



Legislative Bulletin.....April 25, 2002

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- **H.R. 3231** — Barbara Jordan Immigration Reform and Accountability Act

**H.R. 3231 — Barbara Jordan Immigration Reform and Accountability Act
(Sensenbrenner)**

Order of Business: The bill will be considered on Thursday, April 25, under a modified closed rule.

Summary:

Structure

Abolishes the INS and creates the following (see attached organizational charts for a comparison between the current INS and this proposal):

An Associate Attorney General for Immigration Affairs

With the following offices / officers:

- Policy Advisor
- General Counsel
- Chief Financial Officer
- Director of Shared Services (to oversee shared services between the newly created enforcement and services bureaus)
- Office of Ombudsmen
- Office of Children's Affairs
- Office of Professional Responsibility & Quality Review
- Office of Immigration Litigation (transferred from Civil Division of DOJ)

The Bureau of Citizenship and Immigration Services (Director Reports to the Associate Attorney General)

With the following offices / officers:

- Office of Policy and Strategy
- Legal Advisor
- Budget Officer
- Congressional, Intergovernmental, and Public Affairs
- Office of Citizenship
- Sectors, Field Offices, and Service Centers

The Bureau has the following functions:

- Adjudications of nonimmigrant and immigrant visa petitions
- Adjudications of naturalization petitions
- Adjudications of asylum and refugee applications
- Adjudications performed at service centers
- All other adjudications performed by the INS

The Bureau of Immigration Enforcement (Director Reports to the Associate Attorney General)

With the following offices / officers:

- Office of Policy and Strategy
- Legal Advisor
- Budget Officer
- Congressional, Intergovernmental, and Public Affairs
- Sectors, Field Offices, and Border Patrol Sectors

The Bureau has the following functions:

- The Border Patrol program
- The detention and removal program
- The intelligence program
- The investigations program
- The inspections program

Other Changes

Employee Discipline: Permits the Associate Attorney General to impose discipline, including termination of employment on employees who willfully deceive the agency Leadership or Congress.

Authorizations: Authorizes such sums as are necessary to effect the abolition of the INS and the establishment of the structure created by the Act.

Fees: The INS is currently permitted to set fee levels for the adjudication of applications for immigration benefits at a level to recover all the costs of such applications, including the cost of providing immigration benefits at no charge to asylum and refugee applicants. Consequently, the INS charges fees that exceed the amount needed for cost recovery for some applicants to cover the costs of others. This practice would be prohibited under the bill. Instead the bill authorizes the appropriations of such sums as may be necessary for asylum and refugee applications.

Reports: The bill requires a number of reports on the implementation and effectiveness of these reforms.

Effective Date: The bill takes effect one year after enactment.

Cost to Taxpayers: CBO estimates that implementing the bill would cost taxpayers \$1.1 billion over the 2003-2007 period, assuming appropriations of the necessary amounts. About \$1 billion of the cost is the result of the change in financing for asylum and refugee adjudications from a fee service (covered by other applicants) to an annual appropriation.

Does the Bill Create New Federal Programs or Rules?: The bill abolishes and then recreates an existing program.

Constitutional Authority: The committee report cites Article I, Section 8, Clause 4 (establish uniform rule of naturalization).

RSC Concerns: Some Members have expressed concern that the bill does not go far enough in separating out the functions currently performed by the INS. Some Members assert that we should be consolidating:

- all immigration services at the State Department (services are currently split between INS and State);
- all enforcement of Labor standards at the Labor Department (INS enforces some labor laws related to employment of immigrants); and
- all immigration enforcement at Justice.

This type of fundamental reform was endorsed by The Jordan Commission (for which this bill is named).

Amendments:

Sensenbrenner (Manager's Amendment):

- Requires a Managerial Rotation program within each Bureau
- Authorizes the Attorney General to conduct a "buy out" of certain employees to help carryout the restructuring
- Authorizes a 5-year demonstration program related to employee disciplinary actions

Baldwin / Jackson-Lee / Hostettler: Requires that the Office of Children's Affairs, within the Office of Immigration Affairs, develop a plan, to be brought before Congress on how to ensure that unaccompanied alien children are appointed independent legal counsel, consistent with current law.

Jackson-Lee: Requires the General Accounting Office to conduct a study that examines whether the Bureau of Immigration Services can sustain itself as an agency if it operates with funds derived from fees, and if there is no authorized appropriations language included in the bill.

Roybal-Allard: Requires the Office of Immigration Statistics to maintain statistics on denials of applications and petitions, and the reasons for those denials.

Velazquez: Authorizes the Director of the Bureau of Citizenship and Immigration Services to implement innovative pilot initiatives to eliminate the immigration application backlog and prevent the backlog from recurring. Encourage initiatives, such as, increasing or transferring

personnel to areas with the greatest backlog, streamlining regulations and paperwork, and providing incentives for efficient and high quality work.

Issa: Requires that all employees at the new Office of the Associate Attorney General for Immigration Affairs and the two new bureaus (Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement) be considered “excepted service” or at-will employees.

Lofgren / Cannon: Allows for expedited and simplified procurement of information technology products or services. Provides that this authority lasts until 2004 and a report is required not later than one year after the end of FY2004 concerning the use of these authorities.

Staff Contact: Neil Bradley, x6-9717
