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104th CONGRESS

1st Session

To reform the immigration laws of the United States.

IN THE HOUSE OF REPRESENTATIVES

January 18, 1995

Mr. Gallegly introduced the following bill; which was referred

to

the Committee on the Judiciary and, in addition, to the
Committees on Economic and Educational Opportunities,
International Relations, Government Reform and Oversight,

Ways

and Means, Agriculture, and Banking and Financial

Services, for

a period to be subsequently determined by the Speaker, in

each

case for consideration of such provisions as fall within

the

jurisdiction of the committee concerned

A BILL

To reform the immigration laws of the United States.

Be it enacted by the Senate and House of Representatives of

the

United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

1995'.

This Act may be cited as the 'Immigration Reform Act of

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TITLE I--IMMIGRATION AND LAW ENFORCEMENT

SEC. 101. INCREASED PERSONNEL LEVELS OF THE BORDER PATROL.

The number of full-time positions in the Border Patrol of the Department of Justice for fiscal year 1996 shall be increased to 8,000.

SEC. 102. INCREASED FUNDING FOR THE BORDER PATROL.

In addition to funds otherwise available for such purposes, there are authorized to be appropriated to the Attorney General \$50,000,000 for the fiscal year 1996, which amount shall be available only for equipment, support services, and initial training for the Border Patrol. Funds appropriated pursuant to this section are authorized to remain available until expended.

SEC. 103. INSERVICE TRAINING FOR THE BORDER PATROL.

(a) Requirement: Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:
` (e)(1) The Attorney General shall continue to provide for such programs of inservice training for full-time and part-time personnel of the Border Patrol in contact with the public as will familiarize the personnel with the rights and varied cultural backgrounds of aliens and citizens in order to ensure and safeguard the constitutional and civil rights, personal safety, and human dignity of all individuals, aliens as well as citizens, within the jurisdiction of the United States with whom they have contact in their work.

(2) The Attorney General shall provide that the annual report of the Service include a description of steps taken to carry out paragraph (1).'

(b) Authorization of Appropriations: There are authorized to be appropriated to the Attorney General \$1,000,000 for fiscal year 1996 to carry out the inservice training described in section 103(e) of the Immigration and Nationality Act. The funds appropriated pursuant to this subsection are authorized to remain available until expended.

SEC. 104. INCREASE IN I.N.S. SUPPORT PERSONNEL.

In order to provide support for the increased personnel levels of

the border patrol authorized in section 101, the number of full-time support positions for investigation, detention and deportation, intelligence, information and records, legal proceedings, and management and administration in the

Immigration

and Naturalization Service shall be increased by 580 positions above the number of equivalent positions as of September 30,

1994.

SEC. 105. STRENGTHENED ENFORCEMENT OF WAGE AND HOUR LAWS.

Wage and
the

(a) In General: The number of full-time positions in the Hour Division with the Employment Standards Administration of

increased by
available to

Department of Labor for the fiscal year 1996 shall be increased by 250 positions above the number of equivalent positions to the Wage and Hour Division as of September 30, 1994.

(b) Assignment: Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where

the

Attorney General has notified the Secretary of Labor that there are high concentrations of undocumented aliens.

there are

SEC. 106. STRENGTHENED ENFORCEMENT OF THE EMPLOYER SANCTIONS PROVISIONS.

(a) In General: The number of full-time positions in the Investigations Division within the Immigration and

Naturalization

Service of the Department of Justice for the fiscal year 1996

shall

be increased by 250 positions above the number of equivalent positions available to such Division as of September 30, 1994.

(b) Assignment: Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of the employer sanctions provisions contained in section 274A of the Immigration and Nationality

Act,

including investigating reports of violations received from officers of the Employment Standards Administration of the Department of Labor.

SEC. 107. INCREASED NUMBER OF ASSISTANT UNITED STATES

ATTORNEYS.

Attorneys

(a) In General: The number of Assistant United States

fiscal

that may be employed by the Department of Justice for the

Assistant

year 1996 shall be increased by 21 above the number of

30,

United States Attorneys that could be employed as of September 1994.

(b) Assignment: Individuals employed to fill the additional positions described in subsection (a) shall be specially trained to

United States or harbor illegal aliens, fraud, and other criminal statutes involving illegal aliens.

SEC. 108. PROHIBITION OF TRANSPORTATION OF ALIENS FOR PURPOSES OF EMPLOYMENT.

Section 274(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)(ii)) is amended by inserting before the semicolon at the end the following: `or in furtherance of the employment of such alien'.

SEC. 109. LIMITATION ON FEDERAL FINANCIAL ASSISTANCE TO LOCALITIES

THAT REFUSE TO COOPERATE IN THE ARREST AND DEPORTATION OF UNLAWFUL ALIENS.

Notwithstanding any other provision of law, no Federal financial assistance shall be paid to any local government on and after such date as the Attorney General certifies that an official, officer, or employee of the local government (including its police department) in the exercise of (and within the lawful scope of) the individual's official duties has refused, on or after the date of the enactment of this Act, to cooperate with an officer or employee of the Department of Justice (including the Immigration and Naturalization Service) with respect to the arrest and deportation of an alien who is not lawfully present within the United States.

SEC. 110. NEGOTIATIONS WITH MEXICO AND CANADA.

It is the sense of the Congress that--

(1) the Attorney General, jointly with the Secretary of State, should initiate discussions with Mexico and Canada to establish formal bilateral programs with those countries to prevent and to prosecute the smuggling of undocumented aliens into the United States;

(2) not later than one year after the date of enactment of this Act, the Attorney General shall report to the Congress the progress made in establishing such programs; and

(3) in any such program established under this Act, major emphasis should be placed on deterring and prosecuting persons involved in the organized and continued smuggling of undocumented aliens.

TITLE II--IMMIGRATION DOCUMENT FRAUD PREVENTION
SEC. 201. ISSUANCE OF NEW IDENTIFICATION CARDS FOR ALIENS.

(a) In General: The Attorney General shall cause to be issued new registration and identification cards to all aliens who are qualified to hold employment in the United States for the purpose of providing proof of employment eligibility under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a).

(b) Requirements: (1) Each new registration and identification card issued under subsection (a) shall--

- (A) be in a form which is resistant to counterfeiting and tampering;
- (B) be designed in such a manner so that an employer can reliably determine that--
 - (i) the person with the bearer's claimed identity is eligible to be employed in the United States, and
 - (ii) the bearer is not claiming the identity of another individual;
- (C) contain a photograph and other identifying information (such as date of birth, sex, and distinguishing marks) that would allow an employer to determine with reasonable certainty that the bearer is not claiming the identity of another individual;
- (D) in the case of a card issued to--
 - (i) a work-eligible nonimmigrant admitted under section 214 of the Immigration and Nationality Act (8 U.S.C. 1184),
 - (ii) an alien admitted for temporary residence under section 210 of such Act (8 U.S.C. 1160),
 - (iii) an alien granted temporary protected status under section 244A of such Act (8 U.S.C. 1254a), and
 - (iv) an alien authorized to work by the Immigration and Naturalization Service pending a final determination of deportability,

shall specify the expiration date of the work authorization on the face of the card; and

(E) shall specify the alien's admission number or alien file number.

(2) The new card shall be valid for a period of 10 years and must be reissued to remain valid after the 10th anniversary of the date of its issue.

(3) The new card shall note on its face whether work authorization is restricted.

of (4) An employer, for purposes of satisfying the requirements section 274A(b) of the Immigration and Nationality Act--

the (A) may require an alien seeking employment to produce new card as proof of employment eligibility, and (B) may inquire whether an applicant's limited work authorization has expired or has been reauthorized at the end of a work authorization period.

Such a requirement or inquiry shall not constitute an unfair immigration-related employment practice under section 274B of such Act.

SEC. 202. IMPLEMENTATION.

in (a) In General: Each alien who is authorized to be employed any the United States shall, on or before October 1, 1996, turn in alien's alien registration and identification card which is in the possession at any post office or office of the Immigration and Naturalization Service. No resident alien shall receive the new card until--

required (1) the alien-- (A) has surrendered the old green card, (B) has provided proof of identity, (C) has provided such other documents as may be reasonable under law, and (D) has paid a fee (not to exceed \$75) that is this and sufficient to cover the costs of administration of section; and

alien. (2) the Service has verified the lawful status of the

paragraph The Attorney General may waive payment of the fee under

provides (1)(D) (or reduce the amount of such fee) if the alien satisfactory evidence that the alien cannot afford the full fee.

subsection (b) Posting of Notices: Notices of the requirement of

newspapers (a) shall be posted in all post offices and Immigration and Naturalization Service offices and published in local during fiscal year 1996.

an (c) Invalidity of Old Cards: Any alien registration or identification card for permanent resident aliens, other than alien registration and identification card issued under this section, shall be invalid as of midnight of October 1, 1998.

(d) Use of New Cards Under SAVE Program:

Act
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paragraph'.
subsection

(1) In general: Section 1137(d) of the Social Security
(42 U.S.C. 1320b-7(d)) is amended--
(A) in paragraph (2), by striking `either' and all
follows through the end and inserting the following:
registration and identification card issued under
2(a) of the Immigration Reform Act of 1995.',
(B) in paragraph (3), by striking `paragraph (2)(A)'
inserting `paragraph (2)', and
(C) in paragraph (4), by striking `paragraph (2)(A)'
inserting `such paragraph'.
(2) Housing assistance: Section 214(d) of the Housing
Community Development Act of 1980 (42 U.S.C. 1436a(d)) is
amended--
(A) in paragraph (2), by striking `either' and all
follows through the end and inserting the following:
registration and identification card issued under
2(a) of the Immigration Reform Act of 1995.',
(B) in paragraph (3), by striking `paragraph (2)(A)'
inserting `paragraph (2)',
(C) in paragraph (4), by striking `paragraph (2)(A)'
first place it appears and inserting `paragraph (2)',
(D) in paragraph (4), by striking `paragraph (2)(A)'
second place it appears and inserting `such
(3) Effective date: The amendments made by this
shall take effect on October 1, 1998.

SEC. 203. NO NATIONAL IDENTITY CARD.

The new card described in section 201--
(1) shall not be considered a national identity card;
(2) shall not be issued to any citizen or national of
the
United States; and
(3) shall--
(A) not be required to be carried on one's person,
and
(B) not be required to be presented other than--
(i) upon request by a prospective employer for
any
purposes other than under this section or under
sections 1001, 1023, 1566, and 1621 of title 18,
United

section States Code, or to satisfy the requirements of
274A of the Immigration and Nationality Act, or
1137(d) of (ii) for purposes of carrying out section
the Social Security Act or section 214(d) of the
Housing and Community Development Act of 1980.
SEC. 204. EMPLOYER EDUCATION PROGRAM.
The Attorney General, in consultation with the Secretary of
Labor, the Administrator of the Small Business Administration,
and the Commissioner of the Internal Revenue, shall conduct a
responsibilities nationwide program to inform employers about their
new under the Immigration and Nationality Act and the uses of the
Act. alien registration and identification cards issued under this
of SEC. 205. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated \$5,000,000 for each
fiscal years 1996 and 1997 to carry out this Act.
PROJECT. SEC. 206. EMPLOYMENT ELIGIBILITY VERIFICATION DEMONSTRATION
demonstration The Attorney General shall continue to conduct the
Act projects under section 274A of the Immigration and Nationality
employment in order to establish if it is feasible to determine the
is eligibility of aliens authorized to work in the United States
through the use of a telephone and computation capability that
not available on the date of enactment of this Act. The Attorney
General shall submit a report to Congress on such projects by
later than October 1, 1995.
AND TITLE III--RESTRICTIONS ON ALIEN ELIGIBILITY FOR WELFARE
SECTION 301. PROHIBITION OF DIRECT FEDERAL FINANCIAL BENEFITS
UNEMPLOYMENT BENEFITS TO ALIENS WHO ARE NOT
LAWFUL PERMANENT RESIDENTS.
this (a) In General: On and after the date of the enactment of
Federal Act, notwithstanding any other provision of law, no direct
not financial benefit or social insurance benefit, including (but
limited to)--
program (1) payments under the aid to families with dependent
children program under part A of title IV of the Social
Security Act,
(2) benefits under the supplemental security income
under title XVI of the Social Security Act,
(3) food stamps under the Food Stamp Act of 1977, and

(4) financial assistance (as defined in section 214(b) of the Housing and Community Development Act of 1980), citizen may be paid or otherwise given to any person who is not a or national of the United States, an alien lawfully admitted for permanent residence, or an alien otherwise lawfully and permanently residing in the United States (as defined in subsection (e)), Nationality except pursuant to a provision of the Immigration and Act.

(b) Unemployment Benefits: No alien who has not been granted eligible employment authorization pursuant to Federal law shall be for unemployment benefits.

(c) Social Security Benefits:

(1) In general: Subsection (a) shall not apply to benefits paid under the old age, survivors, and disability insurance program under title II of the Social Security Act.

(2) No credit for wages for unauthorized employment: or Notwithstanding any other provision of law, wages paid on to an after the date of the enactment of this Act with respect not alien's employment which is not authorized under law shall under be taken into account in crediting quarters of coverage title II of the Social Security Act.

(d) Construction: This section shall not apply to the provision of foreign aid to aliens abroad.

(e) Definition: For purposes of this section, the term 'alien States' otherwise lawfully and permanently residing in the United receives, means any person who at the time the person applies for, or attempts to receive a Federal financial benefit or social insurance benefit is an asylee, a refugee, or a parolee.