

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4053

To expand the scope of unfair immigration-related employment practices and protections under the Immigration and Nationality Act.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1994

Mr. BECERRA (for himself, Mr. BEILENSON, Mr. BERMAN, Mr. FARR of California, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. TORRES, Mr. DELLUMS, Mr. DIXON, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. PASTOR) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To expand the scope of unfair immigration-related employment practices and protections under the Immigration and Nationality 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.**

4 This Act may be cited as the “Immigration-Related  
5 Employment Anti-Discrimination Enhancement and  
6 Enforcement Act of 1994”.

1 **SEC. 2. TERMS AND CONDITIONS OF EMPLOYMENT.**

2 Section 274B of the Immigration and Nationality Act  
3 (8 U.S.C. 1324b) is amended—

4 (1) in subsection (a)(1) by inserting “terms and  
5 conditions of employment,” after “hiring,”;

6 (2) in subsection (a)(2) by inserting “, or to  
7 give preferential terms and conditions of employ-  
8 ment to,” after “refer”;

9 (3) in subsection (g)(2)(D) by striking “employ-  
10 ment,” and inserting “employment or the terms and  
11 conditions of employment,”; and

12 (4) in subsection (k)(1) by inserting “terms and  
13 conditions of employment,” and “hiring,”.

14 **SEC. 3. DISPARATE IMPACT CLAIMS.**

15 Section 274B(d)(2) of the Immigration and National-  
16 ity Act (8 U.S.C. 1324b(d)(2)) is amended by inserting  
17 “, causes a disparate impact on the basis of an unfair im-  
18 migration-related employment practice,” after “inten-  
19 tional discriminatory activity”.

20 **SEC. 4. COMPENSATORY AND PUNITIVE DAMAGES AS REM-  
21 EDIES.**

22 Section 274B(g)(2)(B) of the Immigration and Na-  
23 tionality Act (8 U.S.C. 1324b(g)(2)(B)) is amended—

24 (1) at the end of clause (vii) by striking “and”;

25 (2) at the end of clause (viii) by striking the pe-  
26 riod and inserting “; and”; and

1           (3) by adding after clause (viii) the following  
2           new clause:

3                           “(ix) to pay compensatory and puni-  
4                           tive damages to individuals directly and  
5                           adversely affected.”.

6   **SEC. 5. LIMITATION ON BACK PAY REMEDY.**

7           Section 274B(g)(2)(C) of the Immigration and Na-  
8           tionality Act (8 U.S.C. 1324b(g)(2)(C)) is amended by  
9           striking the first sentence.

10   **SEC. 6. DEFINITION OF PROTECTED INDIVIDUAL.**

11           Section 274B(a)(3)(B)(i) of the Immigration and Na-  
12           tionality Act (8 U.S.C. 1324b(a)(3)(B)(i)) is amended to  
13           read as follows: “(i) an alien who fails to apply for natu-  
14           ralization within 90 days after filing a citizenship status  
15           discrimination charge with the Office of Special Counsel  
16           if the alien is a lawful permanent resident and is eligible  
17           (by virtue of a period of lawful permanent residence) to  
18           apply for naturalization and”.

19   **SEC. 7. AUTHORIZATION OF ADDITIONAL APPROPRIATION**  
20                           **FOR IMMIGRATION-RELATED EMPLOYMENT**  
21                           **ANTIDISCRIMINATION ENFORCEMENT.**

22           There are authorized to be appropriated for fiscal  
23           year 1994 \$10,000,000 to increase the number of inves-  
24           tigators and testers, and to expand outreach activities for

1 employers and protected individuals under section 274B  
2 of the Immigration and Nationality Act.

3 **SEC. 8. EFFECTIVE DATE.**

4       The amendments made by this Act shall take effect  
5 the date of enactment.

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