

104TH CONGRESS
1ST SESSION

S. 759

To amend the Immigration and Nationality Act to limit the adjustment of status of aliens who are unlawfully residing in the United States.

IN THE SENATE OF THE UNITED STATES

MAY 4 (legislative day, MAY 1), 1995

Mr. BRADLEY (for himself and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to limit the adjustment of status of aliens who are unlawfully residing in 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 “Illegal Immigration
5 Enforcement Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) The Government of the United States has
9 failed to curb the influx of undocumented aliens into
10 the United States.

1 (2) The social and economic costs of illegal im-
2 migration create a backlash against legal immigrants
3 and citizens of different ethnic backgrounds.

4 (3) The primary magnet for illegal aliens is
5 work.

6 (4) Existing law contains provisions to prevent
7 the employment of undocumented aliens.

8 (5) Properly enforced, these provisions could re-
9 duce employment opportunities for illegal immi-
10 grants and thereby reduce the incentive for illegal
11 immigration.

12 (6) With proper enforcement and employer edu-
13 cation, the employer sanctions laws should not result
14 in employment discrimination.

15 (7) However, these laws are not now adequately
16 enforced.

17 (8) This is in part because Immigration and
18 Naturalization Service inspectors have other, legisla-
19 tively mandated, priorities that have first call on
20 their limited resources.

21 (9) Many illegal immigrants adjust their status
22 to become legal residents.

23 (10) This prospect is another encouragement to
24 illegal immigration.

1 (11) Statistics show that approximately one-half
2 of all illegal aliens living in the United States ar-
3 rived legally on nonimmigrant visas, then failed to
4 depart.

5 (12) The Immigration and Naturalization Serv-
6 ice (INS) is currently unable to identify or locate
7 such visa overstayers in a systematic fashion.

8 **SEC. 3. ENFORCEMENT OF EMPLOYER SANCTIONS.**

9 (a) ESTABLISHMENT OF NEW OFFICE.—There shall
10 be in the Immigration and Naturalization Service of the
11 Department of Justice an Office for the Enforcement of
12 Employer Sanctions (in this section referred to as the
13 “Office”).

14 (b) FUNCTIONS.—The functions of the Office estab-
15 lished under subsection (a) shall be—

16 (1) to investigate and prosecute violations of
17 section 274A(a) of the Immigration and Nationality
18 Act (8 U.S.C. 1324a(a)); and

19 (2) to educate employers on the requirements of
20 the law and in other ways as necessary to prevent
21 employment discrimination.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to the Attorney General
24 \$100,000,000 to carry out the functions of the Office es-
25 tablished under subsection (a).

1 **SEC. 4. LIMITATION ON ADJUSTMENT OF STATUS.**

2 Section 245(c) of the Immigration and Nationality
3 Act (8 U.S.C. 1255(c)) is amended—

4 (1) by striking “or (4)” and inserting “(4)”;
5 and

6 (2) by inserting before the period at the end the
7 following: “(5) any alien who seeks adjustment of
8 status as an employment-based immigrant; or (6)
9 any alien who was employed while the alien was an
10 unauthorized alien, as defined in section 274(h)(3)”.

11 **SEC. 5. MONITORING OF OVERSTAYS.**

12 The Attorney General shall develop an entry and exit
13 data base that will permit the Attorney General to identify
14 lawfully admitted nonimmigrants who overstay their visas.

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