

106TH CONGRESS
2D SESSION

S. 2586

To reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2000

Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of 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 “Immigration Services
5 and Infrastructure Improvements Act of 2000”.

1 **SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Applications for naturalization have in-
5 creased dramatically in recent years, outpacing the
6 Immigration and Naturalization Service’s ability to
7 process them.

8 (2) The dramatic increase in applications for
9 naturalization and the inability of the Immigration
10 and Naturalization Service to deal with them ade-
11 quately has resulted in an unacceptably large back-
12 log in naturalization adjudications.

13 (3) The processing times in the Immigration
14 and Naturalization Service’s other immigration ben-
15 efits have been unacceptably long. Applicants for
16 family- and employment-based visas are waiting as
17 long as 3 to 4 years to obtain a visa or an adjust-
18 ment to lawful permanent resident status.

19 (4) In California, the delays in processing ad-
20 justment of status applications have averaged 52
21 months. In Texas, the delays have averaged 69
22 months. Residents of New York have had to wait up
23 to 28 months; in Florida, 26 months; in Illinois, 37
24 months; in Oregon, 31 months; and in Arizona, 49
25 months. Most other States have experienced unac-
26 ceptably long processing and adjudication delays.

1 (5) Applicants pay fees to have their applica-
2 tions adjudicated in a timely manner. These fees
3 have increased dramatically in recent years without
4 a commensurate increase in the capability of that
5 Immigration and Naturalization Service to process
6 and adjudicate these cases in an efficient manner.

7 (6) Processing these applications in a timely
8 fashion is critical. Each 12-month delay in adjudi-
9 cating an adjustment of status application requires
10 the alien to file applications to extend employment
11 authorization to work and advance parole documents
12 to travel.

13 (7) The enormous delays in processing applica-
14 tions for families and businesses have had a negative
15 impact on the reunification of spouses and minor
16 children and the ability of law-abiding and contrib-
17 uting members of our communities to participate
18 fully in the civic life of the United States.

19 (8) United States employers have also experi-
20 enced debilitating delays in hiring employees who
21 contribute to the economic growth of the United
22 States. These delays have forced employers to send
23 highly skilled and valued employees out of the
24 United States because their immigrant petitions
25 were not approved in a timely fashion. Such disrupt-

1 tions seriously threaten the competitive edge of the
2 United States in the global marketplace.

3 (b) PURPOSE.—The purpose of this Act is to—

4 (1) provide the Immigration and Naturalization
5 Service with the mechanisms it needs to eliminate
6 the current backlog in the processing of immigration
7 benefit applications within 1 year after enactment of
8 this Act and to maintain the elimination of the back-
9 log in future years; and

10 (2) provide for regular congressional oversight
11 of the performance of the Immigration and Natu-
12 ralization Service in eliminating the backlog and
13 processing delays in immigration benefits adjudica-
14 tions.

15 (c) POLICY.—It is the sense of Congress that the
16 processing of an immigration benefit application should be
17 completed not later than 180 days after the initial filing
18 of the application, except that a petition for a non-
19 immigrant visa under section 214(e) of the Immigration
20 and Nationality Act should be processed not later than
21 30 days after the filing of the petition.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) BACKLOG.—The term “backlog” means,
25 with respect to an immigration benefit application,

1 the period of time in excess of 180 days that such
2 application has been pending before the Immigration
3 and Naturalization Service.

4 (2) IMMIGRATION BENEFIT APPLICATION.—The
5 term “immigration benefit application” means any
6 application or petition to confer, certify, change, ad-
7 just, or extend any status granted under the Immi-
8 gration and Nationality Act.

9 **SEC. 4. IMMIGRATION SERVICES AND INFRASTRUCTURE**
10 **IMPROVEMENT ACCOUNT.**

11 (a) AUTHORITY OF THE ATTORNEY GENERAL.—The
12 Attorney General shall take such measures as may be nec-
13 essary to—

14 (1) reduce the backlog in the processing of im-
15 migration benefit applications, with the objective of
16 the total elimination of the backlog not later than
17 one year after the date of enactment of this Act;

18 (2) make such other improvements in the proc-
19 essing of immigration benefit applications as may be
20 necessary to ensure that a backlog does not develop
21 after such date; and

22 (3) make such improvements in infrastructure
23 as may be necessary to effectively provide immigra-
24 tion services.

25 (b) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to the Department of Justice from
3 time to time such sums as may be necessary for the
4 Attorney General to carry out subsection (a).

5 (2) DESIGNATION OF ACCOUNT IN TREAS-
6 URY.—Amounts appropriated pursuant to paragraph
7 (1) may be referred to as the “Immigration Services
8 and Infrastructure Improvements Account”.

9 (3) AVAILABILITY OF FUNDS.—Amounts appro-
10 priated pursuant to paragraph (1) are authorized to
11 remain available until expended.

12 (4) LIMITATION ON EXPENDITURES.—None of
13 the funds appropriated pursuant to paragraph (1)
14 may be expended until the report described in sec-
15 tion 5(a) has been submitted to Congress.

16 **SEC. 5. REPORTS TO CONGRESS.**

17 (a) BACKLOG ELIMINATION PLAN.—

18 (1) REPORT REQUIRED.—Not later than 90
19 days after the date of enactment of this Act, the At-
20 torney General shall submit a report to the Commit-
21 tees on the Judiciary and Appropriations of the Sen-
22 ate and the House of Representatives concerning—

23 (A) the backlogs in immigration benefit ap-
24 plications in existence as of the date of enact-
25 ment of this Act; and

1 (B) the Attorney General's plan for elimi-
2 nating such backlogs.

3 (2) REPORT ELEMENTS.—The report shall
4 include—

5 (A) an assessment of the data systems
6 used in adjudicating and reporting on the sta-
7 tus of immigration benefit applications,
8 including—

9 (i) a description of the adequacy of
10 existing computer hardware, computer
11 software, and other mechanisms to comply
12 with the adjudications and reporting re-
13 quirements of this Act; and

14 (ii) a plan for implementing improve-
15 ments to existing data systems to accom-
16 plish the purpose of this Act, as described
17 in section 2(b);

18 (B) a description of the quality controls to
19 be put into force to ensure timely, fair, accu-
20 rate, and complete processing and adjudication
21 of such applications;

22 (C) the elements specified in subsection
23 (b)(2);

24 (D) an estimate of the amount of appro-
25 priated funds that would be necessary in order

1 to eliminate the backlogs in each category of
2 immigration benefit applications described in
3 subsection (b)(2); and

4 (E) a detailed plan on how the Attorney
5 General will use any funds in the Immigration
6 Services and Infrastructure Improvements Ac-
7 count to comply with the purposes of this Act.

8 (b) ANNUAL REPORTS.—

9 (1) IN GENERAL.—Beginning 90 days after the
10 end of the first fiscal year for which any appropria-
11 tion authorized by section 4(b) is made, and 90 days
12 after the end of each fiscal year thereafter, the At-
13 torney General shall submit a report to the Commit-
14 tees on the Judiciary and Appropriations of the Sen-
15 ate and the House of Representatives concerning the
16 status of—

17 (A) the Immigration Services and Infra-
18 structure Improvements Account including any
19 unobligated balances of appropriations in the
20 Account; and

21 (B) the Attorney General's efforts to elimi-
22 nate backlogs in any immigration benefit appli-
23 cation described in paragraph (2).

24 (2) REPORT ELEMENTS.—The report shall
25 include—

1 (A) State-by-State data on—

2 (i) the number of naturalization cases
3 adjudicated in each quarter of each fiscal
4 year;

5 (ii) the average processing time for
6 naturalization applications;

7 (iii) the number of naturalization ap-
8 plications pending for up to 6 months, 12
9 months, 18 months, 24 months, 36
10 months, and 48 months or more;

11 (iv) estimated processing times adju-
12 dicating newly submitted naturalization ap-
13 plications;

14 (v) an analysis of the appropriate
15 processing times for naturalization applica-
16 tions; and

17 (vi) the additional resources and proc-
18 ess changes needed to eliminate the back-
19 log for naturalization adjudications;

20 (B) the status of applications or, where ap-
21 plicable, petitions described in subparagraph
22 (C), by Immigration and Naturalization Service
23 district, including—

24 (i) the number of cases adjudicated in
25 each quarter of each fiscal year;

1 (ii) the average processing time for
2 such applications or petitions;

3 (iii) the number of applications or pe-
4 titions pending for up to 6 months, 12
5 months, 18 months, 24 months, 36
6 months, and 48 months or more;

7 (iv) the estimated processing times
8 adjudicating newly submitted applications
9 or petitions;

10 (v) an analysis of the appropriate
11 processing times for applications or peti-
12 tions; and

13 (vi) a description of the additional re-
14 sources and process changes needed to
15 eliminate the backlog for such processing
16 and adjudications; and

17 (C) a status report on—

18 (i) applications for adjustments of sta-
19 tus to that of an alien lawfully admitted
20 for permanent residence;

21 (ii) petitions for nonimmigrant visas
22 under section 214 of the Immigration and
23 Nationality Act;

24 (iii) petitions filed under section 204
25 of such Act to classify aliens as immediate

1 relatives or preference immigrants under
2 section 203 of such Act;

3 (iv) applications for asylum under sec-
4 tion 208 of such Act;

5 (v) registrations for Temporary Pro-
6 tected Status under section 244 of such
7 Act; and

8 (vi) a description of the additional re-
9 sources and process changes needed to
10 eliminate the backlog for such processing
11 and adjudications.

12 (3) ABSENCE OF APPROPRIATED FUNDS.—In
13 the event that no funds are appropriated subject to
14 section 4(b) in the fiscal year in which this Act is
15 enacted, the Attorney General shall submit a report
16 to Congress not later than 90 days after the end of
17 such fiscal year, and each fiscal year thereafter, con-
18 taining the elements described in paragraph (2).

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