

110TH CONGRESS
1ST SESSION

S. 795

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

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2007

Mr. OBAMA (for himself, Mr. MENENDEZ, Mr. SALAZAR, and Mr. BINGAMAN) introduced the following bill; which was read twice and 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
24 may set fees for providing immigration services
25 at a level that will—

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

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

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

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

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

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

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

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

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

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

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

24 (1) in subsections (d), (e), (f), (h), (i), (j), (k),
25 (l), (n), (o), (q), (t), and (u), by striking “Attorney

1 General” each place it appears and inserting “Sec-
2 retary of Homeland Security”;

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

6 (3) in subsection (r)—

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

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

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

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

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

25 “(a) NATURALIZATION TEST.—

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

6 “(A) A proficiency in the English lan-
7 guage.

8 “(B) A knowledge and understanding of—

9 “(i) the fundamentals of the history of
10 the United States; and

11 “(ii) the principles and form of gov-
12 ernment of the United States.

13 “(2) TESTING.—

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

22 “(B) CONSIDERATION.—In selecting and
23 phrasing items in the administration of a test
24 described in subparagraph (A) and in evalu-

1 ating the performance of an applicant on such
2 test, the Secretary shall consider the following:

3 “(i) The age of the applicant.

4 “(ii) The education level of the appli-
5 cant.

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

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

12 “(v) Such other factors as the Sec-
13 retary considers appropriate.

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

17 “(i) speak words in ordinary usage in
18 the English language; and

19 “(ii) read or write simple words and
20 phrases in ordinary usage in the English
21 language.

22 “(D) PROHIBITION ON EXTRAORDINARY
23 AND UNREASONABLE CONDITIONS.—The Sec-
24 retary may not impose any extraordinary or un-

1 reasonable condition on any applicant seeking
2 to meet the requirements of paragraph (1).”.

3 (b) CONFORMING AMENDMENTS.—Subsection (b) of
4 such section is amended—

5 (1) in paragraph (1), by striking “subsection
6 (a)” and inserting “subsection (a)(1)”;

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

9 (3) in paragraph (3)—

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

12 (B) by striking “The Attorney General”
13 and inserting “The Secretary of Homeland Se-
14 curity”; and

15 (C) by striking “determined by the Attor-
16 ney General” and inserting “determined by the
17 Secretary”.

18 **SEC. 4. VOLUNTARY ELECTRONIC FILING OF APPLICA-**
19 **TIONS.**

20 The Secretary of Homeland Security may not require
21 that an applicant or petitioner for permanent residence or
22 citizenship of the United States use an electronic method
23 to file any application to, or access a customer account.

24 **SEC. 5. TIMELY BACKGROUND CHECKS.**

25 (a) STUDY.—

1 (1) IN GENERAL.—The Comptroller General of
2 the United States shall conduct a study on the proc-
3 ess used by the Department of Justice on the day
4 before the date of the enactment of this Act to con-
5 duct a background check on an applicant for citizen-
6 ship of the United States.

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

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

16 (A) The number of background checks con-
17 ducted by the Department of Justice on appli-
18 cants for citizenship of the United States.

19 (B) The types of such background checks
20 conducted.

21 (C) The average time spent on each such
22 type of background check.

23 (D) A description of the obstacles that im-
24 pede the timely completion of such background
25 checks.

1 (b) TIMELY COMPLETION OF BACKGROUND
2 CHECKS.—

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

12 (2) DELAYS ON BACKGROUND CHECKS.—If a
13 background check described in paragraph (1) is not
14 completed by the Attorney General before the date
15 that is 91 days after the date that the Attorney
16 General receives a request described in paragraph
17 (1)—

18 (A) the Attorney General shall document
19 the reason why such background check was not
20 completed before such date; and

21 (B) if such background check is not com-
22 pleted before the date that is 181 days after the
23 date of such receipt, then the Attorney General
24 shall, not later than 210 days after the date of
25 such receipt, submit to the appropriate congres-

1 sional committees and the Secretary of Home-
2 land Security a report that describes—

3 (i) the reason that such background
4 check was not completed within 180 days;
5 and

6 (ii) the earliest date on which the At-
7 torney General is certain the background
8 check will be completed.

9 (3) ANNUAL REPORT ON DELAYED BACK-
10 GROUND CHECKS.—Not later than the end of each
11 fiscal year, the Attorney General shall submit to the
12 appropriate congressional committees a report con-
13 taining, with respect to that fiscal year—

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

17 (B) the time taken to complete each such
18 background check;

19 (C) a statistical analysis of the causes of
20 the delays in completing such background
21 checks; and

22 (D) a description of the efforts being made
23 by the Attorney General to address each such
24 cause.

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

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

11 (A) The Committee on the Judiciary of the
 12 Senate.

13 (B) The Committee on Homeland Security
 14 and Governmental Affairs of the Senate.

15 (C) The Committee on the Judiciary of the
 16 House of Representatives.

17 (D) The Committee on Homeland Security
 18 of the House of Representatives.

19 (6) AUTHORIZATION OF APPROPRIATIONS.—
 20 There is authorized to be appropriated to the Attor-
 21 ney General such funds as may be necessary to
 22 carry out the provisions of this subsection.

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

24 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Not later than January 1,
2 2008, the Secretary of Homeland Security shall es-
3 tablish a program to assist aliens who have been
4 lawfully admitted for permanent residence in becom-
5 ing citizens of the United States.

6 (2) DESIGNATION.—The program required by
7 paragraph (1) shall be known as the “New Ameri-
8 cans Initiative” (in this section referred to as the
9 “Program”).

10 (b) PROGRAM ACTIVITIES.—As part of the Program
11 required by subsection (a), the Secretary of Homeland Se-
12 curity shall—

13 (1) award grants in accordance with subsection
14 (c); and

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

17 (c) GRANTS.—

18 (1) IN GENERAL.—The Secretary of Homeland
19 Security shall award grants to eligible entities to as-
20 sist aliens who have been lawfully admitted for per-
21 manent residence in becoming citizens of the United
22 States.

23 (2) ELIGIBLE ENTITY DEFINED.—In this sub-
24 section, the term “eligible entity” means a not-for-

1 profit organization that has experience working with
2 immigrant communities.

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

8 (A) conducting English language and citi-
9 zenship classes for such aliens;

10 (B) providing legal assistance, by attorneys
11 or entities accredited by the Board of Immigra-
12 tion Appeals, to such aliens to assist such aliens
13 in becoming citizens of the United States;

14 (C) carrying out outreach activities and
15 providing education to immigrant communities
16 to assist such aliens in becoming citizens of the
17 United States; and

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

21 (4) APPLICATION FOR GRANT.—

22 (A) IN GENERAL.—Each eligible entity
23 seeking a grant under this subsection shall sub-
24 mit an application to the Secretary of Home-
25 land Security at such time, in such manner,

1 and accompanied by such information as the
2 Secretary shall require.

3 (B) CONTENTS.—Each application sub-
4 mitted pursuant to subparagraph (A) shall in-
5 clude a description of—

6 (i) the activities for which a grant
7 under this section is sought;

8 (ii) the manner in which the entity
9 plans to leverage available private and
10 State and local government resources to
11 assist aliens who have been lawfully admit-
12 ted for permanent residence in becoming
13 citizens of the United States;

14 (iii) the experience of the entity in
15 carrying out the activities for which a
16 grant under this section is sought, includ-
17 ing the number of aliens and geographic
18 regions served by such entity; and

19 (iv) the manner in which the entity
20 plans to employ best practices developed by
21 adult educators, State and local govern-
22 ments, and community organizations—

23 (I) to promote citizenship and
24 civic participation by such aliens; and

1 (II) to provide assistance to such
2 aliens with the process of becoming
3 citizens of the United States.

4 (d) OUTREACH.—The Secretary of Homeland Secu-
5 rity shall—

6 (1) develop outreach materials targeted to
7 aliens who have been lawfully admitted for perma-
8 nent residence to encourage such aliens to apply to
9 become citizens of the United States; and

10 (2) make such outreach materials available
11 through—

12 (A) public service announcements;

13 (B) advertisements; and

14 (C) such other media as the Secretary de-
15 termines is appropriate.

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

○