

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.

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## 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

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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,*

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(c) 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

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

(E) a detailed plan on how the Attorney General will use any funds in the Immigration Services and Infrastructure Improvements Account to comply with the purposes of this Act.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 4(b) is made, and 90 days after the end of each fiscal year thereafter, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning the status of—

(A) the Immigration Services and Infrastructure Improvements Account including any unobligated balances of appropriations in the Account; and

(B) the Attorney General's efforts to eliminate backlogs in any immigration benefit application described in paragraph (2).

(2) REPORT ELEMENTS.—The report shall 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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