

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1292

To amend the Immigration and Nationality Act with respect to improvements in enforcement of anti-discrimination provisions of that Act.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1993

Mr. MARTINEZ introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act with respect to improvements in enforcement of anti-discrimination provisions of that Act.

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; CONGRESSIONAL APPROVAL OF**  
4 **GAO FINDINGS.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “Immigration Anti-Discrimination Improvement Act of  
7 1993”.

8 (b) CONGRESSIONAL APPROVAL OF GAO FIND-  
9 INGS.—The Congress approves the findings of the Comp-  
10 troller General contained in the General Accounting Office

1 (GAO) report entitled “Immigration Reform: Employer  
2 Sanctions and the Question of Discrimination”, dated  
3 March 29, 1990 (identification number GAO/GGD-90-  
4 92).

5 **SEC. 2. APPLICATION OF PENALTIES FOR VIOLATION OF**  
6 **ANTI-DISCRIMINATION PROVISIONS.**

7 (a) IN GENERAL.—Section 274B(c) of the Immigra-  
8 tion and Nationality Act (8 U.S.C. 1324b(c)) is amended  
9 by adding at the end the following new paragraph:

10 “(5) USE OF FUNDS.—Notwithstanding section  
11 3302 of title 31, United States Code, all civil pen-  
12 alties collected under this section shall be credited to  
13 the appropriation to be used in carrying out this sec-  
14 tion.”.

15 (b) EFFECTIVE DATE.—The amendment made by  
16 subsection (a) shall apply to penalties assessed during fis-  
17 cal years beginning with fiscal year 1994.

18 **SEC. 3. INCREASE IN BUDGET AUTHORIZATION FOR SPE-**  
19 **CIFIC ENFORCEMENT.**

20 In addition to any other accounts authorized to be  
21 appropriated, there are authorized to be appropriated for  
22 each fiscal year (beginning with fiscal year 1994),  
23 \$10,000,000 for activities of regional offices of the Special  
24 Counsel for Immigration-Related Unfair Employment  
25 Practices within the Department of Justice.

1 **SEC. 4. ANNUAL REPORTS.**

2 Section 274B of the Immigration and Nationality Act  
3 (8 U.S.C. 1324b) is amended by adding at the end the  
4 following new subsection:

5 “(m) ANNUAL REPORTS.—

6 “(1) GAO.—The Comptroller General shall sub-  
7 mit to Congress each year a report concerning—

8 “(A) the pervasiveness of unfair immigra-  
9 tion-related employment practices described in  
10 subsection (a), and

11 “(B) enforcement under this section with  
12 respect to such practices.

13 “(2) ATTORNEY GENERAL.—The Attorney Gen-  
14 eral shall submit to Congress each year a report on  
15 the enforcement actions under this section (and  
16 under title VII of the Civil Rights Act of 1964) with  
17 respect to unfair immigration-related employment  
18 practices described in subsection (a).”.

19 **SEC. 5. RECEIPT OF CHARGES THROUGH DISTRICT OF-**  
20 **FICES.**

21 Section 274B(c)(4) of the Immigration and National-  
22 ity Act (8 U.S.C. 1324b(c)(4)) is amended by adding at  
23 the end the following: “The Special Counsel shall provide  
24 for agreements with Federal and State agencies involved  
25 with enforcement of laws relating to prohibiting discrimi-  
26 nation on the basis of national origin under which such

1 agencies would receive charges respecting unfair immigra-  
2 tion-related employment practices under this section and  
3 promptly forward such charges to the Special Counsel.”.

4 **SEC. 6. NATIONAL HOTLINE.**

5 Section 274B(c)(2) of the Immigration and National-  
6 ity Act (8 U.S.C. 1324b(c)(2)) is amended by adding at  
7 the end the following new sentence: “The Special Counsel  
8 shall establish a national, toll-free telephone service to re-  
9 ceive charges of unfair immigration-related employment  
10 practices and otherwise provide for such outreach efforts  
11 as will educate the public concerning the provisions of this  
12 section.”.

13 **SEC. 7. TECHNICAL ASSISTANCE TO STATES AND LOCAL**  
14 **GOVERNMENTS.**

15 The Attorney General, through or in consultation  
16 with the Special Counsel for Immigration-Related Unfair  
17 Employment Practices, shall provide technical assistance  
18 to States and local governments concerning the provisions  
19 of section 274A and 274B of the Immigration and Nation-  
20 ality Act and the roles provided for receipt of charges of  
21 violations of such sections.

22 **SEC. 8. MONITORING PANEL.**

23 The Attorney General shall establish a monitoring  
24 panel, composed of citizens, representatives of the Mexican  
25 American Legal Defense and Education Fund, La Raza,

1 and other community-based organizations, civil rights  
2 groups, public interest groups, and nonprofit foundations,  
3 to monitor the application of the anti-discrimination provi-  
4 sions in section 274B of the Immigration and Nationality  
5 Act and to report annually to the Attorney General and  
6 the Congress respecting such implementation.

7 **SEC. 9. DEPARTMENT FROM FEDERAL CONTRACTS AS AD-**  
8 **DITIONAL SANCTION FOR PERVASIVE VIOLA-**  
9 **TORS.**

10 (a) IN GENERAL.—Section 274B(g)(2) of the Immi-  
11 gration and Nationality Act (8 U.S.C. 1324b(g)(2)) is  
12 amended by adding at the end the following new subpara-  
13 graph:

14 “(E) ADDITIONAL REMEDY.—If an admin-  
15 istrative law judge determines that a person or  
16 entity has engaged in or is engaging in a perva-  
17 sive pattern of unfair immigration-related em-  
18 ployment practices, the judge may order the  
19 person or entity to be disqualified from being  
20 issued any contract under Federal law during a  
21 period of up to 1 year.”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall apply to unfair immigration-related  
24 employment practices occurring on or after the date of the  
25 enactment of this Act.

