

107TH CONGRESS
2D SESSION

H. R. 5073

To enhance the security and efficiency of the immigration, visa, border patrol,
and naturalization functions of the United States Government.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2002

Mr. BACA (for himself, Mr. SERRANO, Mr. OWENS, Mr. MCGOVERN, Mr. RODRIGUEZ, Mr. UNDERWOOD, Mr. PASTOR, and Mr. LEACH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enhance the security and efficiency of the immigration,
visa, border patrol, and naturalization functions of the
United States Government.

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 Security
5 and Efficiency Enhancement Act of 2002”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress makes the following
8 findings:

1 (1) The length of time it takes to process immi-
2 gration applications within the Immigration and
3 Naturalization Service of the Department of Justice
4 has created a serious national security problem. This
5 is demonstrated by the granting of student visas to
6 Mohamed Atta and Marwan Alshehhi six months
7 after their involvement in the World Trade Center
8 bombings. The mistake was attributed to delays in
9 processing the paperwork, huge backlogs of appli-
10 cants, and antiquated computer systems.

11 (2) The INS currently has a backlog of immi-
12 gration requests estimated to be 5,000,000 applica-
13 tions.

14 (3) Currently 40 percent of all requests made
15 to the INS to obtain permanent resident status are
16 filled out incorrectly. This means that 40 percent of
17 the files the INS receives must be processed twice.

18 (4) There is currently no certified means of
19 identifying organizations that provide fair services.
20 Many organizations compete to sell immigration
21 services to immigrants, but there is no reliable way
22 to distinguish between good and bad information
23 sources.

24 (5) It is estimated that in southern California,
25 immigrants often pay between \$500 and \$3,000 just

1 to submit their applications. At the low cost end,
2 preparing a naturalization application (form N-400)
3 routinely costs about \$500–\$800. At the high cost
4 end, preparing the family-sponsored green card ap-
5 plication can cost between \$2,000 and \$3,000.

6 (6) President Clinton signed the Electronic Sig-
7 natures in Global and National Commerce Act into
8 law in June of 2000, making electronic signatures
9 the legal equivalent of physical signatures. The In-
10 ternal Revenue Service (IRS) has implemented elec-
11 tronic filing for sensitive tax information, requiring
12 verifiable electronic identification.

13 (7) The State Department is introducing a web-
14 based arms export license application system that
15 will allow companies to submit license applications
16 and supporting technical documents, blueprints, and
17 other complex data over the Internet. This informa-
18 tion will be shared with the Commerce, Defense, and
19 Energy Departments. The State Department claims
20 that this will help strengthen inter-agency coopera-
21 tion and cut down on illegal arms trafficking.

22 (b) PURPOSE.—It is the purpose of this Act to en-
23 hance the security procedures and efficiency of the immi-
24 gration, visa, border patrol, and naturalization services of
25 the United States Government by mandating the imple-

1 mentation of an electronic application process utilizing
2 certified filing entities and e-file applications.

3 **SEC. 3. IMPLEMENTATION OF SECURITY AND EFFICIENCY**
4 **ENHANCEMENTS.**

5 (a) PLAN.—Not later than 90 days after the date of
6 the enactment of this Act, the Attorney General shall sub-
7 mit to the Congress a plan for the implementation of secu-
8 rity and efficiency enhancements described in subsection
9 (b). The plan shall include a timetable for implementation
10 with appropriate information concerning the importance
11 and impact of technology, funding, and other factors on
12 the timetable.

13 (b) SECURITY AND EFFICIENCY ENHANCEMENTS.—
14 Immigration security and efficiency enhancements are as
15 follows:

16 (1) Establishment of a central computer data-
17 base and network for processing immigration appli-
18 cations and forms.

19 (2) Identification of applications and forms ap-
20 propriate for electronic submission.

21 (3) Implementation of a pilot project for elec-
22 tive electronic submission of designated immigration
23 applications and forms.

1 (4) Implementation of elective electronic sub-
2 mission of designated immigration applications and
3 forms.

4 (5) Within 4 to 5 years after the date of the
5 enactment of this Act, electronic submission of des-
6 ignated immigration applications and forms which
7 comprise not less than 25 percent of the total by vol-
8 ume.

9 (6) Within 6 years after the date of the enact-
10 ment of this Act, electronic submission of designated
11 immigration applications and forms comprising not
12 less than 50 percent of the total by volume.

13 (7) Within 8 years after the date of the enact-
14 ment of this Act, electronic submission of designated
15 immigration applications and forms comprising not
16 less than 75 percent of the total by volume.

17 (8) Wherever feasible, electronic submission of
18 designated immigration applications and forms.

19 (c) LIMITATIONS.—Notwithstanding any other provi-
20 sion of this Act, the Attorney General shall implement an
21 electronic application process only with respect to immi-
22 gration, visa, border patrol, and naturalization services of
23 the United States Government that the Attorney General
24 determines to be appropriate. The Attorney General may
25 not implement an electronic application process with re-

1 spect to applications by aliens who have been convicted
2 of a felony or aliens who are residing in the United States
3 illegally.

4 (d) ANNUAL REPORT.—Not later than 1 year after
5 the date of the submission of the plan under subsection
6 (a) and annually thereafter, the Attorney General shall
7 submit to the Congress an annual report which outlines
8 the progress in implementing the plan, together with any
9 modifications in the projections of the plan.

10 **SEC. 4. ESTABLISHMENT OF ELECTRONIC FILE MANAGE-**
11 **MENT SYSTEM.**

12 The Attorney General shall establish within the visa,
13 immigration, border patrol, and naturalization functions
14 under the jurisdiction of the Department of Justice a com-
15 puter network composed of a state-of-the-art electronic file
16 management system and computer information system to
17 efficiently receive and process files submitted electronically
18 and securely share information within the network.

19 **SEC. 5. ESTABLISHMENT OF IMMIGRATION AND NATU-**
20 **RALIZATION FILING SYSTEM THROUGH CER-**
21 **TIFIED SERVICE PROVIDERS.**

22 (a) IN GENERAL.—The Attorney General shall estab-
23 lish within the visa, immigration, and naturalization func-
24 tions under the jurisdiction of the Department of Justice
25 a system which provides for the electronic filing and sub-

1 mission of applications only from organizations and enti-
2 ties certified by the department to perform immigration
3 and naturalization services on behalf of applicants.

4 (b) CERTIFICATION OF SERVICE PROVIDERS.—The
5 Attorney General develop criteria and procedures for the
6 certification of organizations and entities as service pro-
7 viders. In the certification of service providers the Attor-
8 ney General shall consider the promotion of competition
9 and do everything possible to prevent monopolies.

10 (c) CRITERIA FOR CERTIFICATION OF SERVICE PRO-
11 VIDERS.—The Attorney General shall promulgate regula-
12 tions which provide for the criteria for certification of serv-
13 ice providers which shall include the following:

14 (1) Submission security—the ability to verify
15 that a secure link is established for transmitting ap-
16 plicant information.

17 (2) Quality control by the private entity/organi-
18 zation—the ability to determine that the service pro-
19 viders are competent and qualified to provide reliable
20 information to applicants on visa, immigration, and
21 naturalization requirements and procedures nec-
22 essary to successfully complete applications.

23 (3) User identification verification—the ability
24 to determine that the service provider conducts an
25 adequate initial identity verification.

1 (4) The logistical capabilities to participate in
2 the system.

3 **SEC. 6. GRANTS FOR TECHNOLOGY ENHANCEMENT OF IM-**
4 **MIGRATION SERVICE PROVIDERS.**

5 The Attorney General is authorized to establish a
6 program of grants to nonprofit service providers under
7 section 5 to assist such entities in obtaining electronic
8 technologies compatible with those utilized by the visa, im-
9 migration, and naturalization functions under the jurisdic-
10 tion of the Department of Justice.

11 **SEC. 7. ELECTRONIC DATABASE OF CLOSED INS FILES.**

12 The National Records Center shall create and main-
13 tain an electronic database of all closed files of the Immi-
14 gration and Naturalization Service to speed up the request
15 process on past records for all Federal agencies that ac-
16 cess such files.

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums
19 as may be necessary for each fiscal year to carry out this
20 Act.

○