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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend the Homeland Security Act of 2002 to establish United States
Citizenship and Immigration Services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. HIGGINS of Louisiana introduced the following bill; which was referred
to the Committee on _____

A BILL

To amend the Homeland Security Act of 2002 to establish
United States Citizenship and Immigration Services, and
for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Citizen-
5 ship and Immigration Services Authorization Act”.

1 **SEC. 2. ESTABLISHMENT OF UNITED STATES CITIZENSHIP**
2 **AND IMMIGRATION SERVICES.**

3 (a) IN GENERAL.—Section 451 of the Homeland Se-
4 curity Act of 2002 (6 U.S.C. 271) is amended to read
5 as follows:

6 **“SEC. 451. ESTABLISHMENT OF UNITED STATES CITIZEN-**
7 **SHIP AND IMMIGRATION SERVICES.**

8 “(a) ESTABLISHMENT.—There is established within
9 the Department an agency to be known as United States
10 Citizenship and Immigration Services.

11 “(b) DIRECTOR OF UNITED STATES CITIZENSHIP
12 AND IMMIGRATION SERVICES.—There shall be at the head
13 of United States Citizenship and Immigration Services a
14 Director of United States Citizenship and Immigration
15 Services (in this section referred to as the ‘Director’).

16 “(c) DUTIES AND QUALIFICATIONS.—The Director
17 shall—

18 “(1) have a minimum of five years of manage-
19 ment experience;

20 “(2) establish national immigration services
21 policies and priorities;

22 “(3) meet regularly with the Citizenship and
23 Immigration Services Ombudsman (established in
24 section 452) to correct serious problems identified by
25 such Ombudsman;

1 “(4) advise the Secretary with respect to any
2 policy or operation of United States Citizenship and
3 Immigration Services that may significantly affect
4 another component or office of the Department;

5 “(5) carry out—

6 “(A) the adjudication of nonimmigrant and
7 immigrant visa petitions;

8 “(B) the adjudication of naturalization ap-
9 plications;

10 “(C) the adjudication of asylum and ref-
11 ugee applications;

12 “(D) adjudications performed at United
13 States Citizenship and Immigration Services
14 service centers; and

15 “(E) all other adjudications formerly per-
16 formed pursuant to this section by the Immi-
17 gration and Naturalization Service, the Bureau
18 of Citizenship and Immigration Services, or
19 United States Citizenship and Immigration
20 Services, as the case may be, on the day before
21 the date of the enactment of the United States
22 Citizenship and Immigration Services Author-
23 ization Act; and

24 “(6) carry out other duties and powers pre-
25 scribed by law or delegated by the Secretary.

1 “(d) DEPUTY DIRECTOR.—There shall be in United
2 States Citizenship and Immigration Services a Deputy Di-
3 rector, who shall assist the Director in the management
4 of United States Citizenship and Immigration Services.

5 “(e) CHIEF COUNSEL.—There shall be in United
6 States Citizenship and Immigration Services a Chief
7 Counsel, who shall—

8 “(1) provide specialized legal advice, opinions,
9 determinations, regulations, and any other assist-
10 ance to the Director with respect to legal matters af-
11 fecting United States Citizenship and Immigration
12 Services;

13 “(2) represent United States Citizenship and
14 Immigration Services in visa petition appeal pro-
15 ceedings before the Executive Office for Immigration
16 Review; and

17 “(3) carry out other duties and powers pre-
18 scribed by the Secretary.

19 “(f) CHIEF OF POLICY AND STRATEGY.—There shall
20 be in United States Citizenship and Immigration Services
21 a Chief of Policy and Strategy, who shall—

22 “(1) make policy recommendations and perform
23 policy research and analysis on immigration services
24 issues;

1 “(2) coordinate immigration policy issues with
2 other appropriate components and offices of the De-
3 partment; and

4 “(3) carry out other duties and powers pre-
5 scribed by the Secretary.

6 “(g) OFFICE OF CITIZENSHIP.—

7 “(1) IN GENERAL.—There is established in
8 United States Citizenship and Immigration Services
9 the Office of Citizenship.

10 “(2) CHIEF.—There shall be at the head of the
11 Office of Citizenship a Chief, who shall report to the
12 Director.

13 “(3) DUTIES.—The Chief of the Office of Citi-
14 zenship shall—

15 “(A) promote instruction and training on
16 citizenship responsibilities, including the devel-
17 opment of education materials and develop ini-
18 tiatives to foster the civic integration of immi-
19 grants, for aliens interested in becoming natu-
20 ralized citizens of the United States; and

21 “(B) carry out other duties and powers
22 prescribed by the Director.

23 “(h) FRAUD DETECTION AND NATIONAL SECURITY
24 DIRECTORATE.—

1 “(1) IN GENERAL.—There is established in
2 United States Citizenship and Immigration Services
3 a Fraud Detection and National Security Direc-
4 torate.

5 “(2) ASSOCIATE DIRECTOR.—There shall be at
6 the head of the Fraud Detection and National Secu-
7 rity Directorate an Associate Director, who shall re-
8 port to the Director.

9 “(3) DUTIES.—The Associate Director of the
10 Fraud Detection and National Security Directorate
11 shall—

12 “(A) ensure immigration benefits are not
13 granted to individuals who—

14 “(i) pose a threat to national security
15 or public safety;

16 “(ii) are known or suspected terror-
17 ists; or

18 “(iii) seek to defraud the immigration
19 system of the United States;

20 “(B) conduct security and background in-
21 vestigations of applicants for immigration bene-
22 fits and develop systems and techniques for
23 identifying immigration benefit fraud;

24 “(C) conduct targeted site visits in cases in
25 which fraud is suspected;

1 “(D) investigate and refer to U.S. Immi-
2 gration and Customs Enforcement, where ap-
3 propriate, incidents of suspected fraud, national
4 security concerns, or other civil and criminal
5 violations of immigration laws; and

6 “(E) carry out other duties and powers
7 prescribed by the Director.

8 “(i) FIELD OPERATIONS DIRECTORATE.—

9 “(1) IN GENERAL.—There is established in
10 United States Citizenship and Immigration Services
11 a Field Operations Directorate.

12 “(2) ASSOCIATE DIRECTOR.—There shall be at
13 the head of the Field Operations Directorate an As-
14 sociate Director, who shall report to the Director.

15 “(3) DUTIES.—The Associate Director of the
16 Field Operations Directorate shall—

17 “(A) oversee the domestic regional offices,
18 district offices, field offices, and field support
19 offices of United States Citizenship and Immi-
20 gration Services;

21 “(B) adjudicate applications and petitions
22 for immigration benefits;

23 “(C) interview applicants for immigration
24 benefits;

1 “(D) conduct security and background in-
2 vestigations of applicants for immigration bene-
3 fits and develop systems and techniques for
4 identifying immigration benefit fraud; and

5 “(E) carry out other duties and powers
6 prescribed by the Director.

7 “(j) REFUGEE, ASYLUM, AND INTERNATIONAL OP-
8 ERATIONS DIRECTORATE.—

9 “(1) IN GENERAL.—There is established in
10 United States Citizenship and Immigration Services
11 a Refugee, Asylum, and International Operations
12 Directorate.

13 “(2) ASSOCIATE DIRECTOR.—There shall be at
14 the head of the Refugee, Asylum, and International
15 Operations Directorate an Associate Director, who
16 shall report to the Director.

17 “(3) DUTIES.—The Associate Director of the
18 Refugee, Asylum, and International Operations Di-
19 rectorate shall—

20 “(A) adjudicate asylum and refugee appli-
21 cations;

22 “(B) conduct screenings on individuals
23 seeking to enter the United States and mi-
24 grants interdicted at sea;

1 “(C) adjudicate parole requests from indi-
2 viduals residing outside the United States for
3 humanitarian or public benefit reasons;

4 “(D) perform other authorized functions of
5 United States Citizenship and Immigration
6 Services outside the United States;

7 “(E) conduct security and background in-
8 vestigations of applicants for immigration bene-
9 fits and develop systems and techniques for
10 identifying immigration benefit fraud; and

11 “(E) carry out other duties and powers
12 prescribed by the Director.

13 “(k) IMMIGRATION RECORD AND IDENTITY SERV-
14 ICES DIRECTORATE.—

15 “(1) IN GENERAL.—There is established in
16 United States Citizenship and Immigration Services
17 an Immigration Records and Identity Services Di-
18 rectorate.

19 “(2) ASSOCIATE DIRECTOR.—There shall be at
20 the head of the Immigration Records and Identity
21 Services Directorate an Associate Director, who shall
22 report to the Director.

23 “(3) DUTIES.—The Associate Director of the
24 Immigration Records and Identity Services Direc-
25 torate shall—

1 “(A) collect and disseminate biometric in-
2 formation to support the integrity of the immi-
3 gration system;

4 “(B) manage the employment verification
5 system pursuant to 403(a) of the Illegal Immi-
6 gration Reform and Immigrant Responsibility
7 Act of 1996 (8 U.S.C. 1324a note), or suc-
8 cessor provision;

9 “(C) manage the automated system known
10 as the Systematic Alien Verification for Entitle-
11 ments to assist Federal, State, and local benefit
12 issuing agencies to determine the immigration
13 status of benefit applicants;

14 “(D) provide appropriate information, in-
15 cluding immigration status and employment au-
16 thorization information, to relevant customers
17 and stakeholders; and

18 “(E) carry out other duties and powers
19 prescribed by the Director.

20 “(1) SERVICE CENTER OPERATIONS DIREC-
21 TORATE.—

22 “(1) IN GENERAL.—There is established in
23 United States Citizenship and Immigration Services
24 a Service Center Operations Directorate.

1 “(2) ASSOCIATE DIRECTOR.—There shall be at
2 the head of the Service Center Operations Direc-
3 torate an Associate Director, who shall report to the
4 Director.

5 “(3) DUTIES.—The Associate Director of the
6 Service Center Operations Directorate shall—

7 “(A) oversee the adjudication of employ-
8 ment-based applications and petitions at United
9 States Citizenship and Immigration Services
10 service centers;

11 “(B) conduct security and background in-
12 vestigations of applicants for immigration bene-
13 fits and develop systems and techniques for
14 identifying immigration benefit fraud;

15 “(C) manage the employment creation visa
16 program under section 203(b)(5) of the Immi-
17 gration and Nationality Act (8 U.S.C.
18 1153(b)(5));

19 “(D) carry out other duties and powers
20 prescribed by the Director.

21 “(m) OTHER AUTHORITIES.—

22 “(1) IN GENERAL.—The Secretary may estab-
23 lish such other Associate Directors, or other similar
24 positions or officials, as the Secretary determines
25 necessary to carry out the missions, duties, func-

1 tions, and authorities of United States Citizenship
2 and Immigration Services.

3 “(2) NOTIFICATION.—If the Secretary exercises
4 the authority provided pursuant to paragraph (1),
5 the Secretary shall notify the Committee on Home-
6 land Security and the Committee on the Judiciary of
7 the House of Representatives and the Committee on
8 Homeland Security and Governmental Affairs and
9 the Committee on the Judiciary of the Senate not
10 later than 30 days before exercising such author-
11 ity.”.

12 (b) SPECIAL RULES.—

13 (1) TREATMENT.—Section 451 of the Home-
14 land Security Act of 2002 (6 U.S.C. 271), as
15 amended by subsection (a) of this section, shall be
16 treated as if included in such Act as of the date of
17 the enactment of such Act. In addition to the func-
18 tions, missions, duties, and authorities specified in
19 such amended section 451, United States Citizen-
20 ship and Immigration Services shall continue to per-
21 form and carry out the functions, missions, duties,
22 and authorities under section 451 of such Act as in
23 existence on the day before such date of enactment
24 (notwithstanding the treatment described in this
25 paragraph).

1 (2) RULES OF CONSTRUCTION.—

2 (A) RULES AND REGULATIONS.—Notwith-
3 standing the treatment described in paragraph
4 (1), nothing in this Act may be construed as af-
5 fecting in any manner any rule or regulation
6 issued or promulgated pursuant to any provi-
7 sion of law, including section 451 of the Home-
8 land Security Act of 2002 (6 U.S.C. 271), as
9 in existence on the day before the date of the
10 enactment of this Act, and any such rule or
11 regulation shall continue to have full force and
12 effect on and after such date.

13 (B) OTHER ACTIONS.—Notwithstanding
14 the treatment described in paragraph (1), noth-
15 ing in this Act may be construed as affecting in
16 any manner any action, determination, policy,
17 or decision pursuant to section 451 of the
18 Homeland Security Act of 2002 (6 U.S.C. 271)
19 as in existence on the day before the date of the
20 enactment of this Act, and any such action, de-
21 termination, policy, or decision shall continue to
22 have full force and effect on and after such
23 date.

24 (c) CONTINUATION IN OFFICE.—

1 (1) DIRECTOR.—The individual serving as Di-
2 rector of United States Citizenship and Immigration
3 Services on the day before the date of the enactment
4 of this Act may, notwithstanding the treatment pro-
5 vision under paragraph (1) of subsection (b), con-
6 tinue to serve as the Director of United States Citi-
7 zenship and Immigration Services on and after such
8 date of enactment in accordance with section 451 of
9 the Homeland Security Act of 2002 (6 U.S.C. 271),
10 as amended by subsection (a) of this section, until
11 the earlier of—

12 (A) the date on which such individual is no
13 longer eligible to serve as Director; or

14 (B) the date on which a person nominated
15 by the President to be the Director is confirmed
16 by the Senate in accordance with such amended
17 section 451.

18 (2) OTHER POSITIONS.—The individuals serv-
19 ing as Chiefs, Associate Directors and other officers
20 and officials under section 451 of the Homeland Se-
21 curity Act of 2002 (6 U.S.C. 271) on the day before
22 the date of the enactment of this Act may, notwith-
23 standing the treatment provision under paragraph
24 (1) of subsection (b), serve as the appropriate
25 Chiefs, Assistant Directors and other officers and of-

1 officials under such section 451 as amended by sub-
2 section (a) of this section unless the Director of
3 United States Citizenship and Immigration Services
4 determines that another individual should hold such
5 position.

6 (d) REFERENCES.—

7 (1) TITLE 5.—Section 5314 of title 5, United
8 States Code, is amended by striking “Director of the
9 Bureau of Citizenship and Immigration Services”
10 and inserting “Director of United States Citizenship
11 and Immigration Services, Department of Homeland
12 Security”.

13 (2) OTHER REFERENCES.—On and after the
14 date of the enactment of this Act, any reference in
15 any other Federal law, Executive order, rule, regula-
16 tion, or delegation of authority to the “Director of
17 the Bureau of Citizenship and Immigration Serv-
18 ices” or the “Bureau of Citizenship and Immigration
19 Services” shall be deemed to be a reference to the
20 Director of United States Citizenship and Immigra-
21 tion Services or United States Citizenship and Immi-
22 gration Services, respectively.

23 (e) CLERICAL AMENDMENT.—The table of contents
24 in section 1(b) of such Act is amended by amending the
25 item relating to section 451 to read as follows:

“Sec. 451. Establishment of United States Citizenship and Immigration Services.”.

1 (f) CONFORMING AMENDMENTS.—The Homeland Se-
2 curity Act of 2002 is amended—

3 (1) in subparagraph (E) of section 103(a) (6
4 U.S.C. 113(a)), by striking “A Director of the Bu-
5 reau of Citizenship and Immigration Services” and
6 inserting “A Director of United States Citizenship
7 and Immigration Services”;

8 (2) in section 452 (6 U.S.C. 272)—

9 (A) in paragraphs (1), (2), and (3) of sub-
10 section (b), by striking “the Bureau of Citizen-
11 ship and Immigration Services” each place it
12 appears and inserting “United States Citizen-
13 ship and Immigration Services”;

14 (B) in subsection (c)—

15 (i) in subparagraphs (A) and (E) of
16 paragraph (1), by striking “the Bureau of
17 Citizenship and Immigration Services”
18 each place it appears and inserting
19 “United States Citizenship and Immigra-
20 tion Services”; and

21 (ii) in paragraph (2), by striking “Di-
22 rector of the Bureau of Citizenship and
23 Immigration Services” and inserting “Di-

1 rector of United States Citizenship and
2 Immigration Services”;

3 (C) in subsection (d)—

4 (i) in paragraph (2), by striking “the
5 Bureau of Citizenship and Immigration
6 Services” and inserting “United States
7 Citizenship and Immigration Services”;
8 and

9 (ii) paragraph (4), by striking “Direc-
10 tor of the Bureau of Citizenship and Immi-
11 gration Services” and inserting “Director
12 of United States Citizenship and Immigra-
13 tion Services”;

14 (D) in paragraph (2) of subsection (e), by
15 striking “the Bureau of Citizenship and Immi-
16 gration Services” and inserting “United States
17 Citizenship and Immigration Services”;

18 (E) in subsection (f)—

19 (i) in the heading, by striking “BU-
20 REAU OF CITIZENSHIP AND IMMIGRATION
21 SERVICES” and inserting “UNITED
22 STATES CITIZENSHIP AND IMMIGRATION
23 SERVICES”; and

24 (ii) by striking “Director of the Bu-
25 reau of Citizenship and Immigration Serv-

1 ices” and inserting “Director of United
2 States Citizenship and Immigration Serv-
3 ices”; and

4 (F) in subsection (g)—

5 (i) in subparagraphs (B) and (D) of
6 paragraph (1), by striking “the Bureau of
7 Citizenship and Immigration Services”
8 each place it appears and inserting
9 “United States Citizenship and Immigra-
10 tion Services”; and

11 (ii) in paragraph (2), by striking “the
12 Bureau of Citizenship and Immigration
13 Services” each place it appears and insert-
14 ing “United States Citizenship and Immi-
15 gration Services”;

16 (3) in section 453 (6 U.S.C. 273)—

17 (A) in subsection (a)—

18 (i) in the matter preceding paragraph
19 (1), by striking “Director of the Bureau of
20 Citizenship and Immigration Services” and
21 inserting “Director of United States Citi-
22 zenship and Immigration Services”;

23 (ii) in paragraphs (1) and (3), by
24 striking “the Bureau of Citizenship and
25 Immigration Services” each place it ap-

1 pears and inserting “United States Citi-
2 zenship and Immigration Services”; and

3 (iii) in paragraph (2)—

4 (I) by striking “the Bureau of
5 Citizenship and Immigration Serv-
6 ices” and inserting “United States
7 Citizenship and Immigration Serv-
8 ices”; and

9 (II) by striking “such bureau”
10 and inserting “United States Citizen-
11 ship and Immigration Services”; and

12 (B) in subsection (b), in the matter pre-
13 ceding paragraph (1), by striking “Bureau of
14 Citizenship and Immigration Services” and in-
15 serting “United States Citizenship and Immi-
16 gration Services”;

17 (4) in section 454 (6 U.S.C. 274), by striking
18 “Director of the Bureau of Citizenship and Immi-
19 gration Services” and inserting “Director of United
20 States Citizenship and Immigration Services”;

21 (5) in section 456 (6 U.S.C. 275) by striking
22 “Director of the Bureau of Citizenship and Immi-
23 gration Services” each place it appears and inserting
24 “Director of United States Citizenship and Immigra-
25 tion Services”;

1 (5) in subparagraph (A) of section 462(b)(2) (6
2 U.S.C. 279(b)(2)), by striking “Director of the Bu-
3 reau of Citizenship and Immigration Services” and
4 inserting “Director of United States Citizenship and
5 Immigration Services”;

6 (6) in subsections (a), (b), and (d) of section
7 476 (6 U.S.C. 296), by striking “the Bureau of Citi-
8 zenship and Immigration Services” each place it ap-
9 pears and inserting “United States Citizenship and
10 Immigration Services”; and

11 (7) in section 478 (6 U.S.C. 298)—

12 (A) by striking subsection (b);

13 (B) by striking the following:

14 “(a) ANNUAL REPORT.—

15 “(1) IN GENERAL.—One year after”;

16 (C) by inserting the following:

17 “(a) IN GENERAL.—One year after”;

18 (D) by striking the following:

19 “(2) MATTER INCLUDED.—The report shall”;

20 (E) by inserting the following:

21 “(b) MATTER INCLUDED.—The report shall”; and

22 (F) by redesignating subparagraphs (A)
23 through (H) as paragraphs (1) through (8), re-
24 spectively.

25 (g) REPEALS.—

1 (1) IN GENERAL.—The following provisions of
2 the Homeland Security Act of 2002 are repealed:

3 (A) Section 459 (6 U.S.C. 276).

4 (B) Section 460 (6 U.S.C. 277).

5 (C) Section 461 (6 U.S.C. 278).

6 (D) Section 472 (6 U.S.C. 292).

7 (E) Section 473 (6 U.S.C. 293).

8 (F) Section 474 (6 U.S.C. 294).

9 (G) Section 475 (6 U.S.C. 295).

10 (H) Section 477 (6 U.S.C. 297).

11 (2) CLERICAL AMENDMENTS.—The table of
12 contents in section 1(b) of the Homeland Security
13 Act of 2002 is amended by striking the items relat-
14 ing to the following sections:

15 (A) Section 459.

16 (B) Section 460.

17 (C) Section 461.

18 (D) Section 472.

19 (E) Section 473.

20 (F) Section 474.

21 (G) Section 475.

22 (H) Section 477.

23 (h) EMPLOYEE DISCIPLINE.—Section 454 of the
24 Homeland Security Act of 2002 is amended to read as
25 follows:

1 **“SEC. 454. EMPLOYEE DISCIPLINE.**

2 “Notwithstanding any other provision of law, the Sec-
3 retary may impose disciplinary action on any employee of
4 United States Citizenship and Immigration Services who
5 knowingly deceives Congress or agency leadership on any
6 matter.”.

7 (i) COMBINATION PROHIBITION.—

8 (1) IN GENERAL.—Section 471 of the Home-
9 land Security Act of 2002 is amended to read as fol-
10 lows:

11 **“SEC. 471. COMBINATION PROHIBITION.**

12 “The authority provided by section 1502 may be used
13 to reorganize functions or organizational units within U.S.
14 Immigration and Customs Enforcement or United States
15 Citizenship and Immigration Services, but may not be
16 used to combine the two components into a single agency
17 or otherwise to combine, join, or consolidate functions or
18 organizational units of the two components with each
19 other.”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents in section 1(b) of the Homeland Security Act
22 of 2002 is amended by amending the item relating
23 to section 471 to read as follows:

“Sec. 471. Combination prohibition.”.