

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 560

To reform the immigration laws of the United States.

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## 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

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## A BILL

To reform the immigration laws of the United States.

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 Reform  
5 Act of 1995”.

6 **SEC. 2. TABLE OF CONTENTS.**

Sec. 1. Short title.  
Sec. 2. Table of contents.

### TITLE I—IMMIGRATION AND LAW ENFORCEMENT

Sec. 101. Increased personnel levels of the border patrol.  
Sec. 102. Increased funding for the border patrol.

- Sec. 103. Inservice training for the border patrol.
- Sec. 104. Increase in I.N.S. support personnel.
- Sec. 105. Strengthened enforcement of wage and hour laws.
- Sec. 106. Strengthened enforcement of the employer sanctions provisions.
- Sec. 107. Increased number of assistant United States attorneys.
- Sec. 108. Prohibition of transportation of aliens for purposes of employment.
- Sec. 109. Limitation on Federal financial assistance to localities that refuse to cooperate in the arrest and deportation of unlawful aliens.
- Sec. 110. Negotiations with Mexico and Canada.

#### TITLE II—IMMIGRATION DOCUMENT FRAUD PREVENTION

- Sec. 201. Issuance of new identification cards for aliens.
- Sec. 202. Implementation.
- Sec. 203. No national identity card.
- Sec. 204. Employer education program.
- Sec. 205. Authorization of appropriations.
- Sec. 206. Employment eligibility verification demonstration project.

#### TITLE III—RESTRICTIONS ON ALIEN ELIGIBILITY FOR WELFARE

- Sec. 301. Prohibition of direct Federal financial benefits and unemployment benefits to aliens who are not lawful permanent residents.

## 1           **TITLE I—IMMIGRATION AND** 2                                   **LAW ENFORCEMENT**

### 3   **SEC. 101. INCREASED PERSONNEL LEVELS OF THE BORDER** 4                                   **PATROL.**

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

### 8   **SEC. 102. INCREASED FUNDING FOR THE BORDER PATROL.**

9           In addition to funds otherwise available for such pur-  
10 poses, there are authorized to be appropriated to the At-  
11 torney General \$50,000,000 for the fiscal year 1996,  
12 which amount shall be available only for equipment, sup-  
13 port services, and initial training for the Border Patrol.  
14 Funds appropriated pursuant to this section are author-  
15 ized to remain available until expended.

1 **SEC. 103. INSERVICE TRAINING FOR THE BORDER PATROL.**

2 (a) REQUIREMENT.—Section 103 of the Immigration  
3 and Nationality Act (8 U.S.C. 1103) is amended by add-  
4 ing at the end the following new subsection:

5 “(e)(1) The Attorney General shall continue to pro-  
6 vide for such programs of inservice training for full-time  
7 and part-time personnel of the Border Patrol in contact  
8 with the public as will familiarize the personnel with the  
9 rights and varied cultural backgrounds of aliens and citi-  
10 zens in order to ensure and safeguard the constitutional  
11 and civil rights, personal safety, and human dignity of all  
12 individuals, aliens as well as citizens, within the jurisdic-  
13 tion of the United States with whom they have contact  
14 in their work.

15 “(2) The Attorney General shall provide that the an-  
16 nual report of the Service include a description of steps  
17 taken to carry out paragraph (1).”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to the Attorney General  
20 \$1,000,000 for fiscal year 1996 to carry out the inservice  
21 training described in section 103(e) of the Immigration  
22 and Nationality Act. The funds appropriated pursuant to  
23 this subsection are authorized to remain available until ex-  
24 pended.

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

2 In order to provide support for the increased person-  
3 nel levels of the border patrol authorized in section 101,  
4 the number of full-time support positions for investigation,  
5 detention and deportation, intelligence, information and  
6 records, legal proceedings, and management and adminis-  
7 tration in the Immigration and Naturalization Service  
8 shall be increased by 580 positions above the number of  
9 equivalent positions as of September 30, 1994.

10 **SEC. 105. STRENGTHENED ENFORCEMENT OF WAGE AND**  
11 **HOUR LAWS.**

12 (a) IN GENERAL.—The number of full-time positions  
13 in the Wage and Hour Division with the Employment  
14 Standards Administration of the Department of Labor for  
15 the fiscal year 1996 shall be increased by 250 positions  
16 above the number of equivalent positions available to the  
17 Wage and Hour Division as of September 30, 1994.

18 (b) ASSIGNMENT.—Individuals employed to fill the  
19 additional positions described in subsection (a) shall be as-  
20 signed to investigate violations of wage and hour laws in  
21 areas where the Attorney General has notified the Sec-  
22 retary of Labor that there are high concentrations of un-  
23 documented aliens.

1 **SEC. 106. STRENGTHENED ENFORCEMENT OF THE EM-**  
2 **LOYER SANCTIONS PROVISIONS.**

3 (a) IN GENERAL.—The number of full-time positions  
4 in the Investigations Division within the Immigration and  
5 Naturalization Service of the Department of Justice for  
6 the fiscal year 1996 shall be increased by 250 positions  
7 above the number of equivalent positions available to such  
8 Division as of September 30, 1994.

9 (b) ASSIGNMENT.—Individuals employed to fill the  
10 additional positions described in subsection (a) shall be as-  
11 signed to investigate violations of the employer sanctions  
12 provisions contained in section 274A of the Immigration  
13 and Nationality Act, including investigating reports of vio-  
14 lations received from officers of the Employment Stand-  
15 ards Administration of the Department of Labor.

16 **SEC. 107. INCREASED NUMBER OF ASSISTANT UNITED**  
17 **STATES ATTORNEYS.**

18 (a) IN GENERAL.—The number of Assistant United  
19 States Attorneys that may be employed by the Depart-  
20 ment of Justice for the fiscal year 1996 shall be increased  
21 by 21 above the number of Assistant United States Attor-  
22 neys that could be employed as of September 30, 1994.

23 (b) ASSIGNMENT.—Individuals employed to fill the  
24 additional positions described in subsection (a) shall be  
25 specially trained to be used for the prosecution of persons

1 who bring into the United States or harbor illegal aliens,  
2 fraud, and other criminal statutes involving illegal aliens.

3 **SEC. 108. PROHIBITION OF TRANSPORTATION OF ALIENS**  
4 **FOR PURPOSES OF EMPLOYMENT.**

5 Section 274(a)(1)(A)(ii) of the Immigration and Na-  
6 tionality Act (8 U.S.C. 1324(a)(1)(A)(ii)) is amended by  
7 inserting before the semicolon at the end the following:  
8 “or in furtherance of the employment of such alien”.

9 **SEC. 109. LIMITATION ON FEDERAL FINANCIAL ASSIST-**  
10 **ANCE TO LOCALITIES THAT REFUSE TO CO-**  
11 **OPERATE IN THE ARREST AND DEPORTATION**  
12 **OF UNLAWFUL ALIENS.**

13 Notwithstanding any other provision of law, no Fed-  
14 eral financial assistance shall be paid to any local govern-  
15 ment on and after such date as the Attorney General cer-  
16 tifies that an official, officer, or employee of the local gov-  
17 ernment (including its police department) in the exercise  
18 of (and within the lawful scope of) the individual’s official  
19 duties has refused, on or after the date of the enactment  
20 of this Act, to cooperate with an officer or employee of  
21 the Department of Justice (including the Immigration and  
22 Naturalization Service) with respect to the arrest and de-  
23 portation of an alien who is not lawfully present within  
24 the United States.

1 **SEC. 110. NEGOTIATIONS WITH MEXICO AND CANADA.**

2 It is the sense of the Congress that—

3 (1) the Attorney General, jointly with the Sec-  
4 retary of State, should initiate discussions with Mex-  
5 ico and Canada to establish formal bilateral pro-  
6 grams with those countries to prevent and to pros-  
7 ecute the smuggling of undocumented aliens into the  
8 United States;

9 (2) not later than one year after the date of en-  
10 actment of this Act, the Attorney General shall re-  
11 port to the Congress the progress made in establish-  
12 ing such programs; and

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

17 **TITLE II—IMMIGRATION DOCU-**  
18 **MENT FRAUD PREVENTION**

19 **SEC. 201. ISSUANCE OF NEW IDENTIFICATION CARDS FOR**  
20 **ALIENS.**

21 (a) IN GENERAL.—The Attorney General shall cause  
22 to be issued new registration and identification cards to  
23 all aliens who are qualified to hold employment in the  
24 United States for the purpose of providing proof of em-  
25 ployment eligibility under section 274A of the Immigration  
26 and Nationality Act (8 U.S.C. 1324a).

1 (b) REQUIREMENTS.—(1) Each new registration and  
2 identification card issued under subsection (a) shall—

3 (A) be in a form which is resistant to counter-  
4 feiting and tampering;

5 (B) be designed in such a manner so that an  
6 employer can reliably determine that—

7 (i) the person with the bearer's claimed  
8 identity is eligible to be employed in the United  
9 States, and

10 (ii) the bearer is not claiming the identity  
11 of another individual;

12 (C) contain a photograph and other identifying  
13 information (such as date of birth, sex, and distin-  
14 guishing marks) that would allow an employer to de-  
15 termine with reasonable certainty that the bearer is  
16 not claiming the identity of another individual;

17 (D) in the case of a card issued to—

18 (i) a work-eligible nonimmigrant admitted  
19 under section 214 of the Immigration and Na-  
20 tionality Act (8 U.S.C. 1184),

21 (ii) an alien admitted for temporary resi-  
22 dence under section 210 of such Act (8 U.S.C.  
23 1160),

1 (iii) an alien granted temporary protected  
2 status under section 244A of such Act (8  
3 U.S.C. 1254a), and

4 (iv) an alien authorized to work by the Im-  
5 migration and Naturalization Service pending a  
6 final determination of deportability,

7 shall specify the expiration date of the work author-  
8 ization on the face of the card; and

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

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

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

16 (4) An employer, for purposes of satisfying the re-  
17 quirements of section 274A(b) of the Immigration and  
18 Nationality Act—

19 (A) may require an alien seeking employment to  
20 produce the new card as proof of employment eligi-  
21 bility, and

22 (B) may inquire whether an applicant's limited  
23 work authorization has expired or has been reau-  
24 thorized at the end of a work authorization period.

1 Such a requirement or inquiry shall not constitute an un-  
2 fair immigration-related employment practice under sec-  
3 tion 274B of such Act.

4 **SEC. 202. IMPLEMENTATION.**

5 (a) IN GENERAL.—Each alien who is authorized to  
6 be employed in the United States shall, on or before Octo-  
7 ber 1, 1996, turn in any alien registration and identifica-  
8 tion card which is in the alien's possession at any post  
9 office or office of the Immigration and Naturalization  
10 Service. No resident alien shall receive the new card  
11 until—

12 (1) the alien—

13 (A) has surrendered the old green card,

14 (B) has provided proof of identity,

15 (C) has provided such other documents as  
16 may be required under law, and

17 (D) has paid a fee (not to exceed \$75) that  
18 is reasonable and sufficient to cover the costs of  
19 administration of this section; and

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

22 The Attorney General may waive payment of the fee under  
23 paragraph (1)(D) (or reduce the amount of such fee) if  
24 the alien provides satisfactory evidence that the alien can-  
25 not afford the full fee.

1 (b) POSTING OF NOTICES.—Notices of the require-  
2 ment of subsection (a) shall be posted in all post offices  
3 and Immigration and Naturalization Service offices and  
4 published in local newspapers during fiscal year 1996.

5 (c) INVALIDITY OF OLD CARDS.—Any alien registra-  
6 tion or identification card for permanent resident aliens,  
7 other than an alien registration and identification card is-  
8 sued under this section, shall be invalid as of midnight  
9 of October 1, 1998.

10 (d) USE OF NEW CARDS UNDER SAVE PROGRAM.—

11 (1) IN GENERAL.—Section 1137(d) of the So-  
12 cial Security Act (42 U.S.C. 1320b-7(d)) is amend-  
13 ed—

14 (A) in paragraph (2), by striking “either”  
15 and all that follows through the end and insert-  
16 ing the following: “a registration and identifica-  
17 tion card issued under section 2(a) of the Immi-  
18 gration Reform Act of 1995.”,

19 (B) in paragraph (3), by striking “para-  
20 graph (2)(A)” and inserting “paragraph (2)”,  
21 and

22 (C) in paragraph (4), by striking “para-  
23 graph (2)(A)” and inserting “such paragraph”.

1           (2) HOUSING ASSISTANCE.—Section 214(d) of  
2 the Housing and Community Development Act of  
3 1980 (42 U.S.C. 1436a(d)) is amended—

4           (A) in paragraph (2), by striking “either”  
5 and all that follows through the end and insert-  
6 ing the following: “a registration and identifica-  
7 tion card issued under section 2(a) of the Immi-  
8 gration Reform Act of 1995.”,

9           (B) in paragraph (3), by striking “para-  
10 graph (2)(A)” and inserting “paragraph (2)”,

11           (C) in paragraph (4), by striking “para-  
12 graph (2)(A)” the first place it appears and in-  
13 serting “paragraph (2)”, and

14           (D) in paragraph (4), by striking “para-  
15 graph (2)(A)” the second place it appears and  
16 inserting “such paragraph”.

17           (3) EFFECTIVE DATE.—The amendments made  
18 by this subsection shall take effect on October 1,  
19 1998.

20 **SEC. 203. NO NATIONAL IDENTITY CARD.**

21 The new card described in section 201—

22           (1) shall not be considered a national identity  
23 card;

24           (2) shall not be issued to any citizen or national  
25 of the United States; and

1 (3) shall—

2 (A) not be required to be carried on one's  
3 person, and

4 (B) not be required to be presented other  
5 than—

6 (i) upon request by a prospective em-  
7 ployer for any purposes other than under  
8 this section or under sections 1001, 1023,  
9 1566, and 1621 of title 18, United States  
10 Code, or to satisfy the requirements of sec-  
11 tion 274A of the Immigration and Nation-  
12 ality Act, or

13 (ii) for purposes of carrying out sec-  
14 tion 1137(d) of the Social Security Act or  
15 section 214(d) of the Housing and Com-  
16 munity Development Act of 1980.

17 **SEC. 204. EMPLOYER EDUCATION PROGRAM.**

18 The Attorney General, in consultation with the Sec-  
19 retary of Labor, the Administrator of the Small Business  
20 Administration, and the Commissioner of the Internal  
21 Revenue, shall conduct a nationwide program to inform  
22 employers about their responsibilities under the Immigra-  
23 tion and Nationality Act and the uses of the new alien  
24 registration and identification cards issued under this Act.

1 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated \$5,000,000  
3 for each of fiscal years 1996 and 1997 to carry out this  
4 Act.

5 **SEC. 206. EMPLOYMENT ELIGIBILITY VERIFICATION DEM-**  
6 **ONSTRATION PROJECT.**

7 The Attorney General shall continue to conduct the  
8 demonstration projects under section 274A of the Immi-  
9 gration and Nationality Act in order to establish if it is  
10 feasible to determine the employment eligibility of aliens  
11 authorized to work in the United States through the use  
12 of a telephone and computation capability that is available  
13 on the date of enactment of this Act. The Attorney Gen-  
14 eral shall submit a report to Congress on such projects  
15 by not later than October 1, 1995.

16 **TITLE III—RESTRICTIONS ON**  
17 **ALIEN ELIGIBILITY FOR WEL-**  
18 **FARE**

19 **SECTION 301. PROHIBITION OF DIRECT FEDERAL FINAN-**  
20 **CIAL BENEFITS AND UNEMPLOYMENT BENE-**  
21 **FITS TO ALIENS WHO ARE NOT LAWFUL PER-**  
22 **MANENT RESIDENTS.**

23 (a) IN GENERAL.—On and after the date of the en-  
24 actment of this Act, notwithstanding any other provision  
25 of law, no direct Federal financial benefit or social insur-  
26 ance benefit, including (but not limited to)—

1           (1) payments under the aid to families with de-  
2           pendent children program under part A of title IV  
3           of the Social Security Act,

4           (2) benefits under the supplemental security in-  
5           come program under title XVI of the Social Security  
6           Act,

7           (3) food stamps under the Food Stamp Act of  
8           1977, and

9           (4) financial assistance (as defined in section  
10          214(b) of the Housing and Community Development  
11          Act of 1980),

12 may be paid or otherwise given to any person who is not  
13 a citizen or national of the United States, an alien lawfully  
14 admitted for permanent residence, or an alien otherwise  
15 lawfully and permanently residing in the United States (as  
16 defined in subsection (e)), except pursuant to a provision  
17 of the Immigration and Nationality Act.

18          (b) UNEMPLOYMENT BENEFITS.—No alien who has  
19 not been granted employment authorization pursuant to  
20 Federal law shall be eligible for unemployment benefits.

21          (c) SOCIAL SECURITY BENEFITS.—

22           (1) IN GENERAL.—Subsection (a) shall not  
23           apply to benefits paid under the old age, survivors,  
24           and disability insurance program under title II of  
25           the Social Security Act.

1           (2) NO CREDIT FOR WAGES FOR UNAUTHOR-  
2           IZED EMPLOYMENT.—Notwithstanding any other  
3           provision of law, wages paid on or after the date of  
4           the enactment of this Act with respect to an alien’s  
5           employment which is not authorized under law shall  
6           not be taken into account in crediting quarters of  
7           coverage under title II of the Social Security Act.

8           (d) CONSTRUCTION.—This section shall not apply to  
9           the provision of foreign aid to aliens abroad.

10          (e) DEFINITION.—For purposes of this section, the  
11          term “alien otherwise lawfully and permanently residing  
12          in the United States” means any person who at the time  
13          the person applies for, receives, or attempts to receive a  
14          Federal financial benefit or social insurance benefit is an  
15          asylee, a refugee, or a parolee.

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