

as may be necessary to ensure that a backlog does not develop after such date; and

(3) make such improvements in infrastructure as may be necessary to effectively provide immigration services.

**(b) Authorization of appropriations**

**(1) In general**

There is authorized to be appropriated to the Department of Justice from time to time such sums as may be necessary for the Attorney General to carry out subsection (a) of this section.

**(2) Designation of account in treasury**

Amounts appropriated pursuant to paragraph (1) may be referred to as the “Immigration Services and Infrastructure Improvements Account”.

**(3) Availability of funds**

Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

**(4) Limitation on expenditures**

None of the funds appropriated pursuant to paragraph (1) may be expended until the report described in section 1574(a) of this title has been submitted to Congress.

(Pub. L. 106-313, title II, §204, Oct. 17, 2000, 114 Stat. 1263; Pub. L. 107-296, title IV, §458, Nov. 25, 2002, 116 Stat. 2201.)

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107-296 substituted “1 year after November 25, 2002;” for “not later than one year after October 17, 2000;”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

**§ 1574. Reports to Congress**

**(a) Backlog elimination plan**

**(1) Report required**

Not later than 90 days after October 17, 2000, the Attorney General shall submit a report to the Committees on the Judiciary and Appropriations of the Senate and the House of Representatives concerning—

(A) the backlogs in immigration benefit applications in existence as of October 17, 2000; and

(B) the Attorney General’s plan for eliminating such backlogs.

**(2) Report elements**

The report shall include—

(A) an assessment of the data systems used in adjudicating and reporting on the status of immigration benefit applications, including—

(i) a description of the adequacy of existing computer hardware, computer software, and other mechanisms to comply with the adjudications and reporting requirements of this subchapter; and

(ii) a plan for implementing improvements to existing data systems to accomplish the purpose of this subchapter, as described in section 1571(a) of this title;

(B) a description of the quality controls to be put into force to ensure timely, fair, accurate, and complete processing and adjudication of such applications;

(C) the elements specified in subsection (b)(2) of this section;

(D) an estimate of the amount of appropriated funds that would be necessary in order to eliminate the backlogs in each category of immigration benefit applications described in subsection (b)(2) of this section; 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 subchapter.

**(b) Annual reports**

**(1) In general**

Beginning 90 days after the end of the first fiscal year for which any appropriation authorized by section 1573(b) of this title 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—

(A) State-by-State data on—

(i) the number of naturalization cases adjudicated in each quarter of each fiscal year;

(ii) the average processing time for naturalization applications;

(iii) the number of naturalization applications pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;

(iv) estimated processing times adjudicating newly submitted naturalization applications;

(v) an analysis of the appropriate processing times for naturalization applications; and

(vi) the additional resources and process changes needed to eliminate the backlog for naturalization adjudications;

(B) the status of applications or, where applicable, petitions described in subparagraph (C), by Immigration and Naturalization Service district, including—

- (i) the number of cases adjudicated in each quarter of each fiscal year;
- (ii) the average processing time for such applications or petitions;
- (iii) the number of applications or petitions pending for up to 6 months, 12 months, 18 months, 24 months, 36 months, and 48 months or more;
- (iv) the estimated processing times adjudicating newly submitted applications or petitions;
- (v) an analysis of the appropriate processing times for applications or petitions; and
- (vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications; and

(C) a status report on—

- (i) applications for adjustments of status to that of an alien lawfully admitted for permanent residence;
- (ii) petitions for nonimmigrant visas under section 1184 of this title;
- (iii) petitions filed under section 1154 of this title to classify aliens as immediate relatives or preference immigrants under section 1153 of this title;
- (iv) applications for asylum under section 1158 of this title;
- (v) registrations for Temporary Protected Status under section 1254a of this title; and
- (vi) a description of the additional resources and process changes needed to eliminate the backlog for such processing and adjudications.

**(3) Absence of appropriated funds**

In the event that no funds are appropriated subject to section 1573(b) of this title in the fiscal year in which this Act is enacted, the Attorney General shall submit a report to Congress not later than 90 days after the end of such fiscal year, and each fiscal year thereafter, containing the elements described in paragraph (2).

(Pub. L. 106-313, title II, §205, Oct. 17, 2000, 114 Stat. 1263.)

REFERENCES IN TEXT

The fiscal year in which this Act is enacted, referred to in subsec. (b)(3), is the fiscal year in which Pub. L. 106-313, which was approved Oct. 17, 2000, was enacted.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

**CHAPTER 14—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS**

Sec. 1601. Statements of national policy concerning welfare and immigration.

SUBCHAPTER I—ELIGIBILITY FOR FEDERAL BENEFITS

1611. Aliens who are not qualified aliens ineligible for Federal public benefits.

Sec. 1612. Limited eligibility of qualified aliens for certain Federal programs.

1613. Five-year limited eligibility of qualified aliens for Federal means-tested public benefit.

1614. Notification and information reporting.

1615. Requirements relating to provision of benefits based on citizenship, alienage, or immigration status under the Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966, and certain other Acts.

SUBCHAPTER II—ELIGIBILITY FOR STATE AND LOCAL PUBLIC BENEFITS PROGRAMS

1621. Aliens who are not qualified aliens or non-immigrants ineligible for State and local public benefits.

1622. State authority to limit eligibility of qualified aliens for State public benefits.

1623. Limitation on eligibility for preferential treatment of aliens not lawfully present on basis of residence for higher education benefits.

1624. Authority of States and political subdivisions of States to limit assistance to aliens and to distinguish among classes of aliens in providing general cash public assistance.

1625. Authorization for verification of eligibility for State and local public benefits.

SUBCHAPTER III—ATTRIBUTION OF INCOME AND AFFIDAVITS OF SUPPORT

1631. Federal attribution of sponsor's income and resources to alien.

1632. Authority for States to provide for attribution of sponsors income and resources to the alien with respect to State programs.

SUBCHAPTER IV—GENERAL PROVISIONS

1641. Definitions.

1642. Verification of eligibility for Federal public benefits.

1643. Statutory construction.

1644. Communication between State and local government agencies and Immigration and Naturalization Service.

1645. Qualifying quarters.

1646. Derivative eligibility for benefits.

**§ 1601. Statements of national policy concerning welfare and immigration**

The Congress makes the following statements concerning national policy with respect to welfare and immigration:

(1) Self-sufficiency has been a basic principle of United States immigration law since this country's earliest immigration statutes.

(2) It continues to be the immigration policy of the United States that—

(A) aliens within the Nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and

(B) the availability of public benefits not constitute an incentive for immigration to the United States.

(3) Despite the principle of self-sufficiency, aliens have been applying for and receiving public benefits from Federal, State, and local governments at increasing rates.

(4) Current eligibility rules for public assistance and unenforceable financial support agreements have proved wholly incapable of assuring that individual aliens not burden the public benefits system.