

110TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mr. OBAMA (for himself, Mr. MENENDEZ, and Mr. SALAZAR) introduced the following bill; which was read twice and referred to the Committee on

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**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 pro-  
3 cess 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;

21 (B) if such background check is not com-  
22 pleted before the date that is 121 days after the  
23 date of such receipt, then the Attorney General  
24 shall document the reason why such back-

1 ground check was not completed before such  
2 date; and

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

10 (i) the reason that such background  
11 check was not completed within 180 days;  
12 and

13 (ii) the earliest date on which the At-  
14 torney General is certain the background  
15 check will be completed.

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

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

24 (B) the time taken to complete each such  
25 background check;

1 (C) a statistical analysis of the causes of  
2 the delays in completing such background  
3 checks; and

4 (D) a description of the efforts being made  
5 by the Attorney General to address each such  
6 cause.

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

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

17 (A) The Committee on the Judiciary of the  
18 Senate.

19 (B) The Committee on Homeland Security  
20 and Governmental Affairs of the Senate.

21 (C) The Committee on the Judiciary of the  
22 House of Representatives.

23 (D) The Committee on Homeland Security  
24 of the House of Representatives.

1 (6) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Attor-  
3 ney General such funds as may be necessary to  
4 carry out the provisions of this subsection.

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

6 (a) ESTABLISHMENT.—

7 (1) IN GENERAL.—Not later than January 1,  
8 2008, the Secretary of Homeland Security shall es-  
9 tablish a program to assist aliens who have been  
10 lawfully admitted for permanent residence in becom-  
11 ing citizens of the United States.

12 (2) DESIGNATION.—The program required by  
13 paragraph (1) shall be known as the “New Ameri-  
14 cans Initiative” (in this section referred to as the  
15 “Program”).

16 (b) PROGRAM ACTIVITIES.—As part of the Program  
17 required by subsection (a), the Secretary of Homeland Se-  
18 curity shall—

19 (1) award grants in accordance with subsection  
20 (c); and

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

23 (c) GRANTS.—

24 (1) IN GENERAL.—The Secretary of Homeland  
25 Security shall award grants to eligible entities to as-

1       sist aliens who have been lawfully admitted for per-  
2       manent residence in becoming citizens of the United  
3       States.

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

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

13                   (A) conducting English language and citi-  
14                   zenship classes for such aliens;

15                   (B) providing legal assistance, by attorneys  
16                   or entities accredited by the Board of Immigra-  
17                   tion Appeals, to such aliens to assist such aliens  
18                   in becoming citizens of the United States;

19                   (C) carrying out outreach activities and  
20                   providing education to immigrant communities  
21                   to assist such aliens in becoming citizens of the  
22                   United States; and

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

1 (4) APPLICATION FOR GRANT.—

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

8 (B) CONTENTS.—Each application sub-  
9 mitted pursuant to subparagraph (A) shall in-  
10 clude a description of—

11 (i) the activities for which a grant  
12 under this section is sought;

13 (ii) the manner in which the entity  
14 plans to leverage available private and  
15 State and local government resources to  
16 assist aliens who have been lawfully admit-  
17 ted for permanent residence in becoming  
18 citizens of the United States;

19 (iii) the experience of the entity in  
20 carrying out the activities for which a  
21 grant under this section is sought, includ-  
22 ing the number of aliens and geographic  
23 regions served by such entity; and

24 (iv) the manner in which the entity  
25 plans to employ best practices developed by

1 adult educators, State and local govern-  
2 ments, and community organizations—

3 (I) to promote citizenship and  
4 civic participation by such aliens; and

5 (II) to provide assistance to such  
6 aliens with the process of becoming  
7 citizens of the United States.

8 (d) OUTREACH.—The Secretary of Homeland Secu-  
9 rity shall—

10 (1) develop outreach materials targeted to  
11 aliens who have been lawfully admitted for perma-  
12 nent residence to encourage such aliens to apply to  
13 become citizens of the United States; and

14 (2) make such outreach materials available  
15 through—

16 (A) public service announcements;

17 (B) advertisements; and

18 (C) such other media as the Secretary de-  
19 termines is appropriate.

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