

110TH CONGRESS
1ST SESSION

H. R. 1379

To assist aliens who have been lawfully admitted in becoming citizens of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2007

Mr. GUTIERREZ (for himself, Ms. SCHAKOWSKY, Mr. HONDA, Mr. ABERCROMBIE, Ms. SOLIS, Mr. PASTOR, Mr. GRIJALVA, and Mr. REYES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To assist aliens who have been lawfully admitted in becoming citizens of the United States, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Citizenship Promotion Act of 2007”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Immigration service fees.
- Sec. 3. Administration of tests for naturalization.
- Sec. 4. Voluntary electronic filing of applications.

Sec. 5. Timely background checks.

Sec. 6. National citizenship promotion program.

1 **SEC. 2. IMMIGRATION SERVICE FEES.**

2 (a) IN GENERAL.—Subsection (m) of section 286 of
3 the Immigration and Nationality Act (8 U.S.C. 1356(m))
4 is amended to read as follows:

5 “(m) IMMIGRATION SERVICE FEES.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2) and notwithstanding any other provision
8 of law, all adjudication fees as are designated by the
9 Secretary of Homeland Security in regulations shall
10 be deposited as offsetting receipts into a separate ac-
11 count entitled ‘Immigration Examinations Fee Ac-
12 count’ in the Treasury of the United States, whether
13 collected directly by the Secretary or through clerks
14 of courts.

15 “(2) VIRGIN ISLANDS AND GUAM.—All fees re-
16 ceived by the Secretary of Homeland Security from
17 applicants residing in the Virgin Islands of the
18 United States, or in Guam, under this subsection
19 shall be paid over to the treasury of the Virgin Is-
20 lands or to the treasury of Guam, respectively.

21 “(3) FEES FOR IMMIGRATION SERVICES.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the Secretary of Homeland Security

1 may set fees for providing immigration services
2 at a level that will—

3 “(i) ensure recovery of the full costs
4 of providing such services, or a portion
5 thereof, including the costs of similar serv-
6 ices provided without charge to asylum ap-
7 plicants or other immigrants; and

8 “(ii) recover the full cost of admin-
9 istering the collection of fees under this
10 paragraph, or a portion thereof.

11 “(B) REPORT REQUIREMENT.—The Sec-
12 retary of Homeland Security may not increase
13 any fee under this paragraph above the level of
14 such fee on the day before the date of the intro-
15 duction of the Citizenship Promotion Act of
16 2007, until—

17 “(i) the Secretary submits to the
18 Committee on the Judiciary of the Senate
19 and the Committee on the Judiciary of the
20 House of Representatives a report that—

21 “(I) identifies the direct and indi-
22 rect costs associated with providing
23 immigration services, and distin-
24 guishes such costs from immigration

1 enforcement and national security
2 costs; and

3 “(II) contains information re-
4 garding the amount the fee will be in-
5 creased; and

6 “(ii) a period of 45 days has expired
7 beginning on the date that the report in
8 clause (i) is received by the committees de-
9 scribed in such clause.”.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) the Secretary of Homeland Security should
13 set fees under section 286(m)(3) of the Immigration
14 and Nationality Act (8 U.S.C. 1356(m)(3)), as
15 amended by subsection (a) of this section, at a level
16 that ensures recovery of only the direct costs associ-
17 ated with the services described in such section
18 286(m)(3); and

19 (2) Congress should appropriate to the Sec-
20 retary of Homeland Security such funds as may be
21 necessary to cover the indirect costs associated with
22 the services described in such section 286(m)(3).

23 (c) TECHNICAL AMENDMENT.—Section 286 of the
24 Immigration and Nationality Act (8 U.S.C. 1356) is
25 amended—

1 (1) in subsections (d), (e), (f), (h), (i), (j), (k),
2 (l), (n), (o), (q), (t), and (u), by striking “Attorney
3 General” each place it appears and inserting “Sec-
4 retary of Homeland Security”;

5 (2) in subsection (i) of such section, by striking
6 “Attorney General’s” and inserting “Secretary’s”;
7 and

8 (3) in subsection (r)—

9 (A) in paragraph (2), by striking “Depart-
10 ment of Justice” and inserting “Department of
11 Homeland Security”; and

12 (B) in paragraphs (3) and (4), by striking
13 “Attorney General” each place it appears and
14 inserting “Secretary of Homeland Security”.

15 (d) AUTHORIZATION OF APPROPRIATIONS.—For
16 each fiscal year, there is authorized to be appropriated to
17 the Secretary of Homeland Security an amount equal to
18 the difference between the fees collected under section
19 286(m)(3) of the Immigration and Nationality Act (8
20 U.S.C. 1356(m)(3)), as amended by subsection (a) of this
21 section, and the cost of providing the services referred to
22 in such section 286(m)(3).

1 **SEC. 3. ADMINISTRATION OF TESTS FOR NATURALIZATION.**

2 (a) IN GENERAL.—Subsection (a) of section 312 of
3 the Immigration and Nationality Act (8 U.S.C. 1423) is
4 amended to read as follows:

5 “(a) NATURALIZATION TEST.—

6 “(1) REQUIREMENTS.—Except as otherwise
7 provided in this title, a person may not be natural-
8 ized as a citizen of the United States upon the appli-
9 cation of such person if such person cannot dem-
10 onstrate the following:

11 “(A) A proficiency in the English lan-
12 guage.

13 “(B) A knowledge and understanding of—

14 “(i) the fundamentals of the history of
15 the United States; and

16 “(ii) the principles and form of gov-
17 ernment of the United States.

18 “(2) TESTING.—

19 “(A) IN GENERAL.—The Secretary of
20 Homeland Security, in administering any test
21 that the Secretary uses to determine whether
22 an applicant for naturalization as a citizen of
23 the United States has the proficiency and
24 knowledge sufficient to meet the requirements
25 of paragraph (1), shall administer such test
26 uniformly throughout the United States.

1 “(B) CONSIDERATION.—In selecting and
2 phrasing items in the administration of a test
3 described in subparagraph (A) and in evalu-
4 ating the performance of an applicant on such
5 test, the Secretary shall consider the following:

6 “(i) The age of the applicant.

7 “(ii) The education level of the appli-
8 cant.

9 “(iii) The amount of time the appli-
10 cant has resided in the United States.

11 “(iv) The efforts made by the appli-
12 cant, and the opportunities available to the
13 applicant, to acquire the knowledge and
14 proficiencies required by paragraph (1).

15 “(v) Such other factors as the Sec-
16 retary considers appropriate.

17 “(C) ENGLISH LANGUAGE TESTING.—The
18 requirement in paragraph (1)(A) shall be satis-
19 factorily met if an applicant can—

20 “(i) speak words in ordinary usage in
21 the English language; and

22 “(ii) read or write simple words and
23 phrases in ordinary usage in the English
24 language.

1 “(D) PROHIBITION ON EXTRAORDINARY
2 AND UNREASONABLE CONDITIONS.—The Sec-
3 retary may not impose any extraordinary or un-
4 reasonable condition on any applicant seeking
5 to meet the requirements of paragraph (1).”.

6 (b) CONFORMING AMENDMENTS.—Subsection (b) of
7 such section is amended—

8 (1) in paragraph (1), by striking “subsection
9 (a)” and inserting “subsection (a)(1)”;

10 (2) in paragraph (2), by striking “subsection
11 (a)(1)” and inserting “subsection (a)(1)(A)”; and

12 (3) in paragraph (3)—

13 (A) by striking “subsection (a)(2)” and in-
14 serting “subsection (a)(1)(B)”;

15 (B) by striking “The Attorney General”
16 and inserting “The Secretary of Homeland Se-
17 curity”; and

18 (C) by striking “determined by the Attor-
19 ney General” and inserting “determined by the
20 Secretary”.

21 **SEC. 4. VOLUNTARY ELECTRONIC FILING OF APPLICA-**
22 **TIONS.**

23 The Secretary of Homeland Security may not require
24 that an applicant or petitioner for permanent residence or

1 citizenship of the United States use an electronic method
2 to file any application to, or access a customer account.

3 **SEC. 5. TIMELY BACKGROUND CHECKS.**

4 (a) STUDY.—

5 (1) IN GENERAL.—The Comptroller General of
6 the United States shall conduct a study on the pro-
7 cess used by the Department of Justice on the day
8 before the date of the enactment of this Act to con-
9 duct a background check on an applicant for citizen-
10 ship of the United States.

11 (2) REPORT.—Not later than 1 year after the
12 date of the enactment of this Act and annually
13 thereafter, the Comptroller General of the United
14 States shall report to Congress on the findings of
15 the study required by paragraph (1).

16 (3) CONTENTS OF REPORT.—The report re-
17 quired by paragraph (2) shall include the following
18 information with respect to the calendar year pre-
19 ceding the date on which the report is filed:

20 (A) The number of background checks con-
21 ducted by the Department of Justice on appli-
22 cants for citizenship of the United States.

23 (B) The types of such background checks
24 conducted.

1 (C) The average time spent on each such
2 type of background check.

3 (D) A description of the obstacles that im-
4 pede the timely completion of such background
5 checks.

6 (b) TIMELY COMPLETION OF BACKGROUND
7 CHECKS.—

8 (1) IN GENERAL.—With respect to a request
9 submitted to the Attorney General by the Secretary
10 of Homeland Security for a background check on an
11 applicant for temporary or permanent residence or
12 citizenship of the United States, the Attorney Gen-
13 eral shall make a reasonable effort to complete a
14 background check on such applicant not later than
15 90 days after the Attorney General receives such re-
16 quest from the Secretary of Homeland Security.

17 (2) DELAYS ON BACKGROUND CHECKS.—If a
18 background check described in paragraph (1) is not
19 completed by the Attorney General before the date
20 that is 91 days after the date that the Attorney
21 General receives a request described in paragraph
22 (1)—

23 (A) the Attorney General shall document
24 the reason why such background check was not
25 completed before such date;

1 (B) if such background check is not com-
2 pleted before the date that is 121 days after the
3 date of such receipt, then the Attorney General
4 shall document the reason why such back-
5 ground check was not completed before such
6 date; and

7 (C) if such background check is not com-
8 pleted before the date that is 181 days after the
9 date of such receipt, then the Attorney General
10 shall, not later than 210 days after the date of
11 such receipt, submit to the appropriate congress-
12 sional committees and the Secretary of Home-
13 land Security a report that describes—

14 (i) the reason that such background
15 check was not completed within 180 days;
16 and

17 (ii) the earliest date on which the At-
18 torney General is certain the background
19 check will be completed.

20 (3) ANNUAL REPORT ON DELAYED BACK-
21 GROUND CHECKS.—Not later than the end of each
22 fiscal year, the Attorney General shall submit to the
23 appropriate congressional committees a report con-
24 taining, with respect to that fiscal year—

1 (A) the number of background checks de-
2 scribed in subparagraph (B) or (C) of para-
3 graph (2);

4 (B) the time taken to complete each such
5 background check;

6 (C) a statistical analysis of the causes of
7 the delays in completing such background
8 checks; and

9 (D) a description of the efforts being made
10 by the Attorney General to address each such
11 cause.

12 (4) NOTIFICATION TO APPLICANT.—If, with re-
13 spect to a background check on an applicant de-
14 scribed in paragraph (1), the Secretary of Homeland
15 Security receives a report under paragraph (2)(C),
16 then the Secretary shall provide to such applicant a
17 copy of such report, redacted to remove any classi-
18 fied information contained therein.

19 (5) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES.—In this subsection, the term “appropriate
21 congressional committees” means the following:

22 (A) The Committee on the Judiciary of the
23 Senate.

24 (B) The Committee on Homeland Security
25 and Governmental Affairs of the Senate.

1 (C) The Committee on the Judiciary of the
2 House of Representatives.

3 (D) The Committee on Homeland Security
4 of the House of Representatives.

5 (6) AUTHORIZATION OF APPROPRIATIONS.—

6 There is authorized to be appropriated to the Attor-
7 ney General such funds as may be necessary to
8 carry out the provisions of this subsection.

9 **SEC. 6. NATIONAL CITIZENSHIP PROMOTION PROGRAM.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—Not later than January 1,
12 2008, the Secretary of Homeland Security shall es-
13 tablish a program to assist aliens who have been
14 lawfully admitted for permanent residence in becom-
15 ing citizens of the United States.

16 (2) DESIGNATION.—The program required by
17 paragraph (1) shall be known as the “New Ameri-
18 cans Initiative” (in this section referred to as the
19 “Program”).

20 (b) PROGRAM ACTIVITIES.—As part of the Program
21 required by subsection (a), the Secretary of Homeland Se-
22 curity shall—

23 (1) award grants in accordance with subsection
24 (c); and

1 (2) carry out outreach activities in accordance
2 with subsection (d).

3 (c) GRANTS.—

4 (1) IN GENERAL.—The Secretary of Homeland
5 Security shall award grants to eligible entities to as-
6 sist aliens who have been lawfully admitted for per-
7 manent residence in becoming citizens of the United
8 States.

9 (2) ELIGIBLE ENTITY DEFINED.—In this sub-
10 section, the term “eligible entity” means a not-for-
11 profit organization that has experience working with
12 immigrant communities.

13 (3) USE OF FUNDS.—Grants awarded under
14 this subsection shall be used for activities to assist
15 aliens who have been lawfully admitted for perma-
16 nent residence in becoming citizens of the United
17 States, including—

18 (A) conducting English language and citi-
19 zenship classes for such aliens;

20 (B) providing legal assistance, by attorneys
21 or entities accredited by the Board of Immigra-
22 tion Appeals, to such aliens to assist such aliens
23 in becoming citizens of the United States;

24 (C) carrying out outreach activities and
25 providing education to immigrant communities

1 to assist such aliens in becoming citizens of the
2 United States; and

3 (D) assisting such aliens with applications
4 to become citizens of the United States, as al-
5 lowed by Federal and State law.

6 (4) APPLICATION FOR GRANT.—

7 (A) IN GENERAL.—Each eligible entity
8 seeking a grant under this subsection shall sub-
9 mit an application to the Secretary of Home-
10 land Security at such time, in such manner,
11 and accompanied by such information as the
12 Secretary shall require.

13 (B) CONTENTS.—Each application sub-
14 mitted pursuant to subparagraph (A) shall in-
15 clude a description of—

16 (i) the activities for which a grant
17 under this section is sought;

18 (ii) the manner in which the entity
19 plans to leverage available private and
20 State and local government resources to
21 assist aliens who have been lawfully admit-
22 ted for permanent residence in becoming
23 citizens of the United States;

24 (iii) the experience of the entity in
25 carrying out the activities for which a

1 grant under this section is sought, includ-
2 ing the number of aliens and geographic
3 regions served by such entity; and

4 (iv) the manner in which the entity
5 plans to employ best practices developed by
6 adult educators, State and local govern-
7 ments, and community organizations—

8 (I) to promote citizenship and
9 civic participation by such aliens; and

10 (II) to provide assistance to such
11 aliens with the process of becoming
12 citizens of the United States.

13 (d) OUTREACH.—The Secretary of Homeland Secu-
14 rity shall—

15 (1) develop outreach materials targeted to
16 aliens who have been lawfully admitted for perma-
17 nent residence to encourage such aliens to apply to
18 become citizens of the United States; and

19 (2) make such outreach materials available
20 through—

21 (A) public service announcements;

22 (B) advertisements; and

23 (C) such other media as the Secretary de-
24 termines is appropriate.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary of
3 Homeland Security, \$80,000,000 to carry out this section.

○