergency as declared by the President or as requested by the Attorney General. In general, INS may reimburse for lodging, subsistence expenditures, and operational expenditures incurred during the emergency.

- Presidential Determinations No. 95-49 and No. 97-16 have recently allowed emergency funds to be used for the third country repatriation of aliens, who were smuggled into the United States, back to their country of origin.

What the fund cannot pay for

- Reimbursements authorized through Presidential Determination or by request of the Attorney General may not include costs related to general salary and allowances, health and medical coverage, and retirement benefits.

- No augmentations to INS or reimbursement for certain immigration emergencies may be authorized without Presidential Determination.

Collection and Deposits

- The Congress appropriated $35 million (P.L. 101-162) in FY 1990 for the Immigration Emergency Fund to remain available until expended. No commitments were made in the fund, so Congress rescinded $4.4 million in FY 1992 (P.L. 102-298).

- In FY 1994, Congress appropriated an additional $6 million to the fund (P.L. 103-121). In FY 1995, $75 million was appropriated to the fund by Congress (P.L. 103-317) as a contingency against potential expenses arising from movement of immigrants toward our shores from nations in varied states of political and economic disintegration. A total of $24 million was expended to reimburse local governments in Florida in FY 1995. Because the full $75 million was not used in FY 1995, Congress rescinded $45 million from the Immigration Emergency Fund (P.L. 104-6).

- In FY 1997, the Immigration Emergency Fund had a carry-over balance of $42.5 million. Due to the large unobligated balances, Congress included a rescission in the FY 1997 Appropriations Act (P.L. 104-208) of $34.8 million. In FY 1997, a total of $2.6 million was obligated for costs associated with the repatriation of aliens at Guantanamo Bay, Cuba.

- **The INS must request additional appropriated resources to increase the total funds available in the Immigration Emergency Fund in a given fiscal year.**

Current Budget

The FY 1997 obligations were $2,131,666 and the FY 1998 availability is $8,319,857. Of the total FY 1998 available resources, $100,441 requires a reprogramming action for use of these funds, while $8,219,416 is the balance available for the repatriation of aliens smuggled to the United States as previously declared in Presidential Determinations No. 95-49 and No. 97-16.

Legal Opinions - Fee Accounts

[redacted]

Legal Opinions

Immigration Examinations Fee Account

U.S. Department of Justice
Immigration and Naturalization Service

425 I Street NW.
Washington, DC 20536

APR 21 1998

MEMORANDUM FOR ANDREA GRIMSLEY
ACTING CHIEF, GENERAL CONTRACTS BRANCH

From: Jeffrey M. Weber
Assistant Commissioner
Office of Budget

Subject: Statement of Work: Labor Study of Inspections, Information Management and Records, and Management and Administration

INS recently completed, with contractor support, a review of its two largest fee accounts, which resulted in a documented workflow analysis and improved cost assignment and a proposal to revise user fees. The Office of Budget is now seeking to apply the information learned from the studies to examine budget alignments and cost allocations in the program areas inspections, information and records management, and management and administration.

We are seeking contractual services under the General Services Administration (GSA) Management, Organization, and Business Improvement Services (MOBIS) schedule. The requirement needs solid statistical and financial backgrounds to select a sample to determine appropriate budget alignments and cost allocations.

We have selected three vendors to receive the Statement of Work. The terms of the contract is estimated to be 6 months. We estimate the cost of this requirement at $325 thousand for FY 1998. Programs not examined in FY 1998 will undergo a similar review in FY 1999 with an identical cost estimate. Included in this package are the following documents:

1) Statement of Work

2) Technical Evaluation Criteria

3) Independent Government Estimate

4) Prospective Vendors from GSA MOBIS Schedule

We anticipate funding to be secured very shortly and a requisition will be forthcoming as soon as possible.

This procurement is identified as Advance Procurement Planning Document 98-097.

Should you have any questions or concerns, please contact Michael Natchuras of my staff on 6-0563. Thank you for your assistance.

Attachments

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Statement of Work

I. INTRODUCTION

The Immigration and Naturalization Service (INS) is responsible for regulating admission into the United States, regulating employment of nonimmigrants, and granting citizenship and benefits to aliens. The INS is comprised of four major activities which are funded by both appropriated funds and user fees.

1. Enforcement - This activity consists of five subactivities:

Inspections: Ensures that the entry of applicants for admission in the U.S. is controlled in a manner that is consistent with the national interest, facilitates the entry of qualified applicants and identifies and denies admission to those not qualified. The process is coordinated with the Departments of State and Agriculture, the U.S. Customs Service, and local port authorities. Also, Inspections processes and adjudicates applications for immigration benefits, detects criminal law violations, and identifies violators through undercover operations and traditional investigative procedures. Investigative task force operations include a combination of resources of several offices and agencies.

Border Patrol: Prevents entry of persons who have not been inspected and detects and apprehends illegal aliens within the U.S. The Border Patrol has primary responsibility for drug interdiction between the land ports-of-entry.

Investigations: Detects criminal law violations, identifies violators through undercover operations and traditional investigative procedures, and initiates criminal prosecution and/or administrative action. This subactivity goes beyond inspections because it includes apprehending aliens who commit major criminal offenses, with emphasis on international criminal organizations involved in narcotics trafficking, subversion, terrorism, alien smuggling, and other serious or violent criminal activities; and prosecuting aliens who illegally apply for and collect benefits from government entitlement programs.

Detention and Deportation: The functions are to detain, remove, and parole aliens.

Intelligence: Provides strategic intelligence assessments to management that have long-term importance and relevance to the agency's mission. Maintains liaison with appropriate U.S. and foreign government agencies on immigration and national security matters, including the whereabouts of known or suspected international terrorists.

2. Citizenship and Benefits - This activity consists of two subactivities:

Adjudications and Naturalization: Processes, adjudicates and ultimately grants or denies applications for benefits provided under the immigration laws. Issues citizenship documents, conducts administrative naturalization ceremonies and provides an INS presence at court-performed naturalization ceremonies.

International Affairs: Works with other Federal agencies and foreign governments to monitor the movement of groups being smuggled into the country. The office promulgates rules for determining asylum. Also adjudicates refugee applications, processes parolees, conducts investigations for preference and relative visa petitions, and conducts other records checks and background investigations as required at overseas Service offices.

3. Immigration Support - This activity consists of five subactivities:

Training: Provides the staff and resources necessary to maintain an employee development program through residential training programs conducted by other Federal agencies and by private contractors.

Data and Communications Systems: Provides direct support for operational programs as well as administrative support functions of the service. The support functions include:

(1) Infrastructure: Provides standard office automation hardware and software to support improved communications between INS locations.

(2) Examination Systems: Provides for an integrated set of functions that incorporates all individual casework-oriented subsystems used to support the processing of applications and petitions for immigration benefits.

(3) Inspection Systems: Supports efforts to control admissions at ports-of-entry and enhance the inspection function.

(4) Biometric Identification Systems: This system will provide a single fingerprint-based identification subsystem to rapidly and accurately identify persons applying for benefits.

(5) Corporate Information Systems: Seeks to integrate and consolidate information and enhance records management capabilities while supporting a secure, open system environment.

(6) Management Systems: Includes the development, implementation, and maintenance of financial and administrative applications providing decision support information on workload, personnel, and financial resources.

(7) Enforcement Systems: Develops enhanced enforcement tools to prevent border penetration.

(8) Information Resource Management Operations: Provides the strategic direction and tactical implementation strategies for the effective and efficient development, deployment, and maintenance of automated information resources.

Information and Records Management: Maintains and manages alien records and files; provides information to fulfill requests, controls and monitors the release of information, oversees the mail management program, and delivers forms and applications to customers.

Construction and Engineering: Provides for the acquisition, design, construction, alteration, repair, maintenance and management of all buildings, structures, and facilities.

Legal Proceedings: Agency attorneys appear before Immigration Judges, Board of Immigration Appeals, Merit Systems Protection Board, Equal Employment Opportunity Commission, and boards of contract appeals. At Headquarters, staff maintains the Index of Case Decisions on employer Sanctions and the Digest of Case Decision on Employer Sanctions and issues formal legal opinions and provides legal assistance to INS attorneys and program managers on an array of immigration issues. Attorneys also review legislative proposals, draft bills reports, and draft and revise regulations.

4. Program Direction

Management and Administration: Provides executive direction and control for the implementation and operation of regional and field activities and functions. Also includes major administrative functions such as personnel, budget, accounting, and equal employment opportunity

A summary of the account structure is as follows. (A more detailed description of the INS accounts and resource levels is included as Attachment A.)

Appropriated Accounts

1) Salaries and Expenses is a one year appropriated account included in the Department of Justice's appropriation act. This appropriation funds border control and facilitation, integrated enforcement, disincentives for unlawful migration, delivery of services that show that INS values the public, develops a motivated, well-trained and diverse workforce, manages its resources effectively, and develops and maintains a leadership role with respect to policy decisions on migration issues. Unobligated funds are returned to Treasury at the close of each fiscal year.

2) Violent Crime Reduction Trust Fund is used to augment immigration law enforcement activities. The FY 1997 appropriations act allows crime funds to be used for general detention requirements. Border control is improved through increased use of technology strategically deployed along the border, as well as purchase of radios, weapons, soft body armor, automobiles and helicopters for the Border Patrol. A criminal alien tracking center is operated providing immigration law enforcement assistance to state and local officers. Funds are available to staff service processing centers, Justice Prisoner and Alien Transportation System (JPATS) and removal of criminal aliens from local jails. Resources are used to enhance the Alien Transportation System and port courts. Finally, resources are used to expand special deportation through the INS's Institutional Hearing Program.

3) Construction Account was established in the FY 1995 Department of Justice Appropriations Act (Public Law 103-317) and funds prioritized border infrastructure requirements.

User Fee Accounts

1) Immigration Examinations Fee Account (IEFA) was established in the 1989 Department of Justice Appropriations Act (Public Law 100-459). Fees are charged for processing various INS

applications/petitions for immigration adjudication services and benefits. The fees for this account are set through the Federal regulatory process by which the INS has responsibility for proposing any new and/or adjusted fee(s) or fee schedule(s) and allowing for public comment before implementing these fee(s). Fee receipts deposited into the account are available to reimburse any appropriation for costs incurred by the appropriation for providing immigration adjudication and naturalization services and benefits. The receipts for this account in FY 1997 were approximately $623,707,000.

In addition to the receipts for fees charged for the adjudication of immigration and naturalization applications and petitions, the IEFA is a repository for fees for services provided at land border ports of entry (POEs). Effective October 9, 1995, through the Federal regulatory process, fees for processing and issuing six documents (I-94, I-94W, I-444, I-68, I-175, and I-185) at land border POEs were instituted. The I-444 was eliminated in FY 1997. The services are tasks commonly performed in secondary inspection and are provided in secondary inspection to applicants-for-admission at POEs who require permits for extended stays in the US., border crossing cards and boating permits. While these fee receipts are deposited in the IEFA, revenue and expenses are separately managed for budget and accounting purposes, and the fees were not included in the earlier fee study analysis of the IEFA. The receipts for these six fees in FY 1997 were approximately $17,400,000.

2) Immigration User Fee Account (IUFA) was established in the 1987 Department of Justice Appropriations Act (Public Law 99-591). The 1994 Department Justice Appropriations Act (Public Law 103-121) increased from $5.00 to $6.00 for each passenger arriving in the United States from a foreign location aboard commercial aircraft or vessels. The fees support immigration inspection services, detention and deportation of inadmissable aliens, associated information systems, and debt collection activities. The receipts for this account in FY 1997 were approximately $367,666,000.

3) Land Border Inspection Fee Account (LBIFA) was established in the 1991 Department of Justice Appropriations Act (Public Law 101-515) which authorized the Attorney General to establish pilot projects designed to facilitate land border inspections. In addition, a fee(s) may be charged for enhanced immigration inspection provided at designated land border ports-of-entry along the northern border and southern California border. The fee account's pilot projects are appropriate for frequent, low risk border crossers. This authority was originally scheduled to sunset at the end of FY 1996; however, two recently passed laws include provisions for termination of the pilot program that have conflicting dates. Under the FY 1997 Department of Justice Appropriations Act, the pilot program is scheduled to terminate September 30, 1999, while the scheduled termination date under the Illegal Immigration Reform and Immigrant Responsibility Act (IRIRA) is September 30, 2000. The INS Office of General Counsel issued an opinion in October 1997 that the IRIRA is the controlling law and that the LBIFA will expire September 30, 2000. The approximate receipts for FY 1997 for the LBIFA were $1,092,000.

4) Immigration Legalization Fee Account) (ILFA) was established in November 1986 by the Immigration Reform and Immigration Reform and Control Act (IRCA), Public Law 99-603. IRCA granted amnesty to aliens who (1) had entered the Untied States illegally, or (2) were formerly legal temporary visitors whose authorized stay had expired and (3) resided in the United States in an unlawful status since January 1, 1982 and (4) were not excludable. The ILFA had FY 1997 receipts of approximately $353,000.

5) Breached Bond/Detention Fund (BB/DF) (P.L. 102-395) though not a fee account, was created in 1993. Suspected illegal aliens post bond into this fee account to guarantee attendance at

deportation hearings. If the alien fails to appear at the hearing, the bond is breached and the Government retains the amount of the posted bond. The Breached Bond/Detention Fund had FY 1997 receipts of approximately $10,473,000.

II. Activities to be Evaluated and Examined

A key concern is that the various fee accounts and appropriated resources fund portions of the agency's major activities consistent with the support given and resources consumed in producing a service or product in each account. INS is seeking to establish a method of determining the appropriate alignment of activities with funding for its programs.

The following subactivities and their funding sources have been selected for initial review:

Subactivity	Funding Sources
Inspection	Appropriated, Examinations, Immigration User, Land Border
Information and Records Management	Appropriated, Examinations, Immigration User, Land Border
Management and Administration	Appropriated, Examinations, Immigration User, Land Border, Breached Bond/Detention Fund

III. TASKS TO BE PERFORMED

A. Objective

The objective is to ensure proper cost allocation among all funding sources. The contractor will develop and construct the most effective and efficient statistical means of achieving this goal. This may involve the development and execution of a statistical approach which would include data collection at INS headquarters and other locations in the United States. A survey to collect this data either by mail, personal interview, or other means will be necessary. Selection of those from whom the survey data will be gathered will be done on a random basis ensuring that they are representative of the entire population to be surveyed. The resulting data will be assembled and analyzed to be used in determining the appropriate cost allocation among the programs and accounts studied.

Making an accurate cost assignment is critical to ensure consumption of resources are assigned based upon work conducted. Also, it is critical to ensure that INS user fee customers are charged the correct rates for services. INS cost analysis and cost assignment processes are subject to public review by its customers. Fees must be based on Federal Accounting Standards Advisory Board (FASAB) principles, practices, and procedures to ensure that the INS recovers the full cost of its services; costs are accurately identified and associated with the services provided; charges for services are fair, accurate, and reasonable; and cost measurement systems are reasonable and cost-effective.

Applicable statutes include both immigration laws and statutes generally applicable to financial management and user fees in Federal agencies (e.g., the User Fee Statute, the Administrative Procedures Act, the Chief Financial Officers Act, and the Government Performance and Results Act). In addition, FASAB provides guidance on cost assignment matters.

B. Monitoring

The Contracting Officer's Technical Representative (COTR) for this order is Michael T. Natchuras, Chief of the Fee Policy and Rate Setting Branch (the Branch), INS Office of Budget and can be reached on (202) 616-0563. The COTR will be responsible for performing inspection and acceptance of work performed for all deliverables, approving invoices, and providing the contractor with technical guidance and discussion as necessary with respect to the statement of work. The COTR IS NOT authorized to take any action, either directly or indirectly, that could result in a change in the pricing or terms and conditions of this GSA order. Only the Contracting Officer is authorized to modify this GSA order in any way. The COTR shall also ensure that the work performed under this order does not become "personal services" as defined at Federal Acquisition Regulation (FAR) 37.104, and that the contractor does not perform work that is "inherently Governmental in nature" as defined at FAR 7.5

The COTR may issue written technical direction memorandums to the contractor as the work progresses. All such technical direction memorandums will be issued for the purpose of clarifying work already required under the statement of work and within the scope of the order and in no instance shall be used to direct the contractor to perform work that is in addition to or outside the scope of work in the order. The technical direction memorandums may be used to document the findings of the team at each step which will influence decisions on the content, priority and sequence of tasks that INS will address in subsequent steps.

IV. SCOPE OF WORK

A. Issues to be Addressed

INS will provide the necessary data and access to staffs with expertise in immigration inspection processes, information and records management, program and direction, finance, budgeting and statistics. The work will require the review and analysis of activities at Headquarters in Washington, D.C. and at other locations in the United States.

Generally, the following are examples of issues which the INS will address through the Branch:

a. Advise INS management on the current methods of assigning personnel and other costs to the several funding sources. This advice should be consistent with INS operations, the applicable guidance, and the approaches used in other Federal agencies and analogous public and private enterprises.

b. Recommend to INS management more equitable distribution of costs among the several funding sources using appropriate survey approaches or other methodologies.

c Prepare documents, reports and exhibits as INS may require for systems planning, procedure documentation, financial analysis, and cost allocation.

d. Establish a method for migrating the approach for determining cost allocation methodology developed for this project to other programs.

B. Key Personnel and Qualifications

The study and analysis work, and the implementation plans developed must be specifically designed to be consistent with the requirements of Federal government accounting standards. Personnel must be recognized subject matter experts and possess the specified qualifications.

In addition, certain persons will be designated as key personnel. The following is a list of the labor categories designated as key personnel and the minimum number of positions within each category that are designated key personnel:

Project Manager	1
Team Leaders	2

The Project Manager must be well versed in the concept and principles of statistics, data collection and analysis, cost modeling, report writing, possessing contemporary, practical experience that is broad based to include Federal government, and related complexities and controversies involving full cost assignment. The Project Manager should have experience in presenting and supporting statistical analyses and/or costing principles and methodologies before authoritative bodies such as the General Accounting Office, Federal government standards boards, Congressional oversight committees, or Federal courts. In addition, the Project Manager should possess writing skills for purposes that include primarily documentation, regulatory disclosure, and policy making.

The Team Leaders must posses the skills noted above for the Project Manager. In addition, they must also have recent and demonstrable experience in teamwork, team leadership, and daily operational experience in the area of statistical sampling, data management skills, and cost modeling.

The contractor shall submit resumes for all individuals to be assigned to this project concurrently with the response to INS Request for Proposals. The resumes shall, at a minimum, provide the information as shown below and in the order shown. Each resume shall clearly describe the individual's relevant experience and qualifications.

The resumes submitted must contain the following information:

- INDIVIDUAL'S NAME;

- PROPOSED POSITION;

- SECURITY CLEARANCE (if any);

- EDUCATION: Indicate degrees awarded, date(s) degree(s) received, schools attended, and major areas of training;

- PROFESSIONAL AND/OR TECHNICAL TRAINING: List type of training, where received and date(s);

- PROFESSIONAL REGISTRATION/CERTIFICATION: List title, state, association, year. Brief statement detailing activities/accomplishments including awards, publications, honors and other achievements; and

- WORK EXPERIENCE: Starting with the present and most recent position, list the last three (3) major assignments directly relevant to the work to be performed under this contract. Customer references will be contacted during the proposal evaluation. Provide the following information: employer's name, position title, employment from/to dates, name of superior, name and description of assignment/projects worked on at each location. **Listed below are work experience qualifications for the Project Manager and Team Leaders:**

Mandatory

Documented and confirmed organizational and project management skills

Record of successful past performance in principles and practices of statistical sampling, data collection and analysis, and successful presentation and/or review of these principles and practices before a Federal standards or oversight body. This performance should include the substantial, complex, and controversial issues of cost allocation;

Record of successful past performance in the costing of substantial and complex Federal government products or services, including the design of cost analysis and activity modeling approaches, and designing and directing cost studies applicable to the determining of costs for nationwide products or services activities analogous to those of the INS;

Ability to write clearly and concisely for purposes of documenting analyses, reporting, policy making, and presentation.

Highly Desirable

Direct experience with the INS cost allocation process.

For individuals who are not currently employed full-time with the offeror, a detailed explanation of the basis for proposing the individual must be provided. **The Offeror shall provide a letter of commitment for each individual proposed.**

C. Travel

Travel will be required to conduct the personal interviews. It is assumed that at least two weeks of travel for up to 4 team members will be required. The contractor will be reimbursed for travel expenses at amounts that do not exceed those established in the Federal Travel Regulations. All travel costs invoiced by the contractor must be supported with receipts. To effect the most efficient use of resources, the INS COTR will provide the contractor with common carrier transportation tickets for any required long distance travel.

D. Deliverables

1. Format

The contractor is responsible for the production of all deliverables. The contractor will first submit all deliverables to the COTR in draft form. The INS COTR will have five (5) working days to review and comment on the draft deliverables. The contractor will incorporate the INS COTR's comments into the final deliverable and submit the final deliverable to the COTR three (3) working days after receiving the COTR's comments. The contractor will provide five (5) hard copies and one (1) electronic copy of all final deliverables. Electronic format for final deliverables are to be submitted in WordPerfect version 6.1 for DOS.

2. Transfer of Knowledge and Skills to Government personnel

The contractor will ensure that Government personnel receive sufficient training so that there will be a transfer of knowledge and skills at the conclusion of the program.

3. Reports

The contractor is responsible for including the following in a report:
a) Explanation of how employees were selected for interviews;
b) Current method of assigning staff to work and the various funding sources;
c) Results of the survey; and
d) Conclusions and recommendations

4. Project Deliverables and Due Dates

The due dates required for this Statement of Work are as follows:

Project Plans (Due 10 calendar days after contractor receives notice of INS security clearance or INS security clearance waiver for those contractor personnel who will perform work on this deliverable) ;

Questionnaires designed for personal interviews and mail sample (Due 30 calendar days after contractor receives notice of INS security clearance or INS security clearance waiver for those contractor personnel who will perform work on this deliverable);

Sample for Interviews and Questionnaires Selected (Due 90 calendar days after contractor receives notice of INS security clearance or INS security clearance waiver for those contractor personnel who will perform work on this deliverable);

Interviews completed and all questionnaires collected. (Non-response follow up may be necessary (Due 150 calendar days after contractor receives notice of INS security clearance or INS security clearance waiver for those contractor personnel who will perform work on this deliverable);

Final Project Report which includes detailed descriptions of how the project was conducted, the results, and how the methodology may be migrated for utilization in other programs. (200 calendar days after contractor receives notice of INS security clearance or INS security clearance waiver for those contractor personnel who will perform work on this deliverable).

E. Government Furnished Facilities

Prior to the date the contractor receives notice of its initial personnel security clearances or security clearance waivers, the INS COTR will designate to the contractor the space(s) at INS Headquarters to be used by the contractor personnel when working on this order. It is anticipated that the contractor will perform work on this order both at its own facility and at the Government facility. While performing work at the INS facility(s), the contractor will have access to and be permitted to use Government photocopiers and fax machines for incidental photocopying and faxing and Government telephones for incidental local calls. The contractor will supply its own office supplies and laptops or other computer equipment.

V. SECURITY REQUIREMENTS FOR UNESCORTED FACILITY ACCESS

A. General

INS has determined that performance of this order (herein known as the contract) requires that the contractor, subcontractor(s), vendor(s), etc. (herein known as the contractor), require(s) unescorted access to INS facilities and that the contractor will adhere to the following:

B. Suitability Determination

INS shall have and exercise full and complete control over granting, denying, withholding or terminating unescorted Government facility access for Contractor employees based upon results of a background investigation. INS may, as it deems appropriate, authorize and grant temporary waivers with access to commence work to employees of the contractor, subcontractor or vendor. The granting of a waiver to commence work shall not be considered as assurance that a full employment suitability authorization will follow as a result thereof, and the granting of either a waiver or a full employment suitability determination shall in no way prevent, preclude or bar the withdrawal or termination of any such access by INS, at any time during the term of the contract. No employee of the Contractor, subcontractor or vendor shall be allowed access to a Government facility without an employment waiver or suitability determination by the INS Security Office.

C. Background Investigations

All Contractor employees (to include applicants, subcontractors, temporary, part-time and replacement employees) under the contract shall undergo an access determination based upon the results of a modified National Agency Check (NAC). NACs will be processed through the Security Office. All prospective Contractor employees shall submit the following completed forms to the Security Office through the COTR, no less than 30 days before the starting date of the contract or 30 days prior to entry on duty of any new employees, whether a replacement, an addition, a subcontractor employee, or a vendor:

1. Standard Form 85P - "Questionnaire for Public Trust Positions" (original plus a copy)
2. FD Form 258 "Fingerprint Card" (2 copies)
3. Foreign Born Relatives Form (original plus a copy)
4. Form I-9 - "Employment Eligibility Verification"

or

Birth Certificate (If United States Citizen)

Required forms will be provided by INS at the time of award of the contract. Only complete suitability packages will be accepted by the Security Office. Specific instructions on submission of packages will be provided upon award of the contract.

Be advised that unless an applicant/employee has resided in the U.S. for three of the past five years, the Government may not be able to complete a satisfactory background investigation. In such cases, INS retains the right to deem an applicant/employee as ineligible due to insufficient background information.

D. Continued Eligibility

If a prospective employee is found to be ineligible for access to Government facilities or information, the COTR will advise the Contractor that the employee shall not continue to work or to be assigned to work under the contract.

The Security Office may require drug screening for probable cause at any time and/or when the contractor independently identifies circumstances where probable cause exists.

INS reserves the right and prerogative to deny and/or restrict the facility and information access of any contractor employee whose actions are in with the DOJ standards of conduct, 28 CFR 45.735.1 through 45.735.26, or whom INS determines to present a risk of compromising sensitive Government information to which he or she would have access under this contract.

The Security Office must be notified of all terminations/ resignations within five days of occurrence.

E. Employment Eligibility

The Contractor must agree that each person employed by his firm or any Subcontractor(s) will have a Social Security Card issued and approved by the Social Security Administration. Each employee of the Contractor, and of any Subcontractor(s), must complete and sign a Form I-9, "Employment Eligibility Verification", or produce a U.S. Birth Certificate, before commencing work.. The Contractor will retain the original Form I-9 and will furnish the COTR a copy of the I-9 before the employee commences work. The Contractor shall be responsible to the Government for acts and omissions of its own employees and of any Subcontractor(s) and their employees.

Subject to existing law, regulations and/or other provisions of this contract, illegal or undocumented aliens will not be employed by the Contractor, or with this contract. The Contractor will ensure that this provision is expressly incorporated into any and all Subcontracts or subordinate agreements issued in support of this contract.

F. Security Management
The contractor shall appoint a senior official to act as the Corporate Security Officer. The individual will interface with the Security Office through the COTR on all security matters, to include physical, personnel, and protection of all Government information and data accessed by the Contractor.

The COTR and the Security Office shall have the right to inspect the procedures, methods, and facilities utilized by the contractor in complying with the security requirements under this contract. Should the COTR determine that the Contractor is not complying with the security requirements of this contract, the Contractor will be informed in writing by the Contracting Officer of the proper action to be taken in order to effect compliance with such requirement.

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INS Funding Sources

INS Office of Budget

February, 1998

TECHNICAL EVALUATION FORM FOR SOLICITATION No.
INS Statement of Work: Direct Labor Survey

OFFEROR:____

EVALUATOR (Printed Name):______________________________

EVALUATOR'S TITLE (Printed):____________________________

EVALUATOR'S OFFICE: Fee Policy and Rate Setting Branch, Budget Division

The proposal submitted by the identified offeror has been fully evaluated. Assigned scores and narrative comments contained in the following pages accurately represent my evaluation of the proposal materials. My evaluation scores have been discussed, as necessary, only with other technical evaluation panel members or the responsible contracting officer.

TOTAL TECHNICAL POINT ASSIGNED TO THIS PROPOSAL:________________

EVALUATOR (Signature): ________________________________

DATE:____/_____/ 1998

NOTE: For detailed information and requirements against which offerors are to be evaluated, evaluators should refer to those sections of the statement of work (SOW) cited in the following review sheets, which in some cases, provide a more succinct description than appears in the SOW. Particularly significant requirements to which evaluators should refer are annotated on the evaluation form.

Evaluators should be certain to note specific areas of concern which have not been fully addressed by the offeror and should develop specific related questions that can be addressed to the offeror in subsequent discussion.

TECHNICAL EVALUATION: INS SOW No.

I. TECHNICAL APPROACH

As specified in clause IV.B. of the SOW, the following factors will be evaluated. The technical evaluation of contractor proposals shall be based upon the clarity, completeness, thoroughness, and demonstrated understanding of the issues. The following factors will be evaluated in assessing the offeror's technical approach. The offeror shall demonstrate its:

(1) experience in working with similar cost allocation issues in other government agencies and private corporations.

(2) experience in statistical sampling, interviewing techniques, data collection, tabulation, analysis and report writing.

Points Summary

	A(1)	A(2)	B	C	Total
Points Available	300	300	100	100	800

Points Assigned

A (1). Past Performance

The Offeror's past performance is evaluated on the Offeror's submitted information and information from reference checks and other means. The past performance evaluation will determine whether the company and key individuals to be assigned to this project has consistently demonstrated a record of successful performance in the following areas:

- Costing of substantial and complex Federal Government services, including designing cost analysis and approaches, and designing and directing cost studies applicable to the proper assignment of costs for nationwide labor intensive service activities analogous to those of INS;
- Planning, managing and using cost evaluations, including evaluating and validating output of established cost measurement systems and determining costs for altered or new procedures;
- Defending relevant complex issues of cost allocation in cases of substantial public concern
- Adherence to contract deadlines
- Effective teamwork
- Commitment to the customers concerns and interests.

In addition, the evaluation will focus on the Offeror's reputation for providing high quality products and services in a timely and cost effective manner.

All aspects of the Offeror's performance will be taken into consideration in conducting this evaluation. The Government reserves the right to also review the Offeror's performance on other projects and programs they participated.

Total Points Available = 300 Points Assigned______

Excellent [270 to 300 points] Fully satisfies all listed performance requirements.

Good [225 to 269 points] Satisfies all listed performance requirements, but is weak or deficient in some area which can easily be corrected.

Fair [150 to 224 points] Generally satisfies all listed performance requirements, but is weak or deficient in one or more areas which cannot be easily corrected.

Unacceptable [Less than 150 points] Fails to meet one or more listed performance requirements.
Summary:

Strong Points:

Weak Points

Deficiencies

A(2). Experience

The Offeror's experience in projects and programs that are similar in size, scope, and complexity will be evaluated to determine their managerial and technical capability to perform the work under this contract. Of particular importance, is their experience and capabilities for performing cost allocation analysis of substantial and complex Federal Government services; however, consideration will be given to all of the information presented by the Offeror. The experience evaluation will focus on all of the projects presented by the Offeror and the technical and managerial knowledge and expertise gained from these projects and programs.

Total Points Available = 300 Points Assigned______

Excellent [270 to 300 points] Fully satisfies all listed performance requirements and demonstrates substantial experience in the practice of justifying, classifying, and allocating costs for rate-making experience in the practice of justifying, classifying, and allocating costs for rate-making performed in analogous regulated public utility and/or governmental settings.

Good [225 to 269 points] Satisfies all listed performance requirements, but is weak or deficient in some area which can easily be corrected.

Fair [150 to 224 points] Generally satisfies all listed performance requirements, but is weak or deficient in one or more areas which cannot be easily corrected.

Unacceptable [Less than 150 points] Fails to meet one or more listed performance requirements.

Summary:

Strong Points:

Weak Points

Deficiencies

B. Technical Approach

The Offeror will be evaluated based upon description of the process by which the individuals to be assigned to this work have successfully designed sampling frames; conducted statistical surveys; edited, tabulated and analyzed data, and prepared a summary report.

Total Points Available: 100 Points Assigned________

Excellent [90 to 100 points] Proposed approach fully satisfies all listed performance requirements. Reasoning behind approach selection is considered outstanding.

Good [75 to 89 points] Proposed approach fully satisfies all listed performance requirements, but is weak or deficient in some area which can easily be corrected.

Fair [60 to 74 points] Proposed approach generally satisfies all listed performance requirements, but is weak or deficient in one or more areas which cannot be easily corrected.

Unacceptable [Less than 60 points] Proposed approach fails to demonstrate company's technical capability to meet one or more listed performance requirements.

Summary:

Strong Points:

Weak Points

Deficiencies

C. Management and Staffing

The Offeror's management plan will be evaluated to determine the degree to which the offeror will establish and maintain an effective and cost efficient system for the management and administration of the contract and all delivery orders issued under the contract. A flowchart showing workflow and project team relationships should support the discussion, and should demonstrate the management approach that will be used for the cost analysis and assignment.

Total Points Available: 100 Points Assigned:________

Excellent [90 to 100 points] The organization plan is considered to be comprehensive and explains how work will be managed in order to complete work in a timely fashion. It includes a significant level of detail describing the functions and relationships of project team members and available support services and facilities and computer hardware and software. The workflow chart is detailed and supports the description provided.

Good [75 to 89 points] The organization plan contains some minor deficiency. It may lack some element which would otherwise make it comprehensive. Functions and project team relationships may lack some minor detail. These weaknesses or deficiencies may be easily corrected. Support services and facilities and computer hardware and software are considered adequate.

Fair [60 to 74 points] The organization plan contains some major deficiency such as a failure to describe function and project team relationships. Some important support activity may not be present. The workflow may not support the narrative description. An identified weakness or deficiency cannot be easily corrected.

Unacceptable [Less than 60 points] Organization plan is totally inadequate. Explanations of functions and project team relationships are not described. No workflow plan is provided. A description of support services and facilities, and computer hardware and software is not provided.

Summary:

Strong Points:

Weak Points

Deficiencies

COST ESTIMATE
Immigration and Naturalization Service

LABOR CATEGORY	NUMBER OF HOURS	COST PER HOUR	TOTAL COST
Project Manager	100	$200	$20,000
Team Leader (Manager -2)	800	$175	140,000
Consultant - 2	1,265	$100	126,500
Statistician	75	$73	5,475
Word Processor	150	$30	4,500
Travel			30,000
Total	4,750		$324,975

Prospective Vendors from GSA MOBIS Schedule

1) Arthur Andersen LLP
1150 17th Street
Washington, DC
Contract Number

2) Coopers & Lybrand LLP
1530 Wilson Blvd.
Arlington, VA 22209
Contract Number GS-22F-0054B

3) KPMG Peat Marwick
1 Corporate Plaza
2525 Bay Area Blvd.
Suite 660
Houston, TX 77058
Contract Number GS-22F-0086B