

2019 . AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
ROYCE OF CALIFORNIA, OR HIS
DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES:

91 revised

~~AMENDMENT TO H.R. 4437, AS REPORTED
OFFERED BY MR. ROYCE OF CALIFORNIA~~

At the end of the bill, add the following:

1 **TITLE IX—ELIMINATION OF COR-**
2 **RUPTION AND PREVENTION**
3 **OF ACQUISITION OF IMMI-**
4 **GRATION BENEFITS**
5 **THROUGH FRAUD**

6 **SEC. 901. SHORT TITLE.**

7 This title may be cited as the “Taking Action to Keep
8 Employees Accountable in Immigration Matters Act of
9 2005” or the “TAKE AIM Act of 2005”.

10 **SEC. 902. FINDINGS.**

11 Congress finds the following:

12 (1) The mission of United States Citizenship
13 and Immigration Services (USCIS) is to faithfully
14 execute the immigration laws enacted by Congress
15 and to ensure that only those aliens who are eligible
16 under such laws and who do not pose a risk to the
17 United States or its citizens or lawful residents are
18 able to obtain permission to remain in the United
19 States.



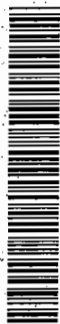
1 (2) Only United States citizens have an abso-
2 lute right to be in the United States; for all others,
3 permission to enter and reside here, either as non-
4 immigrants or immigrants, is a privilege that is con-
5 ditioned on following the rules of one's admission
6 and stay.

7 (3) It is important that United States Citizen-
8 ship and Immigration Services, like all other Federal
9 agencies that come into close contact with the public
10 their customers.

11 (4) Immigration benefits fraud has become en-
12 demic. It undermines the rule of law and threatens
13 national security, and so must be addressed aggres-
14 sively and consistently.

15 (5) Internal corruption also threatens national
16 security, and erodes the integrity of the immigration
17 system. In order to restore integrity and credibility
18 to the system, the backlog of complaints against
19 United States Citizenship and Immigration Services
20 employees must be cleared by experienced investiga-
21 tors as expeditiously as possible without compro-
22 mising the quality of investigations.

23 (6) In separating customs and border protec-
24 tion and immigration and customs enforcement from
25 United States Citizenship and Immigration Services,



1 Congress did not intend to wholly eliminate all law
2 enforcement functions within the latter, nor is it
3 possible for United States citizenship and immigra-
4 tion services to achieve its mission without a law en-
5 forcement function. the attempt to do so has pro-
6 duced the current abysmal results. Thus, it is imper-
7 ative that United States Citizenship and Immigra-
8 tion Services embrace the critical law enforcement
9 function especially the internal audit function.

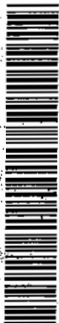
10 **SEC. 903. STRUCTURE OF THE OFFICE OF SECURITY AND**
11 **INVESTIGATIONS.**

12 The Director of the Office of Security and Investiga-
13 tions shall report directly to the Director of United States
14 Citizenship and Immigration Services.

15 **SEC. 904. AUTHORITY OF THE OFFICE OF SECURITY AND**
16 **INVESTIGATIONS TO INVESTIGATE INTERNAL**
17 **CORRUPTION.**

18 (a) **AUTHORITY.**—In addition to the authority other-
19 wise provided by this title, the Director of the Office of
20 Security and Investigations, in carrying out the duties of
21 the Office, has sole authority—

22 (1) to receive, process, dispose of administra-
23 tively, and investigate any criminal or noncriminal
24 violations of the Immigration and Nationality Act or
25 title 18, United States Code, that are alleged to have



1 been committed by any officer, agent, employee, or
2 contract worker of United States Citizenship and
3 Immigration Services, and that are referred to
4 United States Citizenship and Immigration Services
5 by the Office of the Inspector General of the Depart-
6 ment of Homeland Security;

7 (2) to ensure that all complaints alleging such
8 violations are handled and stored in the same man-
9 ner as sensitive but unclassified materials;

10 (3) to have access to all records, reports, audits,
11 reviews, documents, papers, recommendations, or
12 other material available to United States Citizenship
13 and Immigration Services which relate to programs
14 and operations with respect to which the Director
15 has responsibilities under this title;

16 (4) to request such information or assistance as
17 may be necessary for carrying out the duties and re-
18 sponsibilities of the Office from any Federal, State,
19 or local governmental agency or unit thereof;

20 (5) to require by subpoena the production of all
21 information, documents, reports, answers, records,
22 accounts, papers, and other data and documentary
23 evidence necessary in the performance of the func-
24 tions assigned to the Office of Security and Inves-
25 tigations, which subpoena, in the case of contumacy



1 or refusal to obey, shall be enforceable by order of
2 any appropriate United States district court (except
3 that procedures other than subpoenas shall be used
4 by the Director to obtain documents and information
5 from Federal agencies);

6 (6) to administer to or take from any person an
7 oath, affirmation, or affidavit, whenever necessary in
8 the performance of the functions assigned to the Of-
9 fice of Security and Investigations, which oath, affir-
10 mation, or affidavit when administered or taken by
11 or before an agent of the Office of Security and In-
12 vestigations designated by the Director shall have
13 the same force and effect as if administered or taken
14 by or before an officer having a seal;

15 (7) to have direct and prompt access to the
16 head of United States Citizenship and Immigration
17 Services when necessary for any purpose pertaining
18 to the performance of functions and responsibilities
19 of the Office of Security and Investigations;

20 (8) to select, appoint, and employ such officers
21 and employees as may be necessary for carrying out
22 the functions, powers, and duties of the Office of Se-
23 curity and Investigations subject to the provisions of
24 title 5, United States Code, governing appointments
25 in the competitive service, and the provisions of



1 chapter 51 and subchapter III of chapter 53 of such
2 title relating to classification and General Schedule
3 pay rates;

4 (9) to obtain services as authorized by section
5 3109 of title 5, United States Code, at daily rates
6 not to exceed the equivalent rate prescribed for
7 grade GS-15 of the General Schedule by section
8 5332 of title 5, United States Code; and

9 (10) to the extent and in such amounts as may
10 be provided in advance by immigration fee accounts
11 or appropriations Acts, to enter into contracts and
12 other arrangements for audits, studies, analyses, and
13 other services with public agencies and with private
14 persons, and to make such payments as may be nec-
15 essary to carry out the provisions of this title.

16 (b)(1) Upon request of the Director for information
17 or assistance under subsection (a)(4), the head of any
18 Federal agency involved shall, insofar as is practicable and
19 not in contravention of any existing statutory restriction
20 or regulation of the Federal agency from which the infor-
21 mation is requested, furnish to such Director, or to an
22 authorized designee, such information or assistance.

23 (2) Whenever information or assistance requested
24 under subsection (a)(3) or (a)(4) is, in the judgment of
25 the Director, unreasonably refused or not provided, the



1 Director shall report the circumstances to the Director of
2 United States Citizenship and Immigration Services with-
3 out delay.

4 (c) The Director of United States Citizenship and
5 Immigration Services shall provide the Office of Security
6 and Investigations with appropriate and adequate office
7 space at central and field office locations of United States
8 Citizenship and Immigration Services, together with such
9 equipment, office supplies, and communications facilities
10 and services as may be necessary for the operation of such
11 offices, and shall provide necessary maintenance services
12 for such offices and the equipment and facilities located
13 therein.

14 (d)(1) In addition to the authority otherwise provided
15 by this title, the Director, the Deputy Director, the Assist-
16 ant Director of Security Operations, the Assistant Direc-
17 tor of Special Investigations, all 1811-series criminal in-
18 vestigators, certain 1801-series investigative management
19 specialists, and security specialists supervised by such as-
20 sistant directors may be authorized by the Secretary of
21 Homeland Security to—

22 (A) carry a firearm while engaged in official du-
23 ties as authorized under this title or other statute,
24 or as expressly authorized by the Secretary;



1 (B) make an arrest without a warrant while en-
2 gaged in official duties as authorized under this title
3 or other statute, or as expressly authorized by the
4 Secretary, for any offense against the United States
5 committed in the presence of such Director, Assist-
6 ant Director, or designee, or for any felony cog-
7 nizable under the laws of the United States if such
8 Director, Assistant Director, or designee has reason-
9 able grounds to believe that the person to be ar-
10 rested has committed or is committing such felony;
11 and

12 (C) seek and execute warrants for arrest,
13 search of a premises, or seizure of evidence issued
14 under the authority of the United States upon prob-
15 able cause to believe that a violation has been com-
16 mitted.

17 (2) The Secretary shall promulgate, and revise as ap-
18 propriate, guidelines which shall govern the exercise of the
19 law enforcement powers established under paragraph (1).

20 (3)(A) Powers authorized for the Director under
21 paragraph (1) may be rescinded or suspended upon a de-
22 termination by the Secretary that the exercise of author-
23 ized powers by that Director has not complied with the
24 guidelines promulgated by the Secretary under paragraph
25 (2).



1 (B) Powers authorized to be exercised by any indi-
2 vidual under paragraph (1) may be rescinded or suspended
3 with respect to that individual upon a determination by
4 the Secretary that such individual has not complied with
5 guidelines promulgated by the Secretary under paragraph
6 (2).

7 (4) A determination by the Secretary under para-
8 graph (3) shall not be reviewable in or by any court.

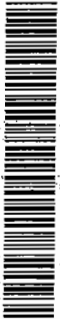
9 (5) No provision of this subsection shall limit the ex-
10 ercise of law enforcement powers established under any
11 other statutory authority.

12 **SEC. 905. AUTHORITY OF THE OFFICE OF SECURITY AND**
13 **INVESTIGATIONS TO DETECT AND INVES-**
14 **TIGATE IMMIGRATION BENEFITS FRAUD.**

15 The Office of Security and Investigations of United
16 States Citizenship and Immigration Services shall have
17 authority—

18 (1) to conduct fraud detection operations, in-
19 cluding data mining and analysis;

20 (2) to investigate any criminal or noncriminal
21 allegations of violations of the Immigration and Na-
22 tionality Act or title 18, United States Code, that
23 Immigration and Customs Enforcement declines to
24 investigate;



1 (3) to turn over to a United States Attorney for
2 prosecution evidence that tends to establish such vio-
3 lations; and

4 (4) to engage in information sharing, partner-
5 ships, and other collaborative efforts with any—

6 (A) Federal, State, or local law enforce-
7 ment entity;

8 (B) foreign partners; or

9 (C) entity within the intelligence commu-
10 nity (as defined in section 3(4) of the National
11 Security Act of 1947 (50 U.S.C. 401a(4)).

12 **SEC. 906. INCREASE IN FULL-TIME OFFICE OF SECURITY**
13 **AND INVESTIGATIONS PERSONNEL.**

14 (a) INCREASE IN GS-1811 SERIES CRIMINAL INVES-
15 TIGATORS.—(1) In each of fiscal years 2007 through
16 2010, the Director of the Office of Security and Investiga-
17 tions shall, subject to the availability of security fees de-
18 scribed in section 910 of this title, increase by not less
19 than 100 the number of full-time, active-duty GS-1811
20 series criminal Discussion draft 10 investigators, along
21 with support personnel and equipment, within the Office
22 of Security and Investigations above the number of such
23 positions for which funds were made available during the
24 preceding fiscal year.

25 (2) DIVISION OF DUTIES.—



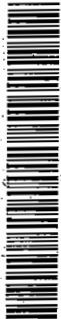
1 (A) INTERNAL AFFAIRS.—No fewer than one-
2 third of the criminal investigators, and support per-
3 sonnel, hired under paragraph (1) shall be assigned
4 to investigate allegations described in paragraph (1)
5 of section 904(a) of this title;

6 (B) BENEFITS FRAUD.—The remaining crimi-
7 nal investigators, and support personnel, hired under
8 paragraph (1) shall be assigned to investigate allega-
9 tions described in section 905 of this title.

10 (b) INCREASE IN GS-1801 SERIES INVESTIGATION
11 AND COMPLIANCE OFFICERS.—(1) Subject to the avail-
12 ability of security fees described in section 910 of this title,
13 the Director of the Office of Security and Investigations
14 shall by fiscal year 2008 increase by not less than 150
15 the number of full-time, active-duty GS-1801 series inves-
16 tigation and compliance officers, along with support per-
17 sonnel and equipment, within the Office of Security and
18 Investigations above the number of such positions for
19 which funds were made available during fiscal year 2006.

20 (2) DIVISION OF DUTIES.—

21 (A) INTERNAL AFFAIRS.—No fewer than one-
22 third of the investigation and compliance officers,
23 and support personnel, hired under paragraph (1)
24 shall be assigned to investigate allegations described
25 in paragraph (1) of section 904(a) of this title;



1 (B) BENEFITS FRAUD.—The remaining inves-
2 tigation and compliance officers, and support per-
3 sonnel, hired under paragraph (1) shall be assigned
4 to investigate allegations described in section 905 of
5 this title.

6 (c) INCREASE IN GS-0132 SERIES INTELLIGENCE
7 RESEARCH SPECIALISTS.—(1) Subject to the availability
8 of security fees described in section 910 of this title, the
9 Director of the Office of Security and Investigations shall
10 by fiscal year 2008 increase by not less than 150 the num-
11 ber of full-time, active-duty GS-0132 series intelligence
12 research specialists, along with support personnel and
13 equipment, within the Office of Security and Investiga-
14 tions above the number of such positions for which funds
15 were made available during fiscal year 2006.

16 (2) DIVISION OF DUTIES.—

17 (A) INTERNAL AFFAIRS.—No fewer than one-
18 third of the investigation and compliance officers,
19 and support personnel, hired under paragraph (1)
20 shall be assigned to investigate allegations described
21 in paragraph (1) of section 904(a) of this title;

22 (B) BENEFITS FRAUD.—The remaining inves-
23 tigation and compliance officers, and support per-
24 sonnel, hired under paragraph (1) shall be assigned



1 to investigate allegations described in section 905 of
2 this title.

3 **SEC. 907. ANNUAL REPORT.**

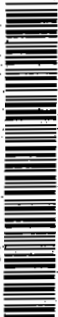
4 The Director of the Office of Security and Investiga-
5 tions shall annually submit to Congress a report detailing
6 the activities of the Office. The report shall include data
7 on the following:

8 (1) The number of investigations the Office of
9 Security and Investigations began, completed, and
10 turned over to a United States Attorney for prosecu-
11 tion during the past 12 months.

12 (2) The types of allegations investigated by the
13 Office of Security and Investigations during the past
14 12 months, including both the allegations of mis-
15 conduct by employees of United States Citizenship
16 and Immigration Services and allegations of immi-
17 gration benefits fraud.

18 (3) The disposition of all investigations con-
19 ducted by the Office of Security and Investigations
20 during the past 12 months.

21 (4) The number, if any, of allegations pending
22 at the end of the 12-month period according to the
23 type of allegation, the grade level of the employee,
24 if applicable, along with an assessment of the re-
25 sources the Office of Security and Investigations



1 would need, if any, to remain current with new alle-
2 gations received.

3 **SEC. 908. INVESTIGATIONS OF FRAUD TO PRECEDE IMMI-**
4 **GRATION BENEFITS GRANT.**

5 Section 103 of the Immigration and Nationality Act
6 (8 U.S.C. 1103) is amended by adding at the end the fol-
7 lowing:

8 “(j) Notwithstanding any other provision of law, the
9 Secretary of Homeland Security, the Attorney General, or
10 any court may not—

11 “(1) grant or order the grant of adjustment of
12 status to that of an alien lawfully admitted for per-
13 manent residence,

14 “(2) grant or order the grant of any other sta-
15 tus, relief, protection from removal, or other benefit
16 under the immigration laws, or

17 “(3) issue any documentation evidencing or re-
18 lated to such grant by the Attorney General, the
19 Secretary, or any court,

20 until any suspected or alleged fraud relating to the benefit
21 application has been fully investigated and found to be un-
22 substantiated.”



1 **SEC. 909. ELIMINATION OF THE FRAUD DETECTION AND**
2 **NATIONAL SECURITY OFFICE.**

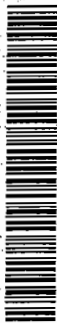
3 Not later than 30 days following the date of enact-
4 ment of this title, the Secretary of Homeland Security
5 shall eliminate the Fraud Detection and National Security
6 Office of United States Citizenship and Immigration Serv-
7 ices and transfer all authority of such office to the Office
8 of Security and Investigations.

9 **SEC. 910. SECURITY FEE.**

10 Section 286(d) of the Immigration and Nationality
11 Act (8 U.S.C. 1356(d)) is amended by inserting “(1) ”
12 before “monies” and adding at the end the following:

13 “(2) In addition to any other fee authorized by law,
14 the Secretary of Homeland Security shall charge each
15 alien who files an application for adjustment of status or
16 an extension of stay a security fee of \$10, which shall be
17 made available to the Office of Security and Investigations
18 to conduct investigations into allegations of internal cor-
19 ruption and benefits fraud.

20 “(3) In addition to any other fee authorized by law,
21 the Secretary of State shall charge each alien who files
22 an application for an immigrant or nonimmigrant visa a
23 security fee of \$10, which shall be made available to the
24 Office of Security and Investigations to conduct investiga-
25 tions into allegations of internal corruption and benefits
26 fraud.



1 “(4) Any fees collected under paragraphs (2) and (3)
2 that are in excess of the operating budget of the Office
3 of Security and Investigations shall be made available to
4 Immigration and Customs Enforcement for the sole pur-
5 pose of investigating immigration benefits fraud referred
6 to it by United States Citizenship and Immigration Serv-
7 ices.”.

