

NOES—34

| | | |
|---------------|----------------|-------------|
| Condit | Kolbe | Schaffer |
| Costello | Kucinich | Schakowsky |
| Deutsch | Lee | Stenholm |
| Farr | Lofgren | Tancredo |
| Filner | McGovern | Taylor (MS) |
| Frank | McKinney | Thornberry |
| Greenwood | McNulty | Waters |
| Gutierrez | Meek (FL) | Watson (CA) |
| Hastings (FL) | Miller, George | Watt (NC) |
| Hinchev | Oliver | Wexler |
| Honda | Sanchez | |
| Kilpatrick | Sanders | |

NOT VOTING—12

| | | |
|-------------|-----------|------------|
| Baldacci | Leach | Smith (WA) |
| Blagojevich | Portman | Spratt |
| Holt | Rangel | Traficant |
| Hulshof | Rodriguez | Weller |

□ 1143

Mr. DEUTSCH changed his vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PORTMAN. Mr. Speaker, on rollcall No. 112, I was unavoidably detained. Had I been present, I would have voted “aye.”

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker’s approval of the Journal of the last day’s proceedings.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 372, noes 47, answered “present” 1, not voting 14, as follows:

[Roll No. 113]

AYES—372

| | | |
|-------------|-------------|---------------|
| Abercrombie | Brown (OH) | Cummings |
| Ackerman | Brown (SC) | Cunningham |
| Akin | Bryant | Davis (CA) |
| Allen | Burr | Davis (FL) |
| Andrews | Burton | Davis (IL) |
| Arney | Buyer | Davis, Jo Ann |
| Baca | Callahan | Davis, Tom |
| Bachus | Calvert | Deal |
| Baker | Camp | DeGette |
| Barcia | Cannon | Delahunt |
| Barr | Cantor | DeLauro |
| Barrett | Capito | DeLay |
| Bartlett | Capps | DeMint |
| Barton | Cardin | Deutsch |
| Bass | Carson (IN) | Diaz-Balart |
| Becerra | Carson (OK) | Dicks |
| Bentsen | Castle | Dingell |
| Bereuter | Chabot | Doggett |
| Berkley | Chambliss | Dooley |
| Berman | Clay | Doolittle |
| Berry | Clement | Doyle |
| Biggert | Clyburn | Dreier |
| Bilirakis | Coble | Duncan |
| Bishop | Collins | Dunn |
| Blumenauer | Combest | Edwards |
| Blunt | Condit | Ehlers |
| Boehlert | Conyers | Ehrlich |
| Boehner | Cooksey | Emerson |
| Bonior | Cox | Engel |
| Bono | Coyne | Eshoo |
| Boozman | Cramer | Etheridge |
| Boswell | Crenshaw | Evans |
| Boucher | Crowley | Everett |
| Boyd | Cubin | Farr |
| Brady (TX) | Culberson | Fattah |

| | | | | | |
|---------------|---------------|---------------|----------------|---------------|-------------|
| Ferguson | Lantos | Riley | McNulty | Sabo | Velazquez |
| Flake | Larson (CT) | Rivers | Miller, George | Sanchez | Visclosky |
| Fletcher | Latham | Roemer | Moore | Schaffer | Waters |
| Foley | LaTourette | Rogers (KY) | Moran (KS) | Stark | Watson (CA) |
| Forbes | Lee | Rogers (MI) | Oberstar | Stupak | Watt (NC) |
| Ford | Levin | Rohrabacher | Olver | Taylor (MS) | Weller |
| Frank | Lewis (CA) | Ros-Lehtinen | Pallone | Thompson (CA) | Wicker |
| Frelinghuysen | Lewis (GA) | Ross | Peterson (MN) | Thompson (MS) | Wu |
| Frost | Lewis (KY) | Rothman | Ramstad | Udall (NM) | |
| Gallegly | Lipinski | Roukema | | | |
| Ganske | LoBiondo | Roybal-Allard | | | |
| Gekas | Lofgren | Royce | | | |
| Gephardt | Lowey | Rush | | | |
| Gibbons | Lucas (KY) | Ryan (WI) | | | |
| Gilchrest | Lucas (OK) | Ryun (KS) | | | |
| Gilman | Luther | Sanders | | | |
| Gonzalez | Lynch | Sandlin | | | |
| Goode | Maloney (CT) | Sawyer | | | |
| Goodlatte | Maloney (NY) | Saxton | | | |
| Gordon | Manzullo | Schakowsky | | | |
| Goss | Markey | Schiff | | | |
| Graham | Mascara | Schrock | | | |
| Granger | Matheson | Scott | | | |
| Graves | Matsui | Sensenbrenner | | | |
| Green (TX) | McCarthy (MO) | Serrano | | | |
| Green (WI) | McCarthy (NY) | Sessions | | | |
| Greenwood | McCollum | Shadegg | | | |
| Grucci | McCrery | Shaw | | | |
| Gutierrez | McGovern | Shays | | | |
| Hall (OH) | McHugh | Sherman | | | |
| Hall (TX) | McInnis | Sherwood | | | |
| Hansen | McIntyre | Shimkus | | | |
| Harman | McKeon | Shows | | | |
| Hart | McKinney | Shuster | | | |
| Hastings (FL) | Meehan | Simmons | | | |
| Hastings (WA) | Meek (FL) | Simpson | | | |
| Hayes | Meeke (NY) | Skeen | | | |
| Hayworth | Menendez | Skelton | | | |
| Herger | Mica | Slaughter | | | |
| Hill | Millender- | Smith (MI) | | | |
| Hilleary | McDonald | Smith (NJ) | | | |
| Hinchev | Miller, Dan | Smith (TX) | | | |
| Hinojosa | Miller, Gary | Snyder | | | |
| Hobson | Miller, Jeff | Solis | | | |
| Hoeffel | Mink | Souder | | | |
| Hoekstra | Mollohan | Spratt | | | |
| Holden | Moran (VA) | Stearns | | | |
| Honda | Morella | Stenholm | | | |
| Hooley | Murtha | Strickland | | | |
| Horn | Myrick | Stump | | | |
| Hostettler | Nadler | Sullivan | | | |
| Houghton | Napolitano | Sununu | | | |
| Hoyer | Neal | Sweeney | | | |
| Hunter | Nethercutt | Tanner | | | |
| Hyde | Ney | Tauscher | | | |
| Inslee | Northup | Tauzin | | | |
| Isakson | Norwood | Taylor (NC) | | | |
| Israel | Nussle | Terry | | | |
| Issa | Obey | Thomas | | | |
| Istook | Ortiz | Thornberry | | | |
| Jackson (IL) | Osborne | Thune | | | |
| Jackson-Lee | Ose | Thurman | | | |
| (TX) | Otter | Tiahrt | | | |
| Jefferson | Owens | Tiberi | | | |
| Jenkins | Oxley | Tierney | | | |
| John | Pascrell | Toomey | | | |
| Johnson (CT) | Pastor | Towns | | | |
| Johnson (IL) | Paul | Turner | | | |
| Johnson, Sam | Payne | Udall (CO) | | | |
| Jones (NC) | Pelosi | Upton | | | |
| Jones (OH) | Pence | Vitter | | | |
| Kanjorski | Peterson (PA) | Walden | | | |
| Kaptur | Petri | Walsh | | | |
| Keller | Phelps | Wamp | | | |
| Kelly | Pickering | Watkins (OK) | | | |
| Kennedy (RI) | Pitts | Watts (OK) | | | |
| Kerns | Platts | Waxman | | | |
| Kildee | Pombo | Weiner | | | |
| Kilpatrick | Pomeroy | Weldon (FL) | | | |
| Kind (WI) | Portman | Weldon (PA) | | | |
| King (NY) | Price (NC) | Wexler | | | |
| Kingston | Pryce (OH) | Whitfield | | | |
| Kirk | Putnam | Wilson (NM) | | | |
| Kleczka | Quinn | Wilson (SC) | | | |
| Knollenberg | Radanovich | Wolf | | | |
| Kolbe | Rahall | Woolsey | | | |
| LaFalce | Regula | Wynn | | | |
| LaHood | Rehberg | Young (AK) | | | |
| Lampson | Reyes | Young (FL) | | | |
| Langevin | Reynolds | | | | |

NOES—47

| | | |
|------------|-----------|----------------|
| Aderholt | Costello | Hefley |
| Baird | Crane | Hilliard |
| Baldwin | DeFazio | Johnson, E. B. |
| Borski | Filner | Kennedy (MN) |
| Brady (PA) | Fossella | Kucinich |
| Brown (FL) | Gillmor | Larsen (WA) |
| Capuano | Gutknecht | McDermott |

| | | |
|----------------|---------------|-------------|
| McNulty | Sabo | Velazquez |
| Miller, George | Sanchez | Visclosky |
| Moore | Schaffer | Waters |
| Moran (KS) | Stark | Watson (CA) |
| Oberstar | Stupak | Watt (NC) |
| Olver | Taylor (MS) | Weller |
| Pallone | Thompson (CA) | Wicker |
| Peterson (MN) | Thompson (MS) | Wu |
| Ramstad | Udall (NM) | |

ANSWERED “PRESENT”—1

Tancredo

NOT VOTING—14

| | | |
|-------------|---------|------------|
| Baldacci | English | Rangel |
| Ballenger | Holt | Rodriguez |
| Blagojevich | Hulshof | Smith (WA) |
| Bonilla | Leach | Traficant |
| Clayton | Linder | |

□ 1152

So the Journal was approved.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 3231.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

BARBARA JORDAN IMMIGRATION REFORM AND ACCOUNTABILITY ACT OF 2002

The SPEAKER pro tempore. Pursuant to House Resolution 396 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3231.

□ 1152

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3231) to replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, it is beyond time to restructure one of the worst-run agencies in the Federal Government, the Immigration and Naturalization Service. The INS has long been considered the undesirable and unwanted stepchild of the Justice Department. It carries out neither of its crucial missions well, enforcing our immigration laws and

providing services to immigrants playing by the rules.

Today, we must stop being enablers, stop giving more and more money to an agency as a reward for squandering the money we gave it the year before. We must practice tough love and abolish the INS.

In its place, we need to create two separate immigration bureaus in the Justice Department, a Bureau of Immigration Enforcement and a Bureau of Citizen and Immigration Services. This is what the Barbara Jordan Immigration Reform and Accountability Act of 2002 is all about.

I am proud of the work of the Committee on the Judiciary in crafting this legislation on a cooperative and bipartisan basis.

Barbara Jordan, our distinguished former colleague, chaired the U.S. Commission on Immigration Reform. The Commission came to the conclusion that the INS suffers from institutional schizophrenia, or mission overload. It explained that the INS must give equal weight to more priorities than any one agency can handle. Such a system is set up for failure, and with such failure, a loss of public confidence.

That is exactly what has happened. The public no longer has faith in the INS. The public is right, and this bill abolishes this agency.

Some say INS stands for "ignoring national security." It is hard to argue with that. There are at least 8 million illegal aliens living in the United States, according to the Census Bureau. Over 300,000 criminal and deportable aliens who have been ordered deported, and removed by immigration judges, have absconded and the INS does not have the slightest idea where they are.

Mohammed Atta became a household name after September 11 to everyone but those in the INS, which approved Atta's visa to attend flight school long after he had completed it, and 6 months after he hijacked a plane, flew it into the World Trade Center, and killed thousands of people of various nationalities.

This bill creates a new Bureau of Immigration Enforcement, headed by a law enforcement professional and focused singly on crafting and carrying out policies to enforce our immigration laws and keep Americans safe from terrorists, criminals, and other aliens who wish to do us harm. National security will be given the attention it deserves.

Others say INS stands for "incompetent and negligent service." It would be hard to argue with them, either. The agency had a backlog of almost 5 million applications and petitions at the end of fiscal year 2001. It takes the INS years to adjudicate a green card application. It takes years for a naturalization applicant to become a U.S. citizen, and during this time, lawful immigrants trying to play by the rules must live in a state of purgatory.

Let me give one example. Green card applicants must have their fingerprints

taken on a card like this. Now, for legitimate law enforcement reasons, fingerprints are only valid for 15 months. However, when the INS takes years to process a petition, a prospective immigrant must take off work multiple times and often go out of the way to a fingerprinting center, two more cards.

Even apart from the INS' slow-paced processing, very often they lose the fingerprints. And guess what? The alien has to have his fingerprints retaken. Here is strike four.

This bill creates a new Bureau of Citizenship and Immigration Services, headed by a professional in adjudicating government benefits. It will have the sole mission of adjudicating and providing benefits to aliens. The Bureau will bring the attention, the independence, and the budget to the immigration service issues that have been neglected far too long.

The bill also creates an Office of the Ombudsman, independent of the service bureau. Currently, when aliens and their attorneys reach their wit's end with the INS, they approach their Representatives and Senators for help. My district caseworkers spend more time dealing with the INS than with any other Federal agency, including the IRS. Thankfully, my staff and those of all of the Members can often help immigrant constituents, but immigrants need an effective advocate within the bureaucracy so they do not come to their Representatives' offices in the first place. The Office of the Ombudsman will be that advocate. It will have the duty of recommending better operating methods for the Bureau and monitoring its performance.

The Office of the Ombudsman will help infuse accountability into the immigration bureaucracy.

The two bureaus created by this bill will have their own set of offices to focus on and carry out their respective missions, including policy and budget shops. The bill also creates within the Justice Department an Associate Attorney General for Immigration Affairs to oversee and to supervise the bureaus and to coordinate the administration of national immigration policy. This will elevate immigration issues to the level they deserve.

I urge my colleagues to support this bipartisan, commonsense bill. It will result in true immigration reform, better service, better security, and it is long overdue.

Mr. Chairman, I reserve the balance of my time.

□ 1200

Mr. CONYERS. Mr. Chairman, I yield 10 minutes to the able gentleman from North Carolina (Mr. WATT), a member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me time. I assure him that I will try not to take the entire 10 minutes that he has granted to me for this purpose. But I did think it was important for

somebody to come and make the case against this bill and to try to put in perspective what we are trying to do.

Mr. Chairman, I have heard throughout the debate on the rule and even the beginnings of the debate on the bill some claims about what this bill will do, which I think are gross overstatements and exaggerations. One of those during the rule debates, somebody came and said that this bill would do something to keep Mohammed Atta from going to flight school in this country. I just think that is a gross exaggeration and the public should not be expecting magic from this bill.

I heard somebody say that this is a Democratic bill. My response to that is that immigration policy is neither Democratic nor Republican. We should be trying to do what is in the best interest of the public, and this should not be about politics. I have heard people say that this bill will make immigration services and enforcement more efficient. And I have some very, very serious reservations about that. In fact, I believe the bill could make matters substantially worse, and I think we need to spend some time talking about that.

This bill divides administration and enforcement into two separate bureaus. The INS historically has been all under, and immigration has been all under, one agency in the Department of Justice. This bill would divide it into two separate bureaus. What exactly does that mean? It means, first of all, that you have got to have records, and those records have to be housed somewhere. Right now they are housed within the INS. I am not sure where they will get housed in this new two-headed monster. Right now this agency is perhaps the worst agency in America, in the Federal Government. It is still using paper records in an electronic age. But the notion that somehow dividing the agency into two separate bureaus is going to solve that is beyond me. I just do not understand that. You have got one inefficient, unproductive INS now. It seems to me that what you are going to end up with is two inefficient agencies at the end of the day once this bill is passed.

What does that do to communications? At least within this body we can stand here on the floor and talk to each other. Imagine if half of our body was in the Senate and half was on this side, would that, in fact, improve communications? I do not think so. They say, well this is all about funding. Well, I have spent some time under separate and unequal. It seems to me at that point what is happening now even in the existing INS is that enforcement is getting disproportionate amounts of money. Administration is not getting enough money, and now you are setting up a system where that can be formalized; and I guarantee you at the end of the day enforcement will always get the bulk of the money. Administration will still be inefficient, and it still will not help make this a better agency.

The INS is inefficient. It is probably the most inefficient government agency in America. But moving it down the hall and making it a two-headed monster will not make the agency more efficient. It will make it arguably less efficient. Will the lines at INS be any shorter? No. It just means you will have to go to a different place to stand in line. You will be standing in line in some agency in the Justice Department rather than standing in line in some agency at something called the Immigration and Naturalization Service.

Now, let me tell you, perhaps the biggest problem that I have with this bill is that at the end of the day everybody who supports it is going to go home to their congressional districts and tell America that we did something. We did something. Well, you did something. Maybe that is what you have done to keep the dissent down because we have not heard any dissent about this bill. People are frustrated. Yes, they are frustrated because the INS is inefficient. And you are telling people, yes, we are going to do something. But what does this bill do? It does not do anything. All it does is take an inefficient agency and make it two inefficient agencies. And let me tell you that putting Barbara Jordan's name on this bill will not make it a good bill. It does not make it a good bill. You cannot take a bad bill, give it a different name, and all of the sudden say that you have got a good work product. That does not work.

Doing something even if it is wrong is not in the public interest. And we can go home and tell America that we have solved America's immigration problems. We have created an agency that will solve the problems with immigration and the problems with Mohammed Atta and all of the things, at the end of the day this bill does nothing. And we are doing a disservice to side-step the issue rather than facing it and dealing with it forthrightly within the agency that currently exists.

I know that the rest of this debate will be about how great this bill is. But we need to search our souls in this body. Is this about politics? Is it about being able to go home and tell America that we have done something substantive to solve the immigration problems in this country, to solve the inefficiencies in this agency, or have we just transferred the problem down the hall? I believe that is what this bill does, and I plan to vote against it for that reason.

Mr. CONYERS. Mr. Chairman, I yield myself 1¼ minutes.

First of all, I want to thank my colleague for his very sobering interactive examination of this bill. It pains me that we are not on the same side, but I promise to work with him to make it as effective as we can. I remind him and all of our colleagues that this is the administrative part, the process part of the legislation towards INS. This is not the substantive issues being

taken care of. And I cannot agree with my colleague, the gentleman from North Carolina (Mr. WATT), more, that dividing an ineffective agency into two does not make it a whole or well, and putting Ms. Jordan's name on it does not help. Her name was not snatched up from the rolls of ex-Members. She conducted the study upon which this bill is built.

If any of us are interested in why this bill was named after our colleague that formerly served on the Committee on the Judiciary, it is because she was appointed by the President to make a study.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, everyone in the country knows that the status quo in the Immigration and Naturalization Service cannot be maintained. We must change it. We were taking a bold step today consistent with other studies and other precedents set that will take us down a path in which reform will really be possible within the purview of the Immigration and Naturalization Service.

I remember just like it was yesterday during the campaign of the year 2000 where then-Governor George Bush of Texas, the candidate for President, actually proposed that if he should become President he would move towards placing on his agenda the restructuring of the Immigration and Naturalization Service. Soon after the election then, many members, including the chairman and myself, began the work of restructuring the INS pursuant to what we felt was a move on the part of the new President based on, as was indicated, Barbara Jordan's commission recommendations and lo and behold today we are poised ready to put into practice what we have been preaching since the President began his movement towards new formation in the Immigration and Naturalization Service.

The beautiful part to me is, and one of the most attractive features of the new structure is, that we are going to be providing under this better service, better service in that portion of the Immigration and Naturalization Service that deals with new immigrants, and the process by which a new immigrant becomes an American citizen.

For the first time, the first time I repeat, we are elevating the art of citizenship to a new level to make it known to the people seeking citizenship that this is an important, vitally important and valuable step that they are seeing. So by the time they come to take the oath of citizenship, they are really eager new Americans ready to take their part in our structure in our society for the betterment of all

the people in our country. Better service is one of the indicators in the new structure that we are putting into place.

At the same time, we are providing better security because the law enforcement pillar of this new structure will focus, will concentrate, will make sure that the workings of that arm of Immigration and Naturalization Service will be so concentrated that we will see stronger border efforts at keeping illegals out, better screening of all of those who enter our country, and controlling of the now illegal portion of the populace insofar as deportation.

So now we have in front of us a potential new system in which we can place our full efforts to make it work. And that is why we are taking the chance, but it is a calculated chance on taking two structures and having them fold within themselves, extra effort to make immigration and naturalization work.

Mr. CONYERS. Mr. Chairman, I yield 6 minutes to the gentleman from California (Ms. LOFGREN), who has worked hard on this matter.

(Ms. LOFGREN asked and was given permission to revise and extend her remarks.)

Ms. LOFGREN. Mr. Chairman, I do not think there is anybody in the House, or for that matter in the country, who disagrees with the proposition that this is an agency that is a mess. If we took a poll probably it would win as the worst Federal agency. It might have some competition from the Bureau of Indian Affairs, but it is probably the worst Federal agency. The question is what to do about it. I voted against this bill because I fear that although there is no question that the authors and proponent have complete sincerity and have worked hard to fix the problem, I fear that some of the details in this bill may actually have the effect of making things worse. Some of the things that concern me, and in this case the details do very much matter, is the new Associate Attorney General that the bill creates to replace the current commissioner.

Now, there is broad agreement that the enforcement and so-called benefits division would benefit from some separation, that there would be value in having some focus in each of those activities. After that is where we get the problem. Under the bill, the new Associate Attorney General actually has a higher position than the current commissioner, but unfortunately does not have very much authority.

□ 1215

He does not have line authority over the two new bureaus that would be created, and I think that is a serious problem when we are looking to a strong management to fix the problems that are in this agency.

Furthermore, I think there is a problem with the criteria that is within the bill for the selection of the new bureau chiefs; and I will just point out one

concern I have, which is the bureau chief for the new benefits division is required to be someone with 10 years of Federal benefit processing experience. That is a recipe to say we have got to have a bureaucrat, a long-term Federal bureaucrat head up this agency. And I would argue that the people who are in that role are the problem, they are not the solution. So I have a concern that we will end up regretting that provision of this act.

I also have a concern about the structure that will be embedded in law about the field office. One of the concerns that all of us who have worked with the Immigration Service have had over the years is the fiefdoms that exist in field offices throughout the United States. If someone goes to an office on the West Coast and they go to an office in the Midwest, they will get a different ruling on what the law is. That is ridiculous, but that is the way the Immigration Service is currently organized. It needs to be changed, and passage of this act will prevent that change from occurring.

The Office of Children's Services I think is a step forward under current law, but it does not go as far as the bill that has been introduced by Senator FEINSTEIN in the other body, and myself on this side, and I hope that we could go further than is encompassed in this bill.

Finally, I believe that the issue of management really does need to be addressed in this bill. I had several amendments offered in committee that were withdrawn to avoid a sequential referral to another committee, but if we look at the culture that has grown within this agency, we have got middle managers who have been there for years. They know they are going to be there after the Commissioner or the Associate Attorney General, whoever it is, is gone.

We need to clean house in the management ranks. We have in the manager's amendment a pilot project that will help us do that, but we also need to give the Commissioner or the Associate Attorney General real authority to select new management from the private sector without regard to the attenuated process that we face today. We need to clean house, and we have not in this bill given the tools necessary to completely clean house in the management ranks; and I am not talking about the rank and file, but the management.

Finally, we have an amendment I will discuss when it comes up, but an amendment to assist with the procurement of technology, because in addition to management weakness in the agency and in the middle management ranks, this is an agency that is in the dark ages technologically.

I was interested in the comments made by the chairman about the fingerprints. He is absolutely right. It is just crazy that we have people come in over and over and over again. The reason for that is, although the tech-

nology is available off the shelf, we have got the creation of microfiche and paper files. We have not implemented technology that is really necessary to get beyond the current state in this agency, and frankly I do not think there is the management capacity to even understand what technology is required in the agency.

I am hopeful that as this process moves forward, we will be able to address the issues that I have raised today, and I thank the chairman and the ranking member for their very sincere and diligent efforts to reform this agency. Although I disagree on some components, I do recognize that they care a great deal about this, and I honor them for their work.

Mr. SENSENBRENNER. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. ROGERS), who as chairman of the Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, has been a leader in reforming the INS.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me this time and for his comment.

This is a day that I have long waited for as have many others in this body and, more importantly, around the country, and I am very pleased and honored to support the Barbara Jordan bill. This has been a long, long road, but with the leadership of the gentleman from Wisconsin (Mr. SENSENBRENNER), we have come together and crafted I think an excellent bill worthy of this Chamber's support. And I deeply appreciate the time, the effort, the dedication to this cause that the gentleman from Wisconsin (Mr. SENSENBRENNER) has invested in bringing this legislation forward. He should be commended by all of us.

This bill differs a little from the reform bill that I had pending for a few years along with the gentleman from Texas (Mr. REYES) and the gentleman from Texas (Mr. SMITH), but it is a good bill. It goes, I think, 90 percent of the way that we need to go.

Mr. Chairman, the bill before the House is an essential piece of legislation. It will bring some accountability to this immigration system, and reforming and reorganizing the INS has been an issue near and dear to my heart as well as many others. Having taken on the chore myself several years ago in the appropriations subcommittee that funds the INS on which I have served some 19 years, including 6 as chairman, we have all seen firsthand the harm this agency has caused to our citizens because of its dysfunction and ineptitude.

We have seen it on the enforcement side where tens of thousands of illegal aliens storm our borders every year, and we have seen it on the service side where backlogs and mismanagement have left legitimate applicants waiting in line for years. I believe there is no greater privilege that this Nation can bestow on anyone than American citi-

zenship, but unfortunately too many applicants have been let down by this system.

Simply put, and I have said it a hundred times, the INS is the worst-run agency in the United States Government. Its missions are inherently conflicted. On the one hand, they are to punish those who violate the law, but on the other hand they are supposed to help people achieve the rights and privileges that our country affords them. In many cases, we are talking about the same people. This causes confusion, frustration, not only among the rank-and-file employees, but the immigrants themselves.

It may be Congress' ultimate failure in creating such a convoluted system, but we stand here before the House today, determined to fix it once and for all.

The answer is not more money. We have poured money on this agency and agreed to its pleas and justifications. The INS budget has grown over 300 percent in just the last 8 years, from a level of \$1.58 billion in 1994 to today's level of \$5.5 billion. In fact, the INS account now consumes over 23 percent of the entire Department of Justice budget.

The answer is not more staffing for border control. We have increased border patrol agents dramatically, from 3,900 in 1993 to over 10,000 authorized positions today, and despite our generosity, INS over the years failed to completely hire the full number of agents funded by the Congress, diverting the money to other things.

Simply put, INS has been unable to effectively control the borders and has no strategy to remove people who overstay their limited visas. The only answer to this agency, I have come to conclude, is to simply abolish it, dismantle, start over, and this bill achieves that by separating these conflicted missions of the INS.

The new Bureau of Citizenship and Immigration Service and the new Bureau of Immigration Enforcement will keep to their tasks and focus solely on their respective specialties, ultimately providing for the common good of the Nation. And, as has been said, a new Associate Attorney General will be created, giving immigration affairs the full credit and importance it deserves within the Justice hierarchy. This legislation will help secure the homeland and bring sanity to our immigration system.

The legacy left behind by INS is not a pretty picture: 8 million illegal aliens, some 40 percent, 2.8 million, being illegal overstays of certified visas that came here legally; a backlog of 5 million unadjudicated petitions for immigration benefits.

The citizenship U.S.A. debacle where thousands of individuals with criminal records were naturalized as citizens because the INS told the FBI we do not need the background checks, we will just go ahead and make them citizens.

The IDENT malfunction. INS spent \$68 million on a failed alien identification system that resulted in the Border Patrol's releasing serial killer Rafael Resendez-Ramirez, who was on the FBI's 10 most wanted list, had criminal and State prison records, and had been deported by the INS three different times. They let him loose.

Mr. Chairman, I urge the adoption of this bill. This is the way we need to go. Do away with an agency that cannot handle the mission we have given to it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3½ minutes to the gentleman from Texas (Mr. REYES), the Chair of the Hispanic Caucus, who himself has worked in this area, has introduced legislation, worked with the Judiciary Committee many times.

Mr. REYES. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time, and I want to thank both the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) for their commitment to drafting a bipartisan bill that addresses the many needs of our immigration system. Therefore, I rise in strong support of the Barbara Jordan Immigration Reform Act.

The chairman and the ranking member are to be commended for working together and bringing a great bill to the House floor. As we discuss the issue of INS restructuring today, it is important to distinguish between the men and women in the field and the bureaucracy at INS headquarters when we talk about restructuring INS.

INS headquarters has failed the people who work for them more than anyone else. As a former border patrol agent, INS inspector, and chief patrol agent, I know about the sense of duty to one's country and the pride in a job well done that the people who wear the INS uniform are committed to doing today. It is for the men and women in the field that we must restructure this agency.

There is no escaping the fact that INS is failing. Even those very reluctant to restructure the INS just a year ago are now advocating this same change. The bill we are debating today is the type of change we need. This change is more dramatic and effective than the White House plan which has changed again since the events surrounding the student visa debacle of a month ago.

Late yesterday the White House endorsed this bill with conditions, expressing concern with some of the components of this bill. From my perspective, it is time for the White House to get engaged and support this bill without any restrictions.

I have seen more than five INS restructuring proposals from the Democratic and Republican administrations since I have been in Congress, and countless others during my 26 years with INS. They all failed because cooking the books and changing some of the titles never really gets the job done.

We need to do more than shuffle boxes if we are going to reform the INS.

Let me just say that I am today not piling on. I have a vested interest in the INS. I spent more than 26 years with the INS and I want to see our Immigration Service properly serve our country like I know that it can. I want to see this conflicted, struggling agency elevated in stature as it is the Sensenbrenner bill so that it will receive the kind of attention and support that it deserves. A well-functioning immigration system is critical to our national security.

I have advocated for restructuring since I first arrived in Congress a little more than 5 years ago. I introduced two bills and have cosponsored many other restructuring bills with my colleagues from both sides of the aisle. I believe that INS needs a legislative remedy, not the shuffling of boxes that is currently being proposed from within INS again.

I strongly support restructuring the INS as a first step in the recovery of our national immigration system. After we restructure and place competent and experienced people at the head of each bureau, they must surround themselves with experts and they must listen.

□ 1230

I believe that the new bureau should follow the FBI model and surround the head of the bureau with experienced field personnel.

Congress must remain committed to these new bureaus and the new Associate Attorney General more than ever to ensure the success of our national immigration system. This bill includes language stressing equally important roles of the immigration service's bureau and the enforcement bureau and includes a sense of Congress that both bureaus must be adequately funded.

Finally, Mr. Chairman, to my former colleagues in INS, I say to you that this bill expresses a commitment from a grateful Congress to provide you with the tools and the kind of organizational structure that will make a meaningful difference in your everyday duties and work.

Mr. SENSENBRENNER. Mr. Chairman, may we find out how much time is remaining on both sides.

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 14½ minutes and the gentleman from Michigan (Mr. CONYERS) has 11½ minutes remaining.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this immigration reform. It is a long overdue immigration reform. This, however, is the one reform that will work.

The INS has a well-documented history of being an unworkable bureaucracy despite the fact that there have been billions of dollars poured into the

agency in the name of reform over the last several years. On a regular basis, my district offices received more complaints for help on immigration issues than on health care issues or Social Security issues combined.

Other congressional offices have found that the complaints about the INS outnumbered IRS complaints six to one. That is hard to believe. Everyone expects that we are going to get calls about the IRS, but the INS? Six to one. Backlogs are the issue, undocumented aliens are the issue, expired visas are the issue. In fact, everything is the issue.

Still, it seems that the problems our constituents face are not unique regarding this troubled agency. It is just a troubled agency. In fact, the problem goes beyond the everyday operations of the INS and, as we know, has now risen to the level of national security.

The INS currently has a massive backlog. The recent approval of visa extensions for two of the deceased September 11 hijackers only serves to highlight the severe nature of this problem.

At the end of fiscal year 2001, the INS had a backlog of 4.9 million applications. That is 4.9 million people. That is a lot larger than a number of a dozen congressional districts put together. That is a lot of people. That is a lot of applications. These numbers represent families and hardworking individuals who are being torn apart because of these ridiculous administrative delays.

Numerous commissions, notably the Commission on Immigration Reform, chaired by the late Barbara Jordan, have reviewed the INS and most agree the major problem is mission overload. The INS is tasked with dual missions. It is imperative that we support this INS reform. It separates the missions, and it will be a real reform.

The AIA will consist of two separate bureaus—the Bureau of Citizenship and Immigration Services and the Bureau for Immigration Enforcement.

The Bureau of Citizenship and Immigration Services will work to improve (1) effectiveness, (2) response time and (3) service to immigrants.

The Bureau for Immigration Enforcement will solely focus on immigration security, ensuring it receives the level of attention and detail that it requires.

Separating the two bureaus will ensure a proper focus and resource allocation to each mission. It will relieve the problem of having an agency with conflicting missions.

In addition, the legislation creates an Associate Attorney General for Immigration. This new position answers directly to the Attorney General and ensures that immigration policy is given proper attention. The Associate Attorney General oversees the work of each bureau, supervises the bureaus directors, coordinates the administration of national policy and reconciles conflicting policies.

Finally, the legislation addresses many of the problems with processing applications. First, the bill authorizes funding to process the entire current backlog. Second, the legislation mandates the creation of an Internet-based

application process. Third, the legislation facilitates the sharing of information across all pertinent agencies.

This legislation is a necessary step in fixing a broken immigration system. Efforts by prior administrations to make changes to the INS have failed because they did not separate the conflicting functions of the current agency.

Congress has increased appropriations to the INS by \$4 billion over the past 10 years with little to show for it as a result.

This legislation mandates the necessary structural changes to reform our immigration system and protect our borders.

It is imperative to our future—in our country of immigrants that we support this restructuring.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. GREEN), who has worked on this matter with us.

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding me this time to address the House. I have been a cosponsor on this bill with the gentleman from Texas (Mr. REYES) since 1997, when he first came to Washington, who has much expertise, with all his years with the Border Patrol and INS, and in dealing with the issue in my own district.

In Houston, it can take up to 3½ years to process green card applications. Immigrants must often wait long hours under extreme weather conditions before even setting foot inside the INS office. And for most immigrants, this is not the only time they will go. The separation of law enforcement from the naturalization process is so needed. I am glad that my colleague brought my attention to that in 1997 and that it is in the bill we are seeing today.

We must replace the INS and ensure all Americans their government is competent enough to distinguish between immigrants who are hard working and those who want to terrorize our citizens. This bill will replace the INS with an Agency for Immigration Affairs in the Department of Justice, headed by an Associate Attorney General for immigration affairs.

The two bureaus under this agency would have different responses, and that is what we need. And I want to thank the Chair of the Judiciary and the committee for bringing this bill out.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), a member of the committee.

Mr. BACHUS. Mr. Chairman, when terrorists were positively identified, the INS could not program its computers to find out if they had any information on those terrorists. Not only that, but they issued them visas.

The story of the INS' approval of terrorist visas illustrates that our immigration process is a total failure. But as is often the case, the people back in our districts and in our home States, they realize this before we do.

In fact, I got a letter from Michael Burns from my district in December.

He describes an accident where a car hits his wife's car and then a car piles into both of those. Both drivers were illegal aliens, no driver's license and no documentation. When the police officer was asked what would happen to these people, how would they be kept up with, would they be deported, would they be held accountable, they were told there is not an INS representative in Birmingham; that they were wasting their time; we are wasting our time.

What about a county sheriff who on this last visit home told me that he stopped 15 illegal aliens in a van. There were drugs in the van, marijuana. They had no documentation and an expired driver's license. He called the INS; he was told there is no one to deal with the problem. There is no one to deal with the problem.

Far more disturbingly, and let me close with this, are the illustrations of over 100,000 illegal aliens who have been brought before the courts and charged with crimes, convicted of crimes, and told to be deported. Are they deported? No. What happens? They receive a letter. They receive a letter. That is all.

This bill is a step in the right direction.

Mr. Chairman, I include for the RECORD the letter I referred to earlier:

LIBERTY NATIONAL
LIFE INSURANCE COMPANY,
Birmingham, AL, December 17, 2001.

Congressman SPENCER BACHUS,
Cannon House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN BACHUS: On Wednesday, December 12, 2001, my wife was involved in a traffic accident, while this is certainly not a Federal issue the events surrounding the accident I feel need to be brought to your attention. Her car was struck in the Hoover area by an illegal immigrant who spoke no English, carried no Alabama state drivers license, had no insurance, but is employed at a local Mexican restaurant and has been in Alabama for over two years. The individual in the third car, who was also an illegal immigrant, had no driver's license at all and no insurance. Additionally when my wife asked the Hoover officer at the accident site what would happen to this individual she was told "probably nothing, the State of Alabama does not allow us to deport them unless there is a crime committed with then goes through INS". This came as a shock to both my wife and myself. When I did some checking I was told there is not even an INS representative in Birmingham full time. These individuals are in this country illegally, pay no U.S. taxes and can hit someone and virtually walk away! While I am forced to pay a \$500.00 deductible on my insurance to be able to get \$2,100 worth of damages repaired. This is shameful. As a taxpayer, constituent, and loyal financial supporter of the Republican Party (in excess of \$2,800 during the last election, PAC National and state party contributions), quite frankly I resent this type of conduct from the Federal Branch of our government. While I am actively pursuing action against this illegal alien through the City of Hoover I would like to know what I can do, and what your stand is as my congressman on this situation.

Congressman, I know you get many letters that are considered "off the wall". However, as a Vice-President of Alabama's largest insurance company and as a longtime resident

of your congressional district, I want to assure you that I do not write this letter lightly, but rather out of concern over a situation that is apparently getting out of hand in the City of Hoover. I await your response. The best to you and your family for the holiday season.

Sincerely,

G. MICHAEL BURNS,
Vice President Mass Marketing.

Mr. CONYERS. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Ms. JACKSON-LEE). No one has worked harder on the Committee on the Judiciary than the ranking member on the Subcommittee on Immigration and Claims; and I really want to praise her for her work.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member very much for yielding me this time and for his persistence and willingness to be engaged in the ongoing negotiations that have resulted in the legislation that is on the floor today, and I thank him for the kindness of his remarks.

There are many people to thank, Mr. Chairman. It is extremely important, of course, to acknowledge that this is a product of the Committee on the Judiciary, with 32 votes of the members of the Committee on the Judiciary on this particular legislation; and so there is much appreciation to be given the chairman of the full committee and of the subcommittee, along with the enormous help that we received from the diligence of our staff. In particular, I would like to acknowledge Avery Brown and Leon Buck of my staff for the work they did in this effort.

It seems when we come to the floor of the House on a day like today, talking about an agency such as the INS, we could become focused on the importance of the work that is being done, and I believe that this body, this forum, this House, is a place for vigorous debate. I acknowledge that we had begun this discussion with vigorous debate on the opposition to this legislation, and I think it is important that we have a full debate and that we listen to the concerns.

Let me join my colleague, the gentleman from Michigan (Mr. CONYERS), and say that I look forward to working with any number of Members to make sure we concern ourselves with an ongoing process. Even though this debate is not about the Mideast tragedies, I have always said that the way to solve the tragedy of the Mideast is ongoing negotiations and peace negotiations.

In order to fix the INS, after we have abolished the INS, it will take all of us in an ongoing oversight role to ensure that the work is done and that we answer the concerns. I have been gratified to have been able to work with the Congressional Hispanic Caucus and other Members, including the chairperson, the gentleman from Texas (Mr. REYES), on this.

We are grounded in the underpinnings of the U.S. Commission

on Immigration Reform, that our own former colleague, the late Barbara Jordan, headed. Her name, as the gentleman from Michigan (Mr. CONYERS) indicated, did not come randomly and is not in any way to undermine, diminish, or to suggest any irony in her selection. It is to recognize the work she did early on when we did not confront the horrors of terrorism and the heinous acts of September 11. Barbara Jordan's commission sought, in the calmness of the day and the confusion that abounded even then with the INS, to begin to set the Nation straight.

I think she brought about a balance that we have tried to keep in this legislation. It is procedural, it is not of substance, but we do maintain the concept that immigration is in fact a part of a system of this Nation; that we are a Nation of laws, but we are a Nation of immigrants; that immigration does not equate to terrorism.

In the crafting of this bill we have tried to stay away from castigating and denigrating hardworking immigrants who have come to this country simply to offer themselves, to share in the bounty but to work hard. Like those immigrants that I am working with in my district, who happen to be Palestinians, a family of nine, who are in a detention center now even though one of their children is a United States citizen. Obviously, they are under the color of the terrible politics of the world right now, but we are working to ensure that those immigrants, who owned a store that sold United States flags, can have the opportunity to access legalization.

This legislation answers the concerns of those who would want to fix the INS. It abolishes the INS. And, yes, I stand by the words that I said earlier, this bill is a bill that draws together Americans, Democrats, Republicans, and others, because this bill is a work of a compromise of bills that were promoted by Republicans and Democrats in this House. That is the system in which we work.

This is a bill that has at the top the Associate Attorney General and divides the INS into two bureaus. But it is not a bureau that is in conflict or in confusion. It is a bureau, of course, that will work together. Two consistent bureaus of enforcement and services, one general counsel that will coordinate the laws that will affect the running of the INS. There will be vertical coordination, where the district offices are coordinated with the Washington offices. There will be more support for the Border Patrol in enforcement. There will be a children's bureau, so that unaccompanied minors can be protected. And, hopefully, the amendments that we pass will, in fact, work.

Lastly, Mr. Chairman, let me simply say, appropriations, money, will be guided to this agency. This service-oriented bureau, in particular, is fee generated, but we are going to discuss and debate an amendment that I hope my colleagues will accept that will provide

for a study that will determine whether the fees that we are generating out of the service bureau is enough to make sure that my colleagues who have two and three and four staff members who are handling immigration in their district offices will in fact have the resources to get the job done.

Today, we abolish the INS; but we also stand on the premise that we are a Nation of immigrants and laws. It is extremely important that the message from the United States Congress in a bipartisan way is to embrace the founding principles of this country, where all of us came here to work and seek opportunity but, at the same time, recognize that the Immigration and Naturalization Service, this new agency, must stand on the underpinnings of law, protecting us against illegal immigration but allowing those to access legalization.

I believe this is a bill that begins that, Mr. Chairman; and we will finish the job by working together.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time.

There is a graphic we have here that some might think is too harsh when describing a government agency. It shows the INS going into the wastebasket of history. In reality, Mr. Chairman, it is not harsh enough. It ought to be going through a shredder on the way to a wastebasket. For this agency and what it has done, we need to shred it, gather the shreds, burn them, gather the ashes, and distribute them among the four corners of the world so this agency, as it is currently constituted, can never again come together and endanger our security and be a disgrace to this country as the INS has been.

□ 1245

Mr. Chairman, in years past, many might have looked at the problems with the INS, as we have heard chronicled here during this debate, and deemed them an irritant, a waste of money, a frustration.

However, now we know in the wake of the terrorist attacks of September 11, made successful in large part by the deficiencies in the INS, we now know that the problems with INS are more than an irritant, more than a waste of money, they are a threat to our Nation's security. We can no longer ignore them.

The gentleman from Wisconsin (Mr. SENSENBRENNER) is doing the right thing here. He is putting the horse before the cart. We are restructuring this agency before we tackle all of the substantive immigration reforms, the visa reforms, and the citizenship reforms that we must do. If we do not restructure the INS first, any subsequent substantive changes to INS and to the immigration system or immigration cat-

egories will be doomed to failure. We must restructure first, and this bill does that.

While H.R. 3231 and its enactment cannot guarantee we will not have a future successful terrorist attack such as our Nation suffered on September 11, we can say with certainty that its passage and enactment into law will give us a measure of confidence and security which we cannot ever hope to attain without it.

I commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for this legislation. I urge its passage, and I commend the administration for its support.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank the chairman of the Committee on the Judiciary, the subcommittee chairman, the gentleman from Pennsylvania (Mr. GEKAS), and the ranking member, the gentlewoman from Texas (Ms. JACKSON-LEE) for taking us through an original bill that was not adequate. We worked on a substitute, and now we are able to come together in a bipartisan fashion that I think acquits the Committee on the Judiciary very well. I note that the chairman of this committee has been able to accomplish that on more than one occasion, so I am delighted that we will now consider some amendments, many of them that we think will improve the bill.

But I remind my colleagues that we have the other body in which we will come together in a conference as soon as they finish their work product, and one of the key issues is going to be the relationship of the Associate Attorney General to that of the current Immigration and Naturalization Service Commissioner.

We have met with the Commissioner. He has been before our committee more than once, and I think that is an important issue where we ought to work carefully with the Senate, and hope that we can reach harmony.

The bill is a structural bill. It is a process bill. The substance of how we are going to improve the Immigration and Naturalization Service really awaits the further work of the committee in this body and that in the other body; but I am pleased that we can work with the administration and with our Republican colleagues on dealing with a matter that it is perfectly clear is long overdue for reform. Today is a very important first step in that direction.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I would like to engage in a colloquy with the gentleman from Wisconsin (Mr. SENSENBRENNER) regarding two provisions in section 11 of the bill.

Mr. Chairman, I want to commend the chairman on a good bill which is

long overdue. However, it is my understanding there are two provisions in section 11 that would create an additional requirement for discretionary appropriations. Specifically, subsection (b)(5) strikes a current fee collected by the INS to support the cost of processing certain immigrant applications, and subsection (b)(6) then authorizes appropriations for these applications. I further understand that this may require upwards of \$1 billion over the next 4 years.

Mr. Chairman, is my understanding of these provisions correct?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman's understanding of the provisions is correct.

Mr. YOUNG of Florida. Mr. Chairman, I would like to point out that the current House budget resolution does not assume this additional requirement on discretionary appropriations. As a result, any funding for this provision, if provided in fiscal year 2003, will have to come at the expense of reductions in other important funding priorities, including those for homeland security and the war on terrorism.

Given the current budget environment and the demands on spending that we face, will the chairman be amenable to reviewing the need for these provisions during the conference deliberations on his bill?

Mr. SENSENBRENNER. If the gentleman will continue to yield, I will be happy to review these provisions during the conference.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for the opportunity to clarify this matter.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE). (Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I commend the chairman of the Committee on the Judiciary for offering this very important legislation, and I am proud to be a cosponsor of the Barbara Jordan Immigration Reform and Accountability Act. This act is designed to address two very serious problems. The first: incompetent, negligent service that our constituents, the American citizens, and those who seek to comply with our immigration laws have faced for many decades with the INS. The INS had a backlog of 4.9 million applications and petitions at the end of fiscal year 2001. That is totally unacceptable.

In some congressional offices, complaints about the Immigration and Naturalization Service outnumber IRS complaints by a factor of 6 to 1. In my office, I am sure that it is several times more than that.

To give Members an example of the nature of this problem and the bu-

reaucracy involved, because fingerprints that are taken by the INS for processing applications are only good for 15 months, some immigrants must have them taken 3 or 4 times while they wait for the INS to process their paperwork. Some people have to travel, as they do in my district, great distances to do that, or wait long periods of time before they have somebody appear in the district when they can have it done.

Over 300,000 criminal and deportable illegal immigrants were ordered removed by immigration judges, and have fled; 6,000 of those are from countries identified as al Qaeda strongholds. This is the one problem that we have with our current immigration system, it is ignoring our national security problems.

If the INS officials were "following their own policies, Atta would have never been allowed to enter the United States"; that, according to a 60 Minutes report on March 10 of this year.

We need to pass this legislation to support our President's proposal. To break the INS into two parts is an idea whose time is long past due, for better security and better processing for our immigrants.

Mr. Chairman, I am proud to be a cosponsor of H.R. 3231, the Barbara Jordan Immigration Reform and Accountability Act, and I commend Chairman SENSENBRENNER on his leadership in introducing this legislation and moving it forward.

America has always been a nation of immigrants, people from varied backgrounds and distinct cultures who largely share a common desire for the freedoms and liberties, which are a birthright for native-born Americans. But with this rich heritage, vigilance is required from the federal government. We must be cognizant of who is entering the country, or we do our citizenry a disservice. With an estimated 8 million undocumented illegal immigrants residing in the United States, it is clear that the INS has failed in this duty.

There is no disagreement that the INS is in dire need of reform and the events of September 11 make it clear that the need for reform is more urgent than ever. Six months after the September 11 terrorist attacks, the Immigration and Naturalization Service mailed a letter to a flight school in Florida, notifying them that two of the hijackers, including alleged ringleader Mohammed Atta, had been approved for student visas. It would be a monumental understatement to say that the INS is woefully ill-equipped to handle immigration in this era of heightened national security.

In addition to INS' failure to adequately perform its enforcement responsibilities, INS has been inept in its service functions. My Congressional District offices, like those of every other Member of Congress, are inundated with complaints about INS. The INS had a backlog of 4.9 million applications and petitions at the end of FY 2001. Lost files, missing fingerprints, and lengthy delays are complaints that we hear on a daily basis. We owe our own citizens, as well as documented visitors and immigrants in this country, the attention and support that they deserve.

Between 1993 and 2002, Congress nearly quadrupled INS' operating budget. It is evident

that piecemeal attempts to reform INS have been unsuccessful, and throwing more money and resources at INS has not solved its problems, which stem from competing priorities and missions within the agency.

It is time to acknowledge the failure of the current structure of the INS and take a comprehensive approach to reorganizing the agency. By separating the enforcement and service functions of the INS, H.R. 3231 will provide a clear mission, increase efficiency and ensure that the borders of America are protected from terrorism and other national security threats. I urge all of my colleagues to join me in voting for this important legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I rise in support of H.R. 3231, which will improve enforcement of our Nation's immigration laws and reduce the overwhelming backlog of applications for aliens wishing to enter the United States legally. The time has come to do away with the old Immigration and Naturalization Service, and implement a system that will work more efficiently.

Anyone wanting proof of this need only look to the March issuance of student visas to not one, but two of the September 11 hijackers. Six months after they died in their terrorist acts, the INS issued student visa approvals to them.

Clearly there is not only a need to restructure the INS, but also to reform our Nation's immigration policies with respect to foreign student visas. I submitted an amendment to the Committee on Rules which would have established a 9-month moratorium on the issue of student visas to allow the INS or the new Bureau of Citizenship and Immigration Services under this legislation, time to fully implement the student exchange and visitor information system.

My amendment also would have required the names, ages, and other appropriate information of student visa holders, accompanying spouse, and children to be included on the student visa documentation.

I believe these reforms are critical if we are serious about preventing known terrorists from entering the United States. At least one of the September 11 hijackers was in the U.S. on an expired student visa. Had the INS fully implemented the tracking system, this terrorist may have been behind bars, not hijacking a commercial airplane.

Unfortunately, Mr. Chairman, my amendment was not made in order and cannot be considered here today. It was considered nongermane. It is my hope there will be an opportunity for Members to debate substantive immigration policy reform in the near future.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am happy to inform the gentleman and Members of Congress that

this issue was addressed in the bill H.R. 3525, which requires the INS to implement a student visa tracking system. That bill was passed unanimously on a voice vote by the House of Representatives on December 19. The other body passed this bill with amendments on April 18. We will be having a vote on concurring with those amendments some time shortly, and the student visa tracking legislation, together with an entry-exit system tracking, will be on its way to the President for his expected signature.

We are going to be across the finish line with this before the current bill goes before the President.

Mr. BILIRAKIS. Mr. Chairman, I thank the gentleman for that explanation. I was asking for a moratorium to give them an opportunity to get those things done.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to express my appreciation to all of the members of the committee, to the bipartisan committee staff, to the ranking member, the gentleman from Michigan (Mr. CONYERS), to the ranking subcommittee member, the gentlewoman from Texas (Ms. JACKSON-LEE) in putting together a bill which has huge bipartisan support.

I also express my thanks to the President and the Attorney General for recognizing the need for legislative action and restructuring the Immigration Service so that it can be functional.

I think we all recognize that this bill is not a panacea. The problems that we have heard about for the last 2.5 hours have taken years to develop: the 5 million backlog in processing applications for immigration services; the over 300,000 people who have had their day in court and have been ordered deported, that the INS has no idea where they are except that they are still in the United States of America.

So should this bill pass and be signed into law, which I earnestly hope that it will before this Congress expires, it will take a long time for us to put our immigration affairs back in order. But this is the essential first start, because if we do not restructure the INS, telling them that they are supposed to adjudicate millions more applications when they are 5 million behind is just going to mean that new immigrants will be at the bottom of the pile and will have to wait much longer.

To tell the current INS that they have to do a better job of enforcing against the Mohammed Attas that may still be in the country, when they have over 300,000 people already ordered deported and are still here, is going to complicate this system and have a further backlog. By restructuring the INS, we are on a good start. I urge Members to support this legislation.

Mr. TOM DAVIS of Virginia. I rise today in support of H.R. 3231, the Barbara Jordan Immigration Reform & Accountability Act.

The magnitude of the INS' problems is extraordinary—at the end of FY2001, it had a backlog of 4.9 million applications and petitions, thus forcing aliens trying to play by the rules to wait in limbo for years. The Census Bureau estimates that at least 8 million undocumented aliens reside in the U.S. Over 300,000 criminal and deportable aliens ordered removed by immigration judges have absconded. Much of the INS' failure stems from the conflict between its enforcement and service missions. Mr. Chairman, the INS is unable to adequately perform either of its missions. Rather, the agency appears to move from one crisis to the next, with no coherent strategy of how to accomplish both missions successfully.

Reponding to this national security crisis, H.R. 3231 would abolish the Immigration and Naturalization Service (INS) in favor of two new organizations that concentrate solely on different missions—one that would administer immigration benefits and one that would enforce immigration laws. This legislation promotes law and order by increasing accountability and creating a position for checks and balances between the two bureaus.

This bipartisan legislation ensures that the new INS bureaus will each have the proper mission and guidelines to assist those individuals who are ready to become U.S. citizens while cracking down on illegal immigrants and enforcing immigration laws and regulations. It will work to keep the terrorists out, but provide efficient and fair service to those that play by the rules when it comes to our immigration process. Additionally, this legislation will help to secure our homeland by placing a greater focus on immigration policy and making sure everyone is playing by the rules.

The Bureau of Citizenship and Immigration Services (BCIS) will concentrate on improving immigration services and reducing mediation backlogs for legal immigrants, while the Bureau of Immigration Enforcement (BIE) will deny admission to those that should be kept out of the U.S. BIE will also apprehend and remove those designated for deportation along the border and in the interior.

H.R. 3231 will create an Associate Attorney General in the Department of Justice who will only handle immigration affairs. The Associate Attorney General will supervise the two bureaus, resolve conflicts between them and help to hold the two bureaus accountable for their actions.

The INS has reorganized itself numerous times over the past two decades. Judging from its caseload and its failure to detect and detain terrorists, internal reorganization is not working. This bill creates a clear chain of command and greater accountability.

Mr. Chairman, I urge all of my colleagues to support this important national security legislation.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in support of H.R. 3231 and urge my colleagues to join with me in voting for an important piece of legislation.

This bill, inspired by the dedication and hard work of the late former Congresswoman Barbara Jordan of Texas, comes before the House at a crucial moment in our history. During the past several months, we have been forced to witness the difficult truth that our Nation's immigrant laws and agencies are in disrepair and in need of major structural changes. As a free Nation and open society

built on the strength, ingenuity, hard work, and discipline of immigrants from around the world, this strikes us especially hard. I am pleased that the bill before us takes important steps toward improving our Government's management of immigration while preserving the ability of immigrants to build new lives for themselves and their families in the United States.

I am pleased to support H.R. 3231 for several reasons, not the last of which is its innovative approach to the reorganization of the Immigration and Naturalization Service (INS). Beyond reorganizing the INS into two separate bureaus within the Department of Justice, this bill will also create several new offices dedicated to improving the quality of the service provided to immigrants and protecting the rights of unaccompanied child immigrants. The bill, by placing the two new bureaus under the direct supervision of a new Associate Attorney General with experience in managing large and complex organizations, will also increase the importance placed on our immigration policies and the accountability of those responsible for enforcing our laws.

With the passage of H.R. 3231, the House will take an important first step in reforming the way the United States deals with immigration. The next step, addressing the security of our borders, will hopefully be taken soon. Together, today's reforms along with upcoming efforts to strengthen border security will make America safer from those who would use our country's openness to do us harm. These reforms will also preserve America's commitment to remain open to immigrants who seeks a better life and will reaffirm our long tradition of finding strength in our diversity. This will be a key part of the legacy of the 107th Congress, and I am pleased to cast my vote as we begin this important effort.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in support of H.R. 3231, the Barbara Jordan Immigration and Reform Accountability Act. I agree that the Immigration and Naturalization Service is a broken agency that needs to be fixed. That is a point that has been underscored in the time since September 11 but was clearly a problem long before those tragic events. The need for reform of the INS has been clear to me because of the difficulty constituents in my districts have had in dealing with the INS. My district staff spends approximately 80% of casework time on cases that have to do with problems with the INS. This has to change. Although I will vote for this legislation, I do have some concerns.

We must make the INS a better managed, more efficient, coordinated, and effective agency. I strongly believe, in order to accomplish those goals, the agency must be split into the separate bureaus for services and enforcement. H.R. 3231 allows the separate bureaus to focus on the distinct missions of providing services and enforcement.

Another core principle to effective reorganization is the coordination of immigration policy, legal direction, and information under the authority of a strong executive. Although this legislation creates a high level position of an Associate Attorney General for Immigration Affairs, this office is not responsible for setting immigration policy. Policy making is left to the individual bureaus. I also think offices which should remain at the core of the structure have been relegated to the service and enforcement bureaus, leading to duplicity within the overall agency. For example, each bureau

is to have an Office of Policy and Strategy and each bureau is to have a Chief Budget Officer. Given this structure, I am not certain that the Office of the Associate Attorney General will have the authority to effectively manage and coordinate the functions of these offices and create a coherent national immigration policy.

Although I am pleased we have made strides toward elevating the Office of Children's Affairs, I do not think this legislation adequately addresses the needs of unaccompanied minors. I am particularly concerned with the conditions under which children will be detained and held and whether they will have legal representation. These are children. We must create safeguards to protect them, not further traumatize them through imprisonment. We must also ensure that they are appropriately counseled and represented as they navigate our extremely complicated immigration courts and system. The only thing this legislation specifies is that the Director of the OCA is responsible for "compiling, updating, and publishing at least annually a state-by-state list of professionals or other entities qualified to provide guardian and attorney representation services for unaccompanied alien children." How will that benefit an infant or a toddler who can not speak much less read? I hope my colleagues in the Senate will work to strengthen this provision and push for language that is reflected in the Unaccompanied Alien Child Protection Act.

I am pleased that there are provisions to create an ombudsman office. It is essential that immigrants have someone at a high level addressing concerns and problems they are having with their cases. This office will also look at systemic problems in the INS structure. Advocates with whom I work in my district suggested language that would elevate the level ombudsman and I hope the other body will consider those suggestions in its deliberations on similar legislation. I believe it is critical that an ombudsman not be restricted in accomplishing their job. It may be more effective to remove the office of the Ombudsman from the entire INS structure, placing it in the Department of Justice.

I am also pleased with provisions that require separate appropriations for asylum and refugee benefits to be processed. This will stop the unfair cost shifting that has been occurring where fees from other INS benefits are being used to adjudicate asylum and refugee cases. I also understand there will be a study to further investigate how much services actually cost. I applaud the gentlewoman from Texas (Ms. JACKSON-LEE) for offering that very important amendment to this bill.

I think it is important that we move to pass legislation to restructure the INS. We must take steps towards fixing the agency. While I support this bill, I urge the Senate to work on the concerns I have raised, and I look forward to seeing a better bill come out of conference and back to this chamber. I commend all members who have worked to bring this measure to floor.

Mr. BLUMENAUER. Mr. Chairman, it is no secret that for decades, the Immigration and Naturalization Service (INS) has been beleaguered with complaints of mismanagement, ineffective border control and a growing backlog of immigrant applications and petitions. The events of September 11th underscored the need for an immigration overhaul. H.R. 3231 is a step in the right direction to improve this institution.

However, unless Congress and the Administration make immigration a priority and are willing to adequately fund its mission, then this structural division of INS will not make a difference.

In order for immigration to be successful, the Administration must support:

The front end of the State Department. From Mexico City to Manila the consular corps are understaffed and overburdened. As people apply for entry in the U.S. abroad, we cannot strengthen INS without commensurate support for the State Dept.

Adequate funding for services and law enforcement measures. Far too often, INS employees are being asked to do more and more without sufficient resources. The Federal Government must make it a priority to provide them with the tools they need to do their jobs effectively and efficiently.

Only when the several agencies involved in immigration—from the State Dept. to INS—can cooperate and implement a clear, concise, and consistent mission will immigration control redeem itself from a history of mismanagement and ineffective border control. I support the passage of H.R. 3231.

Mr. CASTLE. Mr. Chairman, I want to thank Chairman SENSENBRENNER, Subcommittee Chairman GEKAS and the House Leadership for bringing up this legislation today to improve and revamp the Immigration and Naturalization Service (INS), and I am pleased to see that President Bush is behind the measure.

The United States must do a better job of protecting America's borders, tracking foreign students and visitors, dealing with illegal aliens and serving those who are served daily by the INS. Over seven months have passed since the attacks of September 11, and many of the loopholes that the terrorists utilized to harm our nation, have not been addressed.

I am hopeful the President will have the opportunity to sign enhanced border security legislation regarding student visa reforms, smart card technology, reform of the visa waiver program, shared databases and integrated entry-exit data systems. These are good reforms but the reforms and technology are only as good as the people who administer the various programs and utilize the technology.

The INS has been a maligned agency that has had major difficulties implementing visa tracking programs and integrated entry-exit systems. A recent review by the Department of Justice Inspector General found that INS officials mismanaged \$31 million aimed at automating a visa tracking system. To this day we are unable to seriously determine who is in this country at any given time. At the same time it is trying to address its enforcement procedures, the INS is not properly serving those who rely on the INS to process their various immigration documents. The INS has long backlogs of Visa and other petitions. 4.9 million petitions were pending before the INS at the end of September 2001—this is a seven-fold increase since 1993.

The INS on several occasions has attempted to reform itself, but in the light of the immigration problems associated with the September 11 attacks, internal organizational changes will not work. Long time supervisors who have resisted change in the past are today not in a better position to internally reform the INS. While I believe Commissioner Ziglar is working hard to address the organizational and morale problems that have plagued

the agency, legislation is the only way to turn the INS in the right direction.

Only legislative restructuring like H.R. 3231 can create two separate agencies that concentrate on different missions—administering immigration benefits and enforcing immigration laws. The two new organizations will have their own budgets and dedicated employees who will be focused on their own distinct mission. I applaud this legislation because it will also create a new Ombudsman to monitor and improve the services side of the agency, create clear chains of commands at the INS, and eliminate mission overload that is crippling the agency.

We owe it to the American people to improve our border security, track who is entering and exiting our country and expedite the process of timely immigration petitions. H.R. 3231 passed the House Judiciary Committee with great bipartisan support and I urge my colleagues to support H.R. 3231 today.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 3231, The Barbara Jordan Immigration Reform and Accountability Act, important legislation that makes much-needed reforms to our immigration system. For years, my immigration caseworker has related to me countless horror stories about the red tape and inefficiency at the Immigration and Naturalization Service (INS). That agency has managed to send visa approval notices to two September 11 hijackers, and at the same time routinely enormous hurdles in the path of citizens-in-training.

Today's legislation, which will address these many concerns, is the realization of the hard work and tireless efforts of the late Barbara Jordan. As chair of the U.S. Commission on Immigration Reform (CIR), Barbara Jordan recommended that the Federal immigration system be fundamentally restructured by, among other things, dismantling the INS. In 1997, the commission found that the INS suffered from conflicting priorities and mission overload, and its service and enforcement missions were incompatible.

More importantly, Barbara Jordan once said that the key to creating a harmonious society out of so many kinds of people "is tolerance—the one value that is indispensable in creating community." Here today, we have the chance to give effect to her recommendations and fundamentally restructure the INS. Over the past decade, Congress has substantially increased the budget for the INS—from \$1.4 Billion in FY 1992 to \$5.6 Billion in FY 2002—in hopes of improving the agency's performance. However, problems continue to plague the agency, particularly in the processing of immigration applications, the inability of the agency to stem the flow of undocumented workers and to track workers, students and visitors once they arrive in the country.

Many of these problems result from the INS performing dual functions, holding the responsibility for enforcing immigration laws and adjudicating applications for non-immigrants and immigrants. Since 1990, when the Commission on Immigration Reform recommended restructuring the INS, several legislative reform proposals have been introduced in Congress. One proposal which I co-sponsored, H.R. 3918, introduced by Representatives HAROLD ROGERS and SILVESTRE REYES in the 106th Congress, would have separated the two functions of the INS into separate agencies. H.R. 3231 builds on that by abolishing the INS and

replacing it with two separate bureaus—the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement. The two bureaus would be under the supervision of an associate attorney general, who would rank below the attorney general and deputy attorney general. The measure transfers authority for implementing immigration law directly to the two bureau directors, and authorizes such sums as may be necessary to abolish the INS and establish the immigration service an enforcement bureaus.

Additionally, the measure establishes an Office of Children's Affairs, which would be responsible for coordinating and implementing law and policy for unaccompanied alien children who come into the custody of the Justice Department. Under the measure, the office would ensure that the interests of unaccompanied children are considered in the department's care, custody and placement determinations. I am pleased to note that this provision embodies legislation I am co-sponsoring, H.R. 1904, the Unaccompanied Alien Child Protection Act.

This is a long overdue reform. I know in my state of Texas, and in the city of Houston, the backlog for citizenship applications can last upwards of 1 year, and adjustment of status—or greencard applications—have a backlog as long as 3 years or more. I am hopeful that the funding provided in this bill will address the backlog issue, which has presented a significant problem for hundreds-of-thousands of otherwise-eligible immigrants in Texas and across the Nation. Working with the Administration and my colleagues in the House, I look forward to enacting thoughtful immigration reforms that maintains the integrity of the naturalization process, while providing effective safeguards at our Nation's borders.

For all these reasons, Mr. Chairman, I urge my colleagues to join me in support of H.R. 3231, to honor the memory and accomplishments of the great Barbara Jordan, and to imbue efficiency and structure to our immigration system.

Mr. SMITH of Texas. Mr. Chairman, the Barbara Jordan INS Immigration Reform and Accountability Act, which is supported by the Administration, provides a long-awaited solution to the problems within the INS.

At the end of 2001, the INS had a backlog of 4.9 million applications and petitions. With those numbers, no one should be surprised at the recent mishandling of terrorist visas. In fact, if the INS had been following their own policies, Mohammed Atta would have never been allowed even to enter the United States.

For years INS officials have promised reform—but have given us only talk with no action. This bill will provide that much-needed action.

H.R. 3231 will abolish the INS and replace it with two agencies—one to handle security and one to handle services. This will not only give immigration security the attention it deserves, but also will improve the quality of services provided to immigrants.

No longer will we hear of cases where an immigrant waited in line for 2 days to get a form and was never told that they could obtain it by simply calling a 1-800 number. No longer will we have student visas approved six months after the fact for the very terrorists who attacked our nation. No longer will we have criminal aliens mistakenly or intentionally released.

We must act before it's too late. Ensuring we have an effective immigration system is vital to our homeland defense. We must pass this bill today. I urge my colleagues to support this legislation.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of H.R. 3231, the Barbara Jordan Immigration Reform and Accountability Act. Therefore, this Member would like to thank the Chairman of the Judiciary Committee, the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER) and the Ranking Member of the Committee, the distinguished gentleman from Michigan (Mr. CONYERS) for their efforts in crafting the bipartisan bill before the House today.

Certainly, this Member certainly supports efforts to restructure the system through which critical immigration functions which are executed as provided in H.R. 3231. For many years, this Member has argued that strong immigration policies and well-functioning infrastructure are necessary to protect U.S. citizens from outbreaks of infectious disease and from crime, certainly including terrorism. As more information becomes available about the terrorists who conducted the unspeakable and horrific terrorist attacks of September 11, 2001, there is increasing momentum to revamp the current immigration process.

Despite this Member's support for restructuring, this Member would like to register his concerns about how immigration resources have been allocated in the past and how they might be allocated in the future as restructuring plans are implemented.

Mr. Chairman, despite the efforts of the Nebraska and Iowa congressional delegation, the changing immigration patterns in this country's heartland often go unexamined by Federal and congressional authorities. As a result, interior states such as Nebraska do not receive the resources they need to provide the necessary legal immigration services and to combat illegal immigration. Therefore, this Member is concerned that throughout the restructuring process, immigration resources for both services and enforcement will continue to be allocated, as some Federal agencies have done, on the basis of the overall population of a given region and without regard to geographic circumstances, including the vast regions of some of our more sparsely settled states. Indeed, this Member requests that the House apply very careful oversight to any immigration restructuring measures so that all legal immigrants, regardless of where they live in the U.S., can access the immigration services they need without having to travel extraordinary distances. Additionally, this Member request similar oversight with regard to immigration enforcement resources so that the tools to enforce immigration policies are available in interior states, including Nebraska where alien smuggling along Interstate 80 and other national highways has become far too routine.

Mr. Chairman, this Member also wants to register his very strong support for the Nebraska Service Center in Lincoln, Nebraska. Currently, the center efficiently and effectively processes over 1.5 million immigration applications and documents each year. In fact, the center is often called upon to handle special, out-of-region projects due to its fine record and well-earned reputation for efficiency. Additionally, due to a well-educated and professional workforce located in Lincoln, it is able to recruit and retain good employees. (Indeed,

the retention of good employees will be the key to success for the overall restructuring efforts!) For these reasons, this Member believes it is critical that, as any immigration restructuring efforts are implemented, the Nebraska Service Center to remain in Lincoln, Nebraska.

Again, this Member urges his colleagues to support H.R. 3231.

Mr. CALVERT. Mr. Chairman, I commend Judiciary Committee Chairman JAMES SENSENBRENNER and Ranking Member JOHN CONYERS for their work on bringing this important bipartisan legislation, H.R. 3231—The Barbara Jordan Immigration Reform and Accountability Act of 2002—to the House floor for consideration.

H.R. 3231 creates a new immigration system. It ensures that terrorist and illegal immigrants are kept out of our country. For too long our immigration system has been stuck in the dark ages allowing illegal immigrants and terrorists to slip silently into our nation. H.R. 3231 recognizes this and requires that Internet-based technologies be implemented to track immigration applications—technologies that can alert Americans now, not later when it's already too late, about illegal and terrorists threats to our liberties and homeland security.

Mr. Chairman, Americans have trusted and been patient with INS for far too long as they have attempted numerous internal reorganizations—reorganizations that have obviously not worked. INS's present mission to both administer immigration benefits and enforce immigration law is blatantly at odds with each other.

Therefore, today we vote today to abolish the Immigration and Naturalization Service (INS).

I encourage my colleagues on both sides of the aisle to recognize what Americans have already concluded—that American's immigration system needs a clear chain of command coupled with greater accountability. America demands an immigration system that secures our homeland by keeping illegal immigrants and terrorists out, while offering an efficient process for those legal immigrants coming to America to start a better life.

H.R. 3231 secures our American principles of life, liberty and the pursuit of happiness.

Mr. TERRY. Mr. Chairman, I rise today in support of H.R. 3231, the Barbara Jordan Immigration Reform and Accountability Act.

The Immigration and Naturalization Service (INS) is charged with enforcing immigration laws, such as deporting criminal or illegal aliens. It is also charged with processing those who lawfully immigrate to our country to partake of the American dream. These conflicting missions under one government agency have resulted in confusion and inefficiency.

In my home town of Omaha, Nebraska, for example, there is widespread frustration with the Immigration and Naturalization Service (INS). People must wait in long lines for hours on end to be served, and then wait months or even years for their applications to be processed. Last year alone, the Nebraska INS received more than fourteen thousand new immigration applications. At the end of the year it was running a backlog of almost seven hundred cases. With only three employees working four days a week, the service problems have not been adequately resolved.

Border and immigration security is of paramount importance as we find, arrest, and

prosecute terrorists in order to protect the American public. On the other hand, legal immigrants seeking better jobs and family life in America must be treated with respect. Nationwide problems of law enforcement are consuming larger and larger portions of the INS budget. This occurs at the cost of the legal immigrant, who sees less and less of the INS devoted to service.

When legal immigrants become less important in the eyes of the INS, they become victims of the process. Law enforcement should not be funded at the cost of service, and service should not compromise enforcement of our immigration laws. Dividing these responsibilities by passing H.R. 3231 is a necessary, common-sense, cost-saving measure. I urge my colleagues to join me in supporting this legislation to improve homeland defense and protect the American dream.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 3231. I am a cosponsor of this bill, which will help us begin to address chronic and longstanding problems at the Immigration and Naturalization Service. The recent discoveries that the INS processed visa extensions for two of the dead September 11th hijackers and that INS inspectors allowed Pakistani seamen to come ashore in Virginia (after which three of them disappeared) are only two of the latest embarrassments attributable to INS mismanagement.

I know that efforts to overhaul INS predate my time here in Congress by several decades. But I'm glad that I'm here to witness the beginning of this long overdue restructuring. I think we can all agree that an agency that is expected to wear two distinct hats—one to serve our immigrant population, and one to watch our borders and enforce immigration laws—is bound to run into problems. And indeed, the INS has run into problems wearing both hats simultaneously, especially as we have asked it to accomplish disparate tasks using the same tools and the same staff. This bill would change that, and that's why it deserves support.

H.R. 3231 would effectively abolish the INS as we know it, establishing separate enforcement and service divisions. But it would maintain important coordinating functions through a new associate attorney general for immigration affairs to oversee both bureaus.

I know there are concerns that the coordinating role the bill establishes won't be strong enough to enable the two bureaus to share information and work closely together. I also want to ensure that resource allocation is fair and that the appropriate amount of funding goes both to adjudication and to enforcement. There are also calls for the long backlogs at INS to be reduced before any reorganization goes into effect. There is some merit to these ideas, and I am hopeful that the version of this bill that emerges from House and Senate consideration will address them and any other concerns about the bill that might arise. At the same time, I think it's important we pass this bill now. We need to send a strong message that the days of the INS as we know it are over, and that soon there will be changes for the better—both in how immigrants are served, and in how we enforce immigration laws that are already on the books.

Mr. Chairman, passage of this bill today is yet another step the House has taken in the months after September 11th to try to fix a system that doesn't work as well as it should.

Other steps we have taken include passing H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act, a bill I supported to strengthen U.S. border controls and to improve our ability to screen and keep track of those who enter this country. That bill would also allow those who already qualify for immigration because of their family or employer ties to complete the process in the U.S. Also known as Section 245(i), this provision does not grant an amnesty, give immigrants the right to work, or protect them from deportation if they are living in the U.S. illegally. What it does do is keep families together and encourage those who qualify for permanent residency to continue filling an economic need and to become part of a regulated system.

Restructuring the INS—as H.R. 3231 would do—is just one part of comprehensive immigration reform. Strengthening our border security mechanisms is another. A third part involves modernizing our immigration laws to be enforceable as well as responsive to our country's labor needs. This is where some of the toughest decisions will lie. The Administration and the Congress need to work together to find workable and sound answers for some of these broader issues—such as determining whether our legal immigration levels are sustainable; figuring out how best to stem illegal immigration, both for security reasons and to ensure that American workers are not displaced; and addressing questions about the status of people already in this country.

The challenge we face is to implement measures that will make our country more secure without turning away from our tradition as a nation of immigrants. I support H.R. 3231 because I believe this bill will begin to take us in this direction.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3231

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

Sec. 2. Abolishment of Immigration and Naturalization Service; establishment of Office of Associate Attorney General for Immigration Affairs.

Sec. 3. Positions within Office of Associate Attorney General for Immigration Affairs.

Sec. 4. Establishment of Bureau of Citizenship and Immigration Services.

Sec. 5. Office of the Ombudsman.

Sec. 6. Establishment of Bureau of Immigration Enforcement.

Sec. 7. Office of Immigration Statistics within Bureau of Justice Statistics.

Sec. 8. Exercise of authorities.

Sec. 9. Savings provisions.

Sec. 10. Transfer and allocation of appropriations and personnel.

Sec. 11. Authorization of appropriations; prohibition on transfer of fees; leasing or acquisition of property; sense of Congress.

Sec. 12. Reports and implementation plans.

Sec. 13. Application of Internet-based technologies.

Sec. 14. Definitions.

Sec. 15. Effective date; transition.

Sec. 16. Conforming amendment.

SEC. 2. ABOLISHMENT OF IMMIGRATION AND NATURALIZATION SERVICE; ESTABLISHMENT OF OFFICE OF ASSOCIATE ATTORNEY GENERAL FOR IMMIGRATION AFFAIRS.

(a) *ABOLISHMENT OF INS.*—The Immigration and Naturalization Service of the Department of Justice is abolished.

(b) *ESTABLISHMENT OF OFFICE OF ASSOCIATE ATTORNEY GENERAL FOR IMMIGRATION AFFAIRS.*—

(1) *IN GENERAL.*—There is established in the Department of Justice an office to be known as the “Office of the Associate Attorney General for Immigration Affairs”.

(2) *ASSOCIATE ATTORNEY GENERAL.*—The head of the Office shall be the Associate Attorney General for Immigration Affairs. The Associate Attorney General for Immigration Affairs—

(A) shall be appointed by the President, by and with the consent of the Senate; and

(B) shall have a minimum of 5 years of experience in managing a large and complex organization.

(3) *COMPENSATION AT LEVEL III OF EXECUTIVE SCHEDULE.*—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Associate Attorney General for Immigration Affairs.”.

(c) *FUNCTIONS.*—The Associate Attorney General for Immigration Affairs shall be responsible for—

(1) overseeing the work of, and supervising, the Director of the Bureau of Citizenship and Immigration Services and the Director of the Bureau of Immigration Enforcement;

(2) coordinating the administration of national immigration policy, including coordinating the operations of the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement, and reconciling conflicting policies of such bureaus; and

(3) allocating and coordinating resources involved in supporting shared support functions for the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement, through the Office of Shared Services established by section 3.

SEC. 3. POSITIONS WITHIN OFFICE OF ASSOCIATE ATTORNEY GENERAL FOR IMMIGRATION AFFAIRS.

(a) *POLICY ADVISOR.*—

(1) *IN GENERAL.*—There shall be a position of Policy Advisor for the Associate Attorney General for Immigration Affairs.

(2) *FUNCTIONS.*—The Policy Advisor shall be responsible for—

(A) providing advice to the Associate Attorney General for Immigration Affairs on all matters relating to immigration and naturalization policy; and

(B) coordinating and reconciling the resolution of policy issues by the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement.

(b) *GENERAL COUNSEL.*—

(1) *IN GENERAL.*—There shall be a position of General Counsel to the Associate Attorney General for Immigration Affairs.

(2) *FUNCTIONS.*—The General Counsel shall serve as the principal legal advisor to the Associate Attorney General for Immigration Affairs. The General Counsel shall be responsible for—

(A) providing specialized legal advice, opinions, determinations, regulations, and any other assistance to the Associate Attorney General for Immigration Affairs with respect to legal matters

affecting the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, or the Bureau of Immigration Enforcement;

(B) representing the Bureau of Citizenship and Immigration Services in visa petition appeal proceedings before the Executive Office for Immigration Review and in other legal or administrative proceedings involving immigration services issues; and

(C) representing the Bureau of Immigration Enforcement in all exclusion, deportation, or removal proceedings before the Executive Office for Immigration Review, including in proceedings to adjudicate relief from exclusion, deportation, or removal, and in other legal or administrative proceedings involving immigration enforcement issues.

(3) LIMITATION.—Paragraph (2) shall not apply to the functions transferred under subsection (h) to the extent that the Associate Attorney General for Immigration Affairs does not delegate such functions to the General Counsel.

(c) CHIEF FINANCIAL OFFICER.—

(1) IN GENERAL.—There shall be a position of Chief Financial Officer for the Associate Attorney General for Immigration Affairs.

(2) FUNCTIONS.—The Chief Financial Officer shall be responsible for—

(A) financial management of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement and shall have the authorities and functions described in section 902 of title 31, United States Code, in relation to financial activities of such office and bureaus;

(B) collecting all payments, fines, and other debts for the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement; and

(C) coordinating all budget and other financial management issues with the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement.

(d) DIRECTOR OF SHARED SERVICES.—

(1) IN GENERAL.—There shall be a position of Director of the Office of Shared Services for the Associate Attorney General for Immigration Affairs.

(2) FUNCTIONS.—The Director of the Office of Shared Services shall be responsible for the appropriate allocation and coordination of resources involved in supporting shared support functions for the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement, including—

(A) facilities management;

(B) information resources management, including computer databases and information technology;

(C) records and file management; and

(D) forms management.

(e) OFFICE OF THE OMBUDSMAN.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established in the Office of the Associate Attorney General for Immigration Affairs an office to be known as the “Office of the Ombudsman”.

(B) OMBUDSMAN.—

(i) IN GENERAL.—The Office of the Ombudsman shall be under the supervision and direction of an official to be known as the “Ombudsman”. The Ombudsman shall report directly to the Associate Attorney General for Immigration Affairs.

(ii) QUALIFICATIONS.—The Ombudsman shall have a background in customer service as well as immigration law.

(2) FUNCTIONS OF OFFICE.—The Ombudsman shall perform the functions described in section 5.

(f) OFFICE OF PROFESSIONAL RESPONSIBILITY AND QUALITY REVIEW.—

(1) IN GENERAL.—There is established in the Office of the Associate Attorney General for Immigration Affairs an office to be known as the “Office of Professional Responsibility and Qual-

ity Review”. The head of the Office of Professional Responsibility and Quality Review shall be the Director of the Office of Professional Responsibility and Quality Review. The Director of the Office of Professional Responsibility and Quality Review shall be responsible for—

(A) conducting investigations of noncriminal allegations of misconduct, corruption, and fraud involving any employee of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, or the Bureau of Immigration Enforcement that are not subject to investigation by the Department of Justice Office of the Inspector General;

(B) inspecting the operations of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement and providing assessments of the quality of the operations of such office and bureaus as a whole and each of their components; and

(C) providing an analysis of the management of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement.

(2) SPECIAL CONSIDERATIONS.—In providing assessments in accordance with paragraph (1)(B) with respect to a decision of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, or the Bureau of Immigration Enforcement, or any of their components, consideration shall be given to—

(A) the accuracy of the findings of fact and conclusions of law used in rendering the decision;

(B) any fraud or misrepresentation associated with the decision; and

(C) the efficiency with which the decision was rendered.

(g) OFFICE OF CHILDREN’S AFFAIRS.—

(1) IN GENERAL.—There is established within the Office of the Associate Attorney General for Immigration Affairs an office to be known as the “Office of Children’s Affairs”. The head of the Office of Children’s Affairs shall be the Director of the Office of Children’s Affairs.

(2) FUNCTIONS.—

(A) IN GENERAL.—The Director of the Office of Children’s Affairs shall be responsible for—

(i) coordinating and implementing law and policy for unaccompanied alien children who come into the custody of the Department of Justice;

(ii) ensuring that the interests of the child are considered in decisions and actions relating to the care and custody of an unaccompanied alien child;

(iii) making placement determinations for all unaccompanied alien children apprehended by the Attorney General or who otherwise come into the custody of the Department of Justice;

(iv) implementing the placement determinations made by the Office;

(v) implementing policies with respect to the care and placement of unaccompanied alien children;

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

(vii) overseeing the infrastructure and personnel of facilities in which unaccompanied alien children reside;

(viii) reuniting unaccompanied alien children with a parent abroad in appropriate cases;

(ix) compiling, updating, and publishing at least annually a state-by-state list of professionals or other entities qualified to provide guardian and attorney representation services for unaccompanied alien children;

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

(I) biographical information, such as a child’s name, gender, date of birth, country of birth, and country of habitual residence;

(II) the date on which the child came into the custody of the Department of Justice;

(III) information relating to the child’s placement, removal, or release from each facility in which the child has resided;

(IV) in any case in which the child is placed in detention or released, an explanation relating to the detention or release; and

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

(xi) collecting and compiling statistical information from the Office of the Associate Attorney General, Bureau of Citizenship and Immigration Services, and Bureau of Enforcement (including Border Patrol and inspections officers), on the unaccompanied alien children with whom they come into contact; and

(xii) conducting investigations and inspections of facilities and other entities in which unaccompanied alien children reside.

(B) COORDINATION WITH OTHER ENTITIES; NO RELEASE ON OWN RECOGNIZANCE.—In making determinations described in subparagraph (A)(iii), the Director of the Office of Children’s Affairs—

(i) shall consult with appropriate juvenile justice professionals, the Director of the Bureau of Citizenship and Immigration Services, and the Director of the Bureau of Immigration Enforcement to ensure that such determinations ensure that unaccompanied alien children described in such subparagraph—

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

(II) are protected from smugglers, traffickers, or others who might seek to victimize or otherwise engage them in criminal, harmful, or exploitive activity; and

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

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

(C) TRANSFER OF FUNCTIONS.—There are transferred to the Director of the Office of Children’s Affairs functions with respect to the care of unaccompanied alien children under the immigration laws of the United States vested by statute in, or performed by, the Commissioner of the Immigration and Naturalization Service (or any officer, employee, or component thereof), immediately before the effective date specified in section 15(a).

(D) DUTIES WITH RESPECT TO FOSTER CARE.—In carrying out the duties described in subparagraph (A)(vii), the Director of the Office of Children’s Affairs shall assess the extent to which it is cost-effective to use the refugee children foster care system for the placement of unaccompanied alien children.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to transfer the responsibility for adjudicating benefit determinations under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) from the authority of any official of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement, the Executive Office of Immigration Review, or the Department of State.

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

(A) the term “placement” means the placement of an unaccompanied alien child in either a detention facility or an alternative to such a facility; and

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

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

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

(iii) with respect to whom—

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

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

(h) TRANSFER OF FUNCTIONS OF OFFICE OF IMMIGRATION LITIGATION.—There are transferred

from the Assistant Attorney General, Civil Division, to the Associate Attorney General for Immigration Affairs all functions performed by the Office of Immigration Litigation, and all personnel, infrastructure, and funding provided to the Assistant Attorney General, Civil Division, in support of such functions, immediately before the effective date specified in section 15(a). The Associate Attorney General for Immigration Affairs may, in the Associate Attorney General's discretion, charge the General Counsel to the Associate Attorney General for Immigration Affairs with such functions.

(i) **EMPLOYEE DISCIPLINE FOR WILLFUL DECEIT.**—The Associate Attorney General for Immigration Affairs may, notwithstanding any other provision of law, impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, on any employee of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, or the Bureau of Immigration Enforcement who willfully deceives the Congress or agency leadership on any matter.

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

(1) to the head of such component is deemed to refer to the Associate Attorney General for Immigration Affairs; or

(2) to such component is deemed to refer to the Office of the Associate Attorney for Immigration Affairs.

SEC. 4. ESTABLISHMENT OF BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES.

(a) **ESTABLISHMENT OF BUREAU.**—

(1) **IN GENERAL.**—There is established in the Department of Justice a bureau to be known as the "Bureau of Citizenship and Immigration Services".

(2) **DIRECTOR.**—The head of the Bureau of Citizenship and Immigration Services shall be the Director of the Bureau of Citizenship and Immigration Services, who—

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

(B) shall have a minimum of 10 years professional experience in the rendering of adjudications on the provision of government benefits or services, at least 5 of which shall have been years of service in a managerial capacity or in a position affording comparable management experience.

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

(A) shall establish the policies for performing such functions as are transferred to the Director by this section or this Act or otherwise vested in the Director by law;

(B) shall oversee the administration of such policies;

(C) shall advise the Associate Attorney General for Immigration Affairs with respect to any policy or operation of the Bureau of Citizenship and Immigration Services that may affect the Bureau of Immigration Enforcement, including potentially conflicting policies or operations;

(D) shall meet regularly with the Ombudsman to correct serious service problems identified by the Ombudsman; and

(E) shall establish procedures requiring a formal response to any recommendations submitted in the Ombudsman's annual report to the Congress within 3 months after its submission to the Congress.

(4) **STUDENT VISA PROGRAMS.**—The Director of the Bureau of Citizenship and Immigration Services shall designate an official to be respon-

sible for administering student visa programs and the Student and Exchange Visitor Information System established under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), and successor programs and systems, until September 30, 2004. The Director may continue such policy after September 30, 2004, at the Director's discretion. The Director shall provide any information collected by the Student and Exchange Visitor Information System to the Director of the Bureau of Immigration Enforcement that is necessary for the performance of the functions of the Bureau of Immigration Enforcement.

(b) **TRANSFER OF FUNCTIONS FROM COMMISSIONER.**—There are transferred from the Commissioner of the Immigration and Naturalization Service to the Director of the Bureau of Citizenship and Immigration Services the following functions, and all personnel, infrastructure, and funding provided to the Commissioner in support of such functions immediately before the effective date specified in section 15(a):

(1) Adjudications of nonimmigrant and immigrant visa petitions.

(2) Adjudications of naturalization petitions.

(3) Adjudications of asylum and refugee applications.

(4) Adjudications performed at service centers.

(5) All other adjudications performed by the Immigration and Naturalization Service immediately before the effective date specified in section 15(a).

(c) **OFFICE OF POLICY AND STRATEGY.**—There is established in the Bureau of Citizenship and Immigration Services an office to be known as the "Office of Policy and Strategy". The head of the Office of Policy and Strategy shall be the Chief of the Office of Policy and Strategy. In consultation with Bureau of Citizenship and Immigration Services personnel in field offices, the Chief of the Office of Policy and Strategy shall be responsible for—

(1) establishing national immigration services policies and priorities;

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

(3) coordinating immigration policy issues with the Chief of the Office of Policy and Strategy for the Bureau of Immigration Enforcement and the Associate Attorney General for Immigration Affairs through the Policy Advisor for the Associate Attorney General for Immigration Affairs, as appropriate.

(d) **LEGAL ADVISOR.**—There may be a position of Legal Advisor for the Bureau of Citizenship and Immigration Services.

(e) **CHIEF BUDGET OFFICER FOR BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES.**—There shall be a position of Chief Budget Officer for the Bureau of Citizenship and Immigration Services. The Chief Budget Officer shall be responsible for formulating and executing the budget of the Bureau of Citizenship and Immigration Services. The Chief Budget Officer shall report to the Director of the Bureau of Citizenship and Immigration Services and shall provide information to, and coordinate resolution of relevant issues with, the Chief Financial Officer for the Associate Attorney General for Immigration Affairs.

(f) **OFFICE OF CONGRESSIONAL, INTERGOVERNMENTAL, AND PUBLIC AFFAIRS.**—There is established in the Bureau of Citizenship and Immigration Services an office to be known as the "Office of Congressional, Intergovernmental, and Public Affairs". The head of such office shall be the Chief of the Office of Congressional, Intergovernmental, and Public Affairs. The Chief shall be responsible for—

(1) providing information relating to immigration services to the Congress, including information on specific cases relating to immigration services;

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

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

(g) **OFFICE OF CITIZENSHIP.**—There is established in the Bureau of Citizenship and Immigration Services an office to be known as the "Office of Citizenship". The head of such office shall be the Chief of the Office of Citizenship. The Chief shall be responsible for promoting instruction and training on citizenship responsibilities for aliens interested in becoming naturalized citizens of the United States, including the development of educational materials.

(h) **SECTORS.**—Headed by sector directors, and located in appropriate geographic locations, sectors of the Bureau of Citizenship and Immigration Services shall be responsible for directing all aspects of the operations of the Bureau of Citizenship and Immigration Services within their assigned geographic areas of activity. Sector directors shall provide general guidance and supervision to the field offices of the Bureau of Citizenship and Immigration Services within their sectors.

(i) **FIELD OFFICES.**—Headed by field directors, who may be assisted by deputy field directors, field offices of the Bureau of Citizenship and Immigration Services shall be responsible for assisting the Director of the Bureau of Citizenship and Immigration Services in carrying out the Director's functions. Field directors shall be subject to the general supervision and direction of their respective sector director, except that field directors outside of the United States shall be subject to the general supervision and direction of the Director of the Bureau of Citizenship and Immigration Services. All field directors shall remain accountable to, and receive their authority from, the Director of the Bureau of Citizenship and Immigration Services, in order to ensure consistent application and implementation of policies nationwide.

(j) **SERVICE CENTERS.**—Headed by service center directors, service centers of the Bureau of Citizenship and Immigration Services shall be responsible for assisting the Director of the Bureau of Citizenship and Immigration Services in carrying out the Director's functions that can be effectively carried out at remote locations. Service center directors are subject to the general supervision and direction of their respective sector director, except that all service center directors shall remain accountable to, and receive their authority from, the Director of the Bureau of Citizenship and Immigration Services, in order to ensure consistent application and implementation of policies nationwide.

(k) **TRANSFER AND REMOVAL.**—Notwithstanding any other provision of law, the Director of the Bureau of Citizenship and Immigration Services may, in the Director's discretion, transfer or remove any sector director, field director, or service center director.

(l) **MISSION.**—It shall be the mission of the field offices and service centers of the Bureau of Citizenship and Immigration Services to directly and consistently follow all instructions and guidelines of the Director of the Bureau of Citizenship and Immigration Services and the Associate Attorney General for Immigration Affairs in order to ensure the development of a cohesive and consistent national immigration policy.

(m) **REFERENCES.**—With respect to any function transferred by this section or Act to, and exercised on or after the effective date specified in section 15(a) by, the Director of the Bureau of Citizenship and Immigration Services, any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a component of government from which such function is transferred—

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

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

SEC. 5. OFFICE OF THE OMBUDSMAN.

(a) **FUNCTIONS.**—It shall be the function of the Office of the Ombudsman established under section 3—

(1) to assist individuals and employers in resolving problems with the Bureau of Citizenship and Immigration Services;

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

(3) to the extent possible, to propose changes in the administrative practices of the Bureau of Citizenship and Immigration Services to mitigate problems identified under paragraph (2); and

(4) to identify potential legislative changes that may be appropriate to mitigate such problems.

(b) ANNUAL REPORTS.—

(1) OBJECTIVES.—Not later than June 30 of each calendar year, the Ombudsman shall report to the Committee on the Judiciary of the United States House of Representatives and the Senate on the objectives of the Office of the Ombudsman for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and—

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

(B) shall contain a summary of the most pervasive and serious problems encountered by individuals and employers, including a description of the nature of such problems;

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

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

(E) shall contain an inventory of the items described in subparagraphs (A) and (B) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and shall identify any official of the Bureau of Citizenship and Immigration Services who is responsible for such inaction;

(F) shall contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by individuals and employers, including problems created by excessive backlogs in the adjudication and processing of immigration benefit petitions and applications; and

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

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

(c) OTHER RESPONSIBILITIES.—The Ombudsman—

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

(2) shall develop guidance to be distributed to all officers and employees of the Bureau of Citizenship and Immigration Services outlining the criteria for referral of inquiries to local offices of the Ombudsman;

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

(4) shall meet regularly with the Director of the Bureau of Citizenship and Immigration Services to identify serious service problems and to present recommendations for such administrative action as may be appropriate to resolve problems encountered by individuals and employers.

(d) PERSONNEL ACTIONS.—

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

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

(B) to evaluate and take personnel actions (including dismissal) with respect to any employee of any local office of the Ombudsman.

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

(e) RESPONSIBILITIES OF BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES.—The Director of the Bureau of Citizenship and Immigration Services shall establish procedures requiring a formal response to all recommendations submitted to such director by the Ombudsman within 3 months after submission to such director.

(f) OPERATION OF LOCAL OFFICES.—

(1) IN GENERAL.—Each local ombudsman—

(A) shall report to the Ombudsman or the delegate thereof;

(B) may consult with the appropriate supervisory personnel of the Bureau of Citizenship and Immigration Services regarding the daily operation of the local office of such ombudsman;

(C) shall, at the initial meeting with any individual or employer seeking the assistance of such local office, notify such individual or employer that the local offices of the Ombudsman operate independently of any other component in the Office of the Associate Attorney General for Immigration Affairs and report directly to the Congress through the Ombudsman; and

(D) at the local ombudsman's discretion, may determine not to disclose to the Bureau of Citizenship and Immigration Services contact with, or information provided by, such individual or employer.

(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each local office of the Ombudsman shall maintain a phone, facsimile, and other means of electronic communication access, and a post office address, that is separate from those maintained by the Bureau of Citizenship and Immigration Services, or any component of the Bureau of Citizenship and Immigration Services.

SEC. 6. ESTABLISHMENT OF BUREAU OF IMMIGRATION ENFORCEMENT.

(a) ESTABLISHMENT OF BUREAU.—

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

(2) DIRECTOR.—The head of the Bureau of Immigration Enforcement shall be the Director of the Bureau of Immigration Enforcement, who—

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

(B) shall have a minimum of 10 years professional experience in law enforcement, at least 5 of which shall have been years of service in a managerial capacity.

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

(A) shall establish the policies for performing such functions as are transferred to the Director by this section or this Act or otherwise vested in the Director by law;

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

(C) shall advise the Associate Attorney General for Immigration Affairs with respect to any policy or operation of the Bureau of Immigration Enforcement that may affect the Bureau of Citizenship and Immigration Services, including potentially conflicting policies or operations.

(b) TRANSFER OF FUNCTIONS.—There are transferred from the Commissioner of the Immigration and Naturalization Service to the Director of the Bureau of Immigration Enforcement all functions performed under the following programs, and all personnel, infrastructure, and funding provided to the Commissioner in support of such programs immediately before the effective date specified in section 15(a):

(1) The Border Patrol program.

(2) The detention and removal program.

(3) The intelligence program.

(4) The investigations program.

(5) The inspections program.

(c) OFFICE OF POLICY AND STRATEGY.—There is established in the Bureau of Immigration Enforcement an office to be known as the "Office of Policy and Strategy". The head of the Office of Policy and Strategy shall be the Chief of the Office of Policy and Strategy. In consultation with Bureau of Immigration Enforcement personnel in field offices, the Chief of the Office of Policy and Strategy shall be responsible for—

(1) establishing national immigration enforcement policies and priorities;

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

(3) coordinating immigration policy issues with the Chief of the Office of Policy and Strategy for the Bureau of Citizenship and Immigration Services and the Associate Attorney General for Immigration Affairs through the Policy Advisor for the Associate Attorney General for Immigration Affairs, as appropriate.

(d) LEGAL ADVISOR.—There may be a position of Legal Advisor for the Bureau of Immigration Enforcement.

(e) CHIEF BUDGET OFFICER FOR THE BUREAU OF IMMIGRATION ENFORCEMENT.—There shall be a position of Chief Budget Officer for the Bureau of Immigration Enforcement. The Chief Budget Officer shall be responsible for formulating and executing the budget of the Bureau of Immigration Enforcement. The Chief Budget Officer shall report to the Director of the Bureau of Immigration Enforcement and shall provide information to, and coordinate resolution of relevant issues with, the Chief Financial Officer for the Associate Attorney General for Immigration Affairs.

(f) OFFICE OF CONGRESSIONAL, INTERGOVERNMENTAL, AND PUBLIC AFFAIRS.—There is established in the Bureau of Immigration Enforcement an office to be known as the "Office of Congressional, Intergovernmental, and Public Affairs". The head of such office shall be the Chief of the Office of Congressional, Intergovernmental, and Public Affairs. The Chief shall be responsible for—

(1) providing information relating to immigration enforcement to the Congress, including information on specific cases relating to immigration enforcement;

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

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

(g) SECTORS.—Headed by sector directors, and located in appropriate geographic locations, sectors of the Bureau of Immigration Enforcement shall be responsible for directing all aspects of the operations of the Bureau of Immigration Enforcement within their assigned geographic areas of activity. Sector directors shall provide general guidance and supervision to the field offices of the Bureau of Immigration Enforcement within their sectors.

(h) FIELD OFFICES.—Headed by field directors, who may be assisted by deputy field directors, field offices of the Bureau of Immigration Enforcement shall be responsible for assisting the Director of the Bureau of Immigration Enforcement in carrying out the Director's functions. Field directors shall be subject to the general supervision and direction of their respective sector director, except that field directors outside of the United States shall be subject to the general supervision and direction of the Director of the Bureau of Immigration Enforcement. All field directors shall remain accountable to, and receive their authority from, the Director of the Bureau of Immigration Enforcement, in order to ensure consistent application and implementation of policies nationwide. There shall be a field office of the Bureau of Immigration Enforcement situated in at least every location where there is situated a field office of the Bureau of Citizenship and Immigration Services.

(i) **BORDER PATROL SECTORS.**—Headed by chief patrol agents, who may be assisted by deputy chief patrol agents, border patrol sectors of the Bureau of Immigration Enforcement shall be responsible for the enforcement of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and all other laws relating to immigration and naturalization within their assigned geographic areas of activity, unless any such power and authority is required to be exercised by higher authority or has been exclusively delegated to another immigration official or class of immigration officer. Chief patrol agents are subject to the general supervision and direction of their respective sector director, except that they shall remain accountable to, and receive their authority from, the Director of the Bureau of Immigration Enforcement, in order to ensure consistent application and implementation of policies nationwide.

(j) **TRANSFER AND REMOVAL.**—Notwithstanding any other provision of law, the Director of the Bureau of Immigration Enforcement may, in the Director's discretion, transfer or remove any sector director, field director, or chief patrol officer.

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

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

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

SEC. 7. OFFICE OF IMMIGRATION STATISTICS WITHIN BUREAU OF JUSTICE STATISTICS.

(a) **IN GENERAL.**—Part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3731 et seq.) is amended by adding at the end the following:

“OFFICE OF IMMIGRATION STATISTICS

“SEC. 305. (a) There is established within the Bureau of Justice Statistics of the Department of Justice an Office of Immigration Statistics (in this section referred to as the ‘Office’), which shall be headed by a Director who shall be appointed by the Attorney General and who shall report to the Director of Justice Statistics.

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

“(1) Maintenance of all immigration statistical information of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement, and the Executive Office for Immigration Review. Such statistical information shall include information and statistics of the type contained in the publication entitled ‘Statistical Yearbook of the Immigration and Naturalization Service’ prepared by the Immigration and Naturalization Service (as in effect on the day prior to the effective date specified in section 15(a) of the Barbara Jordan Immigration Reform and Accountability Act of 2002).

“(2) Establishment of standards of reliability and validity for immigration statistics collected by the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement, and the Executive Office for Immigration Review.

“(c) The Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement, and the Executive Office for Immigration Review shall provide statistical information to the Office of Immigration Statistics from the operational data systems con-

trolled by the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement, and the Executive Office for Immigration Review, respectively, for the purpose of meeting the responsibilities of the Director.”.

(b) **TRANSFER OF FUNCTIONS.**—There are transferred to the Office of Immigration Statistics established under section 305 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by subsection (a), the functions performed by the Statistics Branch of the Office of Policy and Planning of the Immigration and Naturalization Service on the day before the effective date specified in section 15(a).

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

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

(2) by striking the period at the end of paragraph (23) and inserting “; and”; and

(3) by adding at the end the following:

“(24) collect, maintain, compile, analyze, publish, and disseminate information and statistics about immigration in the United States, including information and statistics involving the functions of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement, and the Executive Office for Immigration Review.”.

SEC. 8. EXERCISE OF AUTHORITIES.

(a) **IN GENERAL.**—Except as otherwise provided by law, a Federal official to whom a function is transferred by this Act may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date specified in section 15(a).

(b) **PRESERVATION OF ATTORNEY GENERAL'S AUTHORITY.**—

(1) **IN GENERAL.**—Any function for which this Act vests responsibility in an official other than the Attorney General, or which is transferred by this Act to such an official, may, notwithstanding any provision of this Act, be performed by the Attorney General, or the Attorney General's delegate, in lieu of such official.

(2) **REFERENCES.**—In a case in which the Attorney General performs a function described in paragraph (1), any reference in any other Federal law, Executive order, rule, regulation, document, or delegation of authority to the official otherwise responsible for the function is deemed to refer to the Attorney General.

(c) **STATUTORY CONSTRUCTION.**—Nothing in this Act may be construed to preclude or limit in any way the powers, authorities, or duties of the Secretary of State and special agents of the Department of State and the Foreign Service under the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 note), the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), or any other Act, to investigate illegal passport or visa issuance or use.

SEC. 9. SAVINGS PROVISIONS.

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

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

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

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

(b) **PROCEEDINGS.**—Sections 4 and 6 and this section shall not affect any proceedings or any application for any benefit, service, license, permit, certificate, or financial assistance pending on the effective date specified in section 15(a) before an office whose functions are transferred by this Act, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

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

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

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

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

SEC. 10. TRANSFER AND ALLOCATION OF APPROPRIATIONS AND PERSONNEL.

(a) **IN GENERAL.**—The personnel of the Department of Justice employed in connection with the functions transferred by this Act (and functions that the Attorney General determines are properly related to the functions of the Bureau of Citizenship and Immigration Services or the Bureau of Immigration Enforcement and would, if transferred, further the purposes of the bureau to which the function is transferred), and the assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to, the Immigration and Naturalization Service or the Office of Immigration Litigation of the Civil Division in connection with the functions transferred by this Act, subject to section 202 of the Budget and Accounting Procedures Act of 1950, shall be transferred to the Associate Attorney General for Immigration Affairs for allocation to the appropriate component or bureau. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated. The Attorney General shall have the

right to adjust or realign transfers of funds and personnel effected pursuant to this Act for a period of 2 years after the effective date specified in section 15(a).

(b) **DELEGATION AND ASSIGNMENT.**—Except as otherwise expressly prohibited by law or otherwise provided in this Act, of the Associate Attorney General for Immigration Affairs, the Director of the Bureau of Citizenship and Immigration Services, and the Director of the Bureau of Immigration Enforcement, the person to whom functions are transferred under this Act may delegate any of the functions so transferred to such officers and employees of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, or the Bureau of Immigration Enforcement, respectively, as the person may designate, and may authorize successive re delegations of such functions as may be necessary or appropriate. No delegation of functions under this subsection or under any other provision of this Act shall relieve the official to whom a function is transferred under this Act of responsibility for the administration of the function.

(c) **AUTHORITIES OF ATTORNEY GENERAL.**—The Attorney General (or a delegate of the Attorney General), at such time or times as the Attorney General (or the delegate) shall provide, may make such determinations as may be necessary with regard to the functions transferred by this Act, and may make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this Act. The Attorney General shall provide for such further measures and dispositions as may be necessary to effectuate the purposes of this Act.

(d) **DATABASES.**—The Associate Attorney General for Immigration Affairs shall ensure that the databases of the Office of the Associate Attorney General for Immigration Affairs and those of the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement are integrated with the databases of the Executive Office for Immigration Review in such a way as to permit—

(1) the electronic docketing of each case by date of service upon the alien of the notice to appear in the case of a removal proceeding (or an order to show cause in the case of a deportation proceeding, or a notice to alien in the case of an exclusion proceeding); and

(2) the tracking of the status of any alien throughout the alien's contact with United States immigration authorities, without regard to whether the entity with jurisdiction over the alien is the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement, or the Executive Office for Immigration Review.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS; PROHIBITION ON TRANSFER OF FEES; LEASING OR ACQUISITION OF PROPERTY; SENSE OF CONGRESS.

(a) **AUTHORIZATION OF APPROPRIATIONS FOR TRANSITION.**—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary to effect the abolition of the Immigration and Naturalization Service, the establishment of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement and their components, and the transfers of functions required to be made under this Act (and the amendments made by this Act), and to carry out any other duty related to the reorganization of the immigration and naturalization functions that is made necessary by this Act (or any such amendment).

(2) **AVAILABILITY OF FUNDS.**—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) **TRANSITION ACCOUNT.**—

(A) **ESTABLISHMENT.**—There is established in the general fund of the Treasury of the United States a separate account, which shall be known as the “Immigration Reorganization Transition Account” (in this paragraph referred to as the “Account”).

(B) **USE OF ACCOUNT.**—There shall be deposited into the Account all amounts appropriated under paragraph (1).

(C) **ADVANCED AVAILABILITY OF FUNDS.**—To the extent provided in appropriations Acts, funds in the Account shall be available for expenditure before the effective date specified in section 15(a).

(b) **SEPARATION OF FUNDING.**—

(1) **IN GENERAL.**—There shall be established separate accounts in the Treasury of the United States for appropriated funds and other deposits available for the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement.

(2) **SEPARATE BUDGETS.**—To ensure that the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement are funded to the extent necessary to fully carry out their respective functions, the Director of the Office of Management and Budget shall separate the budget requests for each such entity.

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

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

(5) **ESTABLISHMENT OF FEES FOR ADJUDICATION AND NATURALIZATION SERVICES.**—Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by striking “services, including the costs of similar services provided without charge to asylum applicants or other immigrants.” and inserting “services.”

(6) **AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE AND ASYLUM ADJUDICATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 207 through 209 of the Immigration and Nationality Act (8 U.S.C. 1157–1159). All funds appropriated under this paragraph shall be deposited into the Immigration Examinations Fee Account established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) and shall remain available until expended.

(c) **LEASING OR ACQUISITION OF PROPERTY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend, from the appropriation provided for the administration and enforcement of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), such amounts as may be necessary for the leasing or acquisition of property in the fulfillment of establishing the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement under this Act.

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

(1) the missions of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement are equally important and, accordingly, they each should be adequately funded; and

(2) the functions of the Associate Attorney General for Immigration Affairs described in section 3, the immigration adjudication and service functions referred to in section 4, and the immigration enforcement functions referred to in section 6 should not operate at levels below that in existence prior to the enactment of this Act.

(e) **ELIMINATION OF LIMITATION ON EXPENDITURES FOR BACKLOG REDUCTION.**—Section 204(b) of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573(b)) is amended by striking paragraph (4).

SEC. 12. REPORTS AND IMPLEMENTATION PLANS.

(a) **DIVISION OF FUNDS.**—The Attorney General, not later than 120 days after the date of the enactment of this Act, shall submit to the Committees on Appropriations and the Judiciary of the United States House of Representatives and of the Senate a report on the proposed division and transfer of funds, including unexpended funds, appropriations, and fees, among the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement.

(b) **DIVISION OF PERSONNEL.**—The Attorney General, not later than 120 days after the date of the enactment of this Act, shall submit to the Committees on Appropriations and the Judiciary of the United States House of Representatives and of the Senate a report on the proposed division of personnel among the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement.

(c) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—The Attorney General, not later than 120 days after the date of the enactment of this Act, and every 6 months thereafter until the termination of fiscal year 2005, shall submit to the Committees on Appropriations and the Judiciary of the United States House of Representatives and of the Senate an implementation plan to carry out this Act.

(2) **CONTENTS.**—The implementation plan should include details concerning the separation of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement, including the following:

(A) Organizational structure, including the field structure.

(B) Chain of command.

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

(D) Procedures for the Director of Shared Services to perform all shared support functions, including authorizing the Director of the Bureau of Citizenship and Immigration Services and the Director of the Bureau of Immigration Enforcement to approve training curricula and to acquire such supplies and equipment as may be necessary to perform the daily operations of that director's bureau.

(E) Procedures to establish separate accounts and financial management systems for the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement, and to implement all provisions of section 11(b).

(F) Fraud detection and investigation.

(G) The processing and handling of removal proceedings, including expedited removal and applications for relief from removal.

(H) Recommendations for conforming amendments to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(I) Establishment of a transition team.

(J) Ways to phase in the costs of separating the administrative support systems of the Immigration and Naturalization Service in order to provide for separate administrative support systems for the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement in instances where separate systems are more efficient or effective.

(d) **REPORT ON IMPROVING IMMIGRATION SERVICES.**—

(1) **IN GENERAL.**—The Attorney General, not later than 1 year after the date of the enactment of this Act, shall submit to the Committees on the Judiciary and Appropriations of the United

States House of Representatives and of the Senate a report containing a plan for how the Director of the Bureau of Citizenship and Immigration Services will complete efficiently, fairly, and within a reasonable time, the adjudications described in paragraphs (1) through (5) of section 4(b).

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

(A) Any potential savings of resources that may be implemented without affecting the quality of the adjudication.

(B) The goal for processing time with respect to the application.

(C) Any statutory modifications with respect to the adjudication that the Attorney General considers advisable.

(3) **CONSULTATION.**—In carrying out paragraph (1), the Attorney General shall consult with the Secretary of State, the Secretary of Labor, the Associate Attorney General for Immigration Affairs, the Director of the Bureau of Immigration Enforcement, and the Director of the Executive Office for Immigration Review to determine how to streamline and improve the process for applying for and making adjudications described in section 4(b) and related processes.

(e) **REPORT ON IMPROVING ENFORCEMENT FUNCTION.**—

(1) **IN GENERAL.**—The Attorney General, not later than 1 year after the date of the enactment of this Act, shall submit to the Committees on Appropriations and the Judiciary of the United States House of Representatives and of the Senate a report with a plan detailing how the Bureau of Immigration Enforcement, after the transfer of functions performed under the programs described in paragraphs (1) through (5) of section 6(b), will enforce comprehensively, effectively, and fairly all the enforcement provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) relating to such programs.

(2) **CONSULTATION.**—In carrying out paragraph (1), the Attorney General shall consult with the Secretary of State, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, the Secretary of Labor, the Commissioner of Social Security, the Associate Attorney General for Immigration Affairs, the Director of the Bureau of Citizenship and Immigration Services, the Director of the Executive Office for Immigration Review, and the heads of State and local law enforcement agencies to determine how to most effectively conduct enforcement operations.

(f) **REPORT ON SHARED SERVICES.**—The Attorney General, not later than 3 years after the effective date specified in section 15(a), shall submit to the Committees on the Judiciary and Appropriations of the United States House of Representatives and of the Senate a report on whether the Director of Shared Services is properly serving the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement. The report should address whether it would be more efficient to transfer one or more of the functions described in section 3 to the Director of the Bureau of Citizenship and Immigration Services or the Director of the Bureau of Immigration Enforcement, and shall include an estimate of the cost of any such transfer that the Attorney General recommends. The report should also address whether it would be more efficient to transfer one or more of the functions described in sections 4 and 6 to the Office of the Associate Attorney General for Immigration Affairs, and shall include an estimate of the cost of any such transfer that the Attorney General recommends.

(g) **COMPTROLLER GENERAL STUDIES AND REPORTS.**—

(1) **STATUS REPORTS ON TRANSITION.**—Not later than 18 months after the effective date specified in section 15(a), and every 6 months thereafter, until full implementation of this Act has been

completed, the Comptroller General of the United States shall submit to the Committees on Appropriations and on the Judiciary of the United States House of Representatives and the Senate a report containing the following:

(A) A determination of whether the transfers of functions made by sections 4 and 6 have been completed, and if a transfer of functions has not taken place, identifying the reasons why the transfer has not taken place.

(B) If the transfers of functions made by sections 4 and 6 have been completed, an identification of any issues that have arisen due to the completed transfers.

(C) An identification of any issues that may arise due to any future transfer of functions.

(2) **REPORT ON MANAGEMENT.**—Not later than 4 years after the effective date specified in section 15(a), the Comptroller General of the United States shall submit to the Committees on Appropriations and on the Judiciary of the United States House of Representatives and the Senate a report, following a study, containing the following:

(A) Determinations of whether the transfer of functions from the Immigration and Naturalization Service to the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement, and the transfer of functions from the Immigration and Naturalization Service and the Office of Immigration Litigation of the Civil Division to the Office of the Associate Attorney General for Immigration Affairs, under this Act have improved, with respect to each function transferred, the following:

- (i) Operations.
- (ii) Management, including accountability and communication.
- (iii) Financial administration.
- (iv) Recordkeeping, including information management and technology.

(B) A statement of the reasons for the determinations under subparagraph (A).

(C) Any recommendations for further improvements to the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement.

(h) **REPORT ON INTERIOR CHECKPOINTS.**—Not later than 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on whether all permanent interior checkpoints operated by the Immigration and Naturalization Service ought to be closed, and the funds that otherwise would be expended for the operation of such checkpoints ought to be reallocated for protecting and maintaining the integrity of the borders of the United States and increasing enforcement at other points of entry into the United States.

(i) **REPORT ON RESPONDING TO FLUCTUATING NEEDS.**—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on changes in law, including changes in authorizations of appropriations and in appropriations, that are needed to permit the Immigration and Naturalization Service, and, after the effective date specified in section 15(a), the Bureau of Citizenship and Immigration Services, to ensure a prompt and timely response to emergent, unforeseen, or impending changes in the number of applications for immigration benefits, and otherwise to ensure the accommodation of changing immigration service needs.

SEC. 13. APPLICATION OF INTERNET-BASED TECHNOLOGIES.

(a) **ESTABLISHMENT OF TRACKING SYSTEM.**—The Attorney General, not later than 1 year after the date of the enactment of this Act, in consultation with the Technology Advisory Committee established under subsection (c), shall establish an Internet-based system, that will permit a person, employer, immigrant, or nonimmigrant who has filings with the Attorney General for any benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), access to online information about the processing status of the filing involved.

(b) **FEASIBILITY STUDY FOR ONLINE FILING AND IMPROVED PROCESSING.**—

(1) **ONLINE FILING.**—The Attorney General, in consultation with the Technology Advisory Committee established under subsection (c), shall conduct a feasibility study on the online filing of the filings described in subsection (a). The study shall include a review of computerization and technology of the Immigration and Naturalization Service relating to the immigration services and processing of filings related to immigrant services. The study shall also include an estimate of the timeframe and cost and shall consider other factors in implementing such a filing system, including the feasibility of fee payment online.

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

(c) **TECHNOLOGY ADVISORY COMMITTEE.**—

(1) **ESTABLISHMENT.**—The Attorney General shall establish, not later than 60 days after the date of the enactment of this Act, an advisory committee (in this section referred to as the “Technology Advisory Committee”) to assist the Attorney General in—

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

(B) conducting the study under subsection (b). The Technology Advisory Committee shall be established after consultation with the Committees on the Judiciary of the United States House of Representatives and the Senate.

(2) **COMPOSITION.**—The Technology Advisory Committee shall be composed of representatives from high technology companies capable of establishing and implementing the system in an expeditious manner, and representatives of persons who may use the tracking system described in subsection (a) and the online filing system described in subsection (b)(1).

SEC. 14. DEFINITIONS.

For purposes of this Act:

(1) The term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(2) The term “office” includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

SEC. 15. EFFECTIVE DATE; TRANSITION.

(a) **IN GENERAL.**—The abolishment of the Immigration and Naturalization Service, the establishment of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement, the transfers of functions specified under this Act, and the amendments made by this Act, shall take effect 1 year after the date of the enactment of this Act. The Associate Attorney General for Immigration Affairs, the Director of the Bureau of Citizenship and Immigration Services, and the Director of the Bureau of Immigration Enforcement shall be appointed not later than such effective date. To the extent that functions to be transferred to such persons under this Act continue to be performed by the Immigration and Naturalization Service and the Office of Immigration Litigation of the Civil Division during fiscal year 2003, the Attorney General shall provide for an appropriate accounting of funds and an appropriate transfer of funds appropriated to such entities to the appropriate component of the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, or the Bureau of Immigration Enforcement.

(b) **TRANSITION PERIOD FOR CERTAIN BUREAU FUNCTIONS.**—Notwithstanding subsection (a), during the 18-month period after the transfer of functions under this Act takes effect, the Associate Attorney General for Immigration Affairs is authorized to perform the functions described in subsections (c), (d), and (f) of each of sections

4 and 6 for both the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement.

SEC. 16. CONFORMING AMENDMENT.

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

“Commissioner of Immigration and Naturalization, Department of Justice.”

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 107-419. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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It is now in order to consider amendment No. 1 printed in House Report 107-419.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 2, after the item relating to section 10, insert the following (and redesignate succeeding items accordingly):

“Sec. 11. Voluntary separation incentive payments.

“Sec. 12. Authority to conduct a demonstration project relating to disciplinary action.

Page 15, line 15, strike “15(a)” and insert “17(a)”.

Page 17, line 9, strike “15(a)” and insert “17(a)”.

Page 18, line 1, strike “15(a)” and insert “17(a)”.

Page 20, after line 21, insert the following:

(5) MANAGERIAL ROTATION PROGRAM.—

(A) IN GENERAL.—Not later than 1 year after the effective date specified in section 18(a), the Director of the Bureau of Citizenship and Immigration Services shall design and implement a managerial rotation program under which employees of such bureau holding positions involving supervisory or managerial responsibility and classified, in accordance with chapter 51 of title 5, United States Code, as a GS-14 or above, shall, as a condition on further promotion—

(i) gain some experience in all the major functions performed by such bureau; and

(ii) work in at least one field office and one service center of such bureau.

(B) REPORT.—Not later than 2 years after the effective date specified in section 17(a), the Attorney General shall submit a report to the Congress on the implementation of such program.

Page 21, line 4, strike “15(a)” and insert “17(a)”.

Page 21, line 13, strike “15(a)” and insert “17(a)”.

Page 25, line 20, strike “15(a)” and insert “17(a)”.

Page 32, after line 20, insert the following:

(4) MANAGERIAL ROTATION PROGRAM.—

(A) IN GENERAL.—Not later than 1 year after the effective date specified in section

17(a), the Director of the Bureau of Immigration Enforcement shall design and implement a managerial rotation program under which employees of such bureau holding positions involving supervisory or managerial responsibility and classified, in accordance with chapter 51 of title 5, United States Code, as a GS-14 or above, shall, as a condition on further promotion—

(i) gain some experience in all the major functions performed by such bureau; and

(ii) work in at least one field office and one border patrol sector of such bureau.

(B) REPORT.—Not later than 2 years after the effective date specified in section 17(a), the Attorney General shall submit a report to the Congress on the implementation of such program.

Page 33, line 3, strike “15(a)” and insert “17(a)”.

Page 37, line 3, strike “15(a)” and insert “17(a)”.

Page 38, line 14, strike “15(a)” and insert “17(a)”.

Page 39, line 16, strike “15(a)” and insert “17(a)”.

Page 40, line 18, strike “15(a)” and insert “17(a)”.

Page 42, line 16, strike “15(a)” and insert “17(a)”.

Page 43, line 6, strike “15(a)” and insert “17(a)”.

Page 45, line 7, strike “15(a)” and insert “17(a)”.

Page 47, after line 9, insert the following:

SEC. 11. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code) who—

(A) has completed at least 3 years of current continuous service with 1 or more covered entities; and

(B) is serving under an appointment without time limitation; but does not include any person under subparagraphs (A)-(G) of section 663(a)(2) of Public Law 104-208 (5 U.S.C. 5597 note);

(2) the term “covered entity” means—

(A) the Immigration and Naturalization Service;

(B) the Office of Immigration Litigation of the Civil Division;

(C) the Office of the Associate Attorney General for Immigration Affairs;

(D) the Bureau of Immigration Enforcement; and

(E) the Bureau of Citizenship and Immigration Services; and

(3) the term “transfer date” means the date on which the transfer of functions specified under this Act takes effect.

(b) STRATEGIC RESTRUCTURING PLAN.—Before obligating any resources for voluntary separation incentive payments under this section, the Attorney General shall submit to the appropriate committees of Congress a strategic restructuring plan, which shall include—

(1) an organizational chart depicting the covered entities after their restructuring pursuant to this Act;

(2) a summary description of how the authority under this section will be used to help carry out that restructuring; and

(3) the information specified in section 663(b)(2) of Public Law 104-208 (5 U.S.C. 5597 note).

As used in the preceding sentence, the “appropriate committees of Congress” are the Committees on Appropriations, Government Reform, and the Judiciary of the House of Representatives, and the Committees on Appropriations, Governmental Affairs, and the Judiciary of the Senate.

(c) AUTHORITY.—The Attorney General may, to the extent necessary to help carry

out the strategic restructuring plan described in subsection (b), make voluntary separation incentive payments to employees. Any such payment—

(1) shall be paid to the employee, in a lump sum, after the employee has separated from service;

(2) shall be paid from appropriations or funds available for the payment of basic pay of the employee;

(3) shall be equal to the lesser of—

(A) the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; or

(B) an amount not to exceed \$25,000, as determined by the Attorney General;

(4) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before the end of—

(A) the 3-month period beginning on the date on which such payment is offered or made available to such employee; or

(B) the 3-year period beginning on the date of the enactment of this Act, whichever occurs first;

(5) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(6) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any payments which it is otherwise required to make, the Department of Justice shall, for each fiscal year with respect to which it makes any voluntary separation incentive payments under this section, remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund the amount required under paragraph (2).

(2) AMOUNT REQUIRED.—The amount required under this paragraph shall, for any fiscal year, be the amount under subparagraph (A) or (B), whichever is greater.

(A) FIRST METHOD.—The amount under this subparagraph shall, for any fiscal year, be equal to the minimum amount necessary to offset the additional costs to the retirement systems under title 5, United States Code (payable out of the Civil Service Retirement and Disability Fund) resulting from the voluntary separation of the employees described in paragraph (3), as determined under regulations of the Office of Personnel Management.

(B) SECOND METHOD.—The amount under this subparagraph shall, for any fiscal year, be equal to 45 percent of the sum total of the final basic pay of the employees described in paragraph (3).

(3) COMPUTATIONS TO BE BASED ON SEPARATIONS OCCURRING IN THE FISCAL YEAR INVOLVED.—The employees described in this paragraph are those employees who receive a voluntary separation incentive payment under this section based on their separating from service during the fiscal year with respect to which the payment under this subsection relates.

(4) FINAL BASIC PAY DEFINED.—In this subsection, the term “final basic pay” means, with respect to an employee, the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee’s final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who receives a voluntary separation incentive payment under this section and who, within

5 years after the date of the separation on which the payment is based, accepts any compensated employment with the Government or works for any agency of the Government through a personal services contract, shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment. Such payment shall be made to the covered entity from which the individual separated or, if made on or after the transfer date, to the Associate Attorney General for Immigration Affairs (for transfer to the appropriate component of the Department of Justice, if necessary).

(f) EFFECT ON EMPLOYMENT LEVELS.—

(1) INTENDED EFFECT.—Voluntary separations under this section are not intended to necessarily reduce the total number of full-time equivalent positions in any covered entity.

(2) USE OF VOLUNTARY SEPARATIONS.—A covered entity may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

SEC. 12. AUTHORITY TO CONDUCT A DEMONSTRATION PROJECT RELATING TO DISCIPLINARY ACTION.

(a) IN GENERAL.—The Attorney General may, during a period ending not later than 5 years after the date of the enactment of this Act, conduct a demonstration project for the purpose of determining whether one or more changes in the policies or procedures relating to methods for disciplining employees would result in improved personnel management.

(b) SCOPE.—The demonstration project—

(1) may not cover any employees apart from those employed in or under a covered entity; and

(2) shall not be limited by any provision of chapter 43, 75, or 77 of title 5, United States Code.

(c) PROCEDURES.—Under the demonstration project—

(1) the use of alternative means of dispute resolution (as defined in section 571 of title 5, United States Code) shall be encouraged, whenever appropriate; and

(2) each covered entity shall be required to provide for the expeditious, fair, and independent review of any action to which section 4303 or subchapter II of chapter 75 of such title 5 would otherwise apply (except an action described in section 7512(5) thereof).

(d) ACTIONS INVOLVING DISCRIMINATION.—Notwithstanding any other provision of this section, if, in the case of any matter described in section 7702(a)(1)(B) of title 5, United States Code, there is no judicially reviewable action under the demonstration project within 120 days after the filing of an appeal or other formal request for review (referred to in subsection (c)(2)), an employee shall be entitled to file a civil action to the same extent and in the same manner as provided in section 7702(e)(1) of such title 5 (in the matter following subparagraph (C) thereof).

(e) CERTAIN EMPLOYEES.—Employees shall not be included within any project under this section if such employees are—

(1) neither managers nor supervisors; and

(2) within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 of title 5, United States Code.

Notwithstanding the preceding sentence, an aggrieved employee within a unit (referred to in paragraph (2)) may elect to participate in a complaint procedure developed under the demonstration project in lieu of any negotiated grievance procedure and any statutory procedure (as such term is used in section 7121 of such title 5).

(f) REPORTS.—The General Accounting Office shall prepare and submit to the Committees on Government Reform and the Judiciary of the House of Representatives and the Committees on Governmental Affairs and the Judiciary of the Senate periodic reports on any demonstration project conducted under this section, such reports to be submitted after the second and fourth years of its operation. Upon request, the Attorney General shall furnish such information as the General Accounting Office may require to carry out this subsection.

(g) DEFINITIONS.—In this section—

(1) the term "Attorney General" means the Attorney General or his designee; and

(2) the term "covered entity" has the meaning given such term in section 11(a)(2). Page 47, line 10, strike "11" and insert "13".

Page 48, line 21, strike "15(a)" and insert "17(a)".

Page 51, strike lines 16 through 20.

Page 51, line 21, strike "12" and insert "14".

Page 53, line 24, strike "11(b)" and insert "13(b)".

Page 57, line 1, strike "15(a)" and insert "17(a)".

Page 57, line 23, strike "15(a)" and insert "17(a)".

Page 58, line 18, strike "15(a)" and insert "17(a)".

Page 60, line 15, strike "15(a)" and insert "17(a)".

Page 60, line 20, strike "13" and insert "15".

Page 62, line 22, strike "14" and insert "16".

Page 63, line 7, strike "15" and insert "17".

Page 64, line 13, strike "16" and insert "18".

The CHAIRMAN. Pursuant to House Resolution 396, the gentleman from Wisconsin (Mr. SENSENBRENNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment which has been worked out on a bipartisan basis by the Committees on the Judiciary and Government Reform will give the Attorney General and the Associate Attorney General for Immigration Affairs personnel flexibility tools needed to ensure that the restructuring of the INS will be a success.

First, it requires the directors of the two immigration bureaus to design and implement managerial rotation programs so that their managers will have experience in all the major functions of their respective bureaus and will have worked out in the field. I want to thank the gentleman from Arizona (Mr. FLAKE) for crafting this important provision.

Second, this amendment permits the Attorney General to offer buyouts to INS employees. That is essential to reshaping the agency.

Third, and most importantly, the amendment authorizes a 5-year demonstration project relating to disciplinary actions. It permits the AG to change policies and procedures regarding methods of disciplining employees in order to improve the quality of INS management. This would ensure dis-

cipline for both employee malfeasance and nonfeasance.

The demonstration project must encourage the use of alternative means of dispute resolution, where appropriate, and require expeditious, fair and independent review of disciplinary actions. The amendment provides needed flexibility for managing the new immigration components.

I want to thank the Committee on Government Reform for its work, support and patience in drafting this amendment. I want to thank three members of the Committee on the Judiciary, the gentleman from Utah (Mr. CANNON), the gentlewoman from California (Ms. LOFGREN), and the gentleman from California (Mr. ISSA) who worked particularly hard to ensure that the Justice Department would have the personnel flexibility to make restructuring a success. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. BALDWIN. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment.

The CHAIRMAN. Without objection, the gentlewoman from Wisconsin is recognized for 5 minutes.

There was no objection.

Ms. BALDWIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the manager's amendment. During the committee markup there were several issues that were contentious at the time. Chairman SENSENBRENNER and Ranking Member CONYERS agreed to work with other Judiciary Committee members and members of the Committee on Government Reform to reach bipartisan agreement. They were successful in reaching an accord on most of these issues.

I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I suspect that what the gentlewoman was determining here was the amendment having to do with representation of children?

Ms. BALDWIN. No.

Mr. GEKAS. No? Then I am in the wrong place at the wrong time, but I will try to regain the podium later.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 107-419.

AMENDMENT NO. 2 OFFERED BY MS. BALDWIN

Ms. BALDWIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. BALDWIN: Page 11, line 14, insert before the semicolon at the end the following: “, including developing a plan to be submitted to the Congress on how to ensure that qualified and independent legal counsel is timely appointed to represent the interests of each such child, consistent with the law regarding appointment of counsel that is in effect on the date of the enactment of this Act”.

The CHAIRMAN. Pursuant to House Resolution 396, the gentlewoman from Wisconsin (Ms. BALDWIN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I yield myself such time as I may consume.

My amendment is simple. It would require the Office of Children's Affairs within the newly created Agency of Immigration Affairs to develop a plan on how to provide unaccompanied alien children with independent legal counsel.

Think back to when you were 8 years old. For many, our biggest concern might have been Friday's spelling bee. Now imagine that you were forced against your will to go to another country, alone, without knowing why, without knowing for how long, and often without knowing the language. You would definitely have a lot more to worry about. Remarkably, this happens to nearly 5,000 children every year in the United States. These unaccompanied alien children are brought to America from other countries for various reasons.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentlewoman for yielding. I believe she has a very constructive amendment dealing with what is a major problem. We are happy to accept the amendment.

Mr. GEKAS. Mr. Chairman, will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I now find myself in the right spot, in the right place, on the right issue at the podium.

Ms. BALDWIN. Welcome.

Mr. GEKAS. I want to substantiate my support for the amendment and to urge that everyone consider the question of unaccompanied young children and the provision of legal assistance in their quest to remain in the United States. I thank the gentlewoman for yielding.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. BALDWIN. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would encourage the gentlewoman to complete her remarks, so I will not take up a lot of the time, but

I do want to congratulate the gentlewoman for an excellent amendment. Working, of course, as I do with the Congressional Children's Caucus, we are always seeing the diminished rights of children many times when they are unequal in our systems and particularly the court systems. And so coming from a border State like Texas, I can assure you that in the detention centers we find large numbers of unaccompanied children. Also being familiar with Haitian children in the parts of the land in which they come, particularly the State of Florida, we have seen many tragic incidences of citizen Haitian children with parents who are then forced to be sent back and with no independent representation. It happens to many, many immigrants.

And so let me say that this is an important addition to the children's bureau. I would like to join you as I am on the amendment in asking our colleagues to support it.

Ms. BALDWIN. Mr. Chairman, I am delighted to hear of the support from my fellow members of the committee on both sides of the aisle.

I wanted to just explain briefly further that when the INS or the Justice Department takes unaccompanied alien children into custody, our legal system treats them unlike any citizen and unlike any adult noncitizen. They are provided legal counsel who are charged not only with deporting them as mandated by law but also with representing their best interests, which is also mandated by law. It has become increasingly clear that these dueling responsibilities cannot coexist effectively.

The stories are alarming. Unaccompanied alien children are sometimes being left alone to fill out complex legal forms that determine their future, not only here in America but also their future lives in general. Almost one-third of the children will be forced to eat, sleep and live next to juvenile offenders in restrictive juvenile detention centers. Some will languish in these detention centers for years because they lack adequate legal counsel. Some will be moved to other detention centers without being told why and unable to notify relatives in their home countries where they are going.

During this debate, we have heard a lot about why the INS has been unable to do its job in the way that the American people expect and deserve. I am pleased that today we are spending at least this brief time talking about the children who are affected by the shortcomings of the INS. These conflicts of interest and dueling responsibilities not only frustrate the overall mission of the INS but cause disproportionate harm to these unaccompanied alien children.

This amendment begins to address the serious issue of unaccompanied alien children receiving legal counsel that is rife with conflicts of interest. I would point out that this amendment states that any plan developed by the

new Office of Children's Affairs will be brought back before Congress for careful examination. It is essential that Congress be able to give suggestions and ask questions about how we can best protect these children's interests.

In closing, I would like to make this point very clearly: Most of the unaccompanied alien children are here for reasons beyond their control. In reforming and restructuring the INS, we hope to more effectively separate those people who want to tear our country down, from those who want to build it up. By passing this amendment, we have a great chance of making these children want to do the latter.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment to claim that time?

The gentlewoman from Wisconsin is then recognized for the balance of her time.

Ms. BALDWIN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I do want to include in the RECORD for the gentlewoman's amendment and for the gentlewoman's information that we are seeing over the last couple of weeks and months carriers of heroin, children being used by this terrible tragedy. I do want to note for the record a 12-year-old being forced to swallow 87 condoms full of heroin and travel to the United States. He was taken into custody and faces charges. In that instance, obviously that child needs counsel, whatever your opinion is about heroin; and there are many cases like that, so this is so very crucial to have.

This amendment is simple but very important. It would compel the Office of Children's Affairs within the newly created Agency of Immigration Affairs to develop a plan that would provide unaccompanied alien children with independent legal counsel.

In the year 2000, the INS took approximately 4,700 alien children who lacked a family member or close friend here in the United States into custody. Many unaccompanied children are smuggled into our country and forced into prostitution or labor. Many are simply used as a tool for others to enter our country and are left behind.

While current laws were once written to protect the child's best interest, it has become increasingly clear that the law's intent and purpose has become as blurry and as confused as the Immigration and Naturalization Service's intent and purpose.

While some of these unaccompanied children are deported or reunited with family members, many of them are placed in detention centers for long periods of time without receiving adequate counsel to help them navigate the legal process. An 18 month old infant was placed in her swing chair in Miami to defend herself. A lawyer present in the courtroom saw this ludicrous situation and offered to take the case free of charge. A 12 year old was forced to swallow 87 condoms full of heroin and travel to the United States. He was taken into custody and now faces a lot of charges. Here's a copy of the article.

Everyday kids 10 years old and younger are forced to fill out complex legal forms that determine their future life here in the United

States and life in general. The forms are not even written in their native language. Many of the kids are forced to reside in detention centers for long periods of time and are transferred to other detention centers without being told why.

Almost one-third of the unaccompanied alien children will be shackled and periodically strip-searched before being sent to detention centers where they will eat, sleep, and live beside juveniles who may have committed serious crimes. They can end up staying in these detention centers from anywhere between 1 month to 2 years before receiving their asylum hearing. Many will be transferred several times to other states and other detention centers without being provided legal advice, let alone be told in their native language where and why they are being moved.

During debate on this amendment in Committee, some Members raised concern about the cost of providing counsel for unaccompanied alien children. While this may be a concern, this amendment would simply give the Agency for Immigration Affairs the responsibility of developing a plan on how to do this. Very little cost would be incurred by developing such a plan.

Furthermore, this amendment would require the Office of Children's Affairs and the Agency of Immigration Affairs to report back to this Congress so Members can learn more about the plan, raise questions, and offer suggestions or criticism. This amendment would simply start the process of addressing a serious problem about how we can give unaccompanied alien children a fair chance in our courtrooms and in our country.

Lastly, Mr. Chairman, the language that was added at the last minute, "consistent with current law" should not close the door on the government coming up with a serious constructive plan for providing legal counsel for unaccompanied minor children. This simply must be done.

OFFICIALS: BOY SWALLOWS 87 HEROIN
CONDOMS

NEW YORK (AP).—A 12-year-old boy from Nigeria swallowed 87 condoms filled with heroin, flew to New York and became sick before meeting whoever had promised him \$1,900 to act as a contraband courier, authorities said.

The boy's father is imprisoned in the United States for recruiting drug mules to smuggle heroin into Georgia.

The boy, identified as Prince Nnaedozie Umegbolu, was listed in stable condition at New York Hospital Medical Center of Queens. Officials said 85 of the 87 condoms had left his system as of Thursday evening.

The boy has been charged with juvenile delinquency drug possession of a controlled dangerous substance, said Steve Coleman, a spokesman for the Port Authority of New York and New Jersey, which runs area airports. His case will be handled in family Court.

Airport detectives said it is not uncommon to find adults acting as drug mules, but it is rare for a child.

The boy arrived alone at John F. Kennedy International Airport at 10:30 p.m. Wednesday on a British Airways flight from London, Coleman said. He hailed a cab and went to a Brooklyn address, but no one was there, Coleman said. He then went to LaGuardia Airport before becoming ill.

Authorities did not know for whom Umegbolu was carrying the heroin.

Umegbolu, an American citizen, had been living with his grandparents for the past two

years in Abuja, Nigeria, Coleman said. His mother, Alissa Walden, lives in Norcross, Georgia. There was no telephone listing for her, and she could not immediately be contacted for comment.

The boy's father, Chukwunwike Umegbolu, is imprisoned in Petersburg, Virginia, according to court records. The elder Umegbolu was convicted in 1995 for his role in a drug ring that imported at least \$33 million in heroin into Georgia over a decade.

Ms. BALDWIN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I thank the gentlewoman from Wisconsin for this opportunity to speak on behalf of the amendment.

Article 1, section 8 of the United States Constitution gives the Federal Government jurisdiction to establish uniform naturalization laws. We have been given constitutional authority to establish these laws, and it is our responsibility to make adequate provisions for children who find themselves in conflict with our laws through no fault of their own. This amendment requires the Office of Children's Affairs to report to Congress on a plan that would aid unaccompanied children in the naturalization process.

While Congress has a responsibility to protect the citizens of the United States from enemy threats, I do not believe an unaccompanied child under the age of 10, for example, has the intention of undermining our way of life, even though the circumstances of his or her arrival may conflict with our laws. Some of these unaccompanied children find themselves in America through smuggling rings for slave labor or prostitution. The perpetrators are the adults who abandon them and break our laws, not the children themselves.

For that reason, I strongly support finding a means of handling these situations when they sadly arise. This amendment does not overburden the government with additional cost, though it does require the development of a plan by the Office of Children's Affairs created by the underlying bill for dealing with such eventualities. This is the least we can do for the most vulnerable of exploited immigrant populations. Currently, the INS holds approximately 4,700 unaccompanied alien children in custody every year. Many of these children have valid claims to refugee and asylum status; but without adequate legal counsel, they are not afforded the opportunity to make such claims.

I wonder, Mr. Chairman, just how many of these unaccompanied children have been shuffled through the process and have not gotten the procedural consideration they are due in this great country. Planning for these cases and the interests of the children should be one of the foremost priorities to be dealt with by the new Office of Children's Affairs. It is for this reason that

I ask my colleagues to support this amendment.

The CHAIRMAN. The gentlewoman from Wisconsin has 1 minute remaining.

Ms. BALDWIN. Mr. Chairman, I yield that 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I appreciate very much the effort that is being made to make sure that children are represented and that their best interests are brought to the forefront. I would note that there is ambiguity in the drafting of the amendment because it would freeze the current law that prohibits the appointment of counsel. However, since this is a plan that is subject to further review when it comes back to the Congress, I would note that the Congress will have an opportunity to actually deal with the appointment of counsel for children as to their dependency status at least when that comes back. I think and I am hopeful that we will actually do that once this plan is put into place.

First, the 5-year-old is a child before they are an immigrant. We ought to treat the child as any other child would be treated in a dependency case, with advocacy of their best interests. I very much appreciate the effort that the gentlewoman from Wisconsin (Ms. BALDWIN) has put into this.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. BALDWIN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 107-419.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON-
LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 59, after line 22, insert the following:

(3) REPORT ON FEES.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report examining whether the Bureau of Citizenship and Immigration Services is likely to derive sufficient funds from fees to carry out its functions in the absence of appropriated funds.

The CHAIRMAN. Pursuant to House Resolution 396, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me acknowledge that one of the crucial points of change in this legislation is the establishing of a bureau of services and a bureau of enforcement, one of the major concerns in this legislation and as well in the fault of the INS.

□ 1315

Might I just take a moment, because I believe when we talk about abolishing an agency, we make a global statement about all of those who are working there or have worked there. Let me get on record by acknowledging the many hard-working constituents that I have that work for the INS and around the Nation. Allow me to acknowledge the many effective and faithful district directors and center directors who have worked diligently with our respective staffs to ensure that some of the snafus that do occur can get corrected. But at the same time, allow me to acknowledge incidences of lost fingerprints and lost paperwork, incidences where people in the business community are seeking to generate opportunities for those who come to be productive in this country and generate business, are sometimes in a very complicated and conflicted position of not being able to pursue on behalf of their client the process of accessing legalization. Part of that, even though we know that there has been an attempt to increase the funding of the INS, has been the money stream.

In this bill, we rely upon the fee structure for funding the services. I want to say to all of the advocates and providers of services before the INS, the counsel that represent the particular clients trying to seek legalization, and those who work in that process to give fair hearing to those who try to proceed in the process. Allow me to suggest that we can make it better if we can follow the money trail.

This study will give us the insight as to whether the fees generated by the particular services that are granted by the INS are enough or effectively utilized to ensure that we do not have the problems that we are facing today.

Later on today, we will have additional amendments on statistics; we will have additional amendments.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this is a constructive amendment because it can give us some very good data on how reliant the service end of the INS is on fees that it collects from immigrants. I would hope that the committee would speedily adopt this amendment so that we can go on with the consideration of this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the chairman of the committee for his support of this.

To complete my explanation, let me say that this amendment will help us in the structure of the fee process that we have, being able to monitor whether or not that is sufficient money.

Again, this goes to the point that rather than having a cosmetic approach to this legislation, we are truly changing the infrastructure. We are acknowledging that fees are utilized to

fund the service section, but we are also acknowledging by this amendment that we are carefully monitoring whether or not those will be sufficient funds and whether or not an authorization of a money stream will be necessary, which will then be a request to the Committee on Appropriations in their wisdom to make the right decision.

Mr. Chairman, I ask my colleagues to support this amendment, and I thank the chairman for his support.

Mr. Chairman, this amendment answers the fear that the Bureau of Immigration Services could wind up as a "starved" bureau. I am concerned that the division of the INS into separate and independent agencies could mean that the enforcement bureau will get all of the appropriated funds, and that the Service bureau will be forced to survive with only funds derived from fees. This could result in an even greater backlog in immigration benefit adjudication than currently exists.

This is a worthwhile amendment as it mandates that the GAO conduct a study to ensure that the Bureau of Immigration Services is not left standing on its own solely relying on fees. I urge passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member claim the time in opposition to the amendment?

If not, the gentlewoman is invited to consume her time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House report 107-419.

AMENDMENT NO. 4 OFFERED BY MS. ROYBAL-ALLARD

Ms. ROYBAL-ALLARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. ROYBAL-ALLARD:

Page 38, line 16, insert the following before the period: "including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied by such offices and bureaus, and the reasons for such denials, disaggregated by category of denial and application or petition type".

The CHAIRMAN. Pursuant to House Resolution 396, the gentlewoman from California (Ms. ROYBAL-ALLARD) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Chairman, I yield myself such time as I may consume.

I would like to begin by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, and the gentleman from Michi-

gan (Mr. CONYERS), the ranking member, for all of their hard work on this INS restructuring bill. I also want to thank them for support of my amendment, which simply requires the newly created Office of Immigration Statistics to maintain records on denials of applications and petitions and the reasons for those denials.

This information will help Members of Congress and other interested parties better understand the causes of the vast differences and denial rates for applications and petitions throughout the country.

For example, in the first quarter of 1999, the denial rates for INS districts ranged from 7 percent in Portland, Maine to 67 percent in Miami, Florida.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. ROYBAL-ALLARD. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I am pleased to support the amendment. I think she has a very constructive amendment in giving both the INS and the Congress statistics relative to denials.

What we want to see in this restructured INS is a uniform application of the law, which means that if one applies at one INS office or restructured INS office, one should not get a different result if one applies at another office with the same set of facts and the same background. I think there is a great deal of suspicion that there is different strokes for different folks, depending upon what office one goes to or, even within an office, what immigration inspector ends up doing the adjudication. Having these statistics I think will help both the restructured agency in having uniform application of the law, as well as giving the Congress the data that is necessary to determine whether any further changes in the law are necessary.

So I am pleased to support the amendment, and I hope that it is speedily adopted.

Ms. ROYBAL-ALLARD. Mr. Chairman, reclaiming my time, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, for his words and also for his support of this amendment. I too believe that this is good policy that will help instill confidence in the system by giving credibility to this important agency, not only in the eyes of Congress but, more importantly, to the American people.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman from California, and I applaud her for her leadership on this legislation.

I will simply ask that we realize what the gentlewoman is answering, because she creates the newly-created Office of Immigration Statistics to maintain statistics on denials of application petitions and the reasons for

these denials. One of the issues that we always hear is the frustration of those who are trying to access legalization. This will be a clear instruction for us to guide the INS, to answer the question of consistency. It will also be helpful to the new general counsel who will be able to note whether or not we have consistent policies vertically up and down the line of authority.

So I thank the gentlewoman, and I support her amendment.

Mr. Chairman, I rise in support of the Roybal-Allard amendment to H.R. 3231. During the House Judiciary Committee mark-up we added the new Office of Immigration Statistics, which will be headed by a Director who is appointed by the Attorney General and reports to the Director of Justice statistics. The Director will maintain all immigration statistical information to the Associate Attorney General of Immigration Affairs. The Director will establish standards of reliability and validity for immigration statistics collected by the Office of the Associate Attorney General.

Ms. ROYBAL-ALLARD's amendment brings some needed clarity to this language.

The amendment states that the newly created Office of Immigration Statistics must maintain statistics on denials of applications and petitions, and the reasons for those denials. It is too often Mr. Chairman that many members from many districts do not know why the applications that their constituents are toiling long days and nights working on have been denied. The amendment is needed to help Members of Congress and other interested parties gain a better understanding of the vast differences in denial rates for applications and petitions throughout the country.

The Roybal-Allard amendment is the step in the direction of accountability, it is a step in the direction for fairness, it is a step in the direction for accuracy, and most importantly it is a step in the direction for accuracy. Let's pass the Roybal-Allard amendment.

Ms. ROYBAL-ALLARD. Mr. Chairman, I thank the gentlewoman from Texas for her comments, and I want to acknowledge her outstanding work on this bill and in the area of immigration in general.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. If no Member rises in opposition to the amendment, the question is on the amendment offered by the gentlewoman from California (Ms. ROYBAL-ALLARD).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 5 printed in House report 107-419.

AMENDMENT NO. 5 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. VELÁZQUEZ:

Page 20, after line 21, insert the following:

(5) PILOT INITIATIVES FOR BACKLOG ELIMINATION.—The Director of the Bureau of Citizenship and Immigration Services is authorized to implement innovative pilot initiatives to eliminate any remaining backlog in

the processing of immigration benefit applications, and to prevent any backlog in the processing of such applications from recurring, in accordance with section 204(a) of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573(a)). Such initiatives may include measures such as increasing personnel, transferring personnel to focus on areas with the largest potential for backlog, and streamlining paperwork.

Page 51, strike lines 16 through 20 and insert the following:

(e) BACKLOG ELIMINATION.—Section 204(a) of the Immigration Services and Infrastructure Improvements Act of 2000 (8 U.S.C. 1573(a)) is amended by striking "October 17, 2000;" and inserting "the effective date specified in section 15(a) of the Barbara Jordan Immigration Reform and Accountability Act of 2002;".

The CHAIRMAN. Pursuant to House Resolution 396, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ),

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first and foremost, I would like to commend and congratulate the chairmen and ranking members of the Committee on the Judiciary and the Subcommittee on Immigration for all of their hard work on the bill we have before us today, which takes the long overdue step of restructuring the INS.

Mr. Chairman, H.R. 3231 holds tremendous potential to improve an agency that has long been a source of frustration for Congress, consumers, and agency employees alike.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. VELÁZQUEZ. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I believe this amendment is also a very constructive amendment. Before we figure out how to deal with new immigrants, we have to figure out what to do with the 5 million case backlog we already have, and I think having innovative pilot programs, shuffling paperwork, seeing what works and seeing what does not but, more importantly, getting us automated and having a lot of the paperwork being changed from paper to electronic paper is going to mean that these adjudications take place in a timely manner and we will not have to have people getting fingerprinted 4 times before they can get a green card.

So I would hope that this amendment would be speedily adopted.

Ms. VELÁZQUEZ. Mr. Chairman, reclaiming my time, I thank the gentleman.

The bill before us takes bold action regarding the structure of the INS. We should also seize this opportunity to take bold action with regard to the application backlog as well, and that is what my amendment proposes to do.

Specifically, my amendment will enable the Associate Attorney General

for Immigration Affairs to explore new and innovative ways of addressing the backlog by authorizing the director of the Bureau of Citizenship and Immigration Services to implement pilot programs in areas with large backlogs to efficiently and effectively dispense with pending applications and prevent the backlog of future applications. It will encourage initiatives such as increasing or transferring personnel to areas with ongoing backlog problems, streamlining regulations and paperwork, and providing incentives for efficient and high-quality work.

This amendment recognizes that there is not a one-size-fits-all approach to eliminating existing backlog and, therefore, encourages flexibility at the local level by enabling district offices to utilize new strategies to deal with all problems.

Finally, the amendment establishes the goal of eliminating the current backlog not later than one year after the enactment of the act. My amendment will allow the new Associate Attorney General for Immigration Affairs to think and pursue new solutions to old problems. It will enable the newly formed Bureau of Citizenship and Immigration Services to get to a point where all immigration applications are processed quickly and expeditiously, and it represents an important step in the process of turning immigration into a policy and process of which we can all, Congress, consumers and agency employees alike, be proud.

Mr. Chairman, I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment? If not, the gentlewoman is invited to exhaust her time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the gentlewoman from New York's amendment. This amendment requires that the INS eliminate its enormous immigration application processing backlogs and requires that all backlogs be eliminated within one year. It also requires that the INS prevent any backlog efficiencies where problems are known to exist. The INS has been notorious in the past for being long overdue in issuing backlog reports for Congress to access. This has resulted in an INS backlog of 4.9 million immigration applications. Efforts in the past to reduce the backlog were unsuccessful. The Immigration Services and Infrastructure Improvements Act of 2000 authorized appropriations to reduce backlogs but the appropriate expenditures were predicated on the INS submitting a backlog report to Congress. 4.9 million applications later, we're still waiting.

As it stands, H.R. 3231 doesn't go far enough. It would eliminate the wait for a backlog report before using funds to start reducing the backlogs but it would not place a requirement on the INS to eliminate the backlog right away. And that's what we need if we are serious about this problem. 4.9 million people and their futures and maybe those of their families are behind those unprocessed immigration applications. Many are hanging in "status limbo" waiting for a decision on which way to go or

what to do next. And if there are security concerns, we would not know because these applications are not reviewed or examined.

This is a good amendment, a practical amendment and a much needed amendment for the reformed and restructured INS and for the people trying come in and make good in America.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 6 printed in House report 107-419.

AMENDMENT NO. 6 OFFERED BY MR. ISSA

Mr. ISSA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ISSA:

Page 45, after line 7, insert the following (and redesignate provisions accordingly):

(b) ADDITIONAL PERSONNEL MATTERS.—

(1) POSITIONS IN EXCEPTED SERVICE.—All positions in the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement are positions in the excepted service, as defined by section 2103 of title 5, United States Code.

(2) ELIMINATING RESTRICTIONS ON CERTAIN DISCIPLINARY AND OTHER ADVERSE ACTIONS TAKEN AGAINST EMPLOYEES.—Section 7511(b)(8) of title 5, United States Code, is amended by inserting “the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, the Bureau of Immigration Enforcement,” after “the Federal Bureau of Investigation.”

The CHAIRMAN. Pursuant to House Resolution 396, the gentleman from California (Mr. ISSA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, I yield myself such time as I may consume.

The INS has an essential role in ensuring the national security of the United States and is failing in that role. Reforming the INS without addressing the personnel reform issue is simply an error.

This amendment extends greater management authority to deal with problem employees, which will lead to a higher level of service and a greater expectation.

The type of personnel flexibility is exactly what Commissioner Ziegler has asked for when testifying before Congress earlier this year. I believe this amendment is offered for true INS reform.

I do not ask for much in the way of reform; I only ask for the same standard, the same standard as today we expect from the FBI, the CIA, and other agencies.

In fact, nearly 20 percent of all agencies have the same rules I am asking for here today, and disproportionately,

these rules are used in those organizations in which public trust and safety is most vital.

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Without this amendment, I do not believe true reform can take place, because we would not be addressing the entire organization from the structure of the organization to the personnel within.

Mr. Chairman, without this amendment, we in fact would not have the ability to terminate people, even if once again the gross failures that led to the unfortunate loss of life in the tragedy in the Twin Towers in New York occurred. We need the authority to get rid of, not promote or transfer, people who in fact cannot or will not do their job.

Mr. Chairman, I rise in support of my amendment to H.R. 3231, “The Barbara Jordan Immigration Reform and Accountability Act.” This amendment requires that all employees at the new Office of the Associate Attorney General for Immigration Affairs and the two new bureaus be excepted service (Bureau of Citizenship and the Immigration Service, and the Bureau of Immigration Enforcement) employees. Simply stated, this bill will extend greater management authority to deal with problem employees, which will lead to a higher level of service we have a right to expect.

This amendment is the type of personnel reform Commissioner Ziegler asked for when he testified before Congress this year. I believe this amendment will offer “true” INS reform, by making every INS employee a part of the excepted service, thereby assuring accountability from top of the agency to the lowest level employee.

Earlier today, I spoke of Mohammed Atta and his multiple entries into the United States prior to his attack on our nation and INS's role. The employees that were responsible for his entry were not dismissed and still remain within the INS.

With regards to Mohammed Atta, the INS:

Failed to act to cancel Atta's training visa after Atta abandoned the application by leaving the country;

Failed to recognize that Atta had abandoned his application even when his departure was established by his attempt to reenter the United States on January 10, 2001;

Disregarded Atta's apparent intent to continue his flight training without a proper visa in January and admitted him as a visitor; and Ignored evidence that Atta first entered the United States intending to commence flight training immediately without the proper visa.

If this amendment is adopted, we will no longer protect incompetence that allowed Mohammed Atta into the United States. This amendment is a vote for greater accountability of the INS and for national security. Let's not forget that there are 3,000 dead . . . and no one is held accountable.

I urge all my colleagues to vote in favor of this legislation.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 10 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, obviously we have worked together on the Committee on the Judiciary, and we respect the diversity of opinion and thought that would generate various efforts to improve this agency.

But I am forced to raise strong opposition to the Issa amendment because, by making it simple for managers to hire employees and summarily dismiss them outside of the civil service process, the Issa amendment would circumvent many of the positive reforms agreed to in this legislation.

The amendment is strongly opposed by the American Federation of Government Employees and the AFL-CIO. Excepting INS employees from the civil service would return the agency back to the ages when we again address the questions of cronyism and patronage, which ran rampant.

This is not to say that we do not want an improved employee, a professional employee, and an opportunity for the administration to be able to put their positive handprint on the new changes that will come about.

Not too long ago, the only way to get a government job was if you knew someone in the government or someone owed you a favor. As a result, key policy and administrative decisions will be based on how it has affected your patron, rather than on whether it was good policy. The civil service program was carefully crafted to eliminate this egregious behavior.

At the same time, I think if we look at the manager's amendment, we will find that we have implemented processes in there to ensure, again, the assessment of an employee's performance and to improve that performance.

A couple of weeks ago, we had a hearing on the most ironic and, I would say, major debacle that backed up on the tragedy of September 11. That was the hearing on Mohammed Atta, deceased, and another one of the terrorists who received what we call late student visas.

If we look at this legislation, we will know that by the amendment of the gentleman from New York (Mr. WEINER), we now have a student tracking office, and therefore, to cite the heinousness of the act of September 11, and then build it upon the idea of needing this particular amendment is not accurate.

So I am rising to oppose this amendment, and would ask my colleagues to do so.

Mr. Chairman, I rise in strong opposition to the Issa amendment. By making it simple for managers to hire employees and summarily dismiss them outside of the civil service process, the Issa amendment would circumvent many of the positive reforms agreed to in this legislation. The amendment is strongly opposed by the American Federation of Government Employees and the AFL-CIO.

Excepting INS employees from the civil service would return the agency back to the

ages when cronyism and patronage ran rampant. Not too long ago, the only way to get a government job was if you knew someone in the government or someone owed you a favor. As a result, key policy and administrative decisions would be based on how it affected your patron rather than on whether it was good policy. The civil service program was carefully crafted to eliminate this egregious behavior. The INS has been able to hire thousands of employees year after year and there has been no showing that the civil service program is ineffective. Yet, the Issa amendment would once again allow people to be hired based on who they know rather than whether they are qualified.

The Issa amendment also eliminates most of the procedures that protect employees from summarily being fired. All protections in collective bargaining agreements are superseded and the notice and hearing procedures in the civil service laws are also overruled. Among other things, this would allow whistleblowers to be fired on the mere allegation of wrongdoing. Moreover, persons could be fired because of their political affiliation. Employee attrition at the agency is already at an unprecedented level due to low morale and the stripping of these basic labor protections certainly will not help the matter any.

This amendment guts labor law and civil service protections that remain critical to the successful restructuring of this agency. Without these protections, the delicate compromise reached on this bipartisan legislation will be jeopardized. I urge you to oppose this amendment.

Mr. Chairman, I include the following material for the RECORD:

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
Washington, DC, April 25, 2002.

DEAR REPRESENTATIVE: On behalf of the American Federation of Government Employees, I strongly urge you to oppose an amendment that will be offered by Representative Darrell Issa (R-CA) to H.R. 3231, the Immigration Reform and Accountability Act of 2002. In our view, this amendment will fundamentally jeopardize basic employee rights, limit the ability of Congress to gain access to critical information about agency activities and dramatically increase an already severe attrition rate within the I&NS. The following is a description of the amendment and the problems we believe it would create:

Paragraph (1)—(Making all I&NS positions excepted service:

This proposal would give the agency the authority to circumvent the civil service system for hiring purposes. Essentially it would be a throw-back to the era of federal hiring based on patronage and cronyism—which the civil service system was created to prevent. The amendment, which would at a minimum facilitate and possibly even encourage such abuse, is particularly problematic when applied to a beleaguered agency such as the Immigration and Naturalization Service. While it is likely the intention of this amendment would be to give the agency the ability to seek outside professionals to provide expertise in specific areas not currently available within the agency, its sweeping nature, which would include the total elimination of the Senior Executive Service Corps, could well lead to widespread abuse and worsen the problems at the I&NS.

Paragraph (2)—Eliminating restrictions on certain disciplinary and other adverse actions taken against employees:

The effect of this section of the Issa Amendment would be to eliminate existing

procedural protections for all I&NS employees for any offense ostensibly committed by any employee. This includes collective bargaining protections pertaining to disciplinary actions. The basic right of I&NS employees to due process protection and independent review and appeal would be eliminated. The due process system currently in place has served both the agency and its employees well for many years, and serves as a check and balance against arbitrary and capricious actions. The popular misconception that it is difficult or impossible to fire Federal employees is convincingly refuted by a recent study released by the Merit Systems Protection Board. Further, the provision would strongly discourage employee “whistleblowers” from providing essential information to Congress and even the news media for fear of losing their jobs.

As an example, the two Detroit Border Patrol agents who recently expressed their views to Congress and the news media on the lack of enhanced security on the northern border would very likely have never told their stories had the Issa amendment been in effect. Even under current law, the agency viewed these honest expressions of the current situation as a fundamental violation of I&NS policy and proposed to suspend and demote the agents. However, at least under current circumstances, the agents would be able to avail themselves of basic procedural protections, including a post-action hearing and appeal process. Under the Issa amendment, no such protections would exist. Ultimately this would have a chilling effect on Congress’ ability to gather critical information in making policy decisions as they relate to the agency.

Finally, there is no doubt whatsoever that the Issa Amendment will exacerbate an already critical attrition problem within the agency. According to I&NS statistics, the FY 2002 loss rate for Border Patrol agents is 14% and will potentially rise to 20% by the end of the year. For Immigration Inspectors, the FY 2002 rate is 10.1% and is predicted to go as high as 15%. Based on reliable anecdotal information, over half of all current Border Patrol agents have applied for air marshal positions. It is a little known fact that the agency is losing agents faster than it can hire them—despite all the efforts and funding directed toward expanding the workforce. Such attrition rates are unsustainable in any agency, much less the I&NS. Taking away the basic due process protections available to similarly situated employees (like Customs Service employees) would turn I&NS into an employer of last resort, leaving them to recruit from a less desirable pool of potential employees.

In the interest of protecting employee rights and the effectiveness of the newly restructured I&NS, we urge you to vote no on the Issa Amendment.

Sincerely,

BETH MOTEN,
Legislative Director.

NATIONAL BORDER PATROL COUNCIL
OF THE AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-
CIO,

Camps, CA, April 25, 2002.

Hon. JOHN CONYERS, Jr.,
*Ranking Member, Judiciary Committee, House
of Representatives, Rayburn House Office
Building, Washington, DC.*

DEAR REPRESENTATIVE CONYERS: The National Border Patrol Council, representing over 9,000 Border Patrol employees, strongly opposes an amendment to be offered by Representative Darrell Issa to H.R. 3231, the Immigration Reform and Accountability Act of 2002. In addition to making all employees in the newly-created agency exempt from civil

service hiring and promotion procedures, it would eliminate the procedural protections in disciplinary actions that are currently provided to them under law and collective bargaining agreements.

Exempting employees from civil service hiring and promotion procedures would not enhance the ability of the agency to recruit or promote skilled employees, but would actually hinder such efforts by facilitating actions based on favoritism rather than merit.

Eliminating the procedural protections currently afforded to employees in disciplinary actions would subject them to arbitrary and capricious disciplinary actions, and would have a chilling effect on protected activities, including whistleblower disclosures to Congress and the media.

These detrimental provisions would further demoralize employees and exacerbate an attrition rate that is already unacceptably high. For these reasons, your opposition to this amendment is encouraged.

Sincerely,

T.J. BONNER,
President.

Mr. Chairman, I yield my time to the gentleman from Wisconsin (Mr. SEN-SENRENNER), and ask unanimous consent that he be allowed to control the time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding the time to me, and I yield myself such time as I may consume.

Mr. Chairman, the manager’s amendment, which already has been adopted by the committee, was drafted with bipartisan cooperation by the chairman and ranking members of the Committee on the Judiciary and the Committee on Government Reform.

This amendment authorizes the Attorney General to create a demonstration project to test a new employee discipline model. The demonstration project will provide the Attorney General with much flexibility in crafting the most appropriate, effective, and fair method in disciplining a wide range of employees handling immigration functions.

The demonstration project that has already been approved by the committee focuses on problem managers and emphasizes alternative methods of dispute resolution. It calls for an expeditious, fair, and independent review of disciplinary actions, and it protects the settled expectations of collective bargaining agreements while permitting union members to opt out of the project.

We should give the Attorney General the chance to utilize the demonstration project. If it becomes apparent that the project is not working as expected, and that placing immigration-related employees in the excepted service would be beneficial, I would be the first to support legislation doing so, but now is not the time to do it.

The gentleman from California (Mr. ISSA) is absolutely correct in emphasizing the importance of having employees of the FBI, the CIA, and the excepted service. However, these agencies

are different types of organizations than the INS. The Bureau of Citizenship and Immigration Services created by this bill will be staffed mostly with clerks and adjudicators. The hiring and discipline rules followed by the competitive service might be most appropriate for these employees.

In any event, the question of placing all immigration employees in the excepted service merits extensive investigation before it is done. A change as radical as this, by placing them in the excepted service, should be carefully considered.

Before introducing this bill, I did extensive investigation and oversight in practically every part of the country where the Immigration Service has a lot of business, including in San Diego, I might add. And some of the most useful information that we have heard today and during the consideration of this bill came from the unionized employees that I insisted upon meeting with, apart from management, to find out what was really going on. If they did not have the protection of the civil service laws, we would not have much of this information.

I have never had employees of the FBI or the CIA or other agencies in the excepted service be as frank and honest with me during the time that I have served in Congress as I have tried to learn how these agencies work.

So keeping them out of the excepted service I think is important, at least in terms of having candor on the part of the employees. That is something that the amendment of the gentleman from New York (Mr. ISSA) would take away. I would not have found out about all the problems in San Diego if the employees that met with me were afraid that they would be fired by their district director because they were meeting face to face with me and I came out with information in public on how bad things were.

Finally, I would like to point out that the adoption of this amendment would threaten the incredible bipartisan support that is enjoyed by this bill. I may not, in the end, necessarily agree with those bills' supporters, who could not accept under any circumstances placing immigration employees in the excepted service, but I do not want an ancillary issue like this, where the time is not right for making a decision, and the fact that the Congress does not have all of the data to be able to deal with this in an intelligent way and a fair way and with a full deck of cards, to erode support for this important bill.

I would strongly urge my colleagues to oppose this amendment, and join with the other members of the Committee on the Judiciary and the Committee on Government Reform in doing so.

Mr. Chairman, I reserve the balance of my time.

Mr. ISSA. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I thank the gentleman from California for yielding time to me.

Mr. Chairman, I would like to start by expressing my appreciation to the chairman of the committee, the gentleman from Wisconsin (Mr. SENSENBRENNER) for the depth of his review on this matter and his concern, and the information he has gathered.

However, I rise in support of this amendment to give personnel flexibility to the new immigration bureaus offered by the gentleman from California.

Restructuring the INS, which we have come to call the "ignoring national security," as opposed to whatever that actually stands for, is important; and changing the organizational structure is terrifically important. The bill of the gentleman from Wisconsin (Chairman SENSENBRENNER) today does a great deal to move that forward.

The issue here is in part a matter of organization. If we can get a chart up here on the budget, Members will see that over the last 10 years, if we had 1992 here, we would see that the budget of the INS has increased almost fivefold over 10 years; and at the same time, we have had almost the exact same increase in the number of petitions that are backlogged, from about 1 million to about 5 million.

Something more fundamental has to happen with this agency, I believe. The way to make that happen is to restore the responsibility of people who are working in the INS.

I have worked very hard with the gentleman from Wisconsin (Chairman SENSENBRENNER) and many others to include language in the manager's amendment that will provide greater removal authority and personnel flexibility to the new head of the agency for supervisors and managers. The Issa amendment will go farther in making those changes, and making those in charge of immigration and our national security as accountable as the average employee at every American company.

I urge my colleagues to support the Issa amendment and give the manager, the people who are going to run it, and the President and his designees, the authority to remove people who are obstructionist and who get in the way of the changes that we need as Americans to see in that agency.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS), and I ask unanimous consent that he may be entitled to yield part of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. CONYERS. Mr. Chairman, I thank my colleague, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman, for yielding time to me, and I yield myself such time as I may consume.

Mr. Chairman, I have not been surprised by many amendments before, but here is an amendment that proposes to set aside the civil service laws as applied to hiring people at INS, and to set aside civil service law as it applies to their discharge.

In other words, the gentleman from California (Mr. ISSA) wants to go back to the bad old days. What does he have in mind, patronage, or what? And why would we come up with such a narrow eviscerating of civil service law? Nobody has attacked civil service law on either side of the aisle, in my memory, and now it is being done here.

Mr. Chairman, I yield to my colleague, the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding to me.

Led by President Bush, there has been new appreciation for civil servants, Mr. Chairman. This is a brazen attack on merit hiring and promotion. When I came to chair the EEOC, I found the same thing; everybody blamed the employees. It turned out what they needed was a new management system.

That is what we need here. Let us deal first with the management of the agency. We will know if the agency is well managed if it can hire and keep good employees.

Mr. CONYERS. Mr. Chairman, I yield to the gentlewoman from California (Ms. LOFGREN), a member of the committee.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, all of us are frustrated at the agency, and maybe some people are even tempted by this sort of "blow it up" amendment. But I think it would be unwise.

I respect the gentleman from California (Mr. ISSA) and the efforts he has put in, but I think we have our pilot project in the manager's amendment that deals with the management, and that is the problem. It is not the rank and file, it is the management that is the problem.

I commend the chairman for including that in his manager's amendment. I just wish that the other amendment to contract with management had been made in order.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that we have 1 minute each on both sides.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. SENSENBRENNER. Mr. Chairman, reserving the right to object, I would like to have some time to be able to yield to the gentleman from Virginia (Mr. DAVIS).

The CHAIRMAN. Is it 2 minutes on each side that we are asking?

Mr. CONYERS. Yes, sir.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Each side's time has been enlarged by 2 minutes. The gentleman from Michigan (Mr. CONYERS) has 2 minutes remaining, and the gentleman from California (Mr. ISSA) now has 8 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield 45 seconds to the gentleman from Virginia (Mr. TOM DAVIS).

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Mr. TOM DAVIS of Virginia. Mr. Chairman, let me just say I think the intention of the gentleman from California (Mr. ISSA) here is designed to give maximum flexibility to INS management, and I applaud that; but I think he is going about it the wrong way.

First of all, the problem is in management at this point over in INS, and this amendment as I read it virtually wipes out the SES because of the safeguard that it takes away. If you are trying to recruit and retain the best in Federal employees, why are you going to take away the right to independent review, the right of appeal, and make them basically employees at will? No one is going to leave a job in the private sector or move laterally from another agency if they are going to be subject to those restrictions.

If we have a problem, let us look at the overall civil service system in that context instead of putting pieces into different agencies. It is going to become unmanageable in my judgment. So I urge my colleagues to vote against this particular amendment.

Mr. CONYERS. Mr. Chairman, I yield 45 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me the 45 seconds.

Mr. Chairman, I would join in the remarks made by the chairman, my friend from Virginia (Mr. TOM DAVIS), the gentlewoman from the District of Columbia (Ms. NORTON), and I am sure the gentlewoman from Maryland (Mrs. MORELLA).

The fact of the matter is that this will undermine two very important things. First of all, I strongly believe that employees ought to have the right to organize and to have a voice to which they can address management.

Secondly, the gentleman from Virginia (Mr. TOM DAVIS) is absolutely correct. The other provisions of the Issa amendments will in fact in my opinion substantially undermine the opportunity to recruit the kind of people you need to affect what has really been the problem and that is management. Not labor, but management, in this agency. And, therefore, I would hope that we would defeat and reject this amendment.

Mr. Chairman, I rise in strong opposition to this amendment. This amendment continues Republican attempts to erode the rights of Federal employees.

In his first major legislative action after taking office, President Bush repealed a regulation designed to protect millions of American workers from ergonomic injuries.

On January 7th of this year the President issued an executive order denying union representation for 1,000 employees at the Department of Justice.

The President cited national security concerns for this order, even though some of those employees have been part of a union for over 20 years and others covered by that order hold clerical and administrative positions.

This administration is also considering what rights Federal baggage screeners will have.

Let there be no doubt, if the administration denies these employees the right to join a labor union and collectively bargain, it will do so for purely political reasons that have little or nothing to do with national security.

Today, we consider an amendment that will eliminate existing procedural protections for all INS employees for any offense allegedly committed by an employee. There simply is no justification for denying them this basic democratic freedom.

INS employees would no longer have the basic right of due process protection and the process of independent review and appeal would be eliminated.

This amendment would strongly discourage employee "whistleblowers" from providing essential information to Congress and even the Congress for fear of losing their jobs.

The large majority of INS employees are hard working federal employees that we should be proud of because they are on the front lines protecting our homeland. Let's not punish the masses for the mistakes of a few.

Protect the rights of federal employees and vote "no" on the Issa amendment.

Mr. CONYERS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time. I really appreciate it.

I want to abbreviate a statement to say that actually this Issa amendment would really eliminate all employee protections in disciplinary cases, and it would worsen an already severe attrition problem. And it would effectively deny Congress critical information on a wide range of immigration issues because current employee protections would be removed. Consequently, employee whistle blowers would be discouraged from disclosing information for fear of losing their jobs. In addition, allowing all positions within the new agency to be considered "excepted service" positions would lead to a kind of political patronage and cronyism the civil service system was created to prevent. I urge a "no" vote.

I rise today to urge a no" vote on Congressman ISSA's amendment. This amendment has several provisions that are problematic.

While this amendment purports to give the newly created Agency for Immigration Affairs more flexibility in its hiring process, it actually would eliminate all employees protections in disciplinary cases and worsen an already severe attrition problem within the ranks of the INS. According to INS statistics, the FY 2002 loss rate for Border patrol agents is 14% and could rise to 20 percent by the end of the year.

The Issa amendment would also effectively deny Congress critical information on a wide

range of immigration issues because current employee protections would be removed. Consequently, employee 'whistleblowers' would be discouraged from disclosing information for fear of losing their jobs.

In addition, allowing all positions within the new agency to be considered 'excepted service' positions would lead to the kind of political patronage and cronyism the civil service was created to prevent.

The problems at the INS are not the result of inadequate disciplinary procedures or an inability to procure outside expertise but this amendment sends that message and so I urge a "no" vote.

Mr. CONYERS. Mr. Chairman, all I want to say to my friend, the gentleman from California (Mr. ISSA), is that I wish he had more management experience.

The CHAIRMAN. The time in opposition to the amendment has expired.

The gentleman from California (Mr. ISSA) has 8 minutes remaining in support of the amendment.

Mr. ISSA. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for yielding me time.

I rise in support of this measure and congratulate the Members who are involved in it.

Mr. Chairman, as an original co-sponsor of H.R. 3231, I would like to congratulate Mr. SENSENBRENNER and Mr. GEKAS for bringing this vital matter to the floor and setting us on a course to finally provide a meaningful reform of our nation's immigration system.

For too long, Mr. Chairman, we have watched as Immigration and Naturalization Service officials have vowed their commitment to reform in testimony, but provided little evidence that they are either willing or capable to see this through in practice. Congress demanded in 1986 that illegal immigration be stopped, and yet we now have as many as 8 million people living in our country who entered without following our immigration laws, and who now have no legal status. At the same time, the INS has chronically run backlogs of a year or more in processing the requests of legal immigrants to become citizens or simply renew their permanent resident documents.

In California, we have dealt with the dysfunction of this agency for decades. Most California congressional offices must devote a full-time staff member just to deal with immigration issues—and much of their time is spent fighting with the INS bureaucracy over a blunder made by INS officials themselves. Thousands of INS employees are hard working and dedicated to service, but the system in which they operate is designed for failure. Our experience has convinced most California members that the top priority of this agency is not providing service to legal immigrants or deporting illegals. The top priority is self-protection of those within the INS, which has led to gross inefficiency, a nearly total lack of accountability, and promotion of supervisors who are not respected by employees and who often display a disdain for those who they are called to serve.

We joined the nation in anger and disgust when all of these traits were revealed to the public with the issuance of visas to the September 11 terrorists six months after they had taken thousands of American lives. But we were not terribly surprised, I am sorry to say. It was not the first time we had seen this agency fail in its responsibility, but I sincerely hope it will prove to be the weight that tips the scales in favor of reform.

This legislation places a spotlight of accountability on both the enforcement and immigration services branches of the new agency. It should open the doors to those within the agency who display the leadership qualities to provide true reform, and weed out those who will not or cannot move the agency forward. Its passage will show the INS—and the nation—that Congress will insist on that reform. The Congress—and the nation—will no longer be satisfied with half-measures and band-aid fixes.

Mr. ISSA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this is a good bill. It will improve things over in our Immigration and Naturalization Service. I believe we are doing the right thing by splitting this agency up. However, we cannot deceive ourselves into thinking that nothing is wrong over there and that we can only point to a few people and say that they are the problem.

We need to give those in management position and others the flexibility to deal with personnel, like they have at the CIA, like they have at the FBI, like they have at other agencies. We have big problems there that simply saying "business as usual" will not solve.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, is there any evidence that the rights which would be undermined by this amendment were, in fact, impediments to management in effecting corrections of the problems that you correctly observe exist?

Mr. FLAKE. We cannot know. We simply do not know. We do not know who is here, who is there, how many are here illegally. There is so much we do not know at the INS.

Mr. HOYER. I am talking about the employees' organizational rights and protections that would be, in our opinion, undermined by the Issa amendment. Is there any evidence that they contributed in any way to the problems?

Mr. FLAKE. Reclaiming my time, all we are seeking to do here is give them the flexibility that is enjoyed by other agencies. We believe that is needed. I commend the gentleman for doing this.

I was pleased to support the manager's amendment. There are other things wrong at the INS. One of which is that little fiefdoms have been created over the years and managers have served sometimes in one position for 20 years. Whereas, in other agencies like

the FBI, like the armed services, they are forced to move around to know what other parts of the agencies do. And that way little fiefdoms are not created as easily. I am pleased that that language was included in the manager's amendments, but we need to do much more. That is why I support my colleague from California (Mr. ISSA) with this important amendment.

Mr. ISSA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 6 minutes remaining.

Mr. ISSA. Mr. Chairman, I yield myself the balance of my time to close.

Mr. Chairman, while they are bringing up the appropriate face of this amendment, I think it is important to answer the criticisms made by my colleagues, most of them fellow Committee on the Judiciary members. I agree with the chairman that this bill is an improvement, a considerable improvement in the characteristics of the INS. But it does not go far enough at all unless it addresses the question of whether managers can be fired.

I, myself, was a manager for 20 years in business. And I served at will. You serve at will as a manager because your ineptness pays a dear price for many, many more people. At the present time, the people who allowed Mohammed Atta to come to this country wrongly, once, twice, three times have not been fired. The people who, in fact, failed to protect us have not been made accountable. They may have been moved, transferred or even promoted. That is not accountability. And when we talk about patronage, and I respect my colleagues' defense of the status quo of jobs for life that often exist within the Federal service, I might remind them that the FBI does not enjoy that and the FBI is not a patronage organization. The CIA does not enjoy that, and no one would say it was patronage. The United States Army, the United States Navy, the United States Marine Corps, the Coast Guard does not enjoy the job protection that they presently have at the dysfunctional INS.

I ask my colleagues one more time to ask should this man having gone into flight training against the regulations, continued flight training and learned how to fly a 757 into the World Trade Center, should he in fact have been admitted once, twice, and yet a third time. I have no doubt that there has been plenty of discussion.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. ISSA. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman is very kind.

I just want to remind the gentleman, it is his amendment, but it not only affects managers, it affects every employee in the INS, everyone.

Mr. ISSA. Reclaiming my time, this amendment was made simple and understandable so in fact to be brought to the House floor. I asked that this kind

of amendment be incorporated in the management amendment, but it was a deal breaker. It was a deal breaker because people did not want to go far enough in INS reform. It is very easy for this body to come back and trim around the edges as quickly as they would like and define those people who should be granted the ability to make this mistake and not be held accountable and not be fired. That would be the right of this body and the right of the other body and the right of the President.

I am here today saying that we must today end the possibility that the people who allowed this to happen because of their negligence or because of an absence of their willingness to look at the INS agent's own notes that said that Atta had admitted that for 5 of the 6 months he was a visitor he was unlawfully getting flight training; and if they had called, they would have found out that he was only learning to fly, not to take off and land.

Mr. Chairman, I am from San Diego County; and I have met with the Border Patrol agents. I have met with them in Texas. I have met with them in California. And I will tell you something, they are quick to tell you the problems, they are quick to tell you the problems, but so is the FBI. And the FBI has helped me in understanding why we need this reform. The Border Patrol has helped me, and they have not helped me because they have exemption from whistle blowing. They have helped me because they care a great deal about getting the kind of management reform they need so they can be proud of the jobs they do. I would certainly ask my Members to think twice about saying this is an imperfect amendment when, in fact, only with this amendment will management have the ability to terminate the people who should have been there to protect us and were not.

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in strong opposition to the Issa amendment offered to H.R. 3231, the Immigration Reform and Accountability Act. The amendment would: (1) eviscerate existing civil service laws that protect against hiring on the basis of patronage and cronyism; and (2) eliminate all employment procedural protections in disciplinary proceedings, including those in collective bargaining agreements. Among other things, this would allow whistleblowers to be fired as a result of their actions.

This amendment compromises basic federal employee rights, limits the ability of Congress to gain access to critical information about agency activities, and dramatically increase the already severe attrition rate within the Immigration and Naturalization Service (INS). By making it simple for managers to hire employees and summarily dismiss them outside of the civil service process, the INS would have the authority to circumvent the civil service system for hiring purposes. It would bring us back to a federal hiring system based on patronage and cronyism, which the civil service system was created to prevent. While the intent of this amendment may be to provide the agency the ability to seek outside professionals to provide expertise in specific areas

not currently available within the agency, the consequence of this amendment could eliminate the Senior Executive Service Corps and exacerbate problems within the INS.

The other provision of this amendment, eliminating restrictions on certain disciplinary and other adverse actions taken against employees, would do away with the due process protection and independent review and appeal that has served INS and its employees well for many years.

Mr. Chairman, INS workers deserve basic rights and freedoms as federal employees such as the freedom to "blow the whistle" on practices that do not serve the best interests of the INS and of our nation. Adopting the Issa amendment jeopardizes the basic employee rights and privileges guaranteed by the civil service system, and it further hampers the ability of the INS to attract and retain dedicated and loyal employees to do the work associated with one of our country's most important responsibilities: immigration. I urge my colleagues to vote "no" on this amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in opposition to Congressman ISSA's amendment to H.R. 3231.

Mr. ISSA's amendment would remove existing civil service laws that are currently in place to protect against hiring on the basis of patronage and cronyism and eliminate all procedural protections in disciplinary proceeding, including those in collective bargaining agreements. This proposal would give the agency the authority to circumvent the civil service system for hiring purposes. It would also eliminate existing procedural protections for all INS employees for any offense ostensibly committed by an employee including collective bargaining protections pertaining to disciplinary actions.

After the events of September 11th, it became evident that there was a need to restructure the Immigration and Naturalization Service (INS) in order to improve our national security. I commend my colleagues for their leadership in bringing this bill on the floor today after months of investigation and hearings on this matter. I support the INS reform but not at the expense of protecting employee rights. Mr. ISSA's amendment does this.

Why would we strip INS employees from safeguards against unfair hiring and firing practices? As it stands today, the system that INS currently has in place for dealing with labor related issues is failing their employees. Since I have been a member of Congress I have received several personnel related complaints from INS employees in or from my district. Many others have been handled through their union. The Issa amendment would further exasperate these issues by leaving INS rank and file employees with no recourse against possible unfair practices by management.

The purpose of the Barbara Jordan Reform Bill is to restructure the INS. It is the system that failed us and not the employees. This amendment undermines the intent of the Barbara Jordan Reform Bill.

Let's not use this bill as an opportunity to punish the INS employees. We must continue to protect and value the employees of this and every other agency or business. Despite reservations about the current administrations policies with regard to justice and civil rights, I do support the base bill for its efforts to create a more efficient Service. I congratulate my colleagues on their efforts.

I urge a "no" vote on the Issa amendment. Mr. ISSA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ISSA).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOYER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6, rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. ISSA) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 107-419.

AMENDMENT NO. 7 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. LOFGREN: Page 62, after line 21, insert the following:
SEC. 13A. PROCUREMENTS OF INFORMATION TECHNOLOGY TO IMPROVE PERFORMANCE OR EFFICIENCY.

(a) IN GENERAL.—The authorities provided in this section apply to any procurement of information technology products or services, including the management of information technology improvement programs, necessary to improve the performance or efficiency of the Immigration and Naturalization Service, the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement. Such procurements of information technology products or services may include those necessary to improve the ability of the entities referred to in the preceding sentence to share information with other public agencies and law enforcement authorities authorized to receive such information.

(b) SIMPLIFIED PROCEDURES FOR THE PROCUREMENT OF INFORMATION TECHNOLOGY.—

(1) DEEMING PRODUCTS AND SERVICES AS COMMERCIAL ITEMS.—Any product or service procured by the Attorney General as described in subsection (a) may be deemed to be a commercial item (as defined in section 4(12) of the Office of Federal Procurement Act (41 U.S.C. 403)) for purposes of sections 31 and 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 427, 430) and section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)).

(2) INAPPLICABILITY OF LIMITATION ON USE OF SIMPLIFIED ACQUISITION PROCEDURES.—

(A) IN GENERAL.—The \$5,000,000 limitation provided in section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)), and section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)) shall not apply to purchases of products or services deemed to be a commercial item under paragraph (1).

(B) GUIDANCE.—The Attorney General and the Administrator of Federal Procurement Policy shall jointly issue guidance and procedures for the use of simplified acquisition procedures for a purchase of products or services in excess of \$5,000,000 under the authority of this section.

(c) STREAMLINED PROCEDURES FOR THE PROCUREMENT OF INFORMATION TECHNOLOGY.—The Attorney General shall, when appropriate, use streamlined acquisition authorities and procedures authorized by law for a procurement described in subsection (a), including authorities and procedures that are provided under the following provisions of law:

(1) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—In title III of the Federal Property and Administrative Services Act of 1949:

(A) Paragraphs (1), (2), (6), and (7) of subsection (c) of section 303 (41 U.S.C. 253), relating to use of procedures other than competitive procedures under certain circumstances (subject to subsection (e) of such section).

(B) Section 303J (41 U.S.C. 253j), relating to orders under task and delivery order contracts.

(2) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—Paragraphs (1)(B), (1)(D), and (2) of section 18(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)), relating to inapplicability of a requirement for procurement notice.

(d) NONDISCRIMINATION AGAINST SMALL-BUSINESS CONCERNS.—This section shall be applied in a manner that does not discriminate against small-business concerns (within the meaning of such term as used in the Small Business Act (15 U.S.C. 632 et seq.)) or any type of small-business concern.

(e) PERIOD OF AUTHORITY.—The authorities provided in this section shall apply with respect to any procurement of information technology products or services described in subsection (a) during fiscal years 2002 through 2004.

(f) REVIEW AND REPORT BY COMPTROLLER GENERAL.—Not later than 180 days after the end of fiscal year 2004, the Comptroller General shall submit to the Committees on Government Reform and the Judiciary of the House of Representatives and the Committees on Governmental Affairs and the Judiciary of the Senate a report on the use of the authorities provided in this section. The report shall contain the following:

(1) An assessment of the extent to which products and services acquired using authorities provided under this section contributed to the capacity of the entities referred to in subsection (a) to carry out their missions.

(2) Any recommendations of the Comptroller General taking into account the assessment performed under paragraph (1).

The CHAIRMAN. Pursuant to House Resolution 396, the gentleman from California (Ms. LOFGREN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to divide the time evenly with the gentleman from Utah (Mr. CANNON) and that he be allowed to control such time.

I would note that this amendment has been offered with the gentleman from Utah (Mr. CANNON) as well as the gentleman from Texas (Ms. JACKSON-LEE), gentleman from California (Mrs. BONO), and the gentleman from Arizona (Mr. FLAKE).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would provide for simplified procedures for acquisition of information-technology solutions to help reform the INS. The simplified acquisition procedures were initially created in the Federal Acquisition Streamlining Act of 1994 and augmented under the Klinger-Cohen Act of 1996.

These procedures will speed up the procurement process to allow agencies to acquire goods and services they need in a more efficient manner. There are shorter waiting periods after the notices are issued, more flexibility in how requests for proposals are put together, fewer potential bidders have to be notified. It is important to note that competition is still required and bids must be solicited from at least three bidders.

Under current law, agencies may use simplified acquisition procedures to acquire goods and services worth up to 100,000 and to acquire commercial items up to 5 million. This amendment further adds to the flexibility for the acquisition of technology as well as the management of technology.

It is important to note that within the amendment there is a non-discrimination provision against small businesses so that we can continue to have small business play a vigorous and vital role in the provision of IT and there is also protection in the Truth and Negotiating Act which would continue to apply, as well as the Federal Cost Accounting Standards Act that would continue to protect taxpayers.

The immigration service is an agency that is in the dark ages technologically. I am of the belief that until we allow and actually insist and give the tools to management to bring technology, they will never get ahead of their problem. Mr. Ziegler, the current commissioner, told the House Committee on the Judiciary in March that, "The INS is big on information but small on technology."

I would say that is an understatement. Recently, at home in Silicon Valley, there was a convention of IT professionals meeting from the government, the Federal Government primarily, meeting with CEOs and technology wizards in Silicon Valley, and I would like to read what the INS CIO George Bollinger said relative to his role at the INS. "I am to high tech what Danny DeVito is to the NBA."

That is the quote of the guy who is in charge of information technology at the INS describing his ability to manage IT.

This amendment would allow management to be brought in. I think if we failed to do this, and its proposal is for a 2-year time period only, INS only, we are going to continue to fall further and further behind. This is an agency that is still creating paper files, an agency that is putting material on microfiche. There are over 100 databases that cannot communicate with each other.

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There is no ability within the agency to even devise an enterprise architec-

ture program, something that the new Commissioner has actually freely admitted. When I asked the last Congress for the technology plan, I was told that they hope someday to update their DOS system. I kid my colleagues not.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. SIMPSON). The gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I oppose this amendment. The INS has had a difficulty for a long time in developing and fielding information systems to support its programs operation, but this is not the reason to deviate from the rules that this Congress has put in place to govern full and open competition in the government procurement process.

Given the difficulties the INS has had in effectively managing and using information technology in the past, the Associate Attorney General for Immigration Affairs should be required to follow all pertinent procurement requirements until such time as he has shown the capability to manage the plan and ongoing information technology investments effectively.

Only in this way can we ensure that the hundreds of millions of dollars that will be spent on IT by the new INS and its successors will be spent wisely. That is why we have procurement regulations. They are designed to ensure that the government, and thus the taxpayers, get the best possible product, while the taxpayer is charged the lowest possible price. They are designed to avoid the potential for contracts being steered to friends or relatives.

We do not need sole-source bidding, and this is what the Lofgren amendment opens the door for, but open and fair competition in the awarding of contracts.

Mr. Chairman, Members should know that the administration strongly opposes this amendment because of the detrimental impact on policies and procedures on procurement. I am also informed that both the Republican and Democratic leadership of the Committee on Government Reform, that has got principal jurisdiction over this topic, have got significant concerns about the Lofgren amendment.

I will be happy to continue working on this issue before conference on this bill with the drafters of the amendment, the Committee on Government Reform, and the administration, but I would urge Members to oppose the amendment at this time.

Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me the time.

Everyone knows my respect for the gentlewoman from California (Ms. LOFGREN), but I hope that she will have a better answer than I do for the minority contractors in my district and hers, who are catching it right now with procurement rules, tossing them out. I just want to find out what we tell them if her amendment prevails.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Chairman, this is yet another example of when a manager's deal is done, some things get left out. And this is a very worthwhile part of the reform, this is just as bipartisan.

My colleague from California, my colleague from Utah, in fact, are often opposed on bills, but not this time. Why? Because we want a streamlined organization. We want to empower this organization to do what it needs to do and do it efficiently. That has been the complaint for more than 30 years.

INS failure is bipartisan. Administration after administration have failed to do what we seek to do here today, and I strongly support the Lofgren-Cannon amendment because it is bipartisan. It will lead to efficiencies. It is about making this organization do a better job for all of us.

Ms. LOFGREN. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore. The gentlewoman from California has 1½ minutes remaining. The gentleman from Utah has 4 minutes remaining. The gentleman from Wisconsin has 7½ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I reserve my time.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment to speed up the adoption of new information technology by the restructured agency. I offer this amendment together with the gentlewoman from California (Ms. LOFGREN) and other Members of this body, including the gentleman from California (Mr. BERMAN), the gentlewoman from California (Mrs. BONO), the gentleman from Arizona (Mr. FLAKE), and the gentleman from Wisconsin (Mr. GREEN). I believe this amendment has broad support, and I would urge the Members to watch who votes for it as we come to a vote, if that happens.

The INS is one of the worst Federal agencies in adopting information technology necessary to do its job more efficiently and at a lower cost. The current INS and the new immigration bureaus have a core function of managing information about people. In that task, they are way behind. The INS has computers incapable of performing basic tasks, information systems that do not talk to each other, and still do things and is still doing things like putting together important documents on microfilm and boxing them up for storage rather than making them available to line officers via computer.

The technology is already critical and will get worse if we do not do something, provide some temporary flexibility to the Attorney General to buy technology solutions while this agency restructures itself.

Under the simplified acquisition procedures in this amendment, there are shorter waiting periods after notices are issued, more flexibility in how requests for proposals are put together. Fewer potential bidders have to be notified. The competition is still required. Bids must be solicited from at least three bidders.

It is also important to note that although this amendment will speed it up, that is, information technology acquisitions, there are still a number of important safeguards that protect the agency and the taxpayers. Two of the most important laws that still apply are the Truth in Negotiating Act.

TINA requires contractors to provide cost and pricing data to the Federal Government and certify their accuracy. False certifications result in downward adjustments. Such procurements are not exempt from Federal cost accounting standards that help prevent contractors from inflating their costs.

I understand some Members of the Committee on Government Reform do not like this amendment, and I am a member of that committee myself. We worked with the majority staff and OMB to try to address their concerns. And in an ideal world, we could have hearings and studies and recommendations in that committee about government procurement policy generally to address these problems. But I urge my colleagues not to care more about jurisdictional turf battles than making this immigration agency work and giving it the technology to do so. This authority is what the INS has indicated before the Committee on the Judiciary that they need to get a handle on these problems.

This is an opportunity to provide some temporary flexibility to get the right technology in place at that restructured immigration agency. It is a chance to solve some huge problems. So if my colleagues like the status quo, if they think the current technology situation at INS is great, then they should vote against this amendment. But the American people want results, and this Congress also wants results.

We want an agency with the technology in place to prevent dead terrorists from getting visa documents 6 months after they have attacked us and died. We should want technology in place to reduce backlogs for legal immigrants and track the whereabouts of aliens who are in this country. The way to do that is to ease the restrictions and red tape on procuring the right technology to solve these problems.

I urge my colleagues to support the Cannon-Lofgren amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman from Utah for yielding me the time, and I just want to say I support his amendment. I would also like to take this opportunity to say I support the Issa amendment, which would make excepted employees of INS employees and give them, I think, more accountability in a very, very serious and very critical position.

I thank the gentleman for letting me add that endorsement of the Issa amendment.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Let me just point out that it has been wonderful working with the Chairman on this issue. We have, in fact, included some great provisions in the manager's amendment that allows for more flexibility in firing. They do not go quite as far as the Issa amendment, I will point out, but this is a different issue.

This is an important issue, and this issue relates to how and when and how quickly we get technology into the INS.

Mr. Chairman, I yield back my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me the time.

It is a pleasure to join in a bipartisan opposition to this Lofgren-Cannon amendment. The INS does not need a blank check from this Congress. If my colleagues look at the record of the INS, it has shown a total inability to successfully implement information technology advancements.

The Inspector General at the Department of Justice said that the INS "made huge investments in automation technology and information systems that have yielded questionable results," and continues "to spend hundreds of millions of dollars" on information technology initiatives "without being able to explain how the money was spent or what was accomplished."

This amendment would waive the requirement for full and open competition on information technology products and services for the INS through 2004. The INS would be able to purchase a multimillion-dollar computer technology improvement without any requirement for competitive bids or review under existing law.

There are six exceptions already in law that would allow them to avoid the requirement of open competition if they saw fit to do so; things like a national security requirement; maybe there is only one responsible bidder. The law provides for unusual and compelling circumstances that would do harm to the government as an exception. And, finally, if the head of the INS determines that it is in the public interest to avoid competition, all they have to do is notify Congress 30 days before they award the contract to give us the opportunity to express our concern.

This amendment is totally unnecessary. We have streamlined many of our procurement practices over the last decade, and we are now reading news reports that tell us we may have streamlined them too much. In one recent story, Charles Tiefter, the University of Baltimore professor who spent a decade here working as a House lawyer, said, "Scandals are coming," referring to the procurement practices of the Federal Government.

Now is not the time to give a blank check to the INS, and I hope my colleagues will join us in bipartisan opposition to this amendment.

Ms. LOFGREN. Mr. Chairman, do I have the right to close?

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) has the right to close.

Ms. LOFGREN. Mr. Chairman, I reserve my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me the time, and I join him and the gentleman from Michigan (Mr. CONYERS) in a bipartisan effort to uphold the laws of our country in terms of procurement which were put in place for better government oversight, to save taxpayers' dollars, and to be sure that there is full and open competition for the billions of dollars that this government spends in contracts.

One of my dear friends and colleagues mentioned earlier in debate that we were going to get past the redtape. I would hardly call competitive bidding and allowing people to compete for the right to provide services at the best price redtape. I would call that, saving taxpayers' dollars, good government and what should be done in this Congress.

I tell my colleagues that the fact that the INS is one of the worst-managed systems, and it has been called by their own IG, an information system that has a top management challenge. The fact that it is poorly managed is more of a reason that we should have these safeguards that the gentleman before me mentioned. There are exemptions that they can take if they so need, but for billion-dollar, multimillion-dollar contracts, I would say regular order, competitive bidding, and let us follow the laws of this country.

The procurement laws were put in place not only to have good oversight and good management and to protect taxpayers' dollars but also to allow small companies and small businesses a door into government, the ability to compete for work.

Why should we slam the door in their face? We are just talking about saving taxpayers' dollars and getting the best form of government there to serve the people. And we must ensure that there is an opportunity for companies to fairly compete by allowing the INS to get around existing procurement laws.

This amendment prohibits full and open competition on information technology purchases, and I urge a no vote in a bipartisan effort.

I must conclude by commending the gentlewoman from California (Ms. LOFGREN) on her excellent work. In this body we usually agree, but on this one I come down on the side of the taxpayers. Full and open competition. Vote no.

Ms. LOFGREN. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN pro tempore. The gentlewoman from California (Ms. LOFGREN) has 1½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 3½ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I reserve my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me the time.

I have figured this out now. This has been confusing me, why this is a high-tech boondoggle. That is what this is. Waive the rules so the high-tech people can run wild.

The gentleman from Utah is exempt from this. They do not have many high-tech people or many minorities.

□ 1415

So he does not know that much about minority procurement rules, but the rest of my colleagues here do. Tell me what I tell the African American people, business persons, that have been trying to get in the door for 20 years?

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, let me remind the gentleman that Utah is really one of the high-tech havens on earth; and interestingly, many of our minorities are running our high-tech companies. Let me also make two points in particular. One, they are willing to compete; and, two, this is a very narrow exemption. A very, very narrow exemption.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, I am so relieved, I cannot tell the gentleman how much better I feel now that he has told me.

Mr. CANNON. The gentleman should come to Utah to see this.

Ms. LOFGREN. Mr. Chairman, I yield myself the balance of my time, and I will conclude.

I think there is some misunderstandings among some of the speakers because the amendment before us does not repeal procurement law; it merely applies the procurement efficiency laws, the Clinger-Cohen Act, to the INS, and changes the limits for a 2-year time period so that we can get some technology into this agency.

Right now, Silicon Valley companies and high-tech companies across the country are willing to come in and do

assessments for what the agency needs. And actually, what they are saying is have everyone come in, not a sole source, come in and help this agency find out what it needs. We lack an enterprise architecture, and under current law we cannot do that.

If we do not streamline and allow for existing streamlined procedures to be put in place on a 2-year time frame for this agency, we are going to continue to hear what we have for the last 10 years. In 2 years' time we will have some technology. We still have 236 PCs, we still have an agency that is creating paper files. If we do not apply the existing law that allows for streamlining acquisitions to this agency, we are going to end up continuing to waste taxpayers' dollars; we are going to continue to have Americans put at risk because databases cannot communicate with each other.

I have seen the picture of Mohammed Atta too many times today. The reason why they were admitted is because the inspector at the gate did not know what the other hand of the INS was doing. And unless we have technology deployed in this agency, that deplorable condition will continue to be true.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the issue is whether the INS should go into more sole-source procurement for information-technology issues. Competitive bidding keeps the cost down to the taxpayers, and it means that various vendors compete against one another on who can provide the best product for the lowest possible cost for what the government needs.

I would remind all Members, but particularly those on the Republican side of the aisle, that the administration has a great deal of concern about this amendment, particularly the OMB. I do not think that as we restructure that agency we should throw out all of the procurement rules relative to computer and information-technology procurement.

The time may come when the new Associate Attorney General for immigration affairs may find this necessary, but let us wait until we restructure the agency and the person who is going to be the overseer of the entire operation makes a determination of whether competitive bidding works or we should make a particular exception.

This amendment puts the cart before the horse. I would urge a "no" vote to keep the cart after the horse.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SIMPSON). All time for debate on the amendment has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. LOFGREN).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CANNON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 8 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LOFGREN) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 offered by the gentleman from California (Mr. ISSA) and amendment No. 7 offered by the gentlewoman from California (Ms. LOFGREN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. ISSA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. ISSA) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 272, not voting 17, as follows:

[Roll No. 114]

AYES—145

| | | |
|------------|---------------|---------------|
| Aderholt | Everett | Nethercutt |
| Akin | Flake | Northup |
| Armey | Forbes | Norwood |
| Bachus | Fossella | Osborne |
| Baker | Frelinghuysen | Otter |
| Ballenger | Gibbons | Oxley |
| Barr | Goode | Paul |
| Bartlett | Goodlatte | Pence |
| Barton | Goss | Peterson (PA) |
| Bass | Graham | Pickering |
| Bilirakis | Granger | Pitts |
| Blunt | Graves | Platts |
| Bonilla | Green (WI) | Pombo |
| Bono | Greenwood | Portman |
| Boozman | Gutknecht | Putnam |
| Brady (TX) | Hall (TX) | Radanovich |
| Brown (SC) | Hansen | Ramstad |
| Bryant | Hastings (WA) | Rehberg |
| Buyer | Hayworth | Riley |
| Callahan | Hefley | Rogers (MI) |
| Calvert | Herger | Royce |
| Camp | Hilleary | Ryan (WI) |
| Cannon | Houghton | Ryun (KS) |
| Cantor | Hunter | Schrock |
| Chabot | Hyde | Sessions |
| Chambliss | Issa | Shadegg |
| Coble | Istook | Sherwood |
| Collins | Johnson, Sam | Shuster |
| Combest | Kelly | Simpson |
| Condit | Kennedy (MN) | Souder |
| Cox | Kerns | Stearns |
| Crane | Kirk | Stump |
| Crenshaw | Kolbe | Sullivan |
| Cubin | Lewis (KY) | Sununu |
| Culberson | Linder | Tancredo |
| Cunningham | Lucas (OK) | Tauzin |
| Deal | Manzullo | Taylor (MS) |
| DeLay | McCrery | Taylor (NC) |
| DeMint | McInnis | Terry |
| Doolittle | McKeon | Thomas |
| Dreier | Mica | Thornberry |
| Duncan | Miller, Dan | Thune |
| Ehlers | Miller, Gary | Tiahrt |
| Ehrlich | Miller, Jeff | Toomey |
| Emerson | Moran (KS) | Upton |

| | | |
|--------------|-------------|-------------|
| Vitter | Weldon (FL) | Wicker |
| Walden | Weldon (PA) | Wilson (SC) |
| Wamp | Weller | |
| Watkins (OK) | Whitfield | |

NOES—272

| | | |
|---------------|----------------|---------------|
| Abercrombie | Hart | Nussle |
| Ackerman | Hastings (FL) | Oberstar |
| Allen | Hayes | Obey |
| Andrews | Hill | Olver |
| Baca | Hilliard | Ortiz |
| Baird | Hinchee | Ose |
| Baldwin | Hobson | Owens |
| Barcia | Hoeffel | Pallone |
| Barrett | Hoekstra | Pascarell |
| Becerra | Holden | Pastor |
| Bentsen | Honda | Payne |
| Bereuter | Hoolley | Pelosi |
| Berkley | Horn | Peterson (MN) |
| Berman | Hostettler | Petri |
| Berry | Hoyer | Phelps |
| Biggert | Inslee | Pomeroy |
| Bishop | Isakson | Price (NC) |
| Blumenauer | Israel | Pryce (OH) |
| Boehkert | Jackson (IL) | Quinn |
| Boehner | Jackson-Lee | Rahall |
| Bonior | (TX) | Regula |
| Borski | Jefferson | Reyes |
| Boswell | Jenkins | Reynolds |
| Boucher | John | Rivers |
| Boyd | Johnson (CT) | Roemer |
| Brady (PA) | Johnson (IL) | Rogers (KY) |
| Brown (FL) | Johnson, E. B. | Rohrabacher |
| Brown (OH) | Jones (OH) | Ros-Lehtinen |
| Burr | Kanjorski | Ross |
| Burton | Kaptur | Rothman |
| Capito | Keller | Roukema |
| Capps | Kennedy (RI) | Roybal-Allard |
| Capuano | Kildee | Rush |
| Cardin | Kilpatrick | Sabo |
| Carson (IN) | Kind (WI) | Sanchez |
| Carson (OK) | King (NY) | Sanders |
| Castle | Kingston | Sandlin |
| Clay | Kleczka | Sawyer |
| Clayton | Knollenberg | Saxton |
| Clement | Kucinich | Schakowsky |
| Clyburn | LaFalce | Schiff |
| Conyers | LaHood | Scott |
| Costello | Lampson | Sensenbrenner |
| Coyne | Langevin | Serrano |
| Cramer | Lantos | Shaw |
| Crowley | Larsen (WA) | Shays |
| Cummings | Larson (CT) | Sherman |
| Davis (CA) | Latham | Shimkus |
| Davis (FL) | LaTourette | Shows |
| Davis (IL) | Lee | Simmons |
| Davis, Jo Ann | Levin | Skeen |
| Davis, Tom | Lewis (CA) | Skelton |
| DeFazio | Lewis (GA) | Slaughter |
| DeGette | Lipinski | Smith (MI) |
| Delahunt | LoBiondo | Smith (NJ) |
| DeLauro | Lofgren | Smith (TX) |
| Deutsch | Lowey | Snyder |
| Diaz-Balart | Lucas (KY) | Solis |
| Dicks | Luther | Spratt |
| Dingell | Lynch | Stark |
| Doggett | Maloney (CT) | Stenholm |
| Dooley | Maloney (NY) | Strickland |
| Doyle | Markey | Stupak |
| Dunn | Mascara | Sweeney |
| Edwards | Matheson | Tauscher |
| Engel | McCarthy (MO) | Thompson (CA) |
| English | McCarthy (NY) | Thompson (MS) |
| Eshoo | McCollum | Thurman |
| Etheridge | McDermott | Tiberi |
| Evans | McGovern | Tierney |
| Farr | McHugh | Tierney |
| Fattah | McIntyre | Towns |
| Ferguson | McKinney | Turner |
| Filner | McNulty | Udall (CO) |
| Fletcher | Meehan | Udall (NM) |
| Foley | Meek (FL) | Velazquez |
| Ford | Meeks (NY) | Visclosky |
| Frank | Menendez | Walsh |
| Frost | Millender- | Waters |
| Gallely | McDonald | Watson (CA) |
| Ganske | Miller, George | Watt (NC) |
| Gekas | Mink | Watts (OK) |
| Gephardt | Mollohan | Weiner |
| Gilchrest | Moore | Wexler |
| Gillmor | Moran (VA) | Wilson (NM) |
| Gilman | Morella | Wolf |
| Gonzalez | Murtha | Woolsey |
| Gordon | Myrick | Wu |
| Green (TX) | Nadler | Wynn |
| Grucci | Napolitano | Young (AK) |
| Gutierrez | Neal | Young (FL) |
| Hall (OH) | Ney | |

NOT VOTING—17

| | | |
|-------------|------------|------------|
| Baldacci | Hulshof | Schaffer |
| Blagojevich | Jones (NC) | Smith (WA) |
| Cooksey | Leach | Tanner |
| Harman | Matsui | Trafficant |
| Hinojosa | Rangel | Waxman |
| Holt | Rodriguez | |

Sessions
Shadegg
Shimkus
Smith (NJ)
Souder
Stearns

Sununu
Thornberry
Vitter
Walden
Wamp
Weller

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu

NOES—312

| | | |
|---------------|----------------|----------------|
| Abercrombie | Gekas | McNulty |
| Ackerman | Gephardt | Meehan |
| Allen | Gilchrest | Meek (FL) |
| Andrews | Gillmor | Meeks (NY) |
| Baca | Gilman | Menendez |
| Bachus | Gonzalez | Millender- |
| Baird | Goode | McDonald |
| Baldwin | Gordon | Miller, Gary |
| Barcia | Goss | Miller, George |
| Barrett | Granger | Miller, Jeff |
| Barton | Graves | Mink |
| Becerra | Green (TX) | Mollohan |
| Bentsen | Green (WI) | Nadler |
| Bereuter | Greenwood | Napolitano |
| Berkley | Grucci | Neal |
| Berry | Gutierrez | Ney |
| Biggert | Hall (OH) | Northup |
| Bishop | Hansen | Norwood |
| Blumenauer | Hart | Oberstar |
| Blunt | Hayes | Obey |
| Boehlert | Hilliard | Ortiz |
| Boehner | Hinchee | Ose |
| Bonior | Hobson | Otter |
| Boozman | Hoeffel | Owens |
| Borski | Hoekstra | Pallone |
| Boswell | Holden | Pascarell |
| Brady (PA) | Hoolley | Pastor |
| Brown (FL) | Hostettler | Payne |
| Brown (OH) | Houghton | Pelosi |
| Brown (SC) | Hoyer | Pence |
| Buyer | Hyde | Peterson (MN) |
| Callahan | Inslee | Peterson (PA) |
| Calvert | Israel | Petri |
| Camp | Istook | Phelps |
| Capito | Jackson (IL) | Pitts |
| Capps | Jackson-Lee | Platts |
| Capuano | (TX) | Pomeroy |
| Cardin | Jefferson | Portman |
| Carson (IN) | Jenkins | Price (NC) |
| Carson (OK) | John | Pryce (OH) |
| Castle | Johnson (CT) | Putnam |
| Chabot | Johnson (IL) | Quinn |
| Chambliss | Johnson, E. B. | Radanovich |
| Clay | Jones (OH) | Rahall |
| Clayton | Kanjorski | Regula |
| Clement | Kaptur | Rehberg |
| Clyburn | Keller | Reyes |
| Collins | Kelly | Reynolds |
| Condit | Kerns | Riley |
| Conyers | Kildee | Rivers |
| Costello | Kilpatrick | Roemer |
| Coyne | King (NY) | Rogers (KY) |
| Cramer | Kleczka | Rogers (MI) |
| Crenshaw | Knollenberg | Rohrabacher |
| Crowley | Kucinich | Ros-Lehtinen |
| Cubin | LaFalce | Ross |
| Culberson | LaHood | Rothman |
| Cummings | Lampson | Roukema |
| Davis (CA) | Langevin | Roybal-Allard |
| Davis (FL) | Lantos | Royce |
| Davis (IL) | Larsen (WA) | Rush |
| Deal | Larson (CT) | Sabo |
| DeFazio | Latham | Sanchez |
| DeLauro | LaTourette | Sanders |
| DeLay | Lee | Sandlin |
| Deutsch | Levin | Sawyer |
| Diaz-Balart | Lewis (CA) | Saxton |
| Dicks | Lewis (GA) | Schakowsky |
| Dingell | Lewis (KY) | Schiff |
| Doggett | Lipinski | Schrock |
| Doyle | LoBiondo | Scott |
| Dreier | Lowey | Sensenbrenner |
| Edwards | Lucas (KY) | Serrano |
| Ehrlich | Lucas (OK) | Shaw |
| Emerson | Luther | Shays |
| Engel | Lynch | Sherman |
| English | Maloney (CT) | Sherwood |
| Etheridge | Maloney (NY) | Shows |
| Evans | Manzullo | Shuster |
| Everett | Markey | Simmons |
| Fattah | Mascara | Simpson |
| Ferguson | Matheson | Skeen |
| Filner | Matsui | Skelton |
| Fletcher | McCarthy (MO) | Slaughter |
| Foley | McCarthy (NY) | Smith (MI) |
| Forbes | McCollum | Smith (TX) |
| Ford | McCrery | Snyder |
| Fossella | McDermott | Solis |
| Frelinghuysen | McGovern | Spratt |
| Frost | McHugh | Stark |
| Gallely | McIntyre | Stenholm |

□ 1446

Mr. KENNEDY of Rhode Island, Mr. SAWYER, Mrs. CAPITO, and Mrs. MCCARTHY of New York changed their vote from "aye" to "no."

Messrs. REHBERG, BACHUS, BROWN of South Carolina, COLLINS, GOODLATTE, FRELINGHUYSEN, EVERETT, FOSSELLA, Mrs. CUBIN and Mrs. NORTHUP changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SIMPSON). Pursuant to clause 6 of rule XVIII, the Chair announces he will reduce to 5 minutes the minimum time period for which a vote by electronic device will be taken on the remaining amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 7 OFFERED BY MS. LOFGREN The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LOFGREN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 105, noes 312, not voting 17, as follows:

[Roll No. 115]

AYES—105

| | | |
|---------------|---------------|--------------|
| Aderholt | DeMint | Kennedy (MN) |
| Akin | Dooley | Kennedy (RI) |
| Army | Doolittle | Kind (WI) |
| Baker | Duncan | Kingston |
| Ballenger | Ehlers | Kirk |
| Barr | Eshoo | Kolbe |
| Bartlett | Farr | Linder |
| Bass | Flake | Lofgren |
| Berman | Frank | McInnis |
| Bilirakis | Ganske | McKeon |
| Bonilla | Gibbons | McKinney |
| Bono | Goodlatte | Mica |
| Boucher | Graham | Miller, Dan |
| Boyd | Gutknecht | Moore |
| Brady (TX) | Hall (TX) | Moran (KS) |
| Bryant | Harman | Moran (VA) |
| Burr | Hastings (FL) | Morella |
| Burton | Hastings (WA) | Myrick |
| Cannon | Hayworth | Nethercutt |
| Cantor | Hefley | Nussle |
| Coble | Herger | Olver |
| Combust | Hill | Osborne |
| Cox | Hilleary | Oxley |
| Crane | Honda | Paul |
| Cunningham | Horn | Pickering |
| Davis, Jo Ann | Hunter | Pombo |
| Davis, Tom | Isakson | Ramstad |
| DeGette | Issa | Ryan (WI) |
| Delahunt | Johnson, Sam | Ryun (KS) |

| | | |
|---------------|------------|--------------|
| Strickland | Thune | Waters |
| Stump | Thurman | Watkins (OK) |
| Stupak | Tiahrt | Watson (CA) |
| Sullivan | Tiberi | Watt (NC) |
| Sweeney | Tierney | Watts (OK) |
| Tancredo | Toomey | Weiner |
| Tauscher | Towns | Weldon (FL) |
| Tauzin | Turner | Weldon (PA) |
| Taylor (MS) | Udall (CO) | Wexler |
| Taylor (NC) | Udall (NM) | Whitfield |
| Terry | Upton | Wynn |
| Thomas | Velazquez | Young (AK) |
| Thompson (CA) | Visclosky | Young (FL) |
| Thompson (MS) | Walsh | |

A recorded vote was ordered.
The vote was taken by electronic device, and there were—ayes 405, noes 9, not voting 21, as follows:

[Roll No. 116]

AYES—405

| | | |
|-------------|------------|------------|
| Baldacci | Hulshof | Schaffer |
| Blagojevich | Jones (NC) | Smith (WA) |
| Cooksey | Leach | Tanner |
| Dunn | Murtha | Trafficant |
| Hinojosa | Rangel | Waxman |
| Holt | Rodriguez | |

NOT VOTING—17

□ 1455

Mr. KERNs and Mr. WATT of North Carolina changed their vote from “aye” to “no.”

Ms. HARMAN and Messrs. ADERHOLT, BERMAN and GOODLATTE changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SIMPSON). There being no further amendments in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SIMPSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3231) to replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes, pursuant to House Resolution 396, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

| | | |
|---------------|---------------|----------------|
| Ackerman | DeMint | Jackson-Lee |
| Aderholt | Deutsch | (TX) |
| Akin | Diaz-Balart | Jefferson |
| Allen | Dicks | Jenkins |
| Andrews | Dingell | Johnson (CT) |
| Armey | Doggett | Johnson (IL) |
| Baca | Dooley | Johnson, E. B. |
| Bachus | Doolittle | Johnson, Sam |
| Baird | Doyle | Jones (OH) |
| Baker | Dreier | Kanjorski |
| Baldwin | Duncan | Kaptur |
| Ballenger | Dunn | Keller |
| Barcia | Edwards | Kelly |
| Barr | Ehlers | Kennedy (MN) |
| Barrett | Ehrlich | Kennedy (RI) |
| Bartlett | Emerson | Kerns |
| Barton | Engel | Kildee |
| Bass | English | Kilpatrick |
| Becerra | Eshoo | Kind (WI) |
| Bentsen | Etheridge | King (NY) |
| Bereuter | Evans | Kingston |
| Berkley | Everett | Kirk |
| Berman | Farr | Klecza |
| Berry | Fattah | Knollenberg |
| Biggert | Ferguson | Kucinich |
| Bilirakis | Filner | LaFalce |
| Bishop | Flake | LaHood |
| Blumenauer | Fletcher | Lampson |
| Blunt | Foley | Langevin |
| Boehlert | Forbes | Larsen (WA) |
| Boehner | Ford | Larson (CT) |
| Bonilla | Fossella | Latham |
| Bonior | Frank | LaTourette |
| Bono | Frelinghuysen | Leach |
| Boozman | Frost | Lee |
| Borski | Gallegly | Levin |
| Boswell | Ganske | Lewis (CA) |
| Boucher | Gekas | Lewis (GA) |
| Boyd | Gephardt | Lewis (KY) |
| Brady (PA) | Gibbons | Linder |
| Brady (TX) | Gilchrest | Lipinski |
| Brown (FL) | Gillmor | LoBiondo |
| Brown (OH) | Gilman | Lowe |
| Brown (SC) | Gonzalez | Lucas (KY) |
| Bryant | Goode | Lucas (OK) |
| Burr | Goodlatte | Luther |
| Burton | Gordon | Lynch |
| Buyer | Goss | Maloney (CT) |
| Callahan | Graham | Maloney (NY) |
| Calvert | Granger | Manzullo |
| Camp | Graves | Markey |
| Cannon | Green (TX) | Mascara |
| Cantor | Green (WI) | Matheson |
| Capito | Greenwood | Matsui |
| Capps | Grucci | McCarthy (MO) |
| Capuano | Gutierrez | McCarthy (NY) |
| Cardin | Gutknecht | McCollum |
| Carson (IN) | Hall (OH) | McCrery |
| Carson (OK) | Hall (TX) | McDermott |
| Castle | Hansen | McGovern |
| Chabot | Harman | McHugh |
| Chambless | Hart | McInnis |
| Clay | Hastert | McIntyre |
| Clement | Hastings (FL) | McKeon |
| Clyburn | Hastings (WA) | McKinney |
| Coble | Hayes | McNulty |
| Collins | Hayworth | Meehan |
| Combest | Hefley | Meek (FL) |
| Condit | Herger | Menendez |
| Conyers | Hill | Mica |
| Costello | Hilleary | Millender- |
| Cox | Hilliard | McDonald |
| Coyne | Hinches | Miller, Dan |
| Cramer | Hobson | Miller, Gary |
| Crane | Hoeffel | Miller, George |
| Crenshaw | Hoekstra | Miller, Jeff |
| Crowley | Holden | Mollohan |
| Cubin | Hooley | Moore |
| Culberson | Horn | Moran (KS) |
| Cummings | Hostettler | Moran (VA) |
| Cunningham | Houghton | Morella |
| Davis (CA) | Hoyer | Myrick |
| Davis (FL) | Hunter | Nadler |
| Davis (IL) | Hyde | Napolitano |
| Davis, Jo Ann | Inslee | Neal |
| Deal | Isakson | Ney |
| DeFazio | Israel | Northup |
| DeGette | Issa | Norwood |
| DeLahunt | Istook | Nussle |
| DeLauro | Jackson (IL) | Oberstar |
| DeLay | | Obey |

| | | |
|---------------|---------------|---------------|
| Olver | Royce | Tauscher |
| Ortiz | Rush | Tauzin |
| Osborne | Ryan (WI) | Taylor (MS) |
| Ose | Ryun (KS) | Taylor (NC) |
| Otter | Sabo | Terry |
| Owens | Sanchez | Thomas |
| Oxley | Sawyer | Thompson (CA) |
| Pallone | Saxton | Thompson (MS) |
| Pascrell | Schakowsky | Thornberry |
| Pastor | Schiff | Thune |
| Paul | Schrock | Thurman |
| Payne | Scott | Tiahrt |
| Pelosi | Sensenbrenner | Tiberi |
| Pence | Serrano | Tierney |
| Peterson (MN) | Sessions | Toomey |
| Peterson (PA) | Shadegg | Towns |
| Petri | Shaw | Turner |
| Phelps | Shays | Udall (CO) |
| Pickering | Sherman | Udall (NM) |
| Pitts | Sherwood | Upton |
| Platts | Shimkus | Velazquez |
| Pombo | Shows | Visclosky |
| Portman | Shuster | Vitter |
| Price (NC) | Simmons | Walden |
| Pryce (OH) | Simpson | Walsh |
| Putnam | Skeen | Wamp |
| Quinn | Skelton | Waters |
| Radanovich | Slaughter | Watkins (OK) |
| Rahall | Smith (MI) | Watson (CA) |
| Ramstad | Smith (NJ) | Watts (OK) |
| Regula | Smith (TX) | Weiner |
| Rehberg | Snyder | Weldon (FL) |
| Reyes | Solis | Weldon (PA) |
| Reynolds | Souder | Weller |
| Riley | Spratt | Wexler |
| Rivers | Stark | Whitfield |
| Roemer | Stearns | Wicker |
| Rogers (KY) | Stenholm | Wilson (NM) |
| Rogers (MI) | Strickland | Wilson (SC) |
| Rohrabacher | Stump | Wolf |
| Ros-Lehtinen | Stupak | Woolsey |
| Ross | Sullivan | Wu |
| Rothman | Sununu | Wynn |
| Roukema | Sweeney | Young (AK) |
| Roybal-Allard | Tancredo | Young (FL) |

NOES—9

| | | |
|-------------|---------|-----------|
| Abercrombie | Kolbe | Pomeroy |
| Clayton | Lofgren | Sanders |
| Honda | Mink | Watt (NC) |

NOT VOTING—21

| | | |
|-------------|------------|------------|
| Baldacci | John | Rodriguez |
| Blagojevich | Jones (NC) | Sandlin |
| Cooksey | Lantos | Schaffer |
| Davis, Tom | Meeks (NY) | Smith (WA) |
| Hinojosa | Murtha | Tanner |
| Holt | Nethercutt | Trafficant |
| Hulshof | Rangel | Waxman |

□ 1513

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

A bill to replace the Immigration and Naturalization Service with the Office of the Associate Attorney General for Immigration Affairs, the Bureau of Citizenship and Immigration Services, and the Bureau of Immigration Enforcement, and for other purposes.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHAFFER. Mr. Speaker, I was unavoidably detained on rollcall 116. If I had been present, I would have voted “aye,” in favor of passage.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I had to travel to my Congressional District for an important event on April 25, 2002. Had I been present, I would have voted “no” on rollcalls 114 and 115 and “aye” on rollcall 116.