

103^D CONGRESS
2^D SESSION

H. R. 4934

To restore immigration to traditional levels by curtailing illegal immigration and imposing a ceiling on legal immigration.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 10, 1994

Mr. ARCHER introduced the following bill; which was referred jointly to the Committees on the Judiciary and Ways and Means

A BILL

To restore immigration to traditional levels by curtailing illegal immigration and imposing a ceiling on legal immigration.

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 Reduction
5 Act of 1994”.

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

7 The table of contents is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Effective date.

- Sec. 101. Immigration levels.
- Sec. 102. Refugee reform.
- Sec. 103. Asylum reform.
- Sec. 104. Temporary protected status repealed.
- Sec. 105. Parole authority.

TITLE II—BORDER CONTROL

- Sec. 201. Border patrol personnel.
- Sec. 202. Border crossing fees.

TITLE III—INTERIOR ENFORCEMENT

- Sec. 301. Investigative personnel.
- Sec. 302. Common-law searches restored.
- Sec. 303. Detention facilities.
- Sec. 304. Jurisdiction over immigration cases.
- Sec. 305. Aliens in deportation.
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- Sec. 307. Communications.
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TITLE IV—DOCUMENT REFORM

- Sec. 401. Secure work eligibility documents.
- Sec. 402. Electronic verification.
- Sec. 403. Uniform vital statistics.
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TITLE V—STATE AND LOCAL RESPONSIBILITIES

- Sec. 501. Local cooperation.
- Sec. 502. Notification of alien arrest.
- Sec. 503. Immigration-related communications.
- Sec. 504. Law enforcement assistance.

TITLE VI—PUBLIC BENEFITS ABUSE

- Sec. 601. Prohibition of benefits to certain aliens.
- Sec. 602. Exclusion of aliens likely to become public charges.
- Sec. 603. Financial responsibility of immigrant sponsors.
- Sec. 604. Means-tested benefits.

TITLE VII—STRENGTHENING CITIZENSHIP

- Sec. 701. Constitutional citizenship.
- Sec. 702. Constitutional voting privilege.
- Sec. 703. Naturalization.
- Sec. 704. Legal actions by State and local governments.

TITLE VIII—IMMIGRATION AND NATURALIZATION SERVICE

- Sec. 801. Establishment of independent agency.
- Sec. 802. Conforming amendments.

1 **SEC. 3. EFFECTIVE DATE.**

2 Except where otherwise specifically provided, the pro-
3 visions of this Act are effective October 1, 1994.

4 **TITLE I—IMMIGRANTS AND**
5 **REFUGEES**

6 **SEC. 101. IMMIGRATION LEVELS.**

7 (a) Section 201 of the Immigration and Nationality
8 Act (8 U.S.C. 1151) is amended by—

9 (1) inserting “backlogged” before “family-spon-
10 sored immigrants” and inserting “and” after “fiscal
11 year;” in subsection (a)(1);

12 (2) striking “employment-based” in subsection
13 (a)(2) and inserting “priority-worker”;

14 (3) striking “year; and” in subsection (a)(2)
15 and inserting “year.”;

16 (4) striking subsection (a)(3);

17 (5) amending subsection (c) to read as follows:

18 “(c) WORLDWIDE LEVEL OF BACKLOGGED FAMILY-
19 SPONSORED IMMIGRANTS.—The worldwide level of back-
20 logged family-sponsored immigrants under this subsection
21 for a fiscal year is equal to—

22 “(1) 320,000, minus

23 “(2) the sum of—

24 “(A) the number of immediate relatives de-
25 scribed in section 201(b)(2) and priority work-
26 ers described in section 203(b) who were issued

1 immigrant visas or who otherwise acquired the
2 status of aliens lawfully admitted to the United
3 States for permanent residence in the previous
4 fiscal year, and

5 “(B) the number of refugees admitted
6 under section 207 in the preceding fiscal year.”;

7 (6) amending subsection (d) to read as follows:

8 “(d) The worldwide level of priority-worker immi-
9 grants under this subsection for a fiscal year is 25,000.”;
10 and

11 (7) striking subsection (e).

12 (b) Section 203 of the Immigration and Nationality
13 Act (8 U.S.C. 1153) is amended by—

14 (1) inserting “BACKLOGGED” before “FAMILY-
15 SPONSORED” and “backlogged” before “family-spon-
16 sored” in subsection (a);

17 (2) striking “23,400” in subsection (a)(1) and
18 inserting “10 percent of such worldwide level”;

19 (3) striking “114,200, plus the number (if any)
20 by which such worldwide level exceeds 226,000” in
21 subsection (a)(2) and inserting “51 percent of such
22 worldwide level”;

23 (4) striking “23,400” in subsection (a)(3) and
24 inserting “10 percent of such worldwide level”;

1 (5) striking “65,000” in subsection (a)(4) and
2 inserting “29 percent of such worldwide level”;

3 (6) amending subsection (b) to read as follows:

4 “(b) ALLOCATION FOR PRIORITY-WORKER IMMI-
5 GRANTS.—Visas shall be made available in a number not
6 to exceed the worldwide level of priority-worker immi-
7 grants to qualified immigrants who are aliens described
8 in any of the following paragraphs (1) through (4):

9 “(1) ALIENS WITH EXTRAORDINARY ABILITY.—

10 An alien is described in this paragraph if—

11 “(A) the alien has extraordinary ability in
12 the sciences, arts, education, business, or ath-
13 letics which has been demonstrated by sus-
14 tained national or international acclaim and
15 whose achievements have been recognized in the
16 field through extensive documentation,

17 “(B) the alien seeks to enter the United
18 States to continue work in the area of extraor-
19 dinary ability, and

20 “(C) the alien’s entry into the United
21 States will substantially benefit prospectively
22 the United States.

23 “(2) OUTSTANDING PROFESSORS AND RE-
24 SEARCHERS.—An alien is described in this para-
25 graph if—

1 “(A) the alien is recognized internationally
2 as outstanding in a specific academic area,

3 “(B) the alien has at least 3 years of expe-
4 rience in teaching or research in the academic
5 area, and

6 “(C) the alien seeks to enter the United
7 States—

8 “(i) for a tenured position (or tenure-
9 track position) within a university or insti-
10 tution of higher education to teach in the
11 academic area,

12 “(ii) for a comparable position with a
13 university or institution of higher edu-
14 cation to conduct research in the area, or

15 “(iii) for a comparable position to
16 conduct research in the area with a depart-
17 ment, division, or institute of a private em-
18 ployer, if the department, division, or insti-
19 tute employs at least 3 persons full-time in
20 research activities and has achieved docu-
21 mented accomplishments in an academic
22 field.

23 “(3) CERTAIN MULTINATIONAL EXECUTIVES
24 AND MANAGERS.—An alien is described in this para-
25 graph if the alien, in the 3 years preceding the time

1 of the alien's application for classification and ad-
2 mission into the United States under this paragraph,
3 has been employed for at least 1 year by a firm or
4 corporation or other legal entity or an affiliate or
5 subsidiary thereof and the alien seeks to enter the
6 United States in order to continue to render services
7 to the same employer or to a subsidiary or affiliate
8 thereof in a capacity that is managerial or executive.

9 “(4) EMPLOYER-SPONSORED WORKERS WITH
10 ADVANCED DEGREES OR EXCEPTIONAL ABILITY.—

11 An alien is described in this paragraph if—

12 “(A) the alien holds an advanced degree or
13 possesses exceptional ability,

14 “(B) the alien's services in the sciences,
15 the arts, a profession, or a business are sought
16 by an employer in the United States, and

17 “(C) such services will substantially benefit
18 prospectively the national economy.”;

19 (7) amending subsection (c) to read as follows:

20 “(c) DISTRIBUTION OF VISAS.—Visas shall be made
21 available to priority-worker immigrants in the order in
22 which a petition on behalf of each such immigrant is filed
23 with the Attorney General, and waiting lists of applicants
24 for visas shall be maintained in accordance with regula-
25 tions prescribed by the Secretary of State.”;

1 (8) striking “(a), (b), or (c)” in subsections (d),
2 (f), and (g) and inserting “(a) or (b)”; and

3 (9) amending subsection (e) to read as follows:

4 “(e) VISA CUT-OFF FOR FAMILY SPONSORED IMMI-
5 GRANTS.—No visas shall be allotted to any alien subject
6 to the worldwide level for backlogged family immigrants
7 unless a petition on that alien’s behalf for classification
8 by reason of a relation described in any paragraph of sub-
9 section (a) was approved prior to October 1, 1994.”.

10 (c) Section 204 of the Immigration and Nationality
11 Act (8 U.S.C. 1154) is amended—

12 (1) in subsection (a)(1)(A) by striking “the
13 classification by reason of a relationship described in
14 paragraph (1), (3), or (4) of section 203(a) or”;

15 (2) by striking subparagraphs (B), (C), (D),
16 (E), (F), and (G) in subsection (a)(1) and inserting:

17 “(B) any alien desiring to be classified
18 under section 203(b)(1), or any person on be-
19 half of such an alien, may file a petition with
20 the Attorney General for such classification,
21 and

22 “(C) any employer desiring and intending
23 to employ within the United States an alien en-
24 titled to classification under section 203(b)(2),

1 203(b)(3), or 203(b)(4) may file a petition with
2 the Attorney General for such classification.”;

3 (3) striking “203(b)(2) or 203(b)(3)” in sub-
4 section (b) and inserting “203(b)(4)”;

5 (4) striking in subsection (e) “subsection (a),
6 (b), or (c) of”;

7 (5) striking in subsection (f)(1) “, 203(a)(1), or
8 203(a)(3), as appropriate”; and

9 (6) adding after subsection (g) the following:

10 “(h) Notwithstanding any other provision of this sec-
11 tion, the Attorney General shall not approve after Septem-
12 ber 30, 1994, any petitions for classification by reason of
13 a relationship described in any paragraph of section
14 203(a).”.

15 **SEC. 102. REFUGEE REFORM.**

16 Section 207 of the Immigration and Nationality Act
17 (8 U.S.C. 1157) is amended by—

18 (1) striking subsection (a) and inserting:

19 “(a) Except as provided in subsection (b), the number
20 of refugees who may be admitted under this section in any
21 fiscal year may not exceed 50,000. Admissions under this
22 subsection shall be allocated by the President among refu-
23 gees of special humanitarian concern to the United
24 States.”,

25 (2) adding after subsection (e) the following:

1 “(f) No person shall receive any preference or priority
2 or be discriminated against in the determination of refu-
3 gee status or in the admission of refugees because of the
4 person’s race, sex, religion, or nationality.”; and

5 (3) Notwithstanding the limitation under sec-
6 tion 207(a) of the Immigration and Nationality Act,
7 such limitation shall not apply to refugee admissions
8 under Public Law 89–732.

9 **SEC. 103. ASYLUM REFORM.**

10 (a) Section 208 of the Immigration and Nationality
11 Act (8 U.S.C. 1158) is amended by—

12 (1) striking “irrespective of such alien’s sta-
13 tus,” from subsection (a) and inserting “who is not
14 excludable or deportable”;

15 (2) striking “is a refugee within the meaning of
16 section 101(a)(42)(A)” and inserting “departed the
17 country of his nationality or the country in which he
18 last habitually resided and is unable or unwilling to
19 return because it is more likely than not that his life
20 or freedom will be threatened in that country based
21 upon his race, religion, nationality, or political opin-
22 ion”; and

23 (3) adding after subsection (d) the following:

24 “(e) No person shall receive any preference or prior-
25 ity or be discriminated against in the granting or termi-

1 nation of asylum because of the person's race, sex, reli-
2 gion, or nationality.''.

3 (b) Section 243(h) of the Immigration and National-
4 ity Act (8 U.S.C. 1253(h)) is amended by adding at the
5 end the following new paragraph:

6 “(3) Paragraph (1) shall not apply to any pro-
7 ceeding that did not commence with the alien's vol-
8 untary presentment of himself for inspection, exclu-
9 sion, or deportation unless the threat to such alien's
10 life or freedom arose subsequent to the commence-
11 ment of such proceeding.'’.

12 **SEC. 104. REPEAL OF TEMPORARY PROTECTED STATUS.**

13 (a) Section 244A of the Immigration and Nationality
14 Act (8 U.S.C. 1254a) is repealed.

15 (b) An alien in the United States under temporary
16 protected status on the date of enactment of this Act may
17 continue such status until the earlier of—

18 (1) the date on which such status is withdrawn
19 or terminated by the Attorney General, or

20 (2) the date which is 180 days after the date
21 of the enactment of this Act.

22 (c) Section 244 of the Immigration and Nationality
23 Act (8 U.S.C. 1254) is amended by adding at the end the
24 following new subsection:

1 “(g) Except as specifically provided in this Act, the
2 Attorney General may not authorize any alien who is ex-
3 cludable or deportable to remain in the United States or
4 to engage in employment in the United States.”.

5 **SEC. 105. PAROLE AUTHORITY.**

6 Section 212(d)(5) of the Immigration and Nationality
7 Act (8 U.S.C. 1182) is amended by adding at the end the
8 following:

9 “(C) The Attorney General may not parole
10 groups or classes of aliens into the United
11 States. No alien shall be paroled into the Unit-
12 ed States except on the basis of the alien’s indi-
13 vidual circumstances.

14 “(D) An alien who is paroled into the
15 United States may not be authorized to work in
16 the United States during the period of the
17 alien’s parole.

18 “(E) The Attorney General shall maintain
19 a record of parolees. The number of aliens pa-
20 roled into the United States by the Attorney
21 General, excluding those released temporarily
22 from custody while active proceedings are pend-
23 ing against them under this Act, shall not at
24 any time exceed 5,000.”.

1 **TITLE II—BORDER CONTROL**

2 **SEC. 201. BORDER PATROL PERSONNEL.**

3 (a) The number of full-time officer positions in the
4 border patrol of the Immigration and Naturalization Serv-
5 ice shall be increased to 5,900 in fiscal year 1995, 6,900
6 in fiscal year 1996, 7,900 in fiscal year 1997, 8,900 in
7 fiscal year 1998, and 9,900 in fiscal year 1999.

8 (b) There is authorized to be appropriated for each
9 of the fiscal years 1995, 1996, 1997, 1998, and 1999 such
10 amounts as may be necessary to provide for the increase
11 in positions provided by subsection (a) and for such sup-
12 port personnel as are necessary.

13 **SEC. 202. BORDER CROSSING FEES.**

14 Section 286 of the Immigration and Nationality Act
15 (8 U.S.C. 1356) is amended by adding at the end the fol-
16 lowing new subsection:

17 “(s) LAND BORDER AND PORT OF ENTRY USER FEE
18 ACCOUNT.—

19 “(1) The Attorney General, after consultation
20 with the Secretary of State, shall impose at the time
21 of a person’s entry into the United States by land
22 or by sea a fee of \$1 for the person’s use of border
23 or port facilities and services of the Immigration and
24 Naturalization Service.

25 “(2) The Attorney General may—

1 “(A) adjust the border crossing user fee
2 periodically to compensate for inflation and
3 other escalation in the cost of carrying out the
4 purposes of this Act; and

5 “(B) develop and implement special dis-
6 counted fee programs for frequent border cross-
7 ers including, but not limited to, commuter cou-
8 pon books or passes.

9 “(3) The fees collected under paragraph (1)
10 shall be deposited as offsetting receipts into a sepa-
11 rate account entitled the ‘Border Crossing Fee Ac-
12 count’ in the Treasury of the United States. In each
13 calendar quarter the Secretary of the Treasury shall
14 refund out of the Border Crossing Fee Account to
15 any appropriation the amount paid out of such ap-
16 propriation during the preceding calendar quarter
17 for expenses incurred by the Attorney General on
18 (1) measures, personnel, structures, and devices to
19 deter and prevent illegal entry of persons and con-
20 traband into the United States by land or by sea,
21 and to return excludable aliens and (2) construction,
22 maintenance, and operation of facilities to expedite
23 lawful border traffic.”.

TITLE III—INTERIOR ENFORCEMENT

SEC. 301. INVESTIGATIVE PERSONNEL.

(a) The number of full-time investigator positions in the Immigration and Naturalization Service shall be increased above the number of such positions authorized as of October 31, 1994 by 500 in fiscal year 1995, by 1,000 in fiscal year 1996, by 1,500 in fiscal year 1997, by 2,000 in fiscal year 1998, and by 2,500 in fiscal year 1999.

(b) There is authorized to be appropriated for each of the fiscal years 1995, 1996, 1997, 1998, and 1999 such amounts as may be necessary to provide for the increase in positions provided by subsection (a) and for such support personnel as are necessary.

SEC. 302. COMMON-LAW SEARCHES RESTORED.

Section 287 of the Immigration and Nationality Act is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

SEC. 303. DETENTION FACILITIES.

Not later than January 1, 1995, the Secretary of Defense shall provide to the Attorney General a list of all military bases and installations within the United States which contain facilities that are (1) suitable for the detention of aliens by the Attorney General and (2) are closed, are scheduled to be closed, or otherwise are not being uti-

1 lized for defense-related purposes and shall notify the At-
2 torney General of any subsequent deletions from or addi-
3 tions to such list. Upon the request of the Attorney Gen-
4 eral, the Secretary of Defense shall make available to the
5 Attorney General such facilities as the Attorney General
6 shall identify from the list as needed for the detention of
7 aliens and shall render to the Attorney General such as-
8 sistance as the Attorney General may require to take pos-
9 session of and operate such facilities.

10 **SEC. 304. JURISDICTION OVER IMMIGRATION CASES.**

11 Section 1295(a) of title 28, United States Code is
12 amended—

13 (1) by striking “and” at the end of paragraph
14 (13);

15 (2) by striking the period at the end of para-
16 graph (14) and inserting “; and”; and

17 (3) by inserting after paragraph (14) the fol-
18 lowing:

19 “(15) of an appeal from a final decision of a
20 district court of the United States of any case aris-
21 ing under the Immigration and Nationality Act.”.

22 **SEC. 305. ALIENS IN DEPORTATION.**

23 (a) PENALTY FOR UNLAWFUL PRESENCE.—The Im-
24 migration and Nationality Act is amended by adding after
25 section 276 the following new section:

1 “SEC. 276A. An alien whose presence in the United
2 States is in violation of any provision of this Act when
3 proceedings to deport the alien commence shall be subject
4 to a civil penalty when a final order of deportation is made
5 against the alien. The amount of the penalty shall be the
6 greater of (1) the actual cost of deporting the alien, or
7 (2) the estimate by the Commissioner of the average cost
8 of deporting an alien that was last published in the Fed-
9 eral Register prior to the making of the final order of de-
10 portation. During each fiscal year the Commissioner shall
11 cause to be published in the Federal Register an estimate
12 of the average cost of deporting an alien during the pre-
13 ceding fiscal year. For purposes of this section, the cost
14 of deporting an alien includes all direct and indirect costs
15 of detection, apprehension, detention, processing, and
16 transportation.”.

17 (b) SEIZURE OF CERTAIN PROPERTY.—The Immi-
18 gration and Nationality Act is amended by adding after
19 section 242B:

20 “SEC. 242C. (a) If the Attorney General determines
21 that an alien, found to be deportable, has at any time en-
22 gaged in unauthorized employment or in any commercial
23 enterprise during any period of unlawful presence in the
24 United States or has received any Federal financial benefit
25 to which such alien was not entitled, then all property real

1 or personal, of the alien in the United States, wherever
2 situated, shall be seized and subject to forfeiture, except
3 that, in cases where such seizure and forfeiture would re-
4 sult in severe financial hardship of the alien or of any
5 United States citizen or permanent resident alien that is
6 the spouse, minor child, or parent of the alien, the Attor-
7 ney General, the sole discretion of the Attorney General,
8 may exempt from seizure and forfeiture an amount of
9 property not exceeding \$10,000.

10 “(b) Any property subject to seizure under this sec-
11 tion may be seized without warrant if circumstances exist
12 where a warrant is not constitutionally required.

13 “(c) All provisions of law relating to the seizure, sum-
14 mary and judicial forfeiture, and condemnation of prop-
15 erty for the violation of the customs laws; the disposition
16 of such property or the proceeds from the sale thereof;
17 the remission or mitigation of such forfeitures; and the
18 compromise of claims and the award of compensation to
19 informers in respect of such forfeitures shall apply to sei-
20 zures and forfeitures incurred, or alleged to have been in-
21 curred, under the provisions of this section, insofar as ap-
22 plicable and not inconsistent with the provisions hereof,
23 except that duties imposed on customs officers or other
24 persons regarding the seizure and forfeiture of property
25 under the customs laws shall be performed with respect

1 to seizures and forfeitures carried out under the provisions
2 of this section by such officers or persons authorized for
3 that purpose by the Attorney General.

4 “(d) Whenever property is forfeited under this sec-
5 tion, the Attorney General may—

6 “(1) retain the property for official use;

7 “(2) sell the property, in which case the pro-
8 ceeds from any such sale shall be used to pay all
9 proper expenses of the proceedings for forfeiture and
10 sale including expenses of seizure, maintenance of
11 custody, advertising, and courts costs; and

12 “(3) deposit any moneys or proceeds from the
13 sale of seized property not used to pay expenses in
14 accordance with paragraph (2) to the Penalties and
15 Confiscation Account.

16 “(e) In all suits or actions brought for the forfeiture
17 of any property of an alien seized under this section, where
18 an interest in such property is claimed by any person other
19 than such alien, the burden of proof shall lie upon such
20 claimant, except that probable cause shall be first shown
21 for the institution of such suit or action.”.

22 **SEC. 306. IMMIGRATION PENALTIES AND CONFISCATIONS.**

23 Section 286 of the Immigration and Nationality Act
24 (8 U.S.C. 1356) is amended—

1 (1) in subsection (b)(1) by striking subpara-
2 graph “(A)” and in subparagraph (B) by striking
3 subparagraph “(B)”.

4 (2) by amending subsection (r) to read as fol-
5 lows:

6 “(r) PENALTIES AND CONFISCATIONS ACCOUNT.—

7 “(1) Notwithstanding any other provision of
8 law, all breached cash and surety bonds that are
9 posted under this chapter and are recovered, all civil
10 fines or penalties collected pursuant to this Act, and
11 all money confiscated, and all proceeds from the sale
12 of property confiscated, pursuant to this Act, shall
13 be deposited as offsetting receipts into a separate ac-
14 count entitled “Penalties and Confiscations Ac-
15 count” in the Treasury of the United States.

16 “(2) Each calendar quarter the Secretary of the
17 Treasury shall refund out of the Penalties and
18 Confiscations Account to any appropriation the
19 amount paid out of such appropriation during the
20 preceding calendar quarter for expenses incurred by
21 the Attorney General in the detection, apprehension,
22 detention, and deportation of aliens who are unlaw-
23 fully present in the United States.”.

1 **SEC. 307. COMMUNICATIONS.**

2 Notwithstanding any other provision of law, no agen-
3 cy, officer, or employee of the United States shall be pro-
4 hibited or in any way restricted from communicating with
5 the Immigration and Naturalization Service regarding the
6 immigration status of an alien.

7 **SEC. 308. VOLUNTARY DEPARTURE.**

8 Section 244 of the Immigration and Nationality Act
9 (8 U.S.C. 1254) is amended—

10 (1) in subsection (e) by adding at the end the
11 following:

12 “(3) When granting permission to depart volun-
13 tarily under the authority contained in paragraph
14 (1), the Attorney General shall inform the alien of
15 the date and year, not more than 6 months from the
16 date on which such permission is communicated, by
17 which such departure must be accomplished. No
18 postponement of the initially prescribed departure
19 date may be granted”;

20 (2) in subsection (f) striking “; or” at the end
21 of paragraph (2) and inserting a semicolon

22 (3) in paragraph (3) by striking the period at
23 the end and inserting “; or”; and

24 (4) by adding after paragraph (3) the following:

25 “(4) was permitted by the Attorney General to
26 depart voluntarily under subsection (e)(1) and did

1 not depart by the date prescribed in accordance with
2 subsection (e)(3).”.

3 **TITLE IV—DOCUMENT REFORM**

4 **SEC. 401. SECURE WORK ELIGIBILITY DOCUMENTS.**

5 (a) EXAMINATION OF DOCUMENTS.—Effective Janu-
6 ary 1, 1996, section 274A of the Immigration and Nation-
7 ality Act (8 U.S.C. 1324a) is amended by striking sub-
8 paragraphs (A) through (D) of subsection (b)(1) and in-
9 serting the following:

10 “(A) IN GENERAL.—The person or entity
11 must attest, under penalty of perjury and on a
12 form designated or established by the Attorney
13 General by regulation, that it has verified that
14 the individual is not an unauthorized alien by—

15 “(i) examining the document de-
16 scribed in subparagraph (B) in the case of
17 an individual claiming to be a United
18 States citizen or United States national;

19 “(ii) examining the document de-
20 scribed in subparagraph (C) in the case of
21 an individual not claiming to be a United
22 States citizen or a United States national;
23 and

24 “(iii) reporting the individual’s Social
25 Security account number to the Social Se-

1 security Administration through the elec-
2 tronic verification system established pur-
3 suant to section 402 of the Immigration
4 Reduction Act of 1994.

5 “(B) DOCUMENTS OF CITIZENS AND NA-
6 TIONALS.—The document described in this
7 paragraph is an individual’s Social Security ac-
8 count number card issued pursuant to section
9 401(c) of the Immigration Reduction Act of
10 1994.

11 “(C) DOCUMENTS OF ALIENS.—The docu-
12 ment described in this paragraph is an alien’s
13 identification card issued by the Immigration
14 and Naturalization Service pursuant to section
15 401(b) of the Immigration Reduction Act of
16 1994.”.

17 (b) IMPROVEMENT OF ALIEN IDENTITY CARDS.—

18 (1) PERMANENT RESIDENT ALIENS.—The At-
19 torney General shall cause to be issued to every alien
20 acquiring lawful permanent residence in the United
21 States after June 30, 1995, and, upon application,
22 to any alien who acquired lawful permanent resi-
23 dence before July 1, 1995, an alien identification
24 card that shall—

25 (A) be uniform in appearance,

1 (B) be as tamper-proof and counterfeit-re-
2 sistant as practicable,

3 (C) contain a photograph and fingerprint,

4 (D) display the name, sex, date of birth,
5 place of birth, and such other identifying infor-
6 mation as the Attorney General shall determine,
7 and

8 (E) incorporate a machine-readable encod-
9 ing of the information displayed on the card
10 and such other information as may serve to pre-
11 vent counterfeiting or other misuse of the card.

12 (2) OTHER ALIENS.—The Attorney General
13 shall cause to be issued to every alien who becomes
14 authorized to work in the United States after June
15 30, 1995, other than by reason of lawful admission
16 for permanent residence, and shall cause to be is-
17 sued, upon application, to any other alien who is au-
18 thorized to work in the United States other than by
19 reason of lawful admission for permanent residence
20 an alien identification card that shall—

21 (A) be uniform in appearance,

22 (B) be as tamper-proof and counterfeit-re-
23 sistant as practicable,

24 (C) contain a photograph and fingerprint,

1 (D) display the alien's name, sex, date of
2 birth, place of birth, and such other identifying
3 information as the Attorney General shall de-
4 termine,

5 (E) show an expiration date that shall be
6 determined in accordance with regulations is-
7 sued by the Attorney General, but shall not in
8 any case be later than 3 calendar years after
9 the date of issuance, and

10 (F) incorporate a machine-readable encod-
11 ing of the information displayed on the card
12 and such other information as may serve to pre-
13 vent counterfeiting or other misuse of the card.

14 (c) IMPROVEMENT OF SOCIAL SECURITY CARDS.—

15 (1) ISSUANCE OF ENHANCED CARD FOR CITI-
16 ZENS.—The Secretary shall cause to be issued en-
17 hanced Social Security account number cards to
18 United States citizens and United States nationals
19 who are 16 years of age or older upon application,
20 proof of identity, proof of citizenship or nationality,
21 and payment of a reasonable fee.

22 (2) ISSUANCE OF ENHANCED CARD FOR
23 ALIENS.—The Secretary shall cause to be issued en-
24 hanced Social Security account number cards to
25 aliens lawfully admitted for permanent residence or

1 who are otherwise authorized to work in the United
2 States and who are 16 years of age or older upon
3 application, proof of identity, verification of status
4 by the Immigration and Naturalization Service, and
5 payment of a reasonable fee.

6 (3) REQUIREMENTS OF NEW CARDS.—

7 (A) The cards issued pursuant to para-
8 graphs (1) and (2) shall—

9 (i) be uniform in appearance,

10 (ii) be as tamper-proof and counter-
11 feit-resistant as is practicable,

12 (iii) contain a photograph and such
13 other identifying information that is spe-
14 cific to each person as the Secretary shall
15 determine,

16 (iv) contain the name, sex, date of
17 birth, citizenship status, and Social Secu-
18 rity account number of the issuee, and

19 (v) incorporate a machine-readable en-
20 coding of the information contained in the
21 card.

22 (B) The cards issued pursuant to para-
23 graph (2) to aliens who are not permanent resi-
24 dent aliens shall indicate whether the work au-

1 thorization granted to the alien has an expira-
2 tion date.

3 (4) SECRETARY DEFINED.—For purposes of
4 this subsection, the Secretary means the Secretary
5 of Health and Human Services.

6 (d) REASONABLE FEE.—The amount of the fee that
7 is to be charged under subsections (b) and (c) shall be
8 the amount, not exceeding \$50, required to cover the costs
9 of issuing the card (rounded to the nearest whole dollar).

10 (e) NO OTHER CARDS.—No Social Security account
11 number card or alien identification card shall be issued
12 after June 30, 1995, whether as an original card or as
13 a replacement, that does not satisfy the requirements of
14 this section.

15 (f) DEFINITIONS.—For purposes of this section—

16 (1) “place of birth” means, for an individual—

17 (A) born in a State, the 2-letter symbol
18 used by the United States Postal Service to
19 identify that State, or

20 (B) not born in a State, such 2-letter sym-
21 bol as the Secretary shall determine by regula-
22 tions;

23 (2) “State” means one of the United States,
24 the District of Columbia, Puerto Rico, the United
25 States Virgin Islands, or Guam.

1 **SEC. 402. ELECTRONIC VERIFICATION.**

2 (a) SOCIAL SECURITY DATABASE.—By September
3 30, 1995, the Secretary of Health and Human Services
4 shall make such modifications to the Social Security ac-
5 count number data base (NUMIDENT) as are practicable
6 and as enable confirmation through the electronic verifica-
7 tion system described in subsection (d) that a Social Secu-
8 rity account number has been issued to an individual iden-
9 tified by last name, sex, year of birth, and place of birth
10 and that such individual is not known to the Secretary
11 of Health and Human Services to be an alien not author-
12 ized to work in the United States. At a minimum the data
13 base shall be modified to enable confirmation that a Social
14 Security account number is not assigned to an individual
15 authorized to work in the United States because the num-
16 ber—

17 (1) has not been issued,

18 (2) was issued to an individual known by the
19 Secretary of Health and Human Services as not au-
20 thorized to work,

21 (3) was issued to a person that is deceased and
22 has not been reissued, or

23 (4) was issued to an alien that any data base
24 of the Immigration and Naturalization Service shows
25 is not authorized to work in the United States.

1 The Attorney General shall provide such assistance as the
2 Secretary of Health and Human Services may require to
3 merge or otherwise make use of any data base of the Im-
4 migration and Naturalization Service for the purposes of
5 this section.

6 (b) EXCHANGE OF INFORMATION.—The Attorney
7 General shall notify the Secretary of Health and Human
8 Services of the expiration of an alien's authorization to
9 work in the United States not later than 14 calendar days
10 after the date of expiration. The Secretary of Health and
11 Human Services shall furnish the Attorney General with
12 a list of any aliens for whom confirmation of work eligi-
13 bility has been requested not later than 5 calendar days
14 after such request. Such list shall include the telephone
15 number from which the request was made and the em-
16 ployer identification number of the requester.

17 (c) ADULT APPLICANTS.—The Secretary of Health
18 and Human Services shall furnish to the Attorney General
19 a copy of any application (including supporting docu-
20 mentation) for a Social Security account number by an
21 alien or by an individual over 16 years of age who claims
22 to be a United States citizen or national and shall not
23 issue a number before the earlier of the following dates—

24 (1) the date on which the Attorney General con-
25 firms in writing that his records do not show that

1 the applicant is an alien not authorized to work in
2 the United States, or

3 (2) 60 days after a copy of the application and
4 supporting documentation has been delivered to the
5 Attorney General.

6 (d) ELECTRONIC VERIFICATION SYSTEM.—Before
7 January 1, 1996, the Secretary of Health and Human
8 Services shall test and place in operation a system whereby
9 an employer can report by touch-tone telephone or point-
10 of-service device his employer identification number and
11 the Social Security account number, last name, sex, year
12 of birth, and place of birth of any individual who is to
13 be employed and can receive immediate confirmation that
14 the number was issued to the individual having that iden-
15 tity and that such person is not identified within the Social
16 Security account number data base as an individual who
17 is not a United States citizen, a United States national,
18 or an alien authorized to work in the United States. The
19 charge for each call will be sufficient to cover the costs
20 of operating the system, except that it shall not exceed
21 \$2.00 plus any line charges payable to the telephone car-
22 rier. The system shall provide for access to a live operator
23 if an entry is not accepted or confirmed, shall provide a
24 verification code to the caller, shall create and maintain
25 a record of each inquiry (including the telephone number

1 of the requester) and its verification code for not less than
2 2 years, and shall accommodate devices that read the en-
3 coding incorporated by a card issued under section 401(b)
4 or 401(c).

5 (e) ABUSE OF SYSTEM.—The use of the telephone
6 verification system established by subsection (d) by a per-
7 son other than—

8 (1) an employer acting pursuant to section
9 274A(b)(1) of the Immigration and Nationality Act,
10 or

11 (2) an officer or employee of an agency of the
12 United States or of any State acting in the perform-
13 ance of official duties, shall be punishable by a fine
14 of not more than \$1,000 per occurrence.

15 **SEC. 403. UNIFORM VITAL STATISTICS.**

16 The Secretary of Health and Human Services shall
17 consult with the State agencies responsible for registration
18 and certification of births and deaths and, within 2 years
19 of the date of enactment of this Act, shall establish a na-
20 tional electronic network linking the vital statistics records
21 of such States. The network shall provide, where practical,
22 for the matching of deaths with births and shall enable
23 the confirmation of births and deaths of citizens of the
24 United States, or of aliens within the United States, by
25 any Federal or State agency or official in the performance

1 of official duties. The Secretary shall institute measures
2 to achieve uniform and accurate reporting of vital statis-
3 tics into the national network, to protect the integrity of
4 the registration and certification process, and to prevent
5 fraud against the Government and other persons through
6 the use of false birth or death certificates.

7 **SEC. 404. EMPLOYMENT AUTHORIZATION.**

8 Section 274A of the Immigration and Nationality Act
9 (8 U.S.C. 1324a) is amended—

10 (1) in subsection (h)(3), by striking “or by the
11 Attorney General”; and

12 (2) by adding the following sentence at the end
13 of subsection (h)(3): “The Attorney General shall
14 not authorize any alien who has not lawfully immi-
15 grated to the United States to be employed in the
16 United States or to carry on any trade or business
17 within the United States unless (A) the alien has a
18 lawfully obtained visa for a nonimmigrant status
19 that explicitly contemplates such performance of
20 services or such carrying on of a trade or business
21 within the United States, or (B) such authorization
22 is explicitly permitted by this Act.”.

1 **TITLE V—STATE AND LOCAL**
2 **RESPONSIBILITIES**

3 **SEC. 501. LOCAL COOPERATION.**

4 If the Attorney General certifies that any State or
5 local government or agency, or any elected or appointed
6 officer or employee thereof in the exercise of the individ-
7 ual's official duties, has announced or practiced a policy
8 of refusing to cooperate with Federal immigration authori-
9 ties with respect to the identification, location, arrest,
10 prosecution, detention, or deportation of an alien or aliens
11 who are not lawfully present in the United States or a
12 policy of disregarding any Federal law or regulation relat-
13 ing to the denial of benefits to any class of aliens, then,
14 from the date that such certification is published in the
15 Federal Register until the date that the Attorney General
16 certifies that the policy has been retracted, that State or
17 local government or agency will not be eligible for any
18 Federal funds or assistance relating to law enforcement,
19 education, public health, transportation, or public works.

20 **SEC. 502. NOTIFICATION OF ALIEN ARREST.**

21 Whenever a law enforcement agency of any State or
22 subdivision thereof that receives Federal funds arrests an
23 alien for the commission of a crime, that agency shall
24 promptly provide notice of the alien's identity and the cir-
25 cumstances of his arrest to the District Director of the

1 Immigration and Naturalization Service for the district in
2 which the alien is being held or, if the alien is not being
3 held, for the district in which the alien was arrested.

4 **SEC. 503. IMMIGRATION-RELATED COMMUNICATIONS.**

5 (a) FREEDOM OF COMMUNICATION.—Notwithstand-
6 ing any other provision of law, no State or local govern-
7 ment or agency or employee thereof shall be prohibited
8 or prevented in any way from communicating with the Im-
9 migration and Naturalization Service regarding the immi-
10 gration status of an alien.

11 (b) CONFIDENTIALITY OF COMMUNICATIONS.—

12 (1) Any officer or employee of the United
13 States, who by virtue of his employment or official
14 position receives or learns of a communication de-
15 scribed in subsection (a), is prohibited from disclos-
16 ing to any person who is not an employee or officer
17 of the United States information about an individual
18 that was included in such communication other than
19 pursuant to the administration and enforcement of
20 the (A) Immigration and Nationality Act and other
21 laws of the United States regulating the admission,
22 presence, and departure of aliens, and (B) any
23 criminal law of the United States or of the several
24 States.

1 (2) Any officer or employee of the United
2 States who knowingly makes a disclosure prohibited
3 by this subsection shall be guilty of a misdemeanor
4 and fined not more than \$1,000 per disclosure.

5 **SEC. 504. LAW ENFORCEMENT ASSISTANCE.**

6 (a) Section 3041 of title 18, United States Code, is
7 amended by adding after the first comma in the first sen-
8 tence “including entry into, or presence within, the United
9 States in violation of any United States law regulating im-
10 migration,”.

11 (b) Section 103 of the Immigration and Nationality
12 Act (8 U.S.C. 1103) is amended by adding at the end the
13 following new subsection:

14 “(e)(1) The Attorney General may deputize any law
15 enforcement officer of any State or of any political subdivi-
16 sion of any State to seek, apprehend, detain, and commit
17 to the custody of an officer of the Department of Justice
18 aliens who have violated or are reasonably suspected to
19 have violated the provisions of this Act and to conduct
20 investigations with respect to any such violations or sus-
21 pected violations, if—

22 “(1) actions pursuant to such deputization are
23 subject to the direction and supervision of an officer
24 of the Department of Justice;

1 “(2) the duration of any such deputization is
 2 not more than 2 years, subject to extensions or re-
 3 newals at the discretion of the Attorney General
 4 which shall not exceed 2 years;

5 “(3) any deputization, its duration, an identi-
 6 fication of the supervising officer of the Department
 7 of Justice, and the specific powers, privileges, and
 8 duties to be performed or exercised are set forth in
 9 writing; and

10 “(4) the Governor of the State, or the chief
 11 elected or appointed official of a political subdivision
 12 (as may be appropriate) consents to the deputiza-
 13 tion.

14 “(2) No deputization under this subsection shall enti-
 15 tle any State, political subdivision, or individual to any
 16 compensation or reimbursement from the United States,
 17 except where the amount thereof and the entitlement
 18 thereto are set forth in the written deputization or where
 19 otherwise explicitly provided by law.”.

20 **TITLE VI—PUBLIC BENEFITS** 21 **ABUSE**

22 **SEC. 601. PROHIBITION OF BENEFITS TO CERTAIN ALIENS.**

23 (a) FEDERAL BENEFITS.—Notwithstanding any
 24 other provision of law, no direct Federal financial benefit
 25 or social insurance benefit may be provided to any alien.

1 (b) EXCEPTIONS.—The prohibition of subsection (a)
2 shall not apply to—

3 (1) medical treatment of children;

4 (2) medical treatment of adults for conditions
5 that, if not treated promptly, would endanger the
6 alien’s life, leave the alien in severe pain, result in
7 the alien’s prolonged physical disability, or pose a
8 serious public health risk; or

9 (3) educational benefits for alien children at
10 any time after their admission as permanent resi-
11 dents, parolees, asylees, or refugees.

12 (c) UNEMPLOYMENT BENEFITS.—No alien shall be
13 eligible for unemployment compensation under an unem-
14 ployment compensation law of the United States or any
15 State.

16 **SEC. 602. EXCLUSION OF ALIENS LIKELY TO BECOME PUB-**
17 **LIC CHARGES.**

18 Section 212(a) of the Immigration and Nationality
19 Act (8 U.S.C. 1182(a)) is amended by striking paragraph
20 (4) and inserting:

21 “(4) PUBLIC CHARGE.—Any alien who cannot
22 demonstrate to the consular officer at the time of
23 application for a visa, or to the Attorney General at
24 the time of application for admission or adjustment
25 of status, that, taking into account the alien’s age

1 and medical condition, the alien has assets, edu-
2 cation, skills, or a combination thereof that make it
3 very unlikely that the alien will become eligible for
4 means-tested public assistance of any kind (includ-
5 ing, but not limited to, medical care or food and
6 housing assistance) or will otherwise become a public
7 charge is excludable.”.

8 **SEC. 603. FINANCIAL RESPONSIBILITY OF IMMIGRANT**
9 **SPONSORS.**

10 Section 213 of the Immigration and Nationality Act
11 (8 U.S.C. 1183) is amended to read as follows:

12 **“SEC. 213. FINANCIAL RESPONSIBILITY OF SPONSORS.**

13 “(a) An alien excludable under paragraph (4) of sec-
14 tion 212(a) may, if otherwise admissible, be admitted in
15 the discretion of the Attorney General upon the giving of
16 a guarantee of financial responsibility by an individual
17 (hereinafter in this section referred to as the alien’s “spon-
18 sor”) who is not less than 21 nor more than 60 years of
19 age, is of good moral character, has never been convicted
20 of a felony, has never filed for bankruptcy or been adju-
21 dicated a bankrupt, and is a citizen of the United States.

22 “(b) A guarantee of financial responsibility in sub-
23 section (a) shall provide (1) that the sponsor, and the
24 sponsor’s spouse if the sponsor is married, agree in the
25 case of an alien under 21 years of age, to assume legal

1 custody for the alien after the alien's departure to the
2 United States and until the alien become 21 years of age,
3 in accordance with the law of the State where the sponsor
4 resides, and (2) that the sponsor agrees to furnish, during
5 the 10-year period beginning on the date of the alien's
6 acquiring the status of an alien lawfully admitted for per-
7 manent residence, or during the period beginning on the
8 date of the alien's acquiring the status of an alien lawfully
9 admitted for permanent residence and ending on the date
10 on which the alien becomes 21 years of age, whichever pe-
11 riod is longer, such financial support as is necessary to
12 preclude the alien's need for means-tested public assist-
13 ance.

14 “(c) A guarantee of financial responsibility given
15 under subsection (a) may be enforced with respect to an
16 alien by a civil suit against his sponsor by the Attorney
17 General, by any Federal or State agency that has provided
18 the alien means-tested public assistance of any kind, in-
19 cluding but not limited to medical, food, and housing as-
20 sistance, or by any citizen of the United States in accord-
21 ance with section 704 of the Immigration Reduction Act
22 of 1994.

23 “(d) Civil suits under subsection (c) shall be brought
24 in the United States district court for the district in which
25 the defendant resides and may be brought at any time on

1 or before the date that is 5 years after the date on which
2 the sponsor's period of financial responsibility under sub-
3 section (a) expired.''.
4

4 **SEC. 604. MEANS-TESTED BENEFITS.**

5 Notwithstanding any other provision of Federal law,
6 the income and assets of an immigrant's sponsor shall be
7 considered the income and assets of the immigrant for
8 purposes of determining the Federal benefit that is based
9 upon income or assets of the beneficiary.

10 **TITLE VII—STRENGTHENING**
11 **CITIZENSHIP**

12 **SEC. 701. CONSTITUTIONAL CITIZENSHIP.**

13 In the exercise of its powers under section 5 of the
14 Fourteenth Article of Amendment to the Constitution of
15 the United States, the Congress has determined and here-
16 by declares that any person born after the date of enact-
17 ment of this Act to a mother who is neither a citizen of
18 the United States nor admitted to the United States as
19 a lawful permanent resident, and which person is a na-
20 tional or citizen of another country of which either of his
21 or her natural parents is a national or citizen, or is enti-
22 tled upon application to become a national or citizen of
23 such country, shall be considered as born subject to the
24 jurisdiction of that foreign country and not subject to the
25 jurisdiction of the United States within the meaning of

1 section 1 of such Article and shall therefore not be a citi-
2 zen of the United States or of any State solely by reason
3 of birth within the United States.

4 **SEC. 702. CONSTITUTIONAL VOTING PRIVILEGE.**

5 In the exercise of its powers under section 5 of the
6 Fourteenth Article of Amendment to the Constitution of
7 the United States to enforce the prohibition of section 1
8 of such Article against the making or enforcing of any law
9 that shall abridge the privileges or immunities of citizens
10 of the United States, the Congress determines that the
11 right of citizens to vote is a privilege of citizens of the
12 United States and that voting in elections of the United
13 States or of any State by persons who are not citizens
14 of the United States is an abridgement of that privilege.
15 It shall be unlawful, and a misdemeanor punishable by a
16 fine of not more than \$1,000 and/or imprisonment of not
17 more than 30 days for each unlawful vote, for any person
18 who is not a citizen of the United States to vote in any
19 election to which the provisions of the Fifteenth, Nine-
20 teenth, Twenty-Fourth, or Twenty-Sixth Article of
21 Amendment to the Constitution applies or in any other
22 election, referendum, ballot, or other procedure of the
23 United States or of any State in which votes are taken.
24 Any vote that is cast in violation of this section shall be
25 null, void, and of no effect and shall not be counted.

1 **SEC. 703. NATURALIZATION.**

2 (a) REQUIREMENTS FOR NON-ELDERLY ALIENS.—
3 Section 312 of the Immigration and Nationality Act (8
4 U.S.C. 1423) is amended by—

5 (1) striking all that follows “this Act,” in para-
6 graph (1) and inserting “is over 65 years of age and
7 has been living in the United States for periods to-
8 taling at least 20 years subsequent to a lawful ad-
9 mission for permanent residence.”;

10 (2) striking “and” after “applicant,” in para-
11 graph (1);

12 (3) striking “the period” after “United States”
13 in subsection (2) and inserting “; and”; and

14 (4) adding the following sentence after para-
15 graph (2): “The demonstration required by this sec-
16 tion shall be made in the physical presence of an em-
17 ployee of the Immigration and Naturalization Serv-
18 ice.”.

19 (b) GOOD MORAL CHARACTER REQUIREMENT.—Sec-
20 tion 316 of the Immigration and Nationality Act (8 U.S.C.
21 1427) is amended by adding the following sentence at the
22 end of subsection (a): “Action by the alien to commit a
23 fraud upon the Immigration and Naturalization Service
24 in connection with his own admission or to aid or abet
25 the commission of such a fraud by any other alien shall

1 be considered conclusive evidence that the alien lacks good
2 moral character.”.

3 **SEC. 704. LEGAL ACTIONS BY STATE AND LOCAL GOVERN-**
4 **MENTS.**

5 (a) ACTIONS BY STATES AND THEIR POLITICAL SUB-
6 DIVISIONS.—The Immigration and Nationality Act is
7 amended by adding the following new section after section
8 293 (8 U.S.C. 1363):

9 **“SEC. 294. ACTIONS BASED ON IMMIGRATION LAW VIOLA-**
10 **TIONS.**

11 “(a) ACTIONS AGAINST THE UNITED STATES.—The
12 Governor or Attorney General of any State may commence
13 a civil suit on behalf of the State and any of its political
14 subdivisions against the head of any agency of the Federal
15 Government upon an allegation that the number of aliens
16 entering or residing in the State in violation of this Act
17 has increased, is increasing, or is likely to increase by rea-
18 son of (1) a failure of such agency to perform within a
19 reasonable time any nondiscretionary act or duty under
20 an immigration-related law, (2) a policy of such agency
21 to authorize, encourage, or enable one or more classes of
22 excludable or deportable aliens to remain within the Unit-
23 ed States or be employed within the United States, or (3)
24 a policy of such agency of releasing from the custody of
25 the United States excludable or deportable aliens without

1 effective provision for their prompt departure or return
2 to custody. Any such action shall be brought in a United
3 States district court for a district that is wholly or partly
4 within the State bringing the suit or in the United States
5 District Court for the District of Columbia. The district
6 court shall have jurisdiction to order the head of any agen-
7 cy of the United States to perform any act or duty re-
8 quired by an immigration-related law. If the court finds
9 that the actions or policies of the department or agency
10 were in willful and prolonged disregard of any immigra-
11 tion-related law, the court may order the United States
12 to reimburse the State or any of its political subdivisions
13 for the direct costs to the State or the political subdivision
14 attributable to such actions.

15 “(b) LITIGATION COSTS.—If an action under this
16 section is against a party other than a department or
17 agency of the United States, the court may award the
18 costs of litigation (including reasonable attorney and ex-
19 pert witness fees) to the prevailing party, whenever the
20 court determines such an award is appropriate.

21 “(c) DEFINITION.—For purposes of this section, the
22 term ‘immigration-related law’ means this Act any any
23 federal law that limits or prohibits the provision of finan-
24 cial assistance to ineligible aliens or the expenditure of
25 funds for the benefit of ineligible aliens.”.

1 **TITLE VIII—IMMIGRATION AND**
2 **NATURALIZATION SERVICE**

3 **SEC. 801. ESTABLISHMENT OF INDEPENDENT AGENCY.**

4 For the purposes of maintaining order in the admis-
5 sion and departure of aliens, of protecting American work-
6 ers from unfair competition with alien workers, and of pro-
7 tecting the general public from crime, terrorism, abuse of
8 public benefits and facilities, environmental degradation,
9 and other adverse consequences of uncontrolled entry of
10 person or property across the borders of the United
11 States, the Immigration and Naturalization Service is es-
12 tablished as an agency of the United States Government
13 outside of the Department of Justice. The Immigration
14 and Naturalization Service shall execute and enforce the
15 provisions of the Immigration and Nationality Act. The
16 funds, property, and personnel of the Immigration and
17 Naturalization Service of the Department of Justice are
18 transferred to the Immigration and Naturalization Service
19 that is established by this section.

20 **SEC. 802. CONFORMING AMENDMENTS.**

21 (a) The Immigration and Nationality Act is amend-
22 ed—

23 (1) by striking “of the Department of Justice”
24 in section 101(a)(34);

1 (2) by striking “which are conferred upon the
2 Attorney General as may be delegated to him by the
3 Attorney General or which may be prescribed by the
4 Attorney General” in section 103(b); and

5 (3) by striking “Attorney General” from all sec-
6 tions of the Act except section 101(a)(5) and insert-
7 ing “Commissioner”.

8 (b) Sections 1551 and 1552 of title 8, United States
9 Code, are repealed.

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