

110TH CONGRESS  
1ST SESSION

# H. R. 3828

To reduce the backlog in processing requests made by U.S. Citizenship and Immigration Services to the National Name Check Program of the Federal Bureau of Investigation.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2007

Ms. CLARKE (for herself, Mr. ELLISON, Mr. TOWNS, Mr. HONDA, Mr. PASTOR, Mr. VAN HOLLEN, Mr. HINOJOSA, Mr. STARK, Mr. RANGEL, Mr. SHAYS, Mrs. MYRICK, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, and Ms. NORTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To reduce the backlog in processing requests made by U.S. Citizenship and Immigration Services to the National Name Check Program of the Federal Bureau of Investigation.

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 “Citizenship and Immi-  
5 gration Backlog Reduction Act”.

1 **SEC. 2. BACKLOG REDUCTION.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of the enactment of this Act, the Attorney General  
4 and the Secretary of Homeland Security shall jointly pro-  
5 vide to the Committees on the Judiciary, Homeland Secu-  
6 rity, and Appropriations of the House of Representatives,  
7 and the Committees on the Judiciary, Homeland Security  
8 and Governmental Affairs, and Appropriations of the Sen-  
9 ate, a plan for ensuring that, within 18 months of the date  
10 of enactment of this Act, the National Name Check Pro-  
11 gram, administered by the Records Management Division  
12 of the Federal Bureau of Investigation (FBI), will no  
13 longer have any requested name checks from U.S. Citizen-  
14 ship and Immigration Service (USCIS) in backlog status.

15 (b) ELEMENTS OF PLAN.—The plan shall include the  
16 following elements:

17 (1) Necessary improvements to computer sys-  
18 tems so that all records may be transmitted, main-  
19 tained, and checked electronically, and whether it is  
20 possible to centralize this information in a single  
21 searchable database.

22 (2) How the FBI will improve communications  
23 with USCIS to ensure the maximum efficiency in  
24 processing name check requests from that agency.

1           (3) Security upgrades in transferring informa-  
2           tion between the FBI and USCIS to ensure the pri-  
3           vacy of any individual receiving a name check.

4           (4) Long-term fixes that will prevent any future  
5           backlog, including a risk management analysis of  
6           changes that can be made to streamline the process  
7           and policies for obtaining FBI name checks in con-  
8           nection with applications and petitions for immigra-  
9           tion benefits.

10          (5) An estimate of the funding required to com-  
11          plete the operation by the required date along with  
12          an estimate of any possible fee increases.

13          (6) A study regarding the best practices in as-  
14          sessing the level of risk presented by applicants. The  
15          study will determine whether the current risk assess-  
16          ment process should be modified.

17          (7) A report of the number of applications and  
18          petitions that remain pending at USCIS more than  
19          6 months after the name check results have been re-  
20          turned from the FBI to USCIS.

21          (c) EFFECT OF BACKLOG ON AND AFTER 18  
22          MONTHS OF THE DATE OF ENACTMENT OF THIS ACT.—  
23          Beginning 18 months after the date of the enactment of  
24          this Act, the National Name Check Program is not au-  
25          thorized to have any file in backlog status. After that date,

1 any name check request from USCIS held in the posses-  
2 sion of the National Name Check Program for longer than  
3 6 months—

4 (1) will be referred to the Secretary of Home-  
5 land Security, who shall adjudicate interim benefits  
6 in connection with the application with which the  
7 FBI name check was requested, unless the Secretary  
8 certifies there is reasonable cause to suspect that the  
9 applicant poses a threat to national security, other-  
10 wise poses a threat to the United States, or has bro-  
11 ken United States immigration law; and

12 (2) the name check fee shall be fully refunded.

13 (d) BACKLOG.—For purposes of this section, the  
14 term “backlog” means, with respect to a file sent to the  
15 National Name Check Program from USCIS, that the file  
16 has been pending under the jurisdiction of the Justice De-  
17 partment for longer than 6 months.

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