

106TH CONGRESS  
2D SESSION

# H. R. 4798

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2000

Ms. LOFGREN (for herself, Mr. MCCOLLUM, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. MENENDEZ, Mr. KING, Ms. PELOSI, Mr. HORN, Mr. SERRANO, Mrs. BONO, Mr. FARR, of California, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. MEEHAN, Ms. VELAZQUEZ, Mr. DELAHUNT, Mr. DOOLEY of California, Mrs. THURMAN, Mr. THOMPSON of California, Mr. CONDIT, Mr. WEINER, Mrs. CAPPS, Mr. WAXMAN, Mr. MATSUI, Mr. MORAN of Virginia, Mrs. MINK of Hawaii, Mrs. MCCARTHY of New York, Ms. SANCHEZ, Ms. MCCARTHY of Missouri, Ms. RIVERS, Ms. WOOLSEY, Mr. PAYNE, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Immigration Services  
3 and Infrastructure Improvements Act of 2000”.

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

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

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

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

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

22 (4) In California, the delays in processing ad-  
23 justment of status applications have averaged 52  
24 months. In Texas, the delays have averaged 69  
25 months. Residents of New York have had to wait up  
26 to 28 months; in Florida, 26 months; in Illinois, 37

1 months; in Oregon, 31 months; and in Arizona, 49  
2 months. Most other States have experienced unac-  
3 ceptably long processing and adjudication delays.

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

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

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

22 (8) United States employers have also experi-  
23 enced debilitating delays in hiring employees who  
24 contribute to the economic growth of the United  
25 States. These delays have forced employers to send

1 highly skilled and valued employees out of the  
2 United States because their immigrant petitions  
3 were not approved in a timely fashion. Such disrup-  
4 tions seriously threaten the competitive edge of the  
5 United States in the global marketplace.

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

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

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

18 (c) POLICY.—It is the sense of Congress that the  
19 processing of an immigration benefit application should be  
20 completed not later than 90 days after the initial filing  
21 of the application, except that a petition for a non-  
22 immigrant visa under section 214(e) of the Immigration  
23 and Nationality Act should be processed not later than  
24 30 days after the filing of the petition.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **BACKLOG.**—The term “backlog” means—

4 (A) with respect to an immigration benefit  
5 application relating to status as an immigrant,  
6 the period of time in excess of 90 days that  
7 such application has been pending before the  
8 Immigration and Naturalization Service; and

9 (B) with respect to an immigration benefit  
10 application relating to status as a non-  
11 immigrant, the period of time in excess of 30  
12 days that such application has been pending be-  
13 fore the Immigration and Naturalization Serv-  
14 ice.

15 (2) **IMMIGRATION BENEFIT APPLICATION.**—The  
16 term “immigration benefit application” means any  
17 application or petition to confer, certify, change, ad-  
18 just, or extend any status granted under the Immi-  
19 gration and Nationality Act.

20 **SEC. 4. IMMIGRATION SERVICES AND INFRASTRUCTURE**  
21 **IMPROVEMENT ACCOUNT.**

22 (a) **AUTHORITY OF THE ATTORNEY GENERAL.**—The  
23 Attorney General shall take such measures as may be nec-  
24 essary to—

25 (1) reduce the backlog in the processing of im-  
26 migration benefit applications, with the objective of

1 the total elimination of the backlog not later than  
2 one year after the date of enactment of this Act;

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

7 (3) make such improvements in infrastructure  
8 as may be necessary to effectively provide immigra-  
9 tion services.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—

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

15 (2) DESIGNATION OF ACCOUNT IN TREAS-  
16 URY.—Amounts appropriated pursuant to paragraph  
17 (1) may be referred to as the “Immigration Services  
18 and Infrastructure Improvements Account”.

19 (3) AVAILABILITY OF FUNDS.—Amounts appro-  
20 priated pursuant to paragraph (1) are authorized to  
21 remain available until expended.

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

1 **SEC. 5. REPORTS TO CONGRESS.**

2 (a) **BACKLOG ELIMINATION PLAN.**—

3 (1) **REPORT REQUIRED.**—Not later than 90  
4 days after the date of enactment of this Act, the At-  
5 torney General shall submit a report to the Commit-  
6 tees on the Judiciary and Appropriations of the Sen-  
7 ate and the House of Representatives concerning—

8 (A) the backlogs in immigration benefit ap-  
9 plications in existence as of the date of enact-  
10 ment of this Act; and

11 (B) the Attorney General’s plan for elimi-  
12 nating such backlogs.

13 (2) **REPORT ELEMENTS.**—The report shall  
14 include—

15 (A) an assessment of the data systems  
16 used in adjudicating and reporting on the sta-  
17 tus of immigration benefit applications,  
18 including—

19 (i) a description of the adequacy of  
20 existing computer hardware, computer  
21 software, and other mechanisms to comply  
22 with the adjudications and reporting re-  
23 quirements of this Act; and

24 (ii) a plan for implementing improve-  
25 ments to existing data systems to accom-

1           plish the purpose of this Act, as described  
2           in section 2(b);

3           (B) a description of the quality controls to  
4           be put into force to ensure timely, fair, accu-  
5           rate, and complete processing and adjudication  
6           of such applications;

7           (C) the elements specified in subsection  
8           (b)(2);

9           (D) an estimate of the amount of appro-  
10          priated funds that would be necessary in order  
11          to eliminate the backlogs in each category of  
12          immigration benefit applications described in  
13          subsection (b)(2); and

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

18          (b) ANNUAL REPORTS.—

19           (1) IN GENERAL.—Beginning 90 days after the  
20          end of the first fiscal year for which any appropria-  
21          tion authorized by section 4(b) is made, and 90 days  
22          after the end of each fiscal year thereafter, the At-  
23          torney General shall submit a report to the Commit-  
24          tees on the Judiciary and Appropriations of the Sen-



1       ate and the House of Representatives concerning the  
2       status of—

3               (A) the Immigration Services and Infra-  
4               structure Improvements Account including any  
5               unobligated balances of appropriations in the  
6               Account; and

7               (B) the Attorney General’s efforts to elimi-  
8               nate backlogs in any immigration benefit appli-  
9               cation described in paragraph (2).

10              (2) REPORT ELEMENTS.—The report shall  
11              include—

12                      (A) State-by-State data on—

13                              (i) the number of naturalization cases  
14                              adjudicated in each quarter of each fiscal  
15                              year;

16                              (ii) the average processing time for  
17                              naturalization applications;

18                              (iii) the number of naturalization ap-  
19                              plications pending for up to 3 months, 6  
20                              months, 12 months, 18 months, 24  
21                              months, 36 months, and 48 months or  
22                              more;

23                              (iv) estimated processing times adju-  
24                              dicating newly submitted naturalization ap-  
25                              plications;

1 (v) an analysis of the appropriate  
2 processing times for naturalization applica-  
3 tions; and

4 (vi) the additional resources and proc-  
5 ess changes needed to eliminate the back-  
6 log for naturalization adjudications;

7 (B) the status of applications or, where ap-  
8 plicable, petitions described in subparagraph  
9 (C), by Immigration and Naturalization Service  
10 district, including—

11 (i) the number of cases adjudicated in  
12 each quarter of each fiscal year;

13 (ii) the average processing time for  
14 such applications or petitions;

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

20 (iv) the estimated processing times  
21 adjudicating newly submitted applications  
22 or petitions;

23 (v) an analysis of the appropriate  
24 processing times for applications or peti-  
25 tions; and

- 1           (vi) a description of the additional re-  
2           sources and process changes needed to  
3           eliminate the backlog for such processing  
4           and adjudications; and
- 5           (C) a status report on—
- 6           (i) applications for adjustments of sta-  
7           tus to that of an alien lawfully admitted  
8           for permanent residence;
- 9           (ii) petitions for nonimmigrant visas  
10           under section 214 of the Immigration and  
11           Nationality Act;
- 12           (iii) petitions filed under section 204  
13           of such Act to classify aliens as immediate  
14           relatives or preference immigrants under  
15           section 203 of such Act;
- 16           (iv) applications for asylum under sec-  
17           tion 208 of such Act;
- 18           (v) registrations for Temporary Pro-  
19           tected Status under section 244 of such  
20           Act; and
- 21           (vi) a description of the additional re-  
22           sources and process changes needed to  
23           eliminate the backlog for such processing  
24           and adjudications.

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

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