

115TH CONGRESS
1ST SESSION

H. R. 2407

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

MAY 11, 2017

Mr. GOODLATTE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 Section 451 of the Homeland Security Act of 2002
4 (6 U.S.C. 271) is amended to read as follows:

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

7 “(a) **ESTABLISHMENT.**—There is established within
8 the Department an agency to be known as ‘United States
9 Citizenship and Immigration Services’. The mission of
10 United States Citizenship and Immigration Services is to
11 efficiently adjudicate petitions and applications for immi-
12 gration benefits for foreign nationals seeking lawful immi-
13 gration status in the United States and for individuals
14 seeking to become citizens of the United States in a man-
15 ner that detects and prevents fraud, protects the jobs and
16 working conditions of American workers, and ensures the
17 national security and welfare of the American people.

18 “(b) **DIRECTOR.**—There shall be at the head of
19 United States Citizenship and Immigration Services a Di-
20 rector of United States Citizenship and Immigration Serv-
21 ices (in this section referred to as the ‘Director’) who
22 shall—

23 “(1) report directly to the Secretary;

24 “(2) have at least 5 years of management expe-
25 rience;

1 “(3) establish the policies and priorities of
2 United States Citizenship and Immigration Services;

3 “(4) advise the Secretary of any policy or oper-
4 ation that affects, in a significant manner, the mis-
5 sion of another Department component agency;

6 “(5) carry out the adjudication of immigration
7 and naturalization benefits applications and petitions
8 within the Director’s statutory authority; and

9 “(6) carry out further duties prescribed by stat-
10 ute, or as assigned or delegated by the Secretary,
11 which are within the statutory authority of United
12 States Citizenship and Immigration Services.

13 “(c) DEPUTY DIRECTOR.—There shall be a Deputy
14 Director of United States Citizenship and Immigration
15 Services who shall assist the Director in carrying out the
16 Director’s duties.

17 “(d) OFFICE OF THE CHIEF COUNSEL.—There is es-
18 tablished within United States Citizenship and Immigra-
19 tion Services an Office of the Chief Counsel. There shall
20 be at the head of the Office of the Chief Counsel a Chief
21 Counsel who shall—

22 “(1) provide specialized legal advice, opinions,
23 determinations, draft regulations, and other assist-
24 ance to the Director with respect to legal matters af-

1 fecting United States Citizenship and Immigration
2 Services; and

3 “(2) represent United States Citizenship and
4 Immigration Services in visa petition appeal pro-
5 ceedings when applicable.

6 “(e) OFFICE OF POLICY AND STRATEGY.—There is
7 established within United States Citizenship and Immigra-
8 tion Services an Office of Policy and Strategy. There shall
9 be at the head of the Office of Policy and Strategy a Chief
10 who shall—

11 “(1) develop United States Citizenship and Im-
12 migration Services policy recommendations for the
13 Director;

14 “(2) develop strategy for policy implementation;
15 and

16 “(3) carry out additional duties as assigned or
17 delegated by the Director, which are within the stat-
18 utory authority of United States Citizenship and Im-
19 migration Services.

20 “(f) OFFICE OF CITIZENSHIP.—There is established
21 within United States Citizenship and Immigration Serv-
22 ices an Office of Citizenship. There shall be at the head
23 of the Office of Citizenship a Chief who shall—

24 “(1) promote instruction and training on citi-
25 zenship responsibilities, as well as assimilation, for

1 eligible aliens who are interested in becoming natu-
2 ralized citizens of the United States; and

3 “(2) carry out additional duties as assigned or
4 delegated by the Director, which are within the stat-
5 utory authority of United States Citizenship and Im-
6 migration Services.

7 “(g) FRAUD DETECTION AND NATIONAL SECURITY
8 DIRECTORATE.—There is established within United
9 States Citizenship and Immigration Services a Fraud De-
10 tection and National Security Directorate. There shall be
11 at the head of the Fraud Detection and National Security
12 Directorate an Associate Director who shall seek to pre-
13 vent immigration benefits from being granted to individ-
14 uals who pose a threat to national security or public safe-
15 ty, or who defraud the immigration system, in a manner
16 that is consistent with the immigration laws (as such term
17 is defined in section 101(a)(17) of the Immigration and
18 Nationality Act (8 U.S.C. 1101(a)(17))).

19 “(h) EXTERNAL AFFAIRS DIRECTORATE.—There is
20 established within United States Citizenship and Immigra-
21 tion Services an External Affairs Directorate. There shall
22 be at the head of the External Affairs Directorate an As-
23 sociate Director who shall—

24 “(1) oversee and coordinate official United
25 States Citizenship and Immigration Services commu-

1 nications to both internal and external audiences, in-
2 cluding applicants, petitioners, and beneficiaries of
3 petitions for immigration benefits provided by
4 United States Citizenship and Immigration Services,
5 the legislative branch, and the general public; and

6 “(2) carry out additional duties as assigned or
7 delegated by the Director, which are within the stat-
8 utory authority of United States Citizenship and Im-
9 migration Services.

10 “(i) IMMIGRATION RECORDS AND IDENTITY SERV-
11 ICES DIRECTORATE.—There is established within United
12 States Citizenship and Immigration Services an Immigra-
13 tion Records and Identity Services Directorate. There
14 shall be at the head of the Immigration Records and Iden-
15 tity Services Directorate an Associate Director who
16 shall—

17 “(1) manage the operation of an employment
18 eligibility verification system as provided for by sec-
19 tion 404 of the Illegal Immigration and Immigrant
20 Responsibility Act of 1996 (U.S.C. 1324a note) or
21 any successor system;

22 “(2) manage the operation of the Systematic
23 Alien Verification for Entitlements Program, or its
24 successor program, designed to assist Federal, State,
25 and local benefit-issuing agencies, institutions, and

1 licensing agencies in determining the immigration
2 status of benefit applicants so only those legally en-
3 titled to benefits receive them;

4 “(3) manage the biometric services provided to
5 United States Citizenship and Immigration Services
6 components;

7 “(4) manage immigration records and provide
8 information regarding such records to stakeholders;
9 and

10 “(5) carry out further duties as assigned or del-
11 egated by the Director, which are within the statu-
12 tory authority of United States Citizenship and Im-
13 migration Services.

14 “(j) FIELD OPERATIONS DIRECTORATE.—There is
15 established within United States Citizenship and Immigra-
16 tion Services a Field Operations Directorate. There shall
17 be at the head of the Field Operations Directorate an As-
18 sociate Director who shall—

19 “(1) oversee all United States Citizenship and
20 Immigration Services field offices;

21 “(2) oversee the adjudication of immigration
22 benefits and naturalization applications and peti-
23 tions, applicant interviews, naturalization cere-
24 monies, and background checks for applicants, peti-
25 tioners, and beneficiaries of petitions for benefits;

1 “(3) ensure the integrity of processing that oc-
2 curs at the field offices; and

3 “(4) carry out further duties as assigned or del-
4 egated by the Director, which are within the statu-
5 tory authority of United States Citizenship and Im-
6 migration Services.

7 “(k) REFUGEE, ASYLUM AND INTERNATIONAL OPER-
8 ATIONS DIRECTORATE.—There is established within
9 United States Citizenship and Immigration Services a
10 Refugee, Asylum and International Operations Direc-
11 torate. There shall be at the head of the Refugee, Asylum
12 and International Operations Directorate an Associate Di-
13 rector who shall—

14 “(1) oversee refugee application adjudication
15 and interviews;

16 “(2) oversee asylum application adjudication
17 and interviews;

18 “(3) ensure the integrity of application proc-
19 essing that occurs under the Refugee, Asylum and
20 International Operations Directorate’s authority;
21 and

22 “(4) carry out further duties as assigned or del-
23 egated by the Director, which are within the statu-
24 tory authority of United States Citizenship and Im-
25 migration Services.

1 “(1) SERVICE CENTER OPERATIONS DIREC-
2 TORATE.—There is established within United States Citi-
3 zenship and Immigration Services a Service Center Oper-
4 ations Directorate. There shall be at the head of the Serv-
5 ice Center Operations Directorate an Associate Director
6 who shall—

7 “(1) oversee and manage the United States
8 Citizenship and Immigration Services Service Cen-
9 ters responsible for adjudicating petitions that do
10 not require applicant interviews;

11 “(2) ensure the integrity of processing that oc-
12 curs at the Service Centers; and

13 “(3) carry out further duties as assigned or del-
14 egated by the Director, which are within the statu-
15 tory authority of United States Citizenship and Im-
16 migration Services.

17 “(m) MANAGEMENT DIRECTORATE.—There is estab-
18 lished within United States Citizenship and Immigration
19 Services a Management Directorate. There shall be at the
20 head of the Management Directorate an Associate Direc-
21 tor who shall carry out management duties as assigned
22 or delegated by the Director, which are within the statu-
23 tory authority of United States Citizenship and Immigra-
24 tion Services.

1 “(n) OFFICE OF PROFESSIONAL RESPONSIBILITY.—
2 There is established within United States Citizenship and
3 Immigration Services an Office of Professional Responsi-
4 bility. There shall be at the head of the Office of Profes-
5 sional Responsibility a Chief who shall—

6 “(1) ensure compliance with all United States
7 Citizenship and Immigration Services programs and
8 policies relating to corruption, misconduct, or mis-
9 management;

10 “(2) investigate allegations of misconduct in-
11 volving officials or employees of United States Citi-
12 zenship and Immigration Services; and

13 “(3) carry out further duties as assigned or del-
14 egated by the Director, which are within the statu-
15 tory authority of United States Citizenship and Im-
16 migration Services.

17 “(o) AUTHORITY TO ESTABLISH ADDITIONAL OF-
18 FICES.—The Director may establish other offices, direc-
19 torates, and officers, including Associate Directors, as the
20 Director determines necessary to carry out the duties of
21 United States Citizenship and Immigration Services,
22 which are within the statutory authority of United States
23 Citizenship and Immigration Services.”.

1 **SEC. 3. ADMINISTRATIVE APPEALS.**

2 Not later than one year after the date of the enact-
3 ment of this Act, all appellate functions of United States
4 Citizenship and Immigration Services shall be carried out
5 by the Secretary of Homeland Security, who shall estab-
6 lish a component within the Department of Homeland Se-
7 curity to carry out such functions.

8 **SEC. 4. REPEALED PROVISIONS.**

9 Sections 459, 460, and 461 of the Homeland Security
10 Act of 2002 (6 U.S.C. 276, 277, and 278) are repealed.

11 **SEC. 5. CONFORMING AND CLERICAL AMENDMENTS.**

12 (a) CONFORMING AMENDMENTS.—

13 (1) IMMIGRATION AND NATIONALITY ACT.—The
14 Immigration and Nationality Act (8 U.S.C. 1101) is
15 amended by striking “the Bureau of Citizenship and
16 Immigration Services” each place it appears and in-
17 sserting “United States Citizenship and Immigration
18 Services”.

19 (2) HOMELAND SECURITY ACT OF 2002.—The
20 Homeland Security Act of 2002 (6 U.S.C. 101) is
21 amended by striking “the Bureau of Citizenship and
22 Immigration Services” each place it appears and in-
23 sserting “United States Citizenship and Immigration
24 Services”.

25 (3) TITLE 5.—Section 5314 of title 5, United
26 States Code, is amended by striking “the Bureau of

1 Citizenship and Immigration Services” and inserting
2 “United States Citizenship and Immigration Serv-
3 ices”.

4 (4) INSPECTOR GENERAL ACT OF 1978.—Sub-
5 section (e) of section 8I of the Inspector General Act
6 of 1978 (5 U.S.C. App. 8I) is amended by striking
7 “the Bureau of Citizenship and Immigration Serv-
8 ices” and inserting “United States Citizenship and
9 Immigration Services”.

10 (b) CLERICAL AMENDMENTS.—The table of contents
11 in section 1(b) of the Homeland Security Act of 2002 is
12 amended—

13 (1) by striking the item relating to section 451
14 and inserting the following:

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

15 and

16 (2) by striking the items relating to sections
17 459, 460, and 461.

18 **SEC. 6. E-VERIFY PERMANENT AUTHORIZATION.**

19 Subsection (b) of section 401 of the Illegal Immigra-
20 tion Reform and Immigrant Responsibility Act of 1996
21 (8 U.S.C. 1324a note) is amended by striking the last sen-
22 tence.

23 **SEC. 7. TRANSPARENCY.**

24 (a) IN GENERAL.—Officials and employees of United
25 States Citizenship and Immigration Services shall act im-

1 partially and may not give preferential treatment to any
2 entity, organization, or individual in connection with the
3 adjudication of any immigration benefit under the author-
4 ity of United States Citizenship and Immigration Services.

5 (b) IMPROPER ACTIVITIES.—Activities that con-
6 stitute preferential treatment under subsection (a) shall
7 include—

8 (1) working on, or in any way attempting to in-
9 fluence, in a manner not available to or accorded to
10 all other petitioners, applicants, and seekers of bene-
11 fits, the adjudication of immigration benefits under
12 the authority of United States Citizenship and Im-
13 migration Services; and

14 (2) meeting or communicating with persons as-
15 sociated with the entities described in paragraph (1),
16 at the request of such persons, in a manner not
17 available to or accorded to all other petitioners, ap-
18 plicants, or seekers of benefits, regarding the adju-
19 dication of immigration benefits under the authority
20 of United States Citizenship and Immigration Serv-
21 ices.

22 (c) REPORTING OF COMMUNICATIONS.—

23 (1) WRITTEN COMMUNICATION.—Employees of
24 United States Citizenship and Immigration Services
25 shall include, in the record of proceeding for a case

1 under the authority of United States Citizenship and
2 Immigration Services, actual or electronic copies of
3 all case-specific written communication, including e-
4 mails, from government and private accounts, with
5 non-Department persons or entities advocating for
6 benefit applications or petitions under the authority
7 of United States Citizenship and Immigration Serv-
8 ices that are pending on or after the date of the en-
9 actment of this Act (other than routine communica-
10 tions with other agencies of the Federal Government
11 regarding the case, including communications involv-
12 ing background checks and litigation defense).

13 (2) ORAL COMMUNICATION.—If substantive oral
14 communication, including telephonic communication,
15 virtual communication, and in-person meetings,
16 takes place between officials of United States Citi-
17 zenship and Immigration Services and non-Depart-
18 ment persons or entities advocating for benefit appli-
19 cations or petitions under the authority of United
20 States Citizenship and Immigration Services that
21 are pending on or after the date of the enactment
22 of this Act (other than routine communications with
23 other agencies of the Federal Government regarding
24 the case, including communications involving back-
25 ground checks and litigation defense)—

1 (A) the conversation shall be recorded; or

2 (B) detailed minutes of the session shall be
3 taken and included in the record of proceeding.

4 (3) NOTIFICATION.—

5 (A) IN GENERAL.—If the Director of
6 United States Citizenship and Immigration
7 Services, in the course of written or oral com-
8 munication described in this subsection, receives
9 evidence about a specific case from anyone
10 other than an affected party or his or her rep-
11 resentative (excluding Federal Government or
12 law enforcement sources), such information may
13 not be made part of the record of proceeding
14 and may not be considered in adjudicative pro-
15 ceedings unless—

16 (i) the affected party has been given
17 notice of such evidence; and

18 (ii) if such evidence is derogatory, the
19 affected party has been given an oppor-
20 tunity to respond to the evidence.

21 (B) INFORMATION FROM LAW ENFORCE-
22 MENT, INTELLIGENCE AGENCIES, OR CON-
23 FIDENTIAL SOURCES.—

24 (i) LAW ENFORCEMENT OR INTEL-
25 LIGENCE AGENCIES.—Evidence received

1 from law enforcement or intelligence agen-
2 cies may not be made part of the record of
3 proceeding without the consent of the rel-
4 evant agency or law enforcement entity.

5 (ii) WHISTLEBLOWERS, CONFIDEN-
6 TIAL SOURCES, OR INTELLIGENCE AGEN-
7 CIES.—Evidence received from whistle-
8 blowers, other confidential sources, or the
9 intelligence community that is included in
10 the record of proceeding and considered in
11 adjudicative proceedings shall be handled
12 in a manner that does not reveal the iden-
13 tity of the whistleblower or confidential
14 source, or reveal classified information.

15 (d) CONSIDERATION OF EVIDENCE.—

16 (1) IN GENERAL.—No case-specific communica-
17 tion with persons or entities that are not part of the
18 Department of Homeland Security may be consid-
19 ered in the adjudication of an application or petition
20 under the authority of United States Citizenship and
21 Immigration Services unless the communication is
22 included in the record of proceeding of the case.

23 (2) WAIVER.—The Director may waive the re-
24 quirement under paragraph (1) only in the interests

1 of national security or for investigative or law en-
2 forcement purposes.

3 (e) PENALTY.—

4 (1) IN GENERAL.—Any person who inten-
5 tionally violates the prohibition on preferential treat-
6 ment under this section or intentionally violates the
7 reporting requirements under subsection (c) shall be
8 disciplined in accordance with paragraph (2).

9 (2) SANCTIONS.—Not later than 90 days after
10 the date of the enactment of this Act, the Director
11 shall establish a graduated set of sanctions based on
12 the severity of the violation referred to in paragraph
13 (1), which may include, in addition to any criminal
14 or civil penalties that may be imposed, written rep-
15 rimand, suspension, demotion, or removal, as per-
16 mitted by statute.

17 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to modify any law regarding the
19 handling or disclosure of classified information.

20 (g) NO CREATION OF PRIVATE RIGHT OF ACTION.—
21 Nothing in this section may be construed to create or au-
22 thorize a private right of action to challenge a decision
23 of an employee of the Department of Homeland Security.

1 **SEC. 8. FEE FOR INTERNATIONAL ADOPTION.**

2 In the case of the rule related to the United States
3 Citizenship and Immigration Services Fee Schedule pub-
4 lished on October 24, 2016 (81 Fed. Reg. 73292), any
5 provision of that rule that pertains to the fee provided for
6 the Application for Certificate of Citizenship, Forms N-
7 600/600K shall have no effect in the case of an application
8 filed on behalf of an adopted child, and the applicable fee
9 for such application shall remain the fee in effect prior
10 to the effective date of the rule. United States Citizenship
11 and Immigration Services shall refund any fee paid prior
12 to the date of the enactment of this Act for an application
13 filed on behalf of an adopted child pursuant to the fee
14 schedule published on October 24, 2016, to the extent that
15 the amount paid exceeded the amount of such fee prior
16 to the effective date of the rule described in the previous
17 sentence.

○