

105TH CONGRESS
2D SESSION

H. R. 3904

To amend the Immigration and Nationality Act to improve the administrative structure for carrying out the immigration laws in accordance with the recommendations of the United States Commission on Immigration Reform.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1998

Mr. ROGERS introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to improve the administrative structure for carrying out the immigration laws in accordance with the recommendations of the United States Commission on Immigration Reform.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Immigration Reform and Improvements Act of 1998”.

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

- Sec. 1. Short title; table of contents.
 Sec. 2. Activities within Department of Justice.
 Sec. 3. Activities within Department of State.
 Sec. 4. Activities within Department of Labor.
 Sec. 5. Consolidation of review activities within an independent Agency for Immigration Review.
 Sec. 6. Conforming provisions.
 Sec. 7. Effective date; transition.

1 SEC. 2. ACTIVITIES WITHIN DEPARTMENT OF JUSTICE.

2 (a) ABOLITION OF INS.—The Immigration and Nat-
 3 uralization Service and the office of Commissioner of Im-
 4 migration and Naturalization are abolished.

5 (b) CONSOLIDATION OF BORDER PATROL, INSPEC-
 6 TIONS, INVESTIGATIONS, AND REMOVAL AND RELATED
 7 ENFORCEMENT FUNCTIONS WITHIN A BUREAU OF IMMI-
 8 GRATION ENFORCEMENT.—Title I of the Immigration and
 9 Nationality Act is amended—

10 (1) by inserting the following after the heading
 11 to the title:

12 “CHAPTER 1—DEFINITIONS AND GENERAL
 13 AUTHORITIES”; and

14 (2) by adding at the end the following new
 15 chapter:

3 "IMMIGRATION ENFORCEMENT THROUGH A BUREAU FOR
4 IMMIGRATION ENFORCEMENT IN DEPARTMENT OF
5 JUSTICE

6 “SEC. 111. (a) ESTABLISHMENT OF BUREAU.—
7 There is hereby established in the Department of Justice
8 the Bureau for Immigration Enforcement.

9 “(b) DIRECTOR.—

10 “(1) APPOINTMENT.—The head of such Bureau
11 shall be the Director for Immigration Enforcement,
12 who—

13 “(A) shall be appointed by the President,
14 by and with the advice and consent of the Sen-
15 ate, for a term of 5 years; and

16 “(B) shall report directly to the Attorney
17 General.

18 “(2) COMPENSATION.—The Director shall be
19 paid at the rate of basic pay payable for level II of
20 the Executive Schedule.

21 “(c) FUNCTIONS.—

22 “(1) IN GENERAL.—The Bureau shall perform
23 functions under the immigration laws relating to the
24 following:

25 “(A) Prevention of illegal entry.

1 “(B) Inspection at ports of entry.

2 “(C) Apprehension and detention, includ-
3 ing programs of parole or supervised release.

4 “(D) Exclusion, deportation, and removal.

5 “(E) Investigations, including investiga-
6 tions of immigration-related smuggling oper-
7 ations and document fraud.

8 “(2) DELEGATION OF DETENTION AUTHOR-
9 ITY.—Under regulations of the Attorney General,
10 the responsibilities of the Bureau relating to deten-
11 tion of aliens may be delegated to the United States
12 Marshal’s Service, the Director of the Bureau of
13 Prisons, or both.

14 “(d) CLASSES OF OFFICERS.—The activities of the
15 Bureau shall be conducted through the following separate
16 units:

17 “(1) UNIFORMED ENFORCEMENT UNIT.—A uni-
18 formed enforcement unit that has responsibility for
19 detection, apprehension, and removal activities at
20 land, sea, and air ports of entry, between land ports
21 of entry on the border, and in the interior (when
22 uniformed officers are needed).

23 “(2) INVESTIGATIONS UNIT.—An investigations
24 unit consisting of officers that has responsibility for
25 the apprehension and removal of aliens.

1 “(3) INTELLIGENCE UNIT.—An intelligence unit
2 that has responsibility for gathering intelligence, liai-
3 son with other law enforcement agencies, providing
4 strategic assessments, providing training and exper-
5 tise on fraud, information about smuggling networks
6 and tactical support to the uniformed enforcement
7 unit and the investigations unit.

8 “(4) ASSETS FORFEITURE UNIT.—An assets
9 forfeiture unit that has responsibility for enforcing
10 assets forfeiture.

11 “(5) PROBATION UNIT.—A probation unit that
12 has responsibility for probation functions in the case
13 of aliens in supervised release programs, both before
14 and after removal proceedings.

15 “(6) TRIAL ATTORNEY UNIT.—A trial attorney
16 that has responsibility for performing prosecutorial
17 functions of the Bureau.

18 “(e) FIELD OFFICES.—The Bureau shall conduct its
19 enforcement activities through field offices. The location
20 of such offices shall be determined based upon the enforce-
21 ment priorities of the Bureau and without regard to the
22 location of previous district offices of the Immigration and
23 Naturalization Service or the location of service offices es-
24 tablished to carry out section 112. Nothing in this sub-
25 section shall be construed as preventing the Bureau from

1 continuing the use of regional offices for administrative
 2 and managerial oversight of field offices.”.

3 **SEC. 3. ACTIVITIES WITHIN DEPARTMENT OF STATE.**

4 (a) IN GENERAL.—Chapter 2 of title I of the Immi-
 5 gration and Nationality Act, as added by section 2(b), is
 6 amended by adding at the end the following new section:
 7 “PERFORMANCE OF FUNCTIONS RELATED TO IMMIGRA-
 8 TION AND REFUGEE ADMISSIONS, ASYLUM AFFAIRS,
 9 CITIZENSHIP, AND PASSPORT ACTIVITIES IN DE-
 10 PARTMENT OF STATE

11 “SEC. 112. (a) ASSISTANT SECRETARIES OF
 12 STATE.—There shall be appointed in the Department of
 13 State an Assistant Secretary of State for Immigration Af-
 14 fairs, an Assistant Secretary of State for Refugee Admis-
 15 sions and Asylum Affairs, and an Assistant Secretary of
 16 State for Citizenship and Passport Services. Such Assist-
 17 ant Secretaries shall be in addition to such Assistant Sec-
 18 retaries as are authorized under section 1(c) of the State
 19 Department Basic Authorities Act of 1956.

20 “(b) UNDER SECRETARY FOR CITIZENSHIP, IMMI-
 21 GRATION, AND REFUGEE ADMISSIONS.—

22 “(1) IN GENERAL.—Such Assistant Secretaries
 23 shall be under the supervision and direction of an
 24 Under Secretary of State for Citizenship, Immigra-
 25 tion, and Refugee Admissions who—

1 “(A) shall be appointed by the President,
2 by and with the advice and consent of the Sen-
3 ate, for a term of 5 years; and

4 “(B) shall be compensated at the rate pro-
5 vided for at level III of the Executive Schedule
6 under section 5314 of title 5, United States
7 Code.

8 “(2) RELATION TO OTHER AUTHORITY.—Such
9 Under Secretary shall be in addition to such Under
10 Secretaries as are authorized under section 1(b) of
11 the State Department Basic Authorities Act of
12 1956.

13 “(c) FUNCTIONS.—The Assistant Secretaries ap-
14 pointed under subsection (a) shall perform functions
15 under the immigration laws relating to adjudication of ap-
16 plications for citizenship, immigration, and refugee status,
17 and related benefits, both within the United States and
18 abroad, issuance of appropriate documentation, and over-
19 seas citizens services, and related anti-fraud activities.

20 “(d) REVIEW OF DECISIONS.—

21 “(1) IN GENERAL.—The Secretary of State
22 shall establish by regulation procedures for internal
23 review of decisions of consular and other officers in
24 granting, refusing, or revoking visas, adjustment or
25 change in immigration status, and naturalization.

1 “(2) CONSTRUCTION.—Paragraph (1) shall not
2 be construed as authorizing the Secretary of State
3 to reverse or modify decisions of the Agency for Im-
4 migration Review.”.

5 (b) FUNDING.—Section 286 of such Act (8 U.S.C.
6 1356) is amended—

7 (1) in subsection (m)—

8 (A) by striking “as are designated by the
9 Attorney General” and inserting “as are des-
10 ignated by the Secretary of State”,

11 (B) by striking “directly by the Attorney
12 General” and inserting “directly by the Sec-
13 retary of State, the Attorney General,”, and

14 (C) by striking “by the Attorney General”
15 after “received”;

16 (2) in subsection (n)—

17 (A) by striking “Attorney General” and in-
18 serting “Secretary of State”, and

19 (B) by inserting “and other services de-
20 scribed in section 112(c)” after “naturalization
21 services”; and

22 (3) in subsection (o), by striking “Attorney
23 General” and inserting “Secretary of State”.

1 **SEC. 4. ACTIVITIES WITHIN DEPARTMENT OF LABOR.**

2 Chapter 2 of title I of the Immigration and National-
 3 ity Act, as added by section 2(b) and as amended by sec-
 4 tion 3(a), is amended by adding at the end the following
 5 new section:

6 “RESPONSIBILITIES OF DEPARTMENT OF LABOR

7 “SEC. 113. (a) RESPONSIBILITY FOR VERIFICATION-
 8 RELATED ENFORCEMENT.—

9 “(1) IN GENERAL.—The Secretary of Labor is
 10 responsible for enforcement of provisions of the im-
 11 migration laws relating to verification of employment
 12 authorization under subsections (a)(1)(B), (a)(5),
 13 and (b) of section 274A.

14 “(2) ENFORCEMENT AUTHORITY.—The Sec-
 15 retary of Labor is authorized to impose penalties
 16 under section 274A(e)(5) for violations of section
 17 274A(a)(1)(B).

18 “(3) NOTICE.—The Secretary of Labor shall
 19 notify the Director of the Bureau for Immigration
 20 Enforcement of any information discovered concern-
 21 ing a violation of section 274A(a)(1)(A).

22 “(b) RESPONSIBILITY FOR ENFORCEMENT OF
 23 TERMS AND CONDITIONS OF EMPLOYMENT.—

24 “(1) IN GENERAL.—The Secretary of Labor
 25 shall monitor employers’ fulfillment of terms and
 26 conditions of attestations, labor certifications, and

1 other applications filed in compliance with employ-
2 ment-related requirements for the admission of
3 aliens under the immigration laws, including under
4 subparagraphs (H), (L), (O), (P), and (Q) of section
5 101(a)(15) and under section 203(b).

6 “(2) AUTHORITY TO IMPOSE ADMINISTRATIVE
7 FINES.—The Secretary of Labor may assess admin-
8 istrative fines against those found to have violated
9 the terms and conditions of such attestations, labor
10 certifications, and applications.

11 “(3) NOTICE.—The Secretary of Labor shall
12 notify the Secretary of State of any finding of a sub-
13 stantial failure to meet the terms and conditions of
14 such attestations, labor certifications, and applica-
15 tions.

16 “(c) CONSTRUCTION.—Nothing in this section shall
17 be construed as affecting the administration of section
18 274B (relating to unfair immigration-related employment
19 practices).”.

20 **SEC. 5. CONSOLIDATION OF REVIEW ACTIVITIES WITHIN**
21 **AN INDEPENDENT AGENCY FOR IMMIGRA-**
22 **TION REVIEW.**

23 (a) IN GENERAL.—Chapter 2 of title I of the Immi-
24 gration and Nationality Act, as added by section 2(b) and

1 as amended by sections 3(a) and 4(a), is amended by add-
2 ing at the end the following new section:

3 “AGENCY FOR IMMIGRATION REVIEW

4 “SEC. 114. (a) ESTABLISHMENT.—There is hereby
5 established as an independent agency the Agency for Im-
6 migration Review (in this section referred to as the ‘Agen-
7 cy’).

8 “(b) ADMINISTRATIVE ORGANIZATION.—

9 “(1) DIRECTOR.—There shall be a Director of
10 the Agency who is appointed by the President, by
11 and with the advice and consent of the Senate for
12 a term of 5 years. Such Director shall be responsible
13 for the general supervision and coordination of the
14 work of the Agency.

15 “(2) ADMINISTRATIVE STRUCTURE.—The Agen-
16 cy shall consist of a trial division, an appellate
17 board, and such other divisions or offices as may be
18 necessary to carry out its responsibilities.

19 “(c) IMMIGRATION JUDGES AS TRIAL DIVISION.—
20 Within the trial division of the Agency there shall be immi-
21 gration judges that have responsibility to conduct proceed-
22 ings and make determinations pursuant to subparagraphs
23 (A) and (E) of subsection (e)(1).

24 “(d) BOARD OF IMMIGRATION REVIEW AS APPEL-
25 LATE BOARD.—

1 “(1) IN GENERAL.—Within the Agency there
2 shall be an appellate board to be known as the
3 Board of Immigration Review (in this section re-
4 ferred to as the ‘Board’).

5 “(2) APPOINTMENT OF CHAIRMAN AND VICE-
6 CHAIRMAN.—The Board shall be headed by a Chair-
7 man and a Vice-Chairman, each appointed by the
8 President for a term of 10 years. The Chairman
9 shall be responsible for activities of the Board and
10 the Vice-Chairman shall act in such cases as the
11 Chairman provides.

12 “(e) JURISDICTION.—

13 “(1) IN GENERAL.—The Agency shall hear and
14 make determinations in cases and appeals relating to
15 the following:

16 “(A) Bond, exclusion, deportation, and re-
17 moval of aliens, including relief available in
18 those proceedings.

19 “(B) Non-criminal fines and penalties im-
20 posed for violation of the immigration laws, in-
21 cluding mitigation of the fines and penalties.

22 “(C) Denials (or revocations) of immigrant
23 visas, immigrant petitions, waivers of inadmis-
24 sibility for immigrants, labor certifications, and

1 adjustment of status to legal permanent resi-
2 dent status.

3 “(D) Denials (or revocations) of non-
4 immigrant visas, nonimmigrant petitions, waiv-
5 ers relating to such visas or admission of non-
6 immigrants, and changes of status for non-
7 immigrants, but only in cases in which there is
8 a United States petitioner applying on behalf of
9 the alien or as otherwise provided by law or
10 regulation as in effect on the date of the enact-
11 ment of this chapter.

12 “(E) Applications for asylum under sec-
13 tions 208 and 235(b)(1)(B)(iii)(III) and with-
14 holding of removal under section 241(b)(3).

15 “(F) Denials of applications for naturaliza-
16 tion and revocations of naturalization.

17 “(2) ASSUMPTION OF AUTHORITY OF CERTAIN
18 ENTITIES.—The Agency also shall hear and make
19 determinations concerning matters that (as of the
20 date of the enactment of this chapter) were the re-
21 sponsibility of any of the following:

22 “(A) The Executive Office of Immigration
23 Review, including the Board of Immigration
24 Appeals, Immigration Judges, and the Office of

1 the Chief Administrative Hearing Officer, with-
2 in the Department of Justice.

3 “(B) The Board of Alien Labor Certifi-
4 cation Appeals within the Department of Labor.

5 “(C) The Administrative Appeals Office
6 within the Immigration and Naturalization
7 Service.

8 “(D) The Board of Appellate Review with-
9 in the Office of the Legal Adviser in the De-
10 partment of State, but only with respect to de-
11 terminations of loss of nationality or expatria-
12 tion and to decisions denying, revoking, restrict-
13 ing, or invalidating a passport.

14 “(E) Immigration officers authorized to
15 hear denials of naturalization applications
16 under section 336.

17 “(3) CONSTRUCTION.—Nothing in this section
18 shall be construed as restricting, limiting, or expand-
19 ing the jurisdiction of the immigration judges, the
20 Board of Immigration Appeals, Federal courts, or
21 other review mechanisms as of the date of the enact-
22 ment of this chapter or as changing the process for
23 review of visa denials by consular officials.

24 “(4) DECISIONS OF AGENCY.—Decisions of the
25 Agency shall not be subject to reversal or modifica-

1 tion by the Attorney General, Secretary of State,
2 Secretary of Labor, or otherwise except as a result
3 of judicial review by a Federal court or Act of Con-
4 gress.”.

5 **SEC. 6. CONFORMING PROVISIONS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, any reference in law or regulation to the Com-
8 missioner of Immigration and Naturalization, to the Im-
9 migration and Naturalization Service, or the Adminis-
10 trator described in section 104(b) of the Immigration and
11 Nationality Act with respect to a function or authority
12 shall be deemed a reference to the appropriate entity
13 which has such function or authority under chapter 2 of
14 title I of the Immigration and Nationality Act, as amended
15 by this Act.

16 (b) SUPERSEDING OTHER PROVISIONS OF LAW.—
17 Chapter 2 of title I of the Immigration and Nationality
18 Act, as added by this Act, is amended by adding at the
19 end the following:

20 “RELATIONSHIP TO OTHER PROVISIONS

21 “SEC. 115. (a) IN GENERAL.—The provisions of this
22 chapter supersede sections 103 and 104 and other provi-
23 sions of law to the extent such provisions are inconsistent
24 with the provisions of this chapter.

1 “(b) NO APPLICATION TO ADMINISTRATION OF REF-
 2 UGEE ASSISTANCE.—This chapter shall not affect the ad-
 3 ministration of title IV of this Act.”.

4 (c) SUBMISSION OF LEGISLATIVE PROPOSAL FOR
 5 TECHNICAL AND CONFORMING AMENDMENTS.—Not later
 6 than 90 days after the date of the enactment of this Act,
 7 the Attorney General, in consultation with the Secretaries
 8 of State and Labor and, as appropriate, with the heads
 9 of other Federal agencies, shall submit to the Congress,
 10 a legislative proposal proposing such technical and con-
 11 forming amendments to the Immigration and Nationality
 12 Act and other immigration-related laws as are necessary
 13 to bring the law into conformity with the policies embodied
 14 in this Act.

15 (d) CLERICAL AMENDMENTS.—The table of contents
 16 of the Immigration and Nationality Act is amended—

17 (1) by inserting before the item relating to sec-
 18 tion 101 the following:

“CHAPTER 1—DEFINITIONS AND GENERAL AUTHORITIES”;

19 (2) by amending the item relating to section
 20 103 to read as follows:

“Sec. 103. Powers and duties of the Attorney General.”;

21 and

22 (3) by inserting after the item relating to sec-
 23 tion 105 the following:

“CHAPTER 2—ADMINISTRATION OF THE IMMIGRATION SYSTEM

“Sec. 111. Immigration enforcement through a bureau for immigration enforcement in Department of Justice.

“Sec. 112. Performance of refugee admissions, asylum affairs, citizenship, and passport activities in Department of State.

“Sec. 113. Responsibilities of Department of Labor.

“Sec. 114. Agency for Immigration Review.

“Sec. 115. Relationship to other provisions.”.

1 SEC. 7. EFFECTIVE DATE; TRANSITION.

2 (a) EFFECTIVE DATE.—Except as provided in this
3 section, this Act, and the amendments made by this Act,
4 shall take effect on October 1, 1999.

5 (b) TRANSFER AND ALLOCATION OF APPROPRIA-
6 TIONS AND PERSONNEL.—

7 (1) IN GENERAL.—The personnel of the De-
8 partment of Justice or other agency employed in
9 connection with the functions transferred by this
10 Act, and the assets, liabilities, contracts, property,
11 records, and unexpended balance of appropriations,
12 authorizations, allocations, and other funds em-
13 ployed, held, used, arising from, available to, or to
14 be made available to such Department or agency in
15 connection with the functions transferred by this
16 Act, subject to section 202 of the Budget and Ac-
17 counting Procedures Act of 1950, shall be trans-
18 ferred to the entity to which such funds are so
19 transferred for appropriate allocation by the head of
20 such entity. Unexpended funds transferred pursuant
21 to this paragraph shall be used only for the purposes

1 for which the funds were originally authorized and
2 appropriated.

3 (2) EFFECT ON PERSONNEL.—

4 (A) IN GENERAL.—The transfer under this
5 Act of full-time personnel (except special Gov-
6 ernment employees) and part-time personnel
7 holding permanent positions shall not cause any
8 such employee to be separated or reduced in
9 grade or compensation, if at all, for 1 year after
10 the date of the transfer.

11 (B) EXECUTIVE SCHEDULE.—Any person
12 who, on the day preceding the effective date of
13 this Act, held a position compensated in accord-
14 ance with the Executive Schedule prescribed in
15 chapter 53 of title 5, United States Code, and
16 who, without a break in service, is appointed in
17 to an agency established under this Act to a po-
18 sition having duties comparable to the duties
19 performed immediately preceding such appoint-
20 ment shall continue to be compensated in such
21 new position at not less than the rate provided
22 for such previous position, for the duration of
23 the service of such person in such new position.

24 (c) DELEGATION AND ASSIGNMENT.—Except as oth-

25 erwise expressly prohibited by law or otherwise provided

1 in this Act, an official to whom functions are transferred
2 under this Act (including the head of any office to which
3 functions are transferred under this Act) may delegate
4 any of the functions so transferred to such officers and
5 employees of the office of the official as the official may
6 designate, and may authorize successive redelegations of
7 such functions as may be necessary or appropriate. No
8 delegation of functions under this section or under any
9 other provision of this Act shall relieve the official to whom
10 a function is transferred under this Act of responsibility
11 for the administration of the function.

12 (d) SAVINGS PROVISIONS.—

13 (1) CONTINUING LEGAL FORCE AND EFFECT.—

14 All orders, determinations, rules, regulations, per-
15 mits, agreements, grants, contracts, certificates, li-
16 censes, registrations, privileges, and other adminis-
17 trative actions—

18 (A) that have been issued, made, granted,
19 or allowed to become effective by the President,
20 any Federal agency or official thereof, or by a
21 court of competent jurisdiction, in the perform-
22 ance of functions that are transferred under
23 any amendment made by this Act; and

24 (B) that are in effect at the time such
25 transfer takes effect, or were final before the ef-

1 fective date of such transfer and are to become
2 effective on or after the effective date of such
3 transfer,
4 shall continue in effect according to their terms until
5 modified, terminated, superseded, set aside, or re-
6 voked in accordance with law by the President, or
7 other authorized official, a court of competent juris-
8 diction, or by operation of law.

9 (2) PENDING PROCEEDINGS.—(A) The provi-
10 sions of any amendment made by this Act shall not
11 affect any proceedings, including notices of proposed
12 rulemaking, or any application for any license, per-
13 mit, certificate, or financial assistance pending on
14 the effective date of any provision before any depart-
15 ment, agency, commission, or component thereof,
16 functions of which are transferred by any amend-
17 ment. Such proceedings and applications, to the ex-
18 tent that they relate to functions so transferred,
19 shall be continued.

20 (B) Orders shall be issued in such proceedings,
21 appeals shall be taken therefrom, and payments
22 shall be made pursuant to such orders, as if this Act
23 had not been enacted. Orders issued in any such
24 proceedings shall continue in effect until modified,
25 terminated, superseded, or revoked by the authorized

1 Federal official, by a court of competent jurisdiction,
2 or by operation of law.

3 (C) Nothing in this Act shall be deemed to pro-
4 hibit the discontinuance or modification of any such
5 proceeding under the same terms and conditions and
6 to the same extent that such proceeding could have
7 been discontinued or modified if this Act had not
8 been enacted.

9 (D) The head of each of the Federal Depart-
10 ments is authorized to promulgate regulations pro-
11 viding for the orderly transfer of proceedings contin-
12 ued under this paragraph with respect to such De-
13 partment.

14 (3) NO EFFECT ON JUDICIAL PROCEEDINGS.—
15 Except as provided in paragraph (5)—

16 (A) the provisions of this Act shall not af-
17 fect suits commenced prior to the effective date
18 of this Act, and

19 (B) in all such suits, proceedings shall be
20 had, appeals taken, and judgments rendered in
21 the same manner and effect as if this Act had
22 not been enacted.

23 (4) NONABATEMENT OF PROCEEDINGS.—No
24 suit, action, or other proceeding commenced by or
25 against any officer in the official capacity of such in-

1 dividual as an officer of any department or agency,
2 functions of which are transferred by any amend-
3 ment made by this Act, shall abate by reason of the
4 enactment of this Act. No cause of action by or
5 against any department or agency, functions of
6 which are transferred by any such amendment, or by
7 or against any officer thereof in the official capacity
8 of such officer shall abate by reason of the enact-
9 ment of this Act.

10 (5) CONTINUATION OF PROCEEDING WITH SUB-
11 STITUTION OF PARTIES.—If, before the date on
12 which any amendment made by this Act takes effect,
13 any department or agency, or officer thereof in the
14 official capacity of such officer, is a party to a suit,
15 and under this Act any function of such department,
16 agency, or officer is transferred to another official,
17 then such suit shall be continued with the other ap-
18 propriate official substituted or added as a party.

19 (6) REVIEWABILITY OF ORDERS AND ACTIONS
20 UNDER TRANSFERRED FUNCTIONS.—Orders and ac-
21 tions of the Attorney General or other Federal offi-
22 cial Secretary in the exercise of functions transferred
23 under any amendment made by this Act shall be
24 subject to judicial review to the same extent and in
25 the same manner as if such orders and actions had

1 been by the agency or office, or part thereof, exercis-
2 ing such functions immediately preceding their
3 transfer. Any statutory requirements relating to no-
4 tice, hearings, action upon the record, or administra-
5 tive review that apply to any function transferred by
6 any such amendment shall apply to the exercise of
7 such function by the appropriate Federal official.

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