

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

# H. R. 2162

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

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1995

Mr. ARCHER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Commerce, Agriculture, and Government Reform and Oversight, 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

---

## 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 1995”.

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.

TITLE I—IMMIGRANTS AND REFUGEES

- 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 Temporary protected status repealed.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.
- Sec. 306. Immigration penalties and confiscations.
- Sec. 307. Communications.
- Sec. 308. Voluntary departure.

TITLE IV—DOCUMENT REFORM

- Sec. 401. Secure work eligibility documents.
- Sec. 402. Electronic verification.
- Sec. 403. Uniform vital statistics.
- Sec. 404. Employment authorization.

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—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

- Sec. 600. Statements of national policy concerning welfare and immigration.

Subtitle A—Eligibility for Federal Benefits Programs

- Sec. 601. Ineligibility of illegal aliens for certain public benefits programs.
- Sec. 602. Ineligibility of nonimmigrants for certain public benefits programs.
- Sec. 603. Limited eligibility of immigrants for 5 specified Federal public benefits programs.
- Sec. 604. Notification.

Subtitle B—Eligibility for State and Local Public Benefits Programs

- Sec. 611. Ineligibility of illegal aliens for State and local public benefits programs.

- Sec. 612. Ineligibility of nonimmigrants for State and local public benefits programs.
- Sec. 613. State authority to limit eligibility of immigrants for State and local means-tested public benefits programs.

Subtitle C—Attribution of Income and Affidavits of Support

- Sec. 621. Attribution of sponsor’s income and resources to family-sponsored immigrants.
- Sec. 622. Requirements for sponsor’s affidavit of support.

Subtitle D—General Provisions

- Sec. 631. Definitions.
- Sec. 632. Construction.

Subtitle E—Conforming Amendments

- Sec. 641. Conforming amendments relating to assisted housing.

Subtitle F—Exclusion of Aliens Likely to Become Public Charges

- Sec. 651. Exclusion of aliens likely to become public charges.

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, 1996.

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—

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

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

6 (3) striking “year; and” in subsection (a)(2)  
7 and inserting “year.”;

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

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

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

14 “(1) 320,000, minus

15 “(2) the sum of—

16 “(A) the number of immediate relatives de-  
17 scribed in section 201(b)(2) and priority work-  
18 ers described in section 203(b) who were issued  
19 immigrant visas or who otherwise acquired the  
20 status of aliens lawfully admitted to the United  
21 States for permanent residence in the previous  
22 fiscal year, and

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

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

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

4 (7) striking subsection (e).

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

7 (1) inserting “BACKLOGGED” before “FAMILY-  
8 SPONSORED” and “backlogged” before “family-spon-  
9 sored” in subsection (a);

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

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

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

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

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

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

1           “(1) ALIENS WITH EXTRAORDINARY ABILITY.—

2           An alien is described in this paragraph if—

3                   “(A) the alien has extraordinary ability in  
4                   the sciences, arts, education, business, or ath-  
5                   letics which has been demonstrated by sus-  
6                   tained national or international acclaim and  
7                   whose achievements have been recognized in the  
8                   field through extensive documentation,

9                   “(B) the alien seeks to enter the United  
10                  States to continue work in the area of extraor-  
11                  dinary ability, and

12                  “(C) the alien’s entry into the United  
13                  States will substantially benefit prospectively  
14                  the United States.

15           “(2) OUTSTANDING PROFESSORS AND RE-  
16           SEARCHERS.—An alien is described in this para-  
17           graph if—

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

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

23                   “(C) the alien seeks to enter the United  
24                  States—

1           “(i) for a tenured position (or tenure-  
2           track position) within a university or insti-  
3           tution of higher education to teach in the  
4           academic area,

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

8           “(iii) for a comparable position to  
9           conduct research in the area with a depart-  
10          ment, division, or institute of a private em-  
11          ployer, if the department, division, or insti-  
12          tute employs at least 3 persons full-time in  
13          research activities and has achieved docu-  
14          mented accomplishments in an academic  
15          field.

16          “(3) CERTAIN MULTINATIONAL EXECUTIVES  
17          AND MANAGERS.—An alien is described in this para-  
18          graph if the alien, in the 3 years preceding the time  
19          of the alien’s application for classification and ad-  
20          mission into the United States under this paragraph,  
21          has been employed for at least 1 year by a firm or  
22          corporation or other legal entity or an affiliate or  
23          subsidiary thereof and the alien seeks to enter the  
24          United States in order to continue to render services

1 to the same employer or to a subsidiary or affiliate  
2 thereof in a capacity that is managerial or executive.

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

5 An alien is described in this paragraph if—

6 “(A) the alien holds an advanced degree or  
7 possesses exceptional ability,

8 “(B) the alien’s services in the sciences,  
9 the arts, a profession, or a business are sought  
10 by an employer in the United States, and

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

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

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

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

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

23 “(e) VISA CUT-OFF FOR FAMILY SPONSORED IMMI-  
24 GRANTS.—No visas shall be allotted to any alien subject  
25 to the worldwide level for backlogged family immigrants

1 unless a petition on that alien's behalf for classification  
2 by reason of a relation described in any paragraph of sub-  
3 section (a) was approved prior to October 1, 1996.”.

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

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

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

11 “(B) any alien desiring to be classified  
12 under section 203(b)(1), or any person on be-  
13 half of such an alien, may file a petition with  
14 the Attorney General for such classification,  
15 and

16 “(C) any employer desiring and intending  
17 to employ within the United States an alien en-  
18 titled to classification under section 203(b)(2),  
19 203(b)(3), or 203(b)(4) may file a petition with  
20 the Attorney General for such classification.”;

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

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

1 (5) striking in subsection (f)(1) “, 203(a)(1), or  
2 203(a)(3), as appropriate”; and

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

4 “(h) Notwithstanding any other provision of this sec-  
5 tion, the Attorney General shall not approve after Septem-  
6 ber 30, 1996, any petitions for classification by reason of  
7 a relationship described in any paragraph of section  
8 203(a).”.

9 (d) Section 214(g)(1)(A) of the Immigration and Na-  
10 tionality Act (8 U.S.C. 1184(g)(1)(A)) is amended by  
11 striking “65,000” and inserting “30,000”.

12 **SEC. 102. REFUGEE REFORM.**

13 Section 207 of the Immigration and Nationality Act  
14 (8 U.S.C. 1157) is amended by—

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

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

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

23 “(f) No person shall receive any preference or priority  
24 or be discriminated against in the determination of refu-

1 gee status or in the admission of refugees because of the  
2 person’s race, sex, religion, or nationality.”; and

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

7 **SEC. 103. ASYLUM REFORM.**

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

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

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

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

22 “(e) No person shall receive any preference or prior-  
23 ity or be discriminated against in the granting or termi-  
24 nation of asylum because of the person’s race, sex, reli-  
25 gion, or nationality.

1       “(f)(1) Subject to paragraph (2), an alien’s applica-  
2 tion for asylum shall not be considered under this section  
3 unless—

4               “(A) the alien has filed, not later than 30 days  
5 after being admitted or coming to the United States,  
6 notice of intention to file such an application, and

7               “(B) such application is actually filed not later  
8 than 60 days after being admitted or coming to the  
9 United States.

10       “(2) An application for asylum may be considered,  
11 notwithstanding that the requirements of paragraph (1)  
12 have not been met, only if the alien demonstrates by clear  
13 and convincing evidence changed circumstances in the  
14 alien’s country of nationality (or in the case of an alien  
15 with no nationality, in the country where the alien has  
16 habitually resided) affecting eligibility for asylum.”.

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

20               “(3) Paragraph (1) shall not apply to any pro-  
21 ceeding that did not commence with the alien’s vol-  
22 untary presentment of himself for inspection, exclu-  
23 sion, or deportation unless the threat to such alien’s  
24 life or freedom arose subsequent to the commence-  
25 ment of such proceeding.”.

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

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

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

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

9 (2) the date which is 180 days after the date  
10 of the enactment of this Act.

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

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

18 **SEC. 105. PAROLE AUTHORITY.**

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

22 “(C) The Attorney General may not parole  
23 groups or classes of aliens into the United  
24 States. No alien shall be paroled into the  
25 United States except on the basis of the alien’s  
26 individual circumstances.

1           “(D) An alien who is paroled into the  
2           United States may not be authorized to work in  
3           the United States during the period of the  
4           alien’s parole.

5           “(E) The Attorney General shall maintain  
6           a record of parolees. The number of aliens pa-  
7           roled into the United States by the Attorney  
8           General, excluding those released temporarily  
9           from custody while active proceedings are pend-  
10          ing against them under this Act, shall not at  
11          any time exceed 5,000.”.

## 12           **TITLE II—BORDER CONTROL**

### 13           **SEC. 201. BORDER PATROL PERSONNEL.**

14           (a) The number of full-time officer positions in the  
15           border patrol of the Immigration and Naturalization Serv-  
16           ice shall be increased to 5,900 in fiscal year 1997, 6,900  
17           in fiscal year 1998, 7,900 in fiscal year 1999, 8,900 in  
18           fiscal year 2000, and 9,900 in fiscal year 2001.

19           (b) There is authorized to be appropriated for each  
20           of the fiscal years 1997, 1998, 1999, 2000, and 2001 such  
21           amounts as may be necessary to provide for the increase  
22           in positions provided by subsection (a) and for such sup-  
23           port personnel as are necessary.

1 **SEC. 202. BORDER CROSSING FEES.**

2 Section 286 of the Immigration and Nationality Act  
3 (8 U.S.C. 1356) is amended by adding at the end the fol-  
4 lowing new subsection:

5 “(s) LAND BORDER AND PORT OF ENTRY USER FEE  
6 ACCOUNT.—

7 “(1) The Attorney General, after consultation  
8 with the Secretary of State, shall impose at the time  
9 of a person’s entry into the United States by land  
10 or by sea a fee of \$1 for the person’s use of border  
11 or port facilities and services of the Immigration and  
12 Naturalization Service.

13 “(2) The Attorney General may—

14 “(A) adjust the border crossing user fee  
15 periodically to compensate for inflation and  
16 other escalation in the cost of carrying out the  
17 purposes of this Act; and

18 “(B) develop and implement special dis-  
19 counted fee programs for frequent border cross-  
20 ers including, but not limited to, commuter cou-  
21 pon books or passes.

22 “(3) The fees collected under paragraph (1)  
23 shall be deposited as offsetting receipts into a sepa-  
24 rate account entitled the ‘Border Crossing Fee Ac-  
25 count’ in the Treasury of the United States. In each  
26 calendar quarter the Secretary of the Treasury shall

1 refund out of the Border Crossing Fee Account to  
2 any appropriation the amount paid out of such ap-  
3 propriation during the preceding calendar quarter  
4 for expenses incurred by the Attorney General on  
5 (1) measures, personnel, structures, and devices to  
6 deter and prevent illegal entry of persons and con-  
7 traband into the United States by land or by sea,  
8 and to return excludable aliens and (2) construction,  
9 maintenance, and operation of facilities to expedite  
10 lawful border traffic.”.

## 11 **TITLE III—INTERIOR** 12 **ENFORCEMENT**

### 13 **SEC. 301. INVESTIGATIVE PERSONNEL.**

14 (a) The number of full-time investigator positions in  
15 the Immigration and Naturalization Service shall be in-  
16 creased above the number of such positions authorized as  
17 of October 31, 1996 by 500 in fiscal year 1997, by 1,000  
18 in fiscal year 1998, by 1,500 in fiscal year 1999, by 2,000  
19 in fiscal year 2000, and by 2,500 in fiscal year 2001.

20 (b) There is authorized to be appropriated for each  
21 of the fiscal years 1997, 1998, 1999, 2000, and 2001 such  
22 amounts as may be necessary to provide for the increase  
23 in positions provided by subsection (a) and for such sup-  
24 port personnel as are necessary.

1 **SEC. 302. COMMON-LAW SEARCHES RESTORED.**

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

5 **SEC. 303. DETENTION FACILITIES.**

6 Not later than January 1, 1996, the Secretary of De-  
7 fense shall provide to the Attorney General a list of all  
8 military bases and installations within the United States  
9 which contain facilities that are (1) suitable for the deten-  
10 tion of aliens by the Attorney General and (2) are closed,  
11 are scheduled to be closed, or otherwise are not being uti-  
12 lized for defense-related purposes and shall notify the At-  
13 torney General of any subsequent deletions from or addi-  
14 tions to such list. Upon the request of the Attorney Gen-  
15 eral, the Secretary of Defense shall make available to the  
16 Attorney General such facilities as the Attorney General  
17 shall identify from the list as needed for the detention of  
18 aliens and shall render to the Attorney General such as-  
19 sistance as the Attorney General may require to take pos-  
20 session of and operate such facilities.

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

22 Section 1295(a) of title 28, United States Code, is  
23 amended—

24 (1) by striking “and” at the end of paragraph  
25 (13);

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

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

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

8   **SEC. 305. ALIENS IN DEPORTATION.**

9           (a) **PENALTY FOR UNLAWFUL PRESENCE.**—The Im-  
10          migration and Nationality Act is amended by adding after  
11          section 276 the following new section:

12          “SEC. 276A. An alien whose presence in the United  
13          States is in violation of any provision of this Act when  
14          proceedings to deport the alien commence shall be subject  
15          to a civil penalty when a final order of deportation is made  
16          against the alien. The amount of the penalty shall be the  
17          greater of (1) the actual cost of deporting the alien, or  
18          (2) the estimate by the Commissioner of the average cost  
19          of deporting an alien that was last published in the Fed-  
20          eral Register prior to the making of the final order of de-  
21          portation. During each fiscal year the Commissioner shall  
22          cause to be published in the Federal Register an estimate  
23          of the average cost of deporting an alien during the pre-  
24          ceding fiscal year. For purposes of this section, the cost  
25          of deporting an alien includes all direct and indirect costs

1 of detection, apprehension, detention, processing, and  
2 transportation.”.

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

6 “SEC. 242C. (a) If the Attorney General determines  
7 that an alien, found to be deportable, has at any time en-  
8 gaged in unauthorized employment or in any commercial  
9 enterprise during any period of unlawful presence in the  
10 United States or has received any Federal financial benefit  
11 to which such alien was not entitled, then all property real  
12 or personal, of the alien in the United States, wherever  
13 situated, shall be seized and subject to forfeiture, except  
14 that, in cases where such seizure and forfeiture would re-  
15 sult in severe financial hardship of the alien or of any  
16 United States citizen or permanent resident alien that is  
17 the spouse, minor child, or parent of the alien, the Attor-  
18 ney General, the sole discretion of the Attorney General,  
19 may exempt from seizure and forfeiture an amount of  
20 property not exceeding \$10,000.

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

24 “(c) All provisions of law relating to the seizure, sum-  
25 mary and judicial forfeiture, and condemnation of prop-

1 erty for the violation of the customs laws; the disposition  
2 of such property or the proceeds from the sale thereof;  
3 the remission or mitigation of such forfeitures; and the  
4 compromise of claims and the award of compensation to  
5 informers in respect of such forfeitures shall apply to sei-  
6 zures and forfeitures incurred, or alleged to have been in-  
7 curred, under the provisions of this section, insofar as ap-  
8 plicable and not inconsistent with the provisions hereof,  
9 except that duties imposed on customs officers or other  
10 persons regarding the seizure and forfeiture of property  
11 under the customs laws shall be performed with respect  
12 to seizures and forfeitures carried out under the provisions  
13 of this section by such officers or persons authorized for  
14 that purpose by the Attorney General.

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

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

18 “(2) sell the property, in which case the pro-  
19 ceeds from any such sale shall be used to pay all  
20 proper expenses of the proceedings for forfeiture and  
21 sale including expenses of seizure, maintenance of  
22 custody, advertising, and courts costs; and

23 “(3) deposit any moneys or proceeds from the  
24 sale of seized property not used to pay expenses in

1       accordance with paragraph (2) to the Penalties and  
2       Confiscation Account.

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

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

10       Section 286 of the Immigration and Nationality Act  
11       (8 U.S.C. 1356) is amended—

12               (1) in subsection (b)(1) by striking subpara-  
13               graph “(A)” and in subparagraph (B) by striking  
14               subparagraph “(B)”.

15               (2) by amending subsection (r) to read as fol-  
16               lows:

17               “(r) PENALTIES AND CONFISCATIONS ACCOUNT.—

18               “(1) Notwithstanding any other provision of  
19               law, all breached cash and surety bonds that are  
20               posted under this chapter and are recovered, all civil  
21               fines or penalties collected pursuant to this Act, and  
22               all money confiscated, and all proceeds from the sale  
23               of property confiscated, pursuant to this Act, shall  
24               be deposited as offsetting receipts into a separate ac-

1 count entitled ‘Penalties and Confiscations Account’  
2 in the Treasury of the United States.

3 “(2) Each calendar quarter the Secretary of the  
4 Treasury shall refund out of the Penalties and  
5 Confiscations Account to any appropriation the  
6 amount paid out of such appropriation during the  
7 preceding calendar quarter for expenses incurred by  
8 the Attorney General in the detection, apprehension,  
9 detention, and deportation of aliens who are unlaw-  
10 fully present in the United States.”.

11 **SEC. 307. COMMUNICATIONS.**

12 Notwithstanding any other provision of law, no agen-  
13 cy, officer, or employee of the United States shall be pro-  
14 hibited or in any way restricted from communicating with  
15 the Immigration and Naturalization Service regarding the  
16 immigration status of an alien.

17 **SEC. 308. VOLUNTARY DEPARTURE.**

18 Section 244 of the Immigration and Nationality Act  
19 (8 U.S.C. 1254) is amended—

20 (1) in subsection (e) by adding at the end the  
21 following:

22 “(3) When granting permission to depart volun-  
23 tarily under the authority contained in paragraph  
24 (1), the Attorney General shall inform the alien of  
25 the date and year, not more than 6 months from the

1 date on which such permission is communicated, by  
2 which such departure must be accomplished. No  
3 postponement of the initially prescribed departure  
4 date may be granted”;

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

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

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

10 “(4) was permitted by the Attorney General to  
11 depart voluntarily under subsection (e)(1) and did  
12 not depart by the date prescribed in accordance with  
13 subsection (e)(3).”.

## 14 **TITLE IV—DOCUMENT REFORM**

### 15 **SEC. 401. SECURE WORK ELIGIBILITY DOCUMENTS.**

16 (a) EXAMINATION OF DOCUMENTS.—Effective Janu-  
17 ary 1, 1997, section 274A of the Immigration and Nation-  
18 ality Act (8 U.S.C. 1324a) is amended by striking sub-  
19 paragraphs (A) through (D) of subsection (b)(1) and in-  
20 serting the following:

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

1           “(i) examining the document de-  
2           scribed in subparagraph (B) in the case of  
3           an individual claiming to be a United  
4           States citizen or United States national;

5           “(ii) examining the document de-  
6           scribed in subparagraph (C) in the case of  
7           an individual not claiming to be a United  
8           States citizen or a United States national;  
9           and

10          “(iii) reporting the individual’s Social  
11          Security account number to the Social Se-  
12          curity Administration through the elec-  
13          tronic verification system established pur-  
14          suant to section 402 of the Immigration  
15          Reduction Act of 1995.

16          “(B) DOCUMENTS OF CITIZENS AND NA-  
17          TIONALS.—The document described in this  
18          paragraph is an individual’s Social Security ac-  
19          count number card issued pursuant to section  
20          401(c) of the Immigration Reduction Act of  
21          1995.

22          “(C) DOCUMENTS OF ALIENS.—The docu-  
23          ment described in this paragraph is an alien’s  
24          identification card issued by the Immigration  
25          and Naturalization Service pursuant to section

1           401(b) of the Immigration Reduction Act of  
2           1995.”.

3           (b) IMPROVEMENT OF ALIEN IDENTITY CARDS.—

4           (1) PERMANENT RESIDENT ALIENS.—The At-  
5           torney General shall cause to be issued to every alien  
6           acquiring lawful permanent residence in the United  
7           States after June 30, 1996, and, upon application,  
8           to any alien who acquired lawful permanent resi-  
9           dence before July 1, 1996, an alien identification  
10          card that shall—

11                   (A) be uniform in appearance,

12                   (B) be as tamper-proof and counterfeit-re-  
13                   sistant as practicable,

14                   (C) contain a photograph and fingerprint,

15                   (D) display the name, sex, date of birth,  
16                   place of birth, and such other identifying infor-  
17                   mation as the Attorney General shall determine,  
18                   and

19                   (E) incorporate a machine-readable encod-  
20                   ing of the information displayed on the card  
21                   and such other information as may serve to pre-  
22                   vent counterfeiting or other misuse of the card.

23           (2) OTHER ALIENS.—The Attorney General  
24           shall cause to be issued to every alien who becomes  
25           authorized to work in the United States after June

1 30, 1996, other than by reason of lawful admission  
2 for permanent residence, and shall cause to be is-  
3 sued, upon application, to any other alien who is au-  
4 thorized to work in the United States other than by  
5 reason of lawful admission for permanent residence  
6 an alien identification card that shall—

7 (A) be uniform in appearance,

8 (B) be as tamper-proof and counterfeit-re-  
9 sistant as practicable,

10 (C) contain a photograph and fingerprint,

11 (D) display the alien's name, sex, date of  
12 birth, place of birth, and such other identifying  
13 information as the Attorney General shall de-  
14 termine,

15 (E) show an expiration date that shall be  
16 determined in accordance with regulations is-  
17 sued by the Attorney General, but shall not in  
18 any case be later than 3 calendar years after  
19 the date of issuance, and

20 (F) incorporate a machine-readable encod-  
21 ing of the information displayed on the card  
22 and such other information as may serve to pre-  
23 vent counterfeiting or other misuse of the card.

24 (c) IMPROVEMENT OF SOCIAL SECURITY CARDS.—

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

8           (2) ISSUANCE OF ENHANCED CARD FOR  
9           ALIENS.—The Secretary shall cause to be issued en-  
10          hanced Social Security account number cards to  
11          aliens lawfully admitted for permanent residence or  
12          who are otherwise authorized to work in the United  
13          States and who are 16 years of age or older upon  
14          application, proof of identity, verification of status  
15          by the Immigration and Naturalization Service, and  
16          payment of a reasonable fee.

17          (3) REQUIREMENTS OF NEW CARDS.—

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

20                         (i) be uniform in appearance,

21                         (ii) be as tamper-proof and counter-  
22                         feit-resistant as is practicable,

23                         (iii) contain a photograph and such  
24                         other identifying information that is spe-

1           cific to each person as the Secretary shall  
2           determine,

3                   (iv) contain the name, sex, date of  
4           birth, citizenship status, and Social Secu-  
5           rity account number of the issuee, and

6                   (v) incorporate a machine-readable en-  
7           coding of the information contained in the  
8           card.

9           (B) The cards issued pursuant to para-  
10          graph (2) to aliens who are not permanent resi-  
11          dent aliens shall indicate whether the work au-  
12          thorization granted to the alien has an expira-  
13          tion date.

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

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

21          (e) NO OTHER CARDS.—No Social Security account  
22          number card or alien identification card shall be issued  
23          after June 30, 1996, whether as an original card or as  
24          a replacement, that does not satisfy the requirements of  
25          this section.

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

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

3 (A) born in a State, the 2-letter symbol  
4 used by the United States Postal Service to  
5 identify that State, or

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

9 (2) “State” means one of the United States,  
10 the District of Columbia, Puerto Rico, the United  
11 States Virgin Islands, or Guam.

12 **SEC. 402. ELECTRONIC VERIFICATION.**

13 (a) SOCIAL SECURITY DATABASE.—By September  
14 30, 1996, the Secretary of Health and Human Services  
15 shall make such modifications to the Social Security ac-  
16 count number data base (NUMIDENT) as are practicable  
17 and as enable confirmation through the electronic verifica-  
18 tion system described in subsection (d) that a Social Secu-  
19 rity account number has been issued to an individual iden-  
20 tified by last name, sex, year of birth, and place of birth  
21 and that such individual is not known to the Secretary  
22 of Health and Human Services to be an alien not author-  
23 ized to work in the United States. At a minimum the data  
24 base shall be modified to enable confirmation that a Social  
25 Security account number is not assigned to an individual

1 authorized to work in the United States because the num-  
2 ber—

3 (1) has not been issued,

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

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

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

12 The Attorney General shall provide such assistance as the  
13 Secretary of Health and Human Services may require to  
14 merge or otherwise make use of any data base of the Im-  
15 migration and Naturalization Service for the purposes of  
16 this section.

17 (b) EXCHANGE OF INFORMATION.—The Attorney  
18 General shall notify the Secretary of Health and Human  
19 Services of the expiration of an alien's authorization to  
20 work in the United States not later than 14 calendar days  
21 after the date of expiration. The Secretary of Health and  
22 Human Services shall furnish the Attorney General with  
23 a list of any aliens for whom confirmation of work eligi-  
24 bility has been requested not later than 5 calendar days  
25 after such request. Such list shall include the telephone

1 number from which the request was made and the em-  
2 ployer identification number of the requester.

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

10 (1) the date on which the Attorney General con-  
11 firms in writing that his records do not show that  
12 the applicant is an alien not authorized to work in  
13 the United States, or

14 (2) 60 days after a copy of the application and  
15 supporting documentation has been delivered to the  
16 Attorney General.

17 (d) ELECTRONIC VERIFICATION SYSTEM.—Before  
18 January 1, 1997, the Secretary of Health and Human  
19 Services shall test and place in operation a system whereby  
20 an employer can report by touch-tone telephone or point-  
21 of-service device his employer identification number and  
22 the Social Security account number, last name, sex, year  
23 of birth, and place of birth of any individual who is to  
24 be employed and can receive immediate confirmation that  
25 the number was issued to the individual having that iden-

1 tity and that such person is not identified within the Social  
2 Security account number data base as an individual who  
3 is not a United States citizen, a United States national,  
4 or an alien authorized to work in the United States. The  
5 charge for each call will be sufficient to cover the costs  
6 of operating the system, except that it shall not exceed  
7 \$2.00 plus any line charges payable to the telephone car-  
8 rier. The system shall provide for access to a live operator  
9 if an entry is not accepted or confirmed, shall provide a  
10 verification code to the caller, shall create and maintain  
11 a record of each inquiry (including the telephone number  
12 of the requester) and its verification code for not less than  
13 2 years, and shall accommodate devices that read the en-  
14 coding incorporated by a card issued under section 401(b)  
15 or 401(c).

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

19 (1) an employer acting pursuant to section  
20 274A(b)(1) of the Immigration and Nationality Act,  
21 or

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

1 **SEC. 403. UNIFORM VITAL STATISTICS.**

2 The Secretary of Health and Human Services shall  
3 consult with the State agencies responsible for registration  
4 and certification of births and deaths and, within 2 years  
5 of the date of enactment of this Act, shall establish a na-  
6 tional electronic network linking the vital statistics records  
7 of such States. The network shall provide, where practical,  
8 for the matching of deaths with births and shall enable  
9 the confirmation of births and deaths of citizens of the  
10 United States, or of aliens within the United States, by  
11 any Federal or State agency or official in the performance  
12 of official duties. The Secretary shall institute measures  
13 to achieve uniform and accurate reporting of vital statis-  
14 tics into the national network, to protect the integrity of  
15 the registration and certification process, and to prevent  
16 fraud against the Government and other persons through  
17 the use of false birth or death certificates.

18 **SEC. 404. EMPLOYMENT AUTHORIZATION.**

19 Section 274A of the Immigration and Nationality Act  
20 (8 U.S.C. 1324a) is amended—

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

23 (2) by adding the following sentence at the end  
24 of subsection (h)(3): “The Attorney General shall  
25 not authorize any alien who has not lawfully immi-  
26 grated to the United States to be employed in the

1 United States or to carry on any trade or business  
2 within the United States unless (A) the alien has a  
3 lawfully obtained visa for a nonimmigrant status  
4 that explicitly contemplates such performance of  
5 services or such carrying on of a trade or business  
6 within the United States, or (B) such authorization  
7 is explicitly permitted by this Act.”.

8 **TITLE V—STATE AND LOCAL**  
9 **RESPONSIBILITIES**

10 **SEC. 501. LOCAL COOPERATION.**

11 If the Attorney General certifies that any State or  
12 local government or agency, or any elected or appointed  
13 officer or employee thereof in the exercise of the individ-  
14 ual’s official duties, has announced or practiced a policy  
15 of refusing to cooperate with Federal immigration authori-  
16 ties with respect to the identification, location, arrest,  
17 prosecution, detention, or deportation of an alien or aliens  
18 who are not lawfully present in the United States or a  
19 policy of disregarding any Federal law or regulation relat-  
20 ing to the denial of benefits to any class of aliens, then,  
21 from the date that such certification is published in the  
22 Federal Register until the date that the Attorney General  
23 certifies that the policy has been retracted, that State or  
24 local government or agency will not be eligible for any

1 Federal funds or assistance relating to law enforcement,  
2 education, public health, transportation, or public works.

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

4 Whenever a law enforcement agency of any State or  
5 subdivision thereof that receives Federal funds arrests an  
6 alien for the commission of a crime, that agency shall  
7 promptly provide notice of the alien's identity and the cir-  
8 cumstances of his arrest to the District Director of the  
9 Immigration and Naturalization Service for the district in  
10 which the alien is being held or, if the alien is not being  
11 held, for the district in which the alien was arrested.

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

13 (a) FREEDOM OF COMMUNICATION.—Notwithstand-  
14 ing any other provision of law, no State or local govern-  
15 ment or agency or employee thereof shall be prohibited  
16 or prevented in any way from communicating with the Im-  
17 migration and Naturalization Service regarding the immi-  
18 gration status of an alien.

19 (b) CONFIDENTIALITY OF COMMUNICATIONS.—

20 (1) Any officer or employee of the United  
21 States, who by virtue of his employment or official  
22 position receives or learns of a communication de-  
23 scribed in subsection (a), is prohibited from disclos-  
24 ing to any person who is not an employee or officer  
25 of the United States information about an individual

1 that was included in such communication other than  
2 pursuant to the administration and enforcement of  
3 the (A) Immigration and Nationality Act and other  
4 laws of the United States regulating the admission,  
5 presence, and departure of aliens, and (B) any  
6 criminal law of the United States or of the several  
7 States.

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

12 **SEC. 504. LAW ENFORCEMENT ASSISTANCE.**

13 (a) Section 3041 of title 18, United States Code, is  
14 amended by adding after the first comma in the first sen-  
15 tence “including entry into, or presence within, the United  
16 States in violation of any United States law regulating im-  
17 migration,”.

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

21 “(e)(1) The Attorney General may deputize any law  
22 enforcement officer of any State or of any political subdivi-  
23 sion of any State to seek, apprehend, detain, and commit  
24 to the custody of an officer of the Department of Justice  
25 aliens who have violated or are reasonably suspected to

1 have violated the provisions of this Act and to conduct  
2 investigations with respect to any such violations or sus-  
3 pected violations, if—

4           “(A) actions pursuant to such deputization are  
5           subject to the direction and supervision of an officer  
6           of the Department of Justice;

7           “(B) the duration of any such deputization is  
8           not more than 2 years, subject to extensions or re-  
9           newals at the discretion of the Attorney General  
10          which shall not exceed 2 years;

11          “(C) any deputization, its duration, an identi-  
12          fication of the supervising officer of the Department  
13          of Justice, and the specific powers, privileges, and  
14          duties to be performed or exercised are set forth in  
15          writing; and

16          “(D) the Governor of the State, or the chief  
17          elected or appointed official of a political subdivision  
18          (as may be appropriate) consents to the deputiza-  
19          tion.

20          “(2) No deputization under this subsection shall enti-  
21          tle any State, political subdivision, or individual to any  
22          compensation or reimbursement from the United States,  
23          except where the amount thereof and the entitlement  
24          thereto are set forth in the written deputization or where  
25          otherwise explicitly provided by law.”.

1 **TITLE VI—RESTRICTING WEL-**  
2 **FARE AND PUBLIC BENEFITS**  
3 **FOR ALIENS**

4 **SEC. 600. STATEMENTS OF NATIONAL POLICY CONCERNING**  
5 **WELFARE AND IMMIGRATION.**

6 The Congress makes the following statements con-  
7 cerning national policy with respect to welfare and immi-  
8 gration:

9 (1) Self-sufficiency has been a basic principle of  
10 United States immigration law since this country's  
11 earliest immigration statutes.

12 (2) It continues to be the immigration policy of  
13 the United States that—

14 (A) aliens within the nation's borders not  
15 depend on public resources to meet their needs,  
16 but rather rely on their own capabilities and the  
17 resources of their families, their sponsors, and  
18 private organizations, and

19 (B) the availability of public benefits not  
20 constitute an incentive for immigration to the  
21 United States.

22 (3) Despite the principle of self-sufficiency,  
23 aliens have been applying for and receiving public  
24 benefits from Federal, State, and local governments  
25 at increasing rates.

1           (4) Current eligibility rules for public assistance  
2           and unenforceable financial support agreements have  
3           proved wholly incapable of assuring that individual  
4           aliens not burden the public benefits system.

5           (5) It is a compelling government interest to  
6           enact new rules for eligibility and sponsorship agree-  
7           ments in order to assure that aliens be self-reliant  
8           in accordance with national immigration policy.

9           (6) It is a compelling government interest to re-  
10          move the incentive for illegal immigration provided  
11          by the availability of public benefits.

## 12       **Subtitle A—Eligibility for Federal** 13       **Benefits Programs**

### 14       **SEC. 601. INELIGIBILITY OF ILLEGAL ALIENS FOR CERTAIN** 15       **PUBLIC BENEFITS PROGRAMS.**

16       (a) IN GENERAL.—Notwithstanding any other provi-  
17       sion of law and except as provided in subsections (b) and  
18       (c), any alien who is not lawfully present in the United  
19       States shall not be eligible for any Federal means-tested  
20       public benefits program (as defined in section 631(d)(2)).

21       (b) EXCEPTION FOR EMERGENCY ASSISTANCE.—  
22       Subsection (a) shall not apply to the provision of non-cash,  
23       in-kind emergency assistance (including emergency medi-  
24       cal services).

1 (c) TREATMENT OF HOUSING-RELATED ASSIST-  
2 ANCE.—Subsection (a) shall not apply to any program for  
3 housing or community development assistance adminis-  
4 tered by the Secretary of Housing and Urban Develop-  
5 ment, any program under title V of the Housing Act of  
6 1949, or any assistance under section 306C of the Consoli-  
7 dated Farm and Rural Development Act, except that in  
8 the case of financial assistance (as defined in section  
9 214(b) of the Housing and Community Development Act  
10 of 1980), the provisions of section 214 of such Act shall  
11 apply instead of subsection (a).

12 **SEC. 602. INELIGIBILITY OF NONIMMIGRANTS FOR CER-**  
13 **TAIN PUBLIC BENEFITS PROGRAMS.**

14 (a) IN GENERAL.—Notwithstanding any other provi-  
15 sion of law and except as provided in subsections (b) and  
16 (c), any alien who is lawfully present in the United States  
17 as a nonimmigrant shall not be eligible for any Federal  
18 means-tested public benefits program.

19 (b) EXCEPTIONS.—

20 (1) EMERGENCY ASSISTANCE.—Subsection (a)  
21 shall not apply to the provision of non-cash, in-kind  
22 emergency assistance (including emergency medical  
23 services).

24 (2) ALIENS GRANTED ASYLUM.—Subsection (a)  
25 shall not apply to an alien who is granted asylum

1 under section 208 of the Immigration and National-  
2 ity Act or whose deportation has been withheld  
3 under section 243(h) of such Act.

4 (3) TREATMENT OF TEMPORARY AGRICUL-  
5 TURAL WORKERS.—Subsection (a) shall not apply to  
6 a nonimmigrant admitted as a temporary agricul-  
7 tural worker under section 101(a)(15)(H)(ii)(a) of  
8 the Immigration and Nationality Act or as the  
9 spouse or minor child of such a worker under section  
10 101(a)(15)(H)(iii) of such Act.

11 (c) TREATMENT OF HOUSING-RELATED ASSIST-  
12 ANCE.—Subsection (a) shall not apply to any program for  
13 housing or community development assistance adminis-  
14 tered by the Secretary of Housing and Urban Develop-  
15 ment, any program under title V of the Housing Act of  
16 1949, or any assistance under section 306C of the Consoli-  
17 dated Farm and Rural Development Act, except that in  
18 the case of financial assistance (as defined in section  
19 214(b) of the Housing and Community Development Act  
20 of 1980), the provisions of section 214 of such Act shall  
21 apply instead of subsection (a).

22 (d) TREATMENT OF ALIENS PAROLED INTO THE  
23 UNITED STATES.—An alien who is paroled into the  
24 United States under section 212(d)(5) of the Immigration  
25 and Nationality Act for a period of less than 1 year shall

1 be considered, for purposes of this subtitle, to be lawfully  
2 present in the United States as a nonimmigrant.

3 **SEC. 603. LIMITED ELIGIBILITY OF IMMIGRANTS FOR 5**  
4 **SPECIFIED FEDERAL PUBLIC BENEFITS PRO-**  
5 **GRAMS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-  
7 sion of law and except as provided in subsection (b), any  
8 alien who is lawfully present in the United States shall  
9 not be eligible for any of the following Federal means-test-  
10 ed public benefits programs:

11 (1) SSI.—The supplemental security income  
12 program under title XVI of the Social Security Act.

13 (2) TEMPORARY ASSISTANCE FOR NEEDY FAMI-  
14 LIES.—The program of block grants to States for  
15 temporary assistance for needy families under part  
16 A of title IV of the Social Security Act.

17 (3) SOCIAL SERVICES BLOCK GRANT.—The pro-  
18 gram of block grants to States for social services  
19 under title XX of the Social Security Act.

20 (4) MEDICAID.—The program of medical assist-  
21 ance under title XIX of the Social Security Act.

22 (5) FOOD STAMPS.—The program under the  
23 Food Stamp Act of 1977.

24 (b) EXCEPTIONS.—

1           (1) TIME-LIMITED EXCEPTION FOR REFUGEEES.—Subsection (a) shall not apply to an alien  
2 admitted to the United States as a refugee under  
3 section 207 of the Immigration and Nationality Act  
4 until 5 years after the date of such alien’s arrival  
5 into the United States.  
6

7           (2) CERTAIN LONG-TERM, PERMANENT RESIDENT, AGED ALIENS.—Subsection (a) shall not  
8 apply to an alien who—  
9

10                   (A) has been lawfully admitted to the  
11 United States for permanent residence;

12                   (B) is over 75 years of age; and

13                   (C) has resided in the United States for at  
14 least 5 years.

15           (3) VETERAN AND ACTIVE DUTY EXCEPTION.—  
16 Subsection (a) shall not apply to an alien who is  
17 lawfully residing in any State (or any territory or  
18 possession of the United States) and is—

19                   (A) a veteran (as defined in section 101 of  
20 title 38, United States Code) with a discharge  
21 characterized as an honorable discharge,

22                   (B) on active duty (other than active duty  
23 for training) in the Armed Forces of the United  
24 States, or

1           (C) the spouse or unmarried dependent  
2           child of an individual described in subparagraph  
3           (A) or (B).

4           Subparagraph (A) shall not apply in the case of a  
5           veteran who has been separated from military serv-  
6           ice on account of alienage.

7           (4) EMERGENCY ASSISTANCE.—Subsection (a)  
8           shall not apply to the provision of non-cash, in-kind  
9           emergency assistance (including emergency medical  
10          services).

11          (5) TRANSITION FOR CURRENT BENE-  
12          FICIARIES.—Subsection (a) shall not apply to the eli-  
13          gibility of an alien for a program until 1 year after  
14          the date of the enactment of this Act if, on such  
15          date of enactment, the alien is lawfully residing in  
16          any State or any territory or possession of the  
17          United States and is eligible for the program.

18          (6) CERTAIN PERMANENT RESIDENT AND DIS-  
19          ABLED ALIENS.—Subsection (a) shall not apply to  
20          an alien who—

21                 (A) has been lawfully admitted to the  
22                 United States for permanent residence; and

23                 (B) is unable because of physical or devel-  
24                 opmental disability or mental impairment (in-  
25                 cluding Alzheimer's disease) to comply with the

1 naturalization requirements of section 312(a) of  
2 the Immigration and Naturalization Act.

3 **SEC. 604. NOTIFICATION.**

4 Each Federal agency that administers a program to  
5 which section 601, 602, or 603 applies shall, directly or  
6 through the States, post information and provide general  
7 notification to the public and to program recipients of the  
8 changes regarding eligibility for any such program pursu-  
9 ant to this subtitle.

10 **Subtitle B—Eligibility for State**  
11 **and Local Public Benefits Pro-**  
12 **grams**

13 **SEC. 611. INELIGIBILITY OF ILLEGAL ALIENS FOR STATE**  
14 **AND LOCAL PUBLIC BENEFITS PROGRAMS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-  
16 sion of law and except as otherwise provided in this sec-  
17 tion, no alien who is not lawfully present in the United  
18 States (as determined in accordance with regulations of  
19 the Attorney General) shall be eligible for any State  
20 means-tested public benefits program (as defined in sec-  
21 tion 631(d)(3)).

22 (b) EXCEPTION FOR EMERGENCY ASSISTANCE.—  
23 Subsection (a) shall not apply to the provision of non-cash,  
24 in-kind emergency assistance (including emergency medi-  
25 cal services).

1 **SEC. 612. INELIGIBILITY OF NONIMMIGRANTS FOR STATE**  
2 **AND LOCAL PUBLIC BENEFITS PROGRAMS.**

3 (a) IN GENERAL.—Notwithstanding any other provi-  
4 sion of law and except as otherwise provided in this sec-  
5 tion, no alien who is lawfully present in the United States  
6 as a nonimmigrant shall be eligible for any State means-  
7 tested public benefits program (as defined in section  
8 631(d)(3)).

9 (b) EXCEPTIONS.—

10 (1) EMERGENCY ASSISTANCE.—The limitations  
11 under subsection (a) shall not apply to the provision  
12 of non-cash, in-kind emergency assistance (including  
13 emergency medical services).

14 (2) ALIENS GRANTED ASYLUM.—Subsection (a)  
15 shall not apply to an alien who is granted asylum  
16 under section 208 of the Immigration and National-  
17 ity Act or whose deportation has been withheld  
18 under section 243(h) of such Act.

19 (3) TREATMENT OF TEMPORARY AGRICUL-  
20 TURAL WORKERS.—Subsection (a) shall not apply to  
21 a nonimmigrant admitted as a temporary agricul-  
22 tural worker under section 101(a)(15)(H)(ii)(a) of  
23 the Immigration and Nationality Act or as the  
24 spouse or minor child of such a worker under section  
25 101(a)(15)(H)(iii) of such Act.

1 (c) TREATMENT OF ALIENS PAROLED INTO THE  
2 UNITED STATES.—An alien who is paroled into the  
3 United States under section 212(d)(5) of the Immigration  
4 and Nationality Act for a period of less than 1 year shall  
5 be considered, for purposes of this subtitle, to be lawfully  
6 present in the United States as a nonimmigrant.

7 **SEC. 613. STATE AUTHORITY TO LIMIT ELIGIBILITY OF IM-**  
8 **MIGRANTS FOR STATE AND LOCAL MEANS-**  
9 **TESTED PUBLIC BENEFITS PROGRAMS.**

10 (a) IN GENERAL.—Notwithstanding any other provi-  
11 sion of law and except as otherwise provided in this section  
12 or section 612, a State is authorized to determine eligi-  
13 bility requirements for aliens who are lawfully present in  
14 the United States for any State means-tested public bene-  
15 fits program.

16 (b) EXCEPTIONS.—

17 (1) TIME-LIMITED EXCEPTION FOR REFUG-  
18 GEES.—The authority under subsection (a) shall not  
19 apply to an alien admitted to the United States as  
20 a refugee under section 207 of the Immigration and  
21 Nationality Act until 5 years after the date of such  
22 alien's arrival into the United States.

23 (2) CERTAIN LONG-TERM, PERMANENT RESI-  
24 DENT, AGED ALIENS.—The authority under sub-  
25 section (a) shall not apply to an alien who—

1 (A) has been lawfully admitted to the  
2 United States for permanent residence;

3 (B) is over 75 years of age; and

4 (C) has resided in the United States for at  
5 least 5 years.

6 (3) VETERAN AND ACTIVE DUTY EXCEPTION.—

7 The authority under subsection (a) shall not apply  
8 to an alien who is lawfully residing in any State (or  
9 any territory or possession of the United States) and  
10 is—

11 (A) a veteran (as defined in section 101 of  
12 title 38, United States Code) with a discharge  
13 characterized as an honorable discharge,

14 (B) on active duty (other than active duty  
15 for training) in the Armed Forces of the United  
16 States, or

17 (C) the spouse or unmarried dependent  
18 child of an individual described in subparagraph  
19 (A) or (B).

20 Subparagraph (A) shall not apply in the case of a  
21 veteran who has been separated from military serv-  
22 ice on account of alienage.

23 (4) EMERGENCY ASSISTANCE.—The authority  
24 under subsection (a) shall not apply to the provision

1 of non-cash, in-kind emergency assistance (including  
2 emergency medical services).

3 (5) TRANSITION.—The authority under sub-  
4 section (a) shall not apply to eligibility of an alien  
5 for a State means-tested public benefits program  
6 until 1 year after the date of the enactment of this  
7 Act if, on such date of enactment, the alien is law-  
8 fully present in the United States and is eligible for  
9 benefits under the program. Nothing in the previous  
10 sentence is intended to address alien eligibility for  
11 such a program before the date of the enactment of  
12 this Act.

## 13 **Subtitle C—Attribution of Income** 14 **and Affidavits of Support**

### 15 **SEC. 421. ATTRIBUTION OF SPONSOR'S INCOME AND RE-** 16 **SOURCES TO FAMILY-SPONSORED IMMI-** 17 **GRANTS.**

18 (a) IN GENERAL.—Notwithstanding any other provi-  
19 sion of law and except as provided in subsection (c), in  
20 determining the eligibility and the amount of benefits of  
21 an alien for any means-tested public benefits program (as  
22 defined in section 631(d)) the income and resources of the  
23 alien shall be deemed to include—

24 (1) the income and resources of any person who  
25 executed an affidavit of support pursuant to section

1       213A of the Immigration and Nationality Act (as  
2       added by section 622) in behalf of such alien, and

3               (2) the income and resources of the spouse (if  
4       any) of the person.

5       (b) APPLICATION.—Subsection (a) shall apply with  
6       respect to an alien until such time as the alien achieves  
7       United States citizenship through naturalization pursuant  
8       to chapter 2 of title III of the Immigration and National-  
9       ity Act.

10       (c) EXCEPTION FOR HOUSING-RELATED ASSIST-  
11       ANCE.—Subsection (a) shall not apply to any program for  
12       housing or community development assistance adminis-  
13       tered by the Secretary of Housing and Urban Develop-  
14       ment, any program under title V of the Housing Act of  
15       1949, or any assistance under section 306C of the Consoli-  
16       dated Farm and Rural Development Act.

17       **SEC. 622. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF**  
18                               **SUPPORT.**

19       (a) IN GENERAL.—Title II of the Immigration and  
20       Nationality Act is amended by inserting after section 213  
21       the following new section:

22       “REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT

23               “SEC. 213A. (a) ENFORCEABILITY.—No affidavit of  
24       support may be accepted by the Attorney General or by  
25       any consular officer to establish that an alien is not ex-

1 cludable as a public charge under section 212(a)(4) unless  
2 such affidavit is executed as a contract—

3 “(1) which is legally enforceable against the  
4 sponsor by the Federal Government and by any  
5 State (or any political subdivision of such State)  
6 which provides any means-tested public benefits pro-  
7 gram, but not later than 10 years after the alien last  
8 receives any such benefit; and

9 “(2) in which the sponsor agrees to submit to  
10 the jurisdiction of any Federal or State court for the  
11 purpose of actions brought under subsection (e)(2).

12 Such contract shall be enforceable with respect to benefits  
13 provided to the alien until such time as the alien achieves  
14 United States citizenship through naturalization pursuant  
15 to chapter 2 of title III.

16 “(b) FORMS.—Not later than 90 days after the date  
17 of enactment of this section, the Attorney General, in con-  
18 sultation with the Secretary of State and the Secretary  
19 of Health and Human Services, shall formulate an affida-  
20 vit of support consistent with the provisions of this sec-  
21 tion.

22 “(c) STATUTORY CONSTRUCTION.—Nothing in this  
23 section shall be construed to grant third party beneficiary  
24 rights to any sponsored alien under an affidavit of  
25 support.

1       “(d) NOTIFICATION OF CHANGE OF ADDRESS.—(1)  
2 The sponsor shall notify the Federal Government and the  
3 State in which the sponsored alien is currently resident  
4 within 30 days of any change of address of the sponsor  
5 during the period specified in subsection (a)(1).

6       “(2) Any person subject to the requirement of para-  
7 graph (1) who fails to satisfy such requirement shall be  
8 subject to a civil penalty of—

9               “(A) not less than \$250 or more than \$2,000,  
10       or

11               “(B) if such failure occurs with knowledge that  
12 the sponsored alien has received any benefit under  
13 any means-tested public benefits program, not less  
14 than \$2,000 or more than \$5,000.

15       “(e) REIMBURSEMENT OF GOVERNMENT EX-  
16 PENSES.—(1)(A) Upon notification that a sponsored alien  
17 has received any benefit under any means-tested public  
18 benefits program, the appropriate Federal, State, or local  
19 official shall request reimbursement by the sponsor in the  
20 amount of such assistance.

21               “(B) The Attorney General, in consultation with the  
22 Secretary of Health and Human Services, shall prescribe  
23 such regulations as may be necessary to carry out sub-  
24 paragraph (A).

1       “(2) If within 45 days after requesting reimburse-  
2 ment, the appropriate Federal, State, or local agency has  
3 not received a response from the sponsor indicating a will-  
4 ingness to commence payments, an action may be brought  
5 against the sponsor pursuant to the affidavit of support.

6       “(3) If the sponsor fails to abide by the repayment  
7 terms established by such agency, the agency may, within  
8 60 days of such failure, bring an action against the spon-  
9 sor pursuant to the affidavit of support.

10       “(4) No cause of action may be brought under this  
11 subsection later than 10 years after the alien last received  
12 any benefit under any means-tested public benefits pro-  
13 gram.

14       “(f) DEFINITIONS.—For the purposes of this sec-  
15 tion—

16               “(1) SPONSOR.—The term ‘sponsor’ means an  
17 individual who—

18                       “(A) is a citizen or national of the United  
19 States or an alien who is lawfully admitted to  
20 the United States for permanent residence;

21                       “(B) is 18 years of age or over; and

22                       “(C) is domiciled in any State.

23               “(2) MEANS-TESTED PUBLIC BENEFITS PRO-  
24 GRAM.—The term ‘means-tested public benefits pro-  
25 gram’ means a program of public benefits (including

1 cash, medical, housing, and food assistance and so-  
2 cial services) of the Federal Government or of a  
3 State or political subdivision of a State in which the  
4 eligibility of an individual, household, or family eligi-  
5 bility unit for benefits under the program, or the  
6 amount of such benefits, or both are determined on  
7 the basis of income, resources, or financial need of  
8 the individual, household, or unit.”.

9 (b) CLERICAL AMENDMENT.—The table of contents  
10 of such Act is amended by inserting after the item relating  
11 to section 213 the following:

“Sec. 213A. Requirements for sponsor’s affidavit of support.”.

12 (c) EFFECTIVE DATE.—Subsection (a) of section  
13 213A of the Immigration and Nationality Act, as inserted  
14 by subsection (a) of this section, shall apply to affidavits  
15 of support executed on or after a date specified by the  
16 Attorney General, which date shall be not earlier than 60  
17 days (and not later than 90 days) after the date the Attor-  
18 ney General formulates the form for such affidavits under  
19 subsection (b) of such section.

## 20 **Subtitle D—General Provisions**

### 21 **SEC. 631. DEFINITIONS.**

22 (a) IN GENERAL.—Except as otherwise provided in  
23 this section, the terms used in this title have the same  
24 meaning given such terms in section 101(a) of the Immi-  
25 gration and Nationality Act.

1 (b) **LAWFUL PRESENCE.**—For purposes of this title,  
2 the determination of whether an alien is lawfully present  
3 in the United States shall be made in accordance with reg-  
4 ulations of the Attorney General. An alien shall not be  
5 considered to be lawfully present in the United States for  
6 purposes of this title merely because the alien may be con-  
7 sidered to be permanently residing in the United States  
8 under color of law for purposes of any particular program.

9 (c) **STATE.**—As used in this title, the term “State”  
10 includes the District of Columbia, Puerto Rico, the Virgin  
11 Islands, Guam, the Northern Mariana Islands, and Amer-  
12 ican Samoa.

13 (d) **PUBLIC BENEFITS PROGRAMS.**—As used in this  
14 title—

15 (1) **MEANS-TESTED PROGRAM.**—The term  
16 “means-tested public benefits program” means a  
17 program of public benefits (including cash, medical,  
18 housing, and food assistance and social services) of  
19 the Federal Government or of a State or political  
20 subdivision of a State in which the eligibility of an  
21 individual, household, or family eligibility unit for  
22 benefits under the program, or the amount of such  
23 benefits, or both are determined on the basis of in-  
24 come, resources, or financial need of the individual,  
25 household, or unit.

1           (2) FEDERAL MEANS-TESTED PUBLIC BENE-  
2           FITS PROGRAM.—The term “Federal means-tested  
3           public benefits program” means a means-tested pub-  
4           lic benefits program of (or contributed to by) the  
5           Federal Government and under which the Federal  
6           Government has specified standards for eligibility  
7           and includes the programs specified in section  
8           603(a).

9           (3) STATE MEANS-TESTED PUBLIC BENEFITS  
10          PROGRAM.—The term “State means-tested public  
11          benefits program” means a means-tested public ben-  
12          efits program of a State or political subdivision of a  
13          State under which the State or political subdivision  
14          specifies the standards for eligibility, and does not  
15          include any Federal means-tested public benefits  
16          program.

17 **SEC. 632. CONSTRUCTION.**

18          Nothing in this title shall be construed as addressing  
19          alien eligibility for governmental programs that are not  
20          means-tested public benefits programs.

## 1                   **Subtitle E—Conforming** 2                   **Amendments**

### 3   **SEC. 641. CONFORMING AMENDMENTS RELATING TO AS-** 4                   **SISTED HOUSING.**

5           (a) LIMITATIONS ON ASSISTANCE.—Section 214 of  
6 the Housing and Community Development Act of 1980  
7 (42 U.S.C. 1436a) is amended—

8               (1) by striking “Secretary of Housing and  
9           Urban Development” each place it appears and in-  
10           serting “applicable Secretary”;

11              (2) in subsection (b), by inserting after “Na-  
12           tional Housing Act,” the following: “the direct loan  
13           program under section 502 of the Housing Act of  
14           1949 or section 502(c)(5)(D), 504, 521(a)(2)(A), or  
15           542 of such Act, subtitle A of title III of the Cran-  
16           ston-Gonzalez National Affordable Housing Act,”;

17              (3) in paragraphs (2) through (6) of subsection  
18           (d), by striking “Secretary” each place it appears  
19           and inserting “applicable Secretary”;

20              (4) in subsection (d), in the matter following  
21           paragraph (6), by striking “the term ‘Secretary’”  
22           and inserting “the term ‘applicable Secretary’”; and

23              (5) by adding at the end the following new sub-  
24           section:

1 “(h) For purposes of this section, the term ‘applicable  
2 Secretary’ means—

3 “(1) the Secretary of Housing and Urban De-  
4 velopment, with respect to financial assistance ad-  
5 ministered by such Secretary and financial assist-  
6 ance under subtitle A of title III of the Cranston-  
7 Gonzalez National Affordable Housing Act; and

8 “(2) the Secretary of Agriculture, with respect  
9 to financial assistance administered by such Sec-  
10 retary.”.

11 (b) CONFORMING AMENDMENTS.—Section 501(h) of  
12 the Housing Act of 1949 (42 U.S.C. 1471(h)) is  
13 amended—

14 (1) by striking “(1)”;  
15

16 (2) by striking “by the Secretary of Housing  
17 and Urban Development”; and

18 (3) by striking paragraph (2).

19 **Subtitle F—Exclusion of Aliens**  
20 **Likely to Become Public Charges**

21 **SEC. 651. EXCLUSION OF ALIENS LIKELY TO BECOME PUB-**  
22 **LIC CHARGES.**

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

1           “(4) PUBLIC CHARGE.—Any alien who cannot  
2 demonstrate to the consular officer at the time of  
3 application for a visa, or to the Attorney General at  
4 the time of application for admission or adjustment  
5 of status, that, taking into account the alien’s age  
6 and medical condition, the alien has assets, edu-  
7 cation, skills, or a combination thereof that make it  
8 very unlikely that the alien will become eligible for  
9 means-tested public assistance of any kind (includ-  
10 ing, but not limited to, medical care or food and  
11 housing assistance) or will otherwise become a public  
12 charge is excludable.”.

13           **TITLE VII—STRENGTHENING**  
14                                   **CITIZENSHIP**

15           **SEC. 701. CONSTITUTIONAL CITIZENSHIP.**

16           In the exercise of its powers under section 5 of the  
17 Fourteenth Article of Amendment to the Constitution of  
18 the United States, the Congress has determined and here-  
19 by declares that any person born after the date of enact-  
20 ment of this Act to a mother who is neither a citizen of  
21 the United States nor admitted to the United States as  
22 a lawful permanent resident, and which person is a na-  
23 tional or citizen of another country of which either of his  
24 or her natural parents is a national or citizen, or is enti-  
25 tled upon application to become a national or citizen of

1 such country, shall be considered as born subject to the  
2 jurisdiction of that foreign country and not subject to the  
3 jurisdiction of the United States within the meaning of  
4 section 1 of such Article and shall therefore not be a citi-  
5 zen of the United States or of any State solely by reason  
6 of birth within the United States.

7 **SEC. 702. CONSTITUTIONAL VOTING PRIVILEGE.**

8       In the exercise of its powers under section 5 of the  
9 Fourteenth Article of Amendment to the Constitution of  
10 the United States to enforce the prohibition of section 1  
11 of such Article against the making or enforcing of any law  
12 that shall abridge the privileges or immunities of citizens  
13 of the United States, the Congress determines that the  
14 right of citizens to vote is a privilege of citizens of the  
15 United States and that voting in elections of the United  
16 States or of any State by persons who are not citizens  
17 of the United States is an abridgement of that privilege.  
18 It shall be unlawful, and a misdemeanor punishable by a  
19 fine of not more than \$1,000 and/or imprisonment of not  
20 more than 30 days for each unlawful vote, for any person  
21 who is not a citizen of the United States to vote in any  
22 election to which the provisions of the Fifteenth, Nine-  
23 teenth, Twenty-Fourth, or Twenty-Sixth Article of  
24 Amendment to the Constitution applies or in any other  
25 election, referendum, ballot, or other procedure of the

1 United States or of any State in which votes are taken.  
2 Any vote that is cast in violation of this section shall be  
3 null, void, and of no effect and shall not be counted.

4 **SEC. 703. NATURALIZATION.**

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

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

13 (2) striking “and” after “applicant;” in para-  
14 graph (1);

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

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

22 (b) GOOD MORAL CHARACTER REQUIREMENT.—Sec-  
23 tion 316 of the Immigration and Nationality Act (8 U.S.C.  
24 1427) is amended by adding the following sentence at the  
25 end of subsection (a): “Action by the alien to commit a

1 fraud upon the Immigration and Naturalization Service  
2 in connection with his own admission or to aid or abet  
3 the commission of such a fraud by any other alien shall  
4 be considered conclusive evidence that the alien lacks good  
5 moral character.”.

6 **SEC. 704. LEGAL ACTIONS BY STATE AND LOCAL GOVERN-**  
7 **MENTS.**

8 (a) ACTIONS BY STATES AND THEIR POLITICAL SUB-  
9 DIVISIONS.—The Immigration and Nationality Act is  
10 amended by adding the following new section after section  
11 293 (8 U.S.C. 1363):

12 **“SEC. 294. ACTIONS BASED ON IMMIGRATION LAW VIOLA-**  
13 **TIONS.**

14 “(a) ACTIONS AGAINST THE UNITED STATES.—The  
15 Governor or Attorney General of any State may commence  
16 a civil suit on behalf of the State and any of its political  
17 subdivisions against the head of any agency of the Federal  
18 Government upon an allegation that the number of aliens  
19 entering or residing in the State in violation of this Act  
20 has increased, is increasing, or is likely to increase by rea-  
21 son of (1) a failure of such agency to perform within a  
22 reasonable time any nondiscretionary act or duty under  
23 an immigration-related law, (2) a policy of such agency  
24 to authorize, encourage, or enable one or more classes of  
25 excludable or deportable aliens to remain within the Unit-

1 ed States or be employed within the United States, or (3)  
2 a policy of such agency of releasing from the custody of  
3 the United States excludable or deportable aliens without  
4 effective provision for their prompt departure or return  
5 to custody. Any such action shall be brought in a United  
6 States district court for a district that is wholly or partly  
7 within the State bringing the suit or in the United States  
8 District Court for the District of Columbia. The district  
9 court shall have jurisdiction to order the head of any agen-  
10 cy of the United States to perform any act or duty re-  
11 quired by an immigration-related law. If the court finds  
12 that the actions or policies of the department or agency  
13 were in willful and prolonged disregard of any immigra-  
14 tion-related law, the court may order the United States  
15 to reimburse the State or any of its political subdivisions  
16 for the direct costs to the State or the political subdivision  
17 attributable to such actions.

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

24 “(c) DEFINITION.—For purposes of this section, the  
25 term ‘immigration-related law’ means this Act and any

1 Federal law that limits or prohibits the provision of finan-  
2 cial assistance to ineligible aliens or the expenditure of  
3 funds for the benefit of ineligible aliens.”.

4 **TITLE VIII—IMMIGRATION AND**  
5 **NATURALIZATION SERVICE**

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

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

23 **SEC. 802. CONFORMING AMENDMENTS.**

24 (a) The Immigration and Nationality Act is amend-  
25 ed—

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

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

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

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



HR 2162 IH—2

HR 2162 IH—3

HR 2162 IH—4

HR 2162 IH—5