

**EXECUTIVE SECRETARIAT**  
ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	EXDIR				
4	D/ICS				
5	DDI				
6	DDA				
7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/OLL				
14	D/PAO				
15	VC/NIC				
16	NIO/ECON	X			
17	D/OGI		X		
18	D/ES		X		
19					
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SUSPENSE \_\_\_\_\_ Date \_\_\_\_\_ 25X1

**ER**

Remarks To 17: As DCI's rep to EPC, please track activities of these three new EPC working groups.

Executive Secretary

18 Nov 85  
Date



# CABINET AFFAIRS STAFFING MEMORANDUM

**Date:** 11/15/85      **Number:** 317025CA      **Due By:** \_\_\_\_\_  
**Subject:** Economic Policy Council Memoranda

ALL CABINET MEMBERS	Action	FYI		Action	FYI
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	CEA	<input checked="" type="checkbox"/>	<input type="checkbox"/>
State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CEQ	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input checked="" type="checkbox"/>	<input type="checkbox"/>	OSTP	<input type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Justice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Agriculture	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McFarlane	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commerce	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Svahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Labor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chew (For WH Staffing)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HHS	<input type="checkbox"/>	<input type="checkbox"/>	Hicks	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Chief of Staff	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UN	<input type="checkbox"/>	<input type="checkbox"/>	Executive Secretary for:		
USTR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DPC	<input type="checkbox"/>	<input type="checkbox"/>
GSA	<input type="checkbox"/>	<input type="checkbox"/>	EPC	<input type="checkbox"/>	<input type="checkbox"/>
EPA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
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SBA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:** The attached memoranda from Secretary Baker describing three new working groups are being forwarded to you for your information.

**RETURN TO:**  
 Alfred H. Kingon  
 Cabinet Secretary  
 456-2823  
 (Ground Floor, West Wing)

- Don Clarey
- Rick Davis
- Ed Stucky

Associate Director  
 Office of Cabinet Affairs  
 455-2800 (Room 120, OEOB)



1-300

ON-FILE NSC RELEASE INSTRUCTIONS APPLY

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR THE ECONOMIC POLICY COUNCIL

SUBJECT: Human Capital and Competitiveness

Investment in human capital plays a critical role in maintaining and enhancing the competitiveness of U.S. firms in international markets. To compete effectively in the world market, U.S. firms must rely on high labor productivity as well as technological advantages.

This memorandum establishes an interagency working group under the Economic Policy Council to review the relationship of human capital and competitiveness and develop for Council consideration options for improving the Federal Government policy toward encouraging the optimal amount of investment in human capital. The Working Group should use existing data to the greatest extent possible and focus on developing policy recommendations that could be proposed in the FY 1987 budget and/or the State of the Union address. The Working Group shall complete its report to the Council by December 15, 1985.

The Working Group will include representatives at the Assistant Secretary level or above from the Departments of the Treasury, Commerce, and Labor, the Office of Management and Budget, the Council of Economic Advisers, and the Executive Secretary of the Economic Policy Council and other departments and agencies as necessary, including the Department of Education. The representative from the Department of Labor will chair the Working Group and work closely with the Executive Secretary of the Council in developing the sequence of issues the Working Group will consider and in scheduling presentations to the Council.

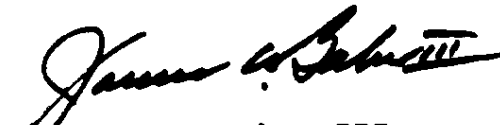
The Working Group's review should include, but not be limited, to:

1. Identifying the barriers to optimal private sector investment in human capital;
2. Assessing how other countries encourage investment in human capital;
3. Determining whether the Federal Government should provide the same or different incentives for investment in physical capital or human capital and how the Federal Government might change these incentives; and

-2-

4. Determining the appropriate role the Federal Government should play in encouraging greater business-university cooperation.

I would appreciate the Council members on the Working Group informing the Executive Secretary of the Council the name of the individual they wish to represent them on the Working Group by close of business Monday, November 18, 1985. Thank you very much.



James A. Baker III  
Chairman Pro Tempore

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR THE ECONOMIC POLICY COUNCIL

SUBJECT: Intellectual Property and Competitiveness

Intellectual property rights play an important role in enhancing American competitiveness. Broad intellectual property rights encourage the development of new technologies and processes which ultimately lower the costs of production for businesses in a wide variety of industries and accelerate the introduction of improved products and services to consumers. Adequately defining the scope of intellectual property rights and providing intellectual holders with mechanisms to enforce their rights provide American businesses with optimal returns on investment innovation and increase overall U.S. competitiveness.

This memorandum establishes a high level interagency working group under the Economic Policy Council to review the relationship between protection of intellectual property rights and competitiveness and develop for Council consideration options for improving Government policies recognizing and enforcing intellectual property rights and encouraging optimal investment in the innovation of new ideas, products, and services. The Working Group should use existing data to the greatest extent possible and focus on developing specific policy options for Council consideration which could be included in the FY 1987 Budget or State of the Union address. The Working Group should complete its report for the Council by December 15, 1985.

The Working Group will include representatives at the assistant Secretary level or above from the Departments of Treasury, State, Commerce, Labor, the Office of Management and Budget, the United States Trade Representative, the Council of Economic Advisers, and the Executive Secretary of the Economic Policy Council. The representative from the Department of Commerce will chair the Working Group and work closely with the Executive Secretary of the Economic Policy Council in developing the sequence of issues the Working Group will consider and scheduling presentations to the Council.


The Working Group's review should include, but not be limited to:

1. Assessing whether the United States has in place effective statutes and policies to ensuring protection of patents, trademarks, and copyright.

-2-

2. Identifying obstacles, if any, to improving U.S. protection of intellectual property rights.
3. Assessing whether U.S. laws and policies provide protection of intellectual property rights to a degree equivalent to that provided by U.S. foreign competitors.

I would appreciate the Council members on the Working Group informing the Executive Secretary of the Council the name of the individual they wish to represent them on the Working Group by close of business, Monday, November 18, 1985. Thank you very much.



James A. Baker III  
Chairman Pro Tempore

THE WHITE HOUSE

WASHINGTON

November 15, 1985

MEMORANDUM FOR THE ECONOMIC POLICY COUNCIL

SUBJECT: Research and Development and Competitiveness

Research and development (R&D) plays a critical role in maintaining and enhancing the competitiveness of U.S. firms in international markets. The U.S. needs to make adequate investments in new products and processes in order to maintain its technological lead in many markets.

This memorandum establishes an interagency working group under the Economic Policy Council to review the relationship of R&D and competitiveness and develop for Council consideration options for improving the Federal Government policy toward encouraging the optimal amount of investment in R&D. The Working Group should use existing data to the greatest extent possible and focus on developing policy recommendations that could be proposed in the FY 1987 budget and/or included in the State of the Union address. The Working Group shall complete its report to the Council by December 15, 1985.

The Working Group will include representatives at the Assistant Secretary level or above from the Departments of the Treasury and Commerce, the Office of Management and Budget, the Council of Economic Advisers, and the Executive Secretary of the Economic Policy Council and other departments and agencies as necessary, including the Departments of Defense and Energy and the National Science Foundation. The representative from the Department of the Treasury will chair the Working Group and work closely with the Executive Secretary of the Council in developing the sequence of issues the Working Group will consider and in scheduling presentations to the Council.

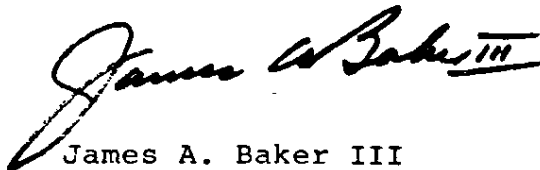
The Working Group's review should include, but not be limited, to:

1. Identifying the barriers to private sector investment in R&D and its commercialization;
2. Assessing how other countries encourage investment in R&D;
3. Developing options for more effective Federal Government targeting of basic research;
4. Assessing whether the Federal Government should subsidize (through either spending programs or the tax code) applied R&D, and if so, developing options for how it could do so more effectively;

-2-

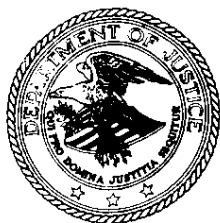
5. Assessing whether the Federal Government should encourage investment in R&D in strategic areas affecting competitiveness (e.g., semiconductor research) above what the private sector would invest; and
6. Assessing whether the Federal Government should encourage investment in R&D of only goods, or whether it should also encourage investment in R&D of services, and if the latter, how it could do so.

I would appreciate the Council members on the Working Group informing the Executive Secretary of the Council the name of the individual they wish to represent them on the Working Group by close of business Monday, November 18, 1985. Thank you very much.



James A. Baker III  
Chairman Pro Tempore





Office of the Attorney General

Washington, D. C. 20530

July 8, 1985

Executive Registry
85-2686

11 JUL 1985

ER

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: EDWIN MEESE III *and*  
CHAIRMAN, PRO TEMPORE

SUBJECT: IMMIGRATION REFORM LEGISLATION

The discussion on immigration regarding the Administration's policy position was not completed on June 20 and will continue at the meeting scheduled for July 10, 1985.

Several issues were raised which are the subject of these supplementary documents: (1) studies on immigration issues, (2) public opinion, and (3) general policy position of this Administration on immigration reform.

Studies on Immigration

The immigration issue has been studied in great detail. Subjects of study cover all aspects of immigration, the extent of the problem of illegal immigration and proposed ways of dealing with the problem. Attached is a list, compiled by INS, of some 75 studies which were conducted from 1974 to date.

The Reagan Administration has approached this issue with action. In 1981, the President appointed a Cabinet-level task force headed by former Attorney General William French Smith. This task force in the Spring of 1981 made a number of policy recommendations which were endorsed by the President. From those recommendations evolved the Administration bill and policy positions on immigration. The Simpson/Mazzoli bills followed thereafter and were consistent with the Administration's positions. S. 1200, introduced by Senator Simpson and now before the Senate continues that pattern.

Since 1981, there have been 41 days of hearings in the Senate and House. These included testimony by over 478 witnesses, representing all political, economic, social, and philosophical points of view including the



Administration's. The Attorney General and other officials testified in support of legislation.

#### Political and Public Opinion Considerations

Attached also is a list of public opinion polls taken in the last four years on immigration issues. It sets forth the name and date of the poll and the relevant statistics. More detail is available to those who would like to see it. These polls cover the entire spectrum of the well-respected polls in this country, and establish that a very large percentage of the American people of all races, ethnic groups, and economic levels strongly favor the basic reforms encompassed in S. 1200.

Of equal public impact is the editorial and media support for immigration reform. This media support in the last four years has been overwhelming. Attached is a list of newspapers which have supported immigration reform legislation and the list of those in opposition.

#### Current Considerations

The Administration and the President personally have strongly supported immigration reform for the last five years and have stressed the need for such legislation.

With votes in the Senate of 80 to 19 and 76 to 18, there appears to be strong bi-partisan support for immigration reform. Attached also is a partial list of statements made by the President in support of immigration reform since 1981.

Partial List of Significant Immigration Studies, 1976-1985

Glazer, Nathan, editor, Clamor at the Gates, the New American Immigration, 1985, Institute for Contemporary Studies Press, San Francisco, California.

Maram, Sheldon, The labor market impact of Hispanic undocumented immigrants on the garment and restaurant industries in the Los Angeles County, Fullerton, California State University, [1983] 190 p. (A study prepared for the Rockefeller Foundation).

Montoya, Ricardo and Wayne Cornelius, America's New Immigration Laws: Origins, Rationales and Potential Consequences, 1983, Center for U.S. Mexican Studies, University of California, San Diego, California.

Kritz, Mary, editor, U.S. Immigration and Refugee Policy, Global and Domestic Issues, 1983, Lexington Books, Lexington, Massachusetts.

Chiswick, Barry, editor, The Gateway: U.S. Immigration Issues and Policies, 1982, American Enterprise Institute for Public Policy Research, Washington, D.C.

Bouvier, Leon, The Impact of Immigration on U.S. Population Size, 1981. The Population Reference Bureau, Washington, D.C.

North, David, Enforcing the Immigration Laws: A Review of the Options, 1980, New TransCentury Foundation, Washington, D.C.

Weintraub, Sidney and Stanley Ross, The illegal alien from Mexico: Policy Choices for an Intractable issue, 1980, Mexico United States Border research, University of Texas, Austin, Texas.

Fogel, Walter, Mexican illegal alien workers in the United States, Los Angeles, Institute of Industrial Relations, University of California [1978] 204 p. (Monograph series, 20).

Corwin, Arthur, editor, Immigrants and Immigrants: Perspectives on Mexican Labor Migration to the United States, 1978, Greenwood Press, Westport, Connecticut.

Cardenas, Gilbert, Manpower impact and problems of Mexican illegal aliens in an urban market, University of Illinois at Urbana-Champaign, Center for Advanced Computation, 1976, 269 p.

North, David S., and Marion F. Houstoun, The characteristics and role of illegal aliens in the U.S. labor market: an exploratory study, Washington, Linton and Co., 1976, 181 p.

The use of public services by undocumented aliens in Texas: a study of State costs and revenues, a report by the Undocumented Workers Policy Research Project, the University of Texas at Austin, Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, 1984, 225 p. (Project directors: Sidney Weintaub and Gilberto Cardenas)

U.S. Select Commission on Immigration and Refugee Policy, U.S. immigration policy and the national interest: final report, Washington, U.S. Government Printing Office, 1981, 453 p.

U.S. Select Commission on Immigration and Refugee Policy, U.S. immigration policy and the national interest: staff report, Washington, U.S. Government Printing Office, 1981, 916 p.

Community Research Associates, Undocumented immigrants: their impact on the County of San Diego, San Diego, 1980. 376 p. (Prepared for the County of San Diego).

Siegel, Jacob S., Jeffrey S. Passel, and J. Gregory Robinson, "Preliminary review of existing studies of the number of illegal residents in the United States", Washington, U.S. Bureau of the Census, 1980, 65 p.

U.S. Interagency Task Force on Immigration Policy, Staff report, Washington, Departments of Justice, Labor and State, 1979, 540 p.

Van Arsdol, Maurice D., Jr., and others, Non-apprehended and apprehended undocumented residents in the Los Angeles labor market: an exploratory study, Los Angeles, University of Southern California, 1979, 182 p.

U.S. Congress, House Select Committee on Population, Legal and Illegal immigration to the United States, report, 95th Congress, 2d session. Washington, U.S. Government Printing Office, 1978, 68 p.

LeBel, Allen and David North, Manpower and Immigration Policies in the United States, 1978, National Commission for Manpower Policy, Washington, D.C.

Villalpando, Vic, A Study of the Socioeconomic Impact of Illegal Aliens in the County of San Diego, 1977, County of San Diego Human Resources Agency.

U.S. Domestic Council Committee on Illegal Aliens, Preliminary report, Washington, U.S. Department of Justice, 1976, 257 p.

Weissert, William and David S. North, Immigrants and the American Labor Force, prepared for U.S. Department of Labor, 1974, Washington, U.S. Government Printing Office.

Houstoun, Marion F., Aliens in irregular status in the United States: a review of their numbers, characteristics, and role in the U.S. labor market, International migration, v.21, no. 3, pps. 372-414.

Huddle, Donald L., et al, Illegal Immigration: Job Displacement and Social Costs, 1985, American Immigration Control Foundation, Alexandria, Virginia.

Conner, Roger, Breaking Down the Barriers: The Changing Relationships Between Illegal Immigration and Welfare, 1982, Federation for American Immigration Reform, Washington.

Tanton, John, Rethinking Immigration Policy, 1979, Federation for American Immigration Reform, Washington, D.C.

NATIONAL AND STATE POLLS ON IMMIGRATION REFORM

October 1984	Gallup	75 percent of <u>national</u> sample of 1500 thought it should be against the law to hire an illegal alien.
October 1983	Gallup	79 percent of <u>national</u> sample of 1594 thought "it should be against the law to employ" an illegal alien, including 75 percent of Hispanics (98).
June/July 1983	Tarrance/Hart	Substantial majorities of both Hispanics and Blacks in a <u>national</u> sample of 1800 Hispanics; 800 Blacks favor employer sanctions and increased border enforcement to curb illegal migration.
April 1983	National Fed. of Business	Nationwide <u>NFIB membership</u> poll found that 72 percent of respondents favored "vigorously restricting the flow of illegal aliens into the U.S."
March 1983	<u>Los Angeles Times</u>	Employer sanctions favored by 70 percent of Anglos, 85 percent of Blacks, and 38 percent of Latinos statewide in California. Sample of 1,498 incl. 568 Latinos.
November 1982	Sheinkman Poll of labor union leaders	97 percent agreed that employer sanctions would be most effective action U.S. government could take to control illegal immigration. Sample of 31 states.
June 1982	Field Poll	76 percent support severe penalties on employers who hire illegal aliens (Whites-76%; Hispanics-71%; Blacks-81%). <u>California</u> . Only 1993 respondents 75 percent say illegal immigrants have a more unfavorable than favorable effect overall (Whites-76%; Hispanics-64%; Blacks-71%).
August 1981	Institute for Constructive Capitalism.	67 percent of all <u>Texans</u> favored increased efforts by the State of Texas to prevent illegal aliens from entering the state. (Whites-70%; Hispanics-53%; Blacks-70%).
Summer 1978	Jasso Poll	60 percent of Hispanic surnamed house holds in <u>Texas</u> favored a law "to stop people from hiring undocumented workers." 72 percent of non-Hispanics also favored such a law. Sample of 1315 respondents incl. 799 Hispanics.

HISPANIC ATTITUDES TOWARD INCREASED IMMIGRATION ENFORCEMENT

October 1983 Gallup Poll Nationwide sample; 1549 respondents

- o 75 percent of Hispanic respondents favored a law making it "against the law to employ a person who has come into the United States without proper papers."
- o 75 percent of Hispanic respondents said they thought "everyone in the U.S. should be required to carry an identification card such as a Social Security card".

June/July 1983 Tarrance/Hart Poll Nationwide sample; 1600 respondents

- o 66 percent of Hispanic citizens (800) favored "having penalties and fines for employers who hire illegal aliens."
- o 63 percent of Hispanic citizens (800) favored "making major increases in the amount of money the U.S. government spends on patrolling the U.S. borders in order to stop illegal immigrants from entering the country."
- o 64 percent of Hispanic citizens (800) said they thought "tough restrictions on illegal immigration are the right approach because illegal immigrants take jobs away from American workers and give employers a way to avoid paying decent wages."

July 1982 Field Poll: California 993 incl. 86 Hispanics

- o 71 percent of Hispanics statewide support severe penalties on employers who hire illegal aliens.
- o 64 percent of Hispanics said that the effect of illegal immigrants on the state overall was "unfavorable".

August 1981 Texas Poll Sample of 2,041

- o 53 percent of Hispanics favored increased efforts by the State of Texas to prevent illegal aliens from entering the state.

Summer 1978 Jasso Poll: Texas

- o 60 percent of Hispanic surnamed households (799) favored a law "to stop people from hiring undocumented workers," including 69 percent of Hispanics in the border regions (264).

NEWSPAPERS SUPPORTING IMMIGRATION REFORM

The New York Times	The Christian Science Monitor
The Washington Post	U.S. News and World Report
Los Angeles Times	Texarkana Gazette
Los Angeles Herald	Minneapolis Star and Tribune
The San Diego Union	Commonwealth, Scotland Neck, N.C.
The San Diego Tribune	New Orleans Times Picayune
The Corpus Christi Times	Dallas Times Herald
The Denver Post	Democrat-Chronicle, Rochester NY
Seattle Post-Intelligencer	Progress Bulletin, CA
The Miami Herald	News and Observer, NC
The Philadelphia Inquirer	Burlington County Times, NJ
Herald-Dispatch, WV	Valley News and Green Sheet, CA
Avalanche Journal, TX	The El Cajon Californian
Record and Landmark, NC	San Antonio Express
Owensboro Messenger, KY	Corpus Christi Caller Times
Hopkinsville New Era KY	Pampa Texas News
Evening Item, MA	Palo Alto Peninsula Times-Trib.
Lewiston Tribune, ID	Bakersfield Californian
Dallas Morning News	Providence Sunday Journal
Honolulu Star-Bulletin	Thomasville Times, NC
Pomona Progress Bulletin	Salt Lake City Tribune
Boston Herald American	Temple Telegram, TX
Pittsburg Post-Gazette	Havre Daily News, MT
Detroit Free Press	The Seattle Times
San Francisco Chronicle	Monterey Peninsula Herald
Pittsburg Press	Bay-Town News Sun, TX
New York Daily News	St. Louis Post-Dispatch
Waco Tribune-Herald	Chicago Tribune
Bend Bulletin, OR	Gainesville Register
Longview Morning Journal TX.	Mt. Clemens-Macomb Daily, MI
The Birmingham News, AL	USA Today
The Macon Telegraph, GA	Greensboro Daily News, NC
The Times, Hammond IN	St. Petersburg Times
The Columbus Dispatch	The Chicago Sun Times
The Detroit News	St. Paul Pioneer Press
The Sacramento Bee	Sentinel Star, Mn
Portland Oregonian	Buffalo Evening News
Advocate-Messenger KY	Newsday, NY
Gadsden Times	Alameda Times Star
Post Herald, AL	Milwaukee Journal, WI
Yakima Herald-Republic	Standard Times, New Bedford MA
Evansville Courier, IN	The Press Courier, Oxnard Ca.
Daily Evening Item, Lynn, MA	San Gabriel Valley Tribune, CA
The Democrat-Herald, OR	The Cincinnati Post, OH



The Sentinel Record, AR	The Denison Herald, TX
Kennebec Journal, ME	The Courier-Journal KY
The Daily Olympian, WA	Nevada State Journal, NV
The Fresno Bee, CA	Spectrum, St. George, Utah
Newsweek	U.S. News and World Report
Texas City Sun	Richmond Times Dispatch
The Star Ledger, NJ	Middlesboro Daily News, KY
The Daily Chronicle, WA	The Selma Enterprise, CA
Register-Guard, OR	The Baltimore Sun, MD
The Santa Barbara News-Press	Idaho State Journal
Denton Record Chronicle, TX	Fort Worth Star Telegram
Rochester Times-Union, NY	Daily Times Advocate, CA
Whittier Daily News, CA	The Lufkin News, TX
Houston Chronicle	Louisville Times, KY
The Indianapolis News, IN	The Tucson Daily Territorial, AZ
The Tulsa World, OK	Hawaii Tribune-Herald
The Fullerton Daily News, CA	Pittsburg Post-Gazette
The Cleveland Plain Dealer	Raleigh News and Observer
The Berkshire Eagle, MA	The Knoxville News-Sentinel, TN
Reno Evening Gazette, NV	Alexander City Outlook, AL
The Fall River Herald News, MA	The Cullman Times, AL
Corsicana Daily Sun, TX	Athens News Courier, AL
The Post-Register, ID	Tacoma News Tribune, WA
The Hartford Courant	Ogden Standard Examiner
The Honolulu Advertiser	St. Louis Globe Democrat
The Denison Herald, TX	The Boston Globe
The Atlanta Constitution, GA	The Des Moines Register

Total 140

NEWSPAPERS OPPOSING IMMIGRATION REFORM

The Wall Street Journal	The Rocky Mountain News
The Arizona Republic	The Tucson Citizen
The Arizona Daily Star	Albuquerque Journal
The Santa Fe New Mexican	The El Paso Times
The Orange County Register	The Oakland Tribune
The Modesto Bee	The Larado News
The Washington Times	

Total 13

**LIST OF PRESIDENTIAL STATEMENTS**

<u>DATE</u>	<u>LOCATION</u>	<u>REMARKS EXCERPTED FROM STATEMENTS</u>
July 30, 1981	The White House	<p>The Attorney General is undertaking administrative actions, and submitting to Congress, on behalf of the Administration, a legislative package, based on eight principles:</p> <ul style="list-style-type: none"><li>● continue America's tradition as a land that welcomes peoples from other countries.</li><li>● establish control over immigration</li><li>● recognize a special relationship with our closest neighbors</li><li>● recognize that Mexico has historically benefitted from employment in the United States</li><li>● illegal immigrants have established equities in the US should be recognized</li><li>● strive to distribute fairly the impacts of our national immigration and refugee policy</li><li>● seek ways to integrate refugees into our society</li><li>● recognize that immigration and refugee problems require international solutions.</li></ul>
October 19, 1983	Presidential News Conference	<p>I supported actively and worked hard for the passage twice of the Senate bill on immigration.</p> <p>I want to sign, as quickly as possible, immigration legislation.</p>
December 2, 1983	Q&A's Session with Student Participants - Foundation Program	<p>We have legislation, however, in the Congress right now, that we've been trying to get passed.</p> <p>There are a great many illegal migrants coming into our country, and we're trying with this legislation to restore it to legal immigration.</p>

January 13, 1984	Republican Women Officials White House Luncheon	We have what we think is a sensible program for immigration. And we're going to keep pressing for it until we get it.
April 17, 1984	National Hispanic Leadership Conference	I will insist that any immigration legislation passed by the Congress provides for fair and effective enforcement.
June 14, 1984	Presidential News Conference	But the simple truth is that we've lost control of our own borders, and no nation can do that and survive.
July 2, 1984	San Antonio, TX	<p>Yes, I think the bill as introduced is cost-effective and is fair. And it's also necessary, because the simple truth is we've lost control of our borders. And no country can afford that.</p> <p>We also, I think, in this bill, are taking action against those employers who literally entice illegal entry into the country with the promise of jobs, but then take advantage of those individuals.</p> <p>And we want to put an end to that.</p> <p>So, the only way we can see is sanctions.</p> <p>All we ask is that the employer be subject to sanctions if they are trying to go around this bill and hire, knowingly, undocumented workers.</p>

October 21, 1984

League of Women  
Voters - 1984  
Presidential Debate

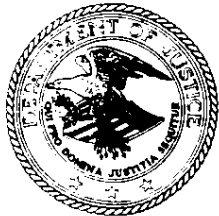
**Mr. Mondale:** I think you're right that the polls show that the majority of Hispanics want the bill, so I'm not doing it for political reasons.

**The President:** Georgia Anne, we, believe me, supported the Simpson/Mazzoli Bill strongly and the Bill that came out of the Senate.

I supported this Bill, I believe in the idea of amnesty for those who have put down roots and who have lived here even though sometime back they may have entered illegally. With regard to the employer sanctions, this - - we must have that.

And, I'm going to do everything I can and all of us in the administration are, to join in again, when Congress is back at it, to get an immigration bill that will give us, once again, control of our borders.

Well, my rebuttal is, I've heard the national debt blamed for a lot of things, but not for illegal immigration across our border — and it has nothing to do with it.



Office of the Attorney General  
Washington, D. C. 20530

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: Edwin Meese III *EM*  
Chairman, Pro Tempore

SUBJECT: Immigration Reform Legislation

I. ISSUE

The Senate Judiciary Subcommittee on Immigration and Refugee Reform has scheduled hearings on June 24, 1985, on S. 1200, The Immigration Reform and Control Act of 1985, which was introduced in May by Senator Simpson. Justice Department officials are scheduled to testify. The bill, while similar to the Simpson-Mazzoli bill of 1983, attempts to meet the criticism leveled at the 1983 bill, principally by modifying the employer sanction and verification provisions as well as the provisions for conferring legalized status on resident illegal aliens. (A side-by-side comparison of the main provisions of the two bills is attached.)

S. 1200 represents a significant reform of the immigration laws. While a House sponsor has yet to emerge, the Administration must decide on the approach it will take at the June 24 hearing.

II. BACKGROUND

The Administration has strongly supported immigration reform for the last several years. In 1981, acting on the recommendations of the Presidential Task Force on Immigration and Refugee Policy chaired by former Attorney General Smith, the President announced an Administration bill proposing fundamental immigration law reforms. The Administration bill, introduced in October 1981, became the basis of the subsequent Simpson-Mazzoli bill, which was introduced in its original form in March 1982. The first Simpson-Mazzoli bill passed the Senate by a wide margin in August of that year, but died in the House under the weight of nearly 300 amendments.

The bill was reintroduced in both houses in 1983. After again passing the Senate, it encountered significant opposition in the House. After President Reagan reaffirmed his

support for immigration reform in late 1983, the House leadership agreed to bring the legislation to the floor. Following protracted debate, Simpson-Mazzoli passed the House on June 20, 1984. The employer sanctions provisions in the bill passed by a substantial margin. The amnesty-legalization provisions were approved on a close vote. Last October, the bill died in conference committee after four weeks of negotiation over issues ranging from employment discrimination to the amount of federal reimbursement funds to be made available for additional social service costs incurred by the states.

Immigration reform is a critical issue. New legislation is required for several reasons. Among the most important are:

- o Control of our borders is an essential component of national sovereignty. The current influx of illegal aliens, especially along the Mexican border, undermines our territorial integrity. The U.S. Border Patrol apprehended a record 1.138 million illegals in FY 1984.
- o Illegal immigrants compete for jobs with American workers and are perceived by many to be "stealing" jobs from unemployed Americans.
- o Large illegal alien populations in several states place a strain on social service systems.
- o Fear of apprehension and deportation prevents many illegal immigrants from seeking law enforcement assistance or protection from serious abuses.
- o Failure to develop a coherent, national immigration policy encourages haphazard, conflicting state and local responses which may be inconsistent with national policy goals.

President Reagan reiterated his support for immigration reform during the 1984 campaign. Immigration reform has garnered significant media attention and considerable favorable editorial comment. - Editorial support for the key provisions of immigration reform legislation has been overwhelming.

### III. SUMMARY OF S. 1200

#### Unlawful Employment of Aliens

- o Provides for sanctions against all employers of illegal aliens.
- o Provides, after a one year transition period, civil fines for knowingly hiring illegal aliens, ranging from \$100-\$2,000 per illegal alien hired for the first offense to \$3,000--\$10,000 for "pattern or practice" violations.
- o Although there are no mandatory verification or record keeping procedures, provides that only employers with four or more employees who follow the described procedure will have an affirmative defense; other employers will be presumed to have hired knowingly any illegal aliens found in their employment.
- o Provides that fines are to be determined by immigration judges subject to judicial review by the circuit courts.

#### Legalization of Status

- o Authorizes temporary legal resident status for illegal aliens who establish either that they have resided continuously in the U.S. since before January 1, 1980, or that they are Cuban--Haitian entrants known to the government prior to January 1, 1981.
- o Provides that persons receiving temporary status may convert to permanent resident status in 30 months if they satisfy requirements of minimal language competence and minimal knowledge of U.S. history and government.

#### Legalization Commission

- o Establishes a national commission on immigration enforcement mechanisms, composed of 16 members appointed by the President from lists of names submitted by the Speaker of the House and the President Pro Tempore of the Senate.
- o Defers granting lawful status to qualifying illegal aliens until the commission reports that appropriate immigration enforcement mechanisms are in place that substantially control illegal entry into the U.S., prevent and deter violations of the terms of entry, and eliminate substantially the employment of illegal aliens.



#### State Legalization Impact Assistance Grants

- o Authorizes a three-year block grant program, capped at \$600 million per year, to assist state and local governments in meeting the costs of public assistance caused by the legalization program.
- o Within the \$600 million cap, authorizes reimbursement to states for the imprisonment of illegal aliens.

#### Increased Penalties for Immigration Related Violations

- o Establishes new criminal offenses for knowingly bringing an illegal alien to the U.S., and increases felony penalties for fraud and counterfeiting of identification documents.

#### Temporary Agriculture Programs

- o Establishes special statutory procedures for "H-2" seasonal workers in agriculture that streamline the application and review process while maintaining the labor market test and assessment of need.
- o Allows agricultural employers to continue to employ certain illegal aliens in declining numbers over a three-year transition period.
- o Establishes a 12-member commission on agricultural worker programs, to be appointed by the Speaker of the House, the President Pro Tempore of the Senate, the Secretaries of Agriculture and Labor, and the Attorney General to report to Congress within two years any specific legislative recommendations regarding temporary worker programs.

#### Funding for Improved Enforcement

- o Authorizes specific amounts for INS for FY 1986 (\$840 million) and 1987 (\$830 million) to increase the Border Patrol and other enforcement activities.
- o Authorizes "such sums as may be necessary" for increased enforcement efforts by the Department of Labor to discourage the employment of illegal aliens.

#### Reporting Requirements

- o Requires the Administration to provide Congress with the following reports: (a) triennial Presidential reports on various impacts of immigration; (b) annual Presidential reports for five years concerning the effectiveness and impact of employer sanctions; and (c) GAO annual reports for five years on the

implementation of employer sanctions, to assess if a pattern of employment discrimination has developed against citizens or eligible resident workers, and to determine whether an unnecessary regulatory burden has been created for employers.

- o Creates a task force composed of the Attorney General, the Chairman of the U.S. Civil Rights Commission, and the Chairman of the EEOC to review each GAO report and to recommend any legislative remedies if a pattern of discrimination appears.

#### Other Changes

- o Contains several provisions which will make small but important changes in the legal immigration process, including: (a) making more visas available to residents of "colonies," such as Hong Kong (up to 3,000 annually from the current 600); (b) authorizing a pilot non-immigrant visa waiver program for up to eight countries; and (c) providing special relief to certain family members of employees of international organizations.

#### IV. POLICY COMPARISON OF S. 1200 AND THE 1983 SIMPSON MAZZOLI BILL

##### Employer Sanctions

The principal differences between the 1983 bill and S. 1200 are found in the areas of employer sanctions and legalization. The 1983 bill would have required employers to verify the citizenship of prospective employees. That bill also contained stringent employment eligibility verification record requirements. Stiff civil and criminal penalties were provided for employers who violated these provisions. By contrast, S. 1200 takes a less stringent approach. Criminal penalties are eliminated, as are the mandatory recordkeeping requirements and employee identification and verification requirements. Instead, by making records documenting verification an affirmative defense to charges of hiring illegal aliens, employers are provided significant incentives to verify the citizenship of new employees. Employers who fail to keep such records will confront a rebuttable presumption that they knowingly hired illegal aliens.

##### Legalization

In S. 1200, automatic legalization provisions have been replaced by a "triggering" approach. The new bill would establish a Presidentially-appointed commission which first would have to find that the employer sanction provisions were working to stem the influx of illegal aliens before the bill's legalization provisions would become effective. After such a

determination was made, aliens who have maintained a permanent residence in the United States since January 1, 1980 (or January 1, 1981 in the case of certain Cuban and Haitian refugees) could become temporary legal residents. These individuals will later be able to obtain permanent resident status if they are able to meet minimal language and U.S. history competence requirements.

#### Temporary Agricultural Workers

There also are some changes in the new bill's approach to temporary agricultural workers. S. 1200 attempts to fashion a compromise between the need for agricultural workers and the desire to prevent the displacement of U.S. workers -- similar to that which emerged from the conference committee last year. It incorporates a streamlined H-2 temporary worker program with a three year transition period during which farm employers could continue to hire illegal aliens. Several departments within the Administration have indicated different responses to these provisions. These differences should be resolved in favor of a unified Administration position before the June 24 testimony.

#### V. ANALYSIS AND DISCUSSION

##### Option 1: Support of Simpson Bill (S. 1200) in its Entirety

###### Pros

- o S. 1200, which was crafted by Senator Simpson to overcome objections to the predecessor Simpson-Mazzoli bill, is closer to the Administration's original bill in important respects, and also may be the most politically viable proposal.
- o Administration support of Simpson's current proposal would increase its chances of success by presenting a united front on immigration reform.
- o The "trigger" legalization approach may be more acceptable to those in the Administration who found the simultaneous amnesty approach of the Simpson-Mazzoli bill too generous.
- o The elimination of mandatory employer identity verification requirements, recordkeeping requirements, and criminal sanctions would make the bill more attractive to the business community.

###### Cons

- o S. 1200 may not be politically viable. Although the legalization change may attract some supporters, it may be offset by opposition from

those willing to support reform only if it includes simultaneous enactment of amnesty and employer sanction provisions.

- o Weakened employer verification and sanction provisions may reduce the disincentive to hire illegals to the point that the bill would not reduce the influx of illegal aliens.
- o Many opponents of the legalization provisions of the Simpson-Mazzoli bill will continue to oppose deferred amnesty on philosophical grounds.
- o S. 1200 may be an inefficient allocation of funds in that it may provide insufficient funds for Border Patrol enforcement.
- o The "non-mandatory" employer verification incentives may encourage employers seeking to establish an affirmative defense to adopt discriminatory employee identity verification measures.

Option 2: Support S. 1200 "Conceptually"

Pros

- o Limiting Administration support of the Simpson bill to its "goals" would reaffirm Administration support for immigration reform, without constraining the President's flexibility to negotiate with House leaders or support variations of the Simpson bill or other proposals.
- o Selection of this option also would allow the Administration to seek amendments to particular provisions of the bill, such as the three year transitional period during which farm employers could continue to hire illegal aliens rather than relying exclusively on the streamlined H-2 temporary worker program and the cap on reimbursable state expenses, and would clarify in the statute an employer's right to inquire about the legal status of potential employees.

Cons

- o Limited Administration support would decrease significantly the Simpson bill's chances of passage, would weaken Simpson's negotiating position in an eventual conference committee debate, and thereby, would decrease the chances of enactment of any immigration reform legislation.

Option 3: Decline to Support the Simpson Bill

Pros

- o Selection of option 3 would allow a reexamination of the foundations of the Simpson-Mazzoli bill: employer sanctions and legalization. For example, enhanced border enforcement and increased economic aid to Mexico and Central America might be a better approach, or an increase in legal immigration quotas might release current immigration pressures.
- o Even with the new "trigger" approach, the bill would confer legalized status on law breakers.
- o It is difficult to estimate the direct and indirect costs of enforcement of the proposed labor standards in S. 1200.

Cons

- o Opposing S. 1200 would contradict past Administration support for immigration reform, especially in light of recent newspaper stories heralding Administration support for the Simpson effort.
- o Refusing support of any kind would play into the hands of Democratic critics who have argued that the Administration is not serious about immigration reform.
- o Given the lack of viable alternatives, opposition effectively would end the chances of immigration reform in this Congress.

ATTACHMENTComparison of S. 1200 and the 1983 BillEMPLOYER SANCTIONS

<u>Current Bill</u> (S. 1200)	<u>Last Session</u> (S. 529)	<u>Discussion</u>
Strong Sanctions	Same	Key to workable reform.
No Mandatory Verification	Mandatory Verification	Keeping records provides affirmative defense.
Civil Fines Only	Civil and Criminal	Strong fines make economic deterrent.

LEGALIZATON

<u>Current Bill</u> (S. 1200)	<u>Last Session</u> (S. 529)	<u>Discussion</u>
Triggered Legalization	Legalization in 90 days	Commission to determine if sanctions work and borders under control.
Eligibility Dates 1/1/80 1/1/81 if Cuban-Haitian	1/1/77 Permanent 1/1/80 Temporary 1/1/81 Cuban-Haitian	One tier with English and U.S. History and Gov't Minimal Requirement.
Social Welfare Cost: Capped \$600 Million Block Grant to states for 3 years beginning in FY legalization ends.	Authorized "Such Sums as necessary for 6 years. Administration advocated a cap. Failed Conference Compromise of \$1 B/year for 4 yrs.	S. 1200 is a better approach to control costs and avoid uncontrolled future payments.

TEMPORARY AGRICULTURAL WORKER PROGRAMS

<u>Current Bill</u> (S. 1200)	<u>Last Session</u> (S. 529)	<u>Discussion</u>
Establishes Statutory Program	Similar, but less streamlined and without emergency provisions.	Goes farther than the 1981 Administration Bill Developed from compromise in conference.
Transitional Agricultural Worker Program	Same three year "Phase down" Program.	Not previously opposed by Administration.
Commission on Agricultural Workers	No provision	No previous Administration position

99TH CONGRESS  
1ST SESSION

# S. 1200

To amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 23 (legislative day, APRIL 15), 1985

Mr. SIMPSON introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes.

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; REFERENCES IN ACT.**

4 (a) **SHORT TITLE.**—This Act may be cited as the “Im-  
5 migration Reform and Control Act of 1985”.

6 (b) **AMENDMENTS TO IMMIGRATION AND NATIONAL-**  
7 **ITY ACT.**—Except as otherwise specifically provided in this  
8 Act, whenever in this Act an amendment or repeal is ex-  
9 pressed as an amendment to, or repeal of, a provision, the



- 1 reference shall be deemed to be made to the Immigration and
- 2 Nationality Act.

## TABLE OF CONTENTS

Sec. 1. Short title; references in Act.

### TITLE I—CONTROL OF ILLEGAL IMMIGRATION

#### PART A—FUNDING FOR IMPROVED ENFORCEMENT

- Sec. 101. Authorization of appropriations for enforcement and service activities of the Immigration and Naturalization Service and wage and hour enforcement.
- Sec. 102. User fees.

#### PART B—INCREASED PENALTIES FOR IMMIGRATION-RELATED VIOLATIONS

- Sec. 111. Unlawful transportation of aliens to the United States.
- Sec. 112. Fraud and misuse of certain immigration-related documents.
- Sec. 113. Restrictions on adjustment of status.

#### PART C—CONTROL OF UNAUTHORIZED EMPLOYMENT OF ALIENS

- Sec. 121. Making knowing employment of unauthorized aliens unlawful.
- Sec. 122. Temporary agricultural worker program.
- Sec. 123. Agricultural labor transition program.
- Sec. 124. Commission on temporary agricultural worker program.

### TITLE II—LEGALIZATION OF STATUS OF CERTAIN LONG-TIME RESIDENTS

- Sec. 201. Legalization Commission.
- Sec. 202. Legalization of status.
- Sec. 203. State legalization impact-assistance grants.

### TITLE III—OTHER CHANGES IN THE IMMIGRATION LAW

- Sec. 301. Change in colonial quota.
- Sec. 302. Visa waiver for certain visitors.
- Sec. 303. G-4 special immigrants.

### TITLE IV—REPORTS

- Sec. 401. Triennial comprehensive report on immigration.
- Sec. 402. Reports on unauthorized alien employment and discrimination in employment.
- Sec. 403. Report on visa waiver pilot program.
- Sec. 404. Presidential reports on any legalization program.

1 TITLE I—CONTROL OF ILLEGAL IMMIGRATION  
2 PART A—FUNDING FOR IMPROVED ENFORCEMENT  
3 SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR EN-  
4 FORCEMENT AND SERVICE ACTIVITIES OF THE  
5 IMMIGRATION AND NATURALIZATION SERVICE  
6 AND WAGE AND HOUR ENFORCEMENT.

7 (a) TWO ESSENTIAL ELEMENTS.—It is the sense of  
8 Congress that two essential elements of the program of immi-  
9 gration control established by this Act are—

10 (1) an increase in the border patrol and other in-  
11 spection and enforcement activities of the Immigration  
12 and Naturalization Service and of other appropriate  
13 Federal agencies in order to prevent and deter the ille-  
14 gal entry of aliens into the United States and the viola-  
15 tion of the terms of their entry, and

16 (2) an increase in examinations and other service  
17 activities of the Immigration and Naturalization Serv-  
18 ice and other appropriate Federal agencies in order to  
19 ensure prompt and efficient adjudication of petitions  
20 and applications provided for under the Immigration  
21 and Nationality Act.

22 (b) INCREASED AUTHORIZATION OF APPROPRIATIONS  
23 FOR INS.—Section 404 (8 U.S.C. 1101 note) is amended to  
24 read as follows:

1 "AUTHORIZATION OF APPROPRIATIONS

2 "SEC. 404. There are authorized to be appropriated to  
3 the Department of Justice for the Immigration and Natural-  
4 ization Service—

5 "(1) for fiscal year 1986, \$840,000,000, and

6 "(2) for fiscal year 1987, \$830,000,000."

7 (c) SENSE OF CONGRESS REGARDING ENFORCEMENT  
8 OF THE IMMIGRATION LAWS.—It is the sense of the Con-  
9 gress that—

10 (1) the immigration laws of the United States  
11 should be enforced vigorously and uniformly, and

12 (2) in the enforcement of such laws, the Attorney  
13 General should take due and deliberate actions neces-  
14 sary to safeguard the constitutional rights, personal  
15 safety, and human dignity of United States citizens and  
16 aliens.

17 (d) SUPPLEMENTAL AUTHORIZATION OF APPROPRIA-  
18 TIONS FOR WAGE AND HOUR ENFORCEMENT.—There are  
19 authorized to be appropriated, in addition to such sums as  
20 may be available for such purposes, such sums as may be  
21 necessary to the Department of Labor for enforcement activi-  
22 ties of the Wage and Hour Division and the Office of Federal  
23 Contract Compliance Programs within the Employment  
24 Standards Administration of the Department in order to deter

1 the employment of unauthorized aliens and remove the eco-  
2 nomic incentive for employers to exploit and use such aliens.

3 **SEC. 102. USER FEES.**

4 (a) **AUTHORIZATION OF CERTAIN USER FEES.**—Sec-  
5 tion 281 (8 U.S.C. 1351) is amended—

6 (1) by amending the heading to read as follows:

7 “NONIMMIGRANT VISA FEES AND ALIEN USER FEES”;

8 (2) by inserting “(a) NONIMMIGRANT VISA  
9 FEES.—” after “SEC. 281.”; and

10 (3) by adding at the end the following new sub-  
11 section:

12 “(b) **ALIEN USER FEES.**—The Attorney General, in  
13 consultation with the Secretary of State, may impose fees on  
14 aliens with respect to their use of border facilities or services  
15 of the Service in such amounts as may reasonably reflect the  
16 portion of costs of maintenance and operation of such facili-  
17 ties and provision of such services attributable to aliens’ use  
18 of such facilities and services.”.

19 (b) **CONFORMING AMENDMENT TO TABLE OF CON-**  
20 **TENTS.**—The item in the table of contents relating to section  
21 281 is amended to read as follows:

“Sec. 281. Nonimmigrant visa fees and alien user fees.”.

1 PART B—INCREASED PENALTIES FOR IMMIGRATION-  
2 RELATED VIOLATIONS

3 SEC. 111. UNLAWFUL TRANSPORTATION OF ALIENS TO THE  
4 UNITED STATES.

5 (a) CRIMINAL PENALTIES.—Subsection (a) of section  
6 274 (8 U.S.C. 1324) is amended to read as follows:

7 “(a) CRIMINAL PENALTIES.—(1) Any person who—

8 “(A) knowing that a person is an alien, brings to  
9 or attempts to bring to the United States in any  
10 manner whatsoever such person at a place other than  
11 a designated port of entry or place other than as desig-  
12 nated by the Commissioner, regardless of whether such  
13 alien has received prior official authorization to come  
14 to, enter, or reside in the United States and regardless  
15 of any future official action which may be taken with  
16 respect to such alien;

17 “(B) knowingly or in reckless disregard of the fact  
18 that an alien has come to, entered, or remains in the  
19 United States in violation of law, transports, or moves  
20 or attempts to transport or move such alien within the  
21 United States by means of transportation or otherwise,  
22 in furtherance of such violation of law; or

23 “(C) knowingly or in reckless disregard of the fact  
24 that an alien has come to, entered, or remains in the  
25 United States in violation of law, conceals, harbors, or

1 shields from detection such alien in any place, includ-  
2 ing any building or any means of transportation,  
3 shall be fined, imprisoned not more than five years, or both,  
4 for each alien in respect to whom any violation of this subsec-  
5 tion occurs. For the purposes of subparagraph (C) of this  
6 paragraph, employment (including the usual and normal prac-  
7 tices incident to employment) by itself does not constitute  
8 harboring.

9 “(2) Any person who, knowingly or in reckless disre-  
10 gard of the fact that an alien has not received prior official  
11 authorization to come to, enter, or reside in the United  
12 States, brings to or attempts to bring to the United States in  
13 any manner whatsoever, such alien, regardless of any official  
14 action which may later be taken with respect to such alien  
15 shall, for each transaction constituting a violation of this sub-  
16 section, regardless of the number of aliens involved—

17 “(A) be fined, or imprisoned not more than one  
18 year, or both; or

19 “(B) in the case of—

20 “(i) a second offense,

21 “(ii) an offense done for the purpose of com-  
22 mercial advantage or private financial gain,

23 “(iii) an offense in which the alien is not  
24 upon arrival immediately brought and presented

8.

1 to an appropriate immigration officer at a desig-  
2 nated port of entry,  
3 be fined, or imprisoned not more than five years, or  
4 both.”.

5 (b) MISCELLANEOUS AMENDMENTS TO SEIZURE AND  
6 FORFEITURE PROCEDURES.—Subsection (b) of such section  
7 is amended—

8 (1) in paragraph (1) before subparagraph (A) by  
9 striking out “is used” and inserting in lieu thereof “has  
10 been or is being used”,

11 (2) by striking out “subject to seizure and” in  
12 paragraph (1) and inserting in lieu thereof “seized and  
13 subject to”,

14 (3) by inserting “or is being” after “has been” in  
15 paragraph (2),

16 (4) by striking out “conveyances” in paragraph  
17 (3) and inserting in lieu thereof “property”,

18 (5) by inserting “, or the Federal Maritime Com-  
19 mission if appropriate under section 203(i) of the Fed-  
20 eral Property and Administrative Services Act of  
21 1949,” in paragraph (4)(C) after “General Services  
22 Administration”,

23 (6) in paragraph (4)—

24 (A) by striking out “or” at the end of sub-  
25 paragraph (B),

1 (B) by striking out the period at the end of  
2 subparagraph (C) and inserting in lieu thereof  
3 “; or”, and

4 (C) by inserting after such subparagraph the  
5 following new subparagraph:

6 “(D) dispose of the conveyance in accordance  
7 with the terms and conditions of any petition of remis-  
8 sion or mitigation of forfeiture granted by the Attorney  
9 General.”;

10 (7) by striking out “: *Provided, That*” in para-  
11 graph (5) and inserting in lieu thereof “, except that”,

12 (8) by striking out “was not lawfully entitled to  
13 enter, or reside within, the United States” in para-  
14 graph (5) and inserting in lieu thereof “had not re-  
15 ceived prior official authorization to come to, enter, or  
16 reside in the United States or that such alien had come  
17 to, entered, or remained in the United States in viola-  
18 tion of law” each place it appears, and

19 (9) by inserting “or of the Department of State”  
20 in paragraph (5)(B) after “Service”.

21 **SEC. 112. FRAUD AND MISUSE OF CERTAIN IMMIGRATION-RE-**  
22 **LATED DOCUMENTS.**

23 (a) **APPLICATION TO ADDITIONAL DOCUMENTS.**—Sec-  
24 tion 1546 of title 18, United States Code, is amended—

25 (1) by amending the heading to read as follows:



1 "§ 1546. **Fraud and misuse of visas, permits, and other**  
2 **documents**";

3 (2) by striking out "or other document required  
4 for entry into the United States" in the first paragraph  
5 and inserting in lieu thereof "border crossing card,  
6 alien registration receipt card, or other document pre-  
7 scribed by statute or regulation for entry into or as evi-  
8 dence of authorized stay or authorized employment in  
9 the United States";

10 (3) by striking out "or document" in the first  
11 paragraph and inserting in lieu thereof "border cross-  
12 ing card, alien registration receipt card, or other docu-  
13 ment prescribed by statute or regulation for entry into  
14 or as evidence of authorized stay or authorized employ-  
15 ment in the United States";

16 (4) by inserting "(a)" before "Whoever" the first  
17 place it appears; and

18 (5) by adding at the end the following new sub-  
19 sections:

20 "(b) Whoever uses—

21 "(1) an identification document, knowing (or  
22 having reason to know) that the document was not  
23 issued lawfully for the use of the possessor,

24 "(2) a identification document knowing (or having  
25 reason to know) that the document is false, or

26 "(3) a false attestation,

1 for the purpose of satisfying a requirement of section 274A(b)  
2 of the Immigration and Nationality Act, shall be fined, or  
3 imprisoned not more than two years, or both.

4       “(c) This section does not prohibit any lawfully author-  
5 ized investigative, protective, or intelligence activity of a law  
6 enforcement agency of the United States, a State, or a subdi-  
7 vision of a State, or of an intelligence agency of the United  
8 States, or any activity authorized under title V of the Orga-  
9 nized Crime Control Act of 1970 (18 U.S.C. note prec.  
10 3481).”.

11       (b) CONFORMING AMENDMENT TO TABLE OF SEC-  
12 TIONS.—The item relating to section 1546 in the table of  
13 sections of chapter 75 of such title is amended to read as  
14 follows:

“1546. Fraud and misuse of visas, permits, and other documents.”.

15 **SEC. 113. RESTRICTIONS ON ADJUSTMENT OF STATUS.**

16       (a) REQUIRING LEGAL STATUS AT TIME OF APPLICA-  
17 TION.—Subsection (c) of section 245 (8 U.S.C. 1255), relat-  
18 ing to nonimmigrants who may not adjust to immigrant  
19 status while in the United States, is amended to read as  
20 follows:

21       “(c) ALIENS FOR WHOM THIS SECTION DOES NOT  
22 APPLY.—Subsection (a) shall not apply to the following  
23 aliens:

24               “(1) An alien crewman.

1           “(2)(A) Except as provided in subparagraph (B),  
2           an alien who—

3                   “(i) continues in or accepts unauthorized em-  
4                   ployment before the date of filing an application  
5                   for adjustment of status,

6                   “(ii) is not in legal immigration status on the  
7                   date of filing the application for adjustment of  
8                   status, or

9                   “(iii) has failed to maintain continuously a  
10                  legal status since the date of entry into the United  
11                  States.

12           “(B) Subparagraph (A) shall not apply to an alien  
13           who is—

14                   “(i) an immediate relative, described in  
15                   section 201(b), or

16                   “(ii) a special immigrant described in section  
17                   101(a)(27)(H).

18           “(3) An alien admitted in transit without a visa  
19           under section 212(d)(4)(C).”.

20           (b) EFFECTIVE DATE.—The amendment made by sub-  
21           section (a) shall apply to applications for adjustment of status  
22           filed before, on, or after the date of the enactment of this Act.

1 PART C—CONTROL OF UNAUTHORIZED EMPLOYMENT OF  
2 ALIENS

3 SEC. 121. MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS  
4 UNLAWFUL.

5 (a) IN GENERAL.—(1) Chapter 8 of title II is amended  
6 by inserting after section 274 (8 U.S.C. 1324) the following  
7 new section:

8 “UNLAWFUL EMPLOYMENT OF ALIENS

9 “SEC. 274A. (a) MAKING EMPLOYMENT OF UNAU-  
10 THORIZED ALIENS UNLAWFUL.—

11 “(1) HIRING, RECRUITING, OR REFERRING.—It is  
12 unlawful for a person or other entity to hire, or to re-  
13 cruit or refer for a fee or other consideration, for em-  
14 ployment in the United States an alien knowing the  
15 alien is an unauthorized alien (as defined in subsection  
16 (h)(2)) with respect to such employment.

17 “(2) CONTINUING EMPLOYMENT.—It is unlawful  
18 for a person or other entity, after hiring an alien for  
19 employment to continue to employ the alien in the  
20 United States knowing the alien is (or has become) an  
21 unauthorized alien with respect to such employment.

22 “(3) DEFENSES.—

23 “(A) COMPLIANCE WITH EMPLOYMENT  
24 VERIFICATION SYSTEM.—A person or entity that  
25 establishes that it has complied in good faith with  
26 the requirements of subsection (b) with respect to

1 the hiring, recruiting, or referral for employment  
2 of an alien in the United States has established an  
3 affirmative defense that the person or entity has  
4 not violated paragraph (1) with respect to such  
5 hiring, recruiting, or referral.

6 “(B) PRESUMPTION FOR EMPLOYERS OF 4  
7 OR MORE EMPLOYEES.—If a person or entity is  
8 employing four or more employees and hires (or  
9 recruits or refers for a fee or other consideration)  
10 for employment in the United States an unauthor-  
11 ized alien, for purposes of paragraph (1) the  
12 person or entity shall be presumed to have known  
13 that the alien was an unauthorized alien unless  
14 the person or entity has complied with the re-  
15 quirements of subsection (b) with respect to the  
16 hiring (or recruiting or referral) of that alien.

17 “(C) PRESUMPTION FOR LARGE RECRUIT-  
18 ERS OR REFERRERS.—If a person or entity re-  
19 cruits or refers for a fee or other consideration  
20 more than four individuals in any 12-month period  
21 and recruits or refers for a fee or other consider-  
22 ation for employment in the United States an un-  
23 authorized alien, for purposes of paragraph (1) the  
24 person or entity shall be considered to have  
25 known that the alien was an unauthorized alien

1 unless the person or entity has complied with the  
2 requirements of subsection (b) with respect to re-  
3 cruiting or referral of that alien.

4 “(D) REBUTTAL OF PRESUMPTION.—The  
5 presumption established by subparagraph (B) or  
6 (C) may be rebutted through the presentation of  
7 clear and convincing evidence which contradicts  
8 the presumption.

9 “(4) VIOLATORS SUBJECT TO ORDER.—A person  
10 or entity that violates paragraph (1) or (2) is subject to  
11 an order under subsection (d).

12 “(b) EMPLOYMENT VERIFICATION SYSTEM.—Except  
13 as provided in subsection (c), the requirements referred to in  
14 subsections (a)(3) and (d)(2)(C)(i) are, in the case of a person  
15 or other entity hiring, recruiting, or referring an individual  
16 for employment in the United States, the requirements speci-  
17 fied in the following four paragraphs:

18 “(1) ATTESTATION AFTER EXAMINATION OF  
19 DOCUMENTATION.—

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

1                   “(i) a document described in subpara-  
2                   graph (B), or

3                   “(ii) a document described in subpara-  
4                   graph (C) and a document described in sub-  
5                   paragraph (D).

6                   A person or entity has complied with the require-  
7                   ment of this paragraph with respect to examina-  
8                   tion of a document if the document reasonably ap-  
9                   pears on its face to be genuine.

10                   “(B) DOCUMENTS ESTABLISHING BOTH EM-  
11                   PLOYMENT AUTHORIZATION AND IDENTITY.—A  
12                   document described in this subparagraph is an in-  
13                   dividual’s—

14                   “(i) United States passport;

15                   “(ii) certification of United States  
16                   citizenship;

17                   “(iii) certificate of naturalization;

18                   “(iv) unexpired foreign passport, if the  
19                   passport has an appropriate, unexpired  
20                   endorsement authorizing the individual’s em-  
21                   ployment in the United States; or

22                   “(v) resident alien card or other alien  
23                   registration card, if the card—

24                   “(I) contains a photograph of the  
25                   individual or such other personal identi-

1                   fying information relating to the individ-  
2                   ual as the Attorney General finds, by  
3                   regulation, sufficient for purposes of this  
4                   subsection, and

5                   “(II) is evidence of authorization of  
6                   employment in the United States.

7                   “(C) DOCUMENTS EVIDENCING EMPLOY-  
8                   MENT AUTHORIZATION.—A document described  
9                   in this subparagraph is an individual’s—

10                   “(i) social security account number card  
11                   (other than such a card which specifies on  
12                   the face that the issuance of the card does  
13                   not authorize employment in the United  
14                   States);

15                   “(ii) certificate of birth in the United  
16                   States or establishing United States national-  
17                   ity at birth, which certificate the Attorney  
18                   General finds, by regulation, to be acceptable  
19                   for purposes of this section; or

20                   “(iii) other documentation evidencing  
21                   authorization of employment in the United  
22                   States which the Attorney General finds, by  
23                   regulation, to be acceptable for purposes of  
24                   this section.



1           “(D) DOCUMENTS ESTABLISHING IDENTITY  
2           OF INDIVIDUAL.—A document described in this  
3           subparagraph is an individual’s—

4                   “(i) border crossing card or similar alien  
5                   identification document issued by the Attor-  
6                   ney General to aliens and designated for use  
7                   for this purpose;

8                   “(ii) driver’s license or similar document  
9                   issued for the purpose of identification by a  
10                  State, if it contains a photograph of the indi-  
11                  vidual or such other personal identifying  
12                  information relating to the individual as the  
13                  Attorney General finds, by regulation, suffi-  
14                  cient for purposes of this section; or

15                  “(iii) in the case of individuals under 16  
16                  years of age or in a State which does not  
17                  provide for issuance of an identification docu-  
18                  ment (other than a driver’s license) referred  
19                  to in clause (ii), documentation of personal  
20                  identity of such other type as the Attorney  
21                  General finds, by regulation, provides a reli-  
22                  able means of identification.

23           “(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT  
24           AUTHORIZATION.—The individual must attest, under  
25           penalty of perjury on the form designated or estab-

1 lished for purposes of paragraph (1), that the individual  
2 is a citizen or national of the United States, an alien  
3 lawfully admitted for permanent residence, or an alien  
4 who is authorized under this Act or by the Attorney  
5 General to be hired, recruited, or referred for such  
6 employment.

7 “(3) RETENTION OF VERIFICATION FORM.—After  
8 completion of such form in accordance with paragraphs  
9 (1) and (2), the person or entity must retain the form  
10 and make it available for inspection by officers of the  
11 Service or the Department of Labor during a period  
12 beginning on the date of the hiring, recruiting, or refer-  
13 ral of the individual and ending—

14 “(A) in the case of the recruiting or referral  
15 for a fee or other consideration (without hiring) of  
16 an individual, three years after the date of the re-  
17 cruiting or referral, and

18 “(B) in the case of the hiring of an indi-  
19 vidual—

20 “(i) three years after the date of such  
21 hiring, or

22 “(ii) one year after the date the individ-  
23 ual’s employment is terminated,  
24 whichever is later.

1           “(4) UNIFORM VERIFICATION POLICY.—The  
2 person or entity must apply the requirements of the  
3 previous three paragraphs uniformly to all individuals  
4 hired (or recruited or referred for a fee or other consid-  
5 eration).

6           “(5) COPYING OF DOCUMENTATION PERMIT-  
7 TED.—Notwithstanding any other provision of law, the  
8 person or entity may copy a document presented by an  
9 individual pursuant to this subsection and may retain  
10 the copy, but only (except as otherwise permitted  
11 under law) for the purpose of complying with the  
12 requirements of this subsection.

13           “(6) LIMITATION ON USE OF ATTESTATION  
14 FORM.—A form designated or established by the Attor-  
15 ney General under this subsection and any information  
16 contained in or appended to such form, may not be  
17 used for purposes other than for enforcement of this  
18 Act and sections 1001, 1028, 1546, and 1621 of title  
19 18, United States Code.

20           “(c) EVALUATION AND CHANGES IN EMPLOYMENT  
21 VERIFICATION SYSTEM.—

22           “(1) PRESIDENTIAL MONITORING AND IMPROVE-  
23 MENTS IN SYSTEM.—

24           “(A) MONITORING.—The President shall  
25 provide for the monitoring and evaluation of the

1 degree to which the employment verification  
2 system established under subsection (b) provides a  
3 secure system to determine employment eligibility  
4 in the United States and shall examine the suit-  
5 ability of existing Federal and State identification  
6 systems for use for this purpose.

7 “(B) IMPROVEMENTS TO ESTABLISH  
8 SECURE SYSTEM.—To the extent that the system  
9 established under subsection (b) is found not to be  
10 a secure system to determine employment eligibil-  
11 ity in the United States, the President shall, sub-  
12 ject to paragraph (3) and taking into account the  
13 results of any demonstration projects conducted  
14 under paragraph (4), implement such changes in  
15 (including additions to) the requirements of sub-  
16 section (b) as may be necessary to establish a  
17 secure system to determine employment eligibility  
18 in the United States. Such changes in the system  
19 may be implemented only if the changes conform  
20 to the requirements of paragraph (2).

21 “(C) REQUIRING USE OF COUNTERFEIT-RE-  
22 SISTANT SOCIAL SECURITY CARDS.—The Presi-  
23 dent may require, without regard to paragraph  
24 (2), that the only social security account number  
25 cards which may be presented in order to comply

1 with subsection (b)(1)(C)(i) are such cards as are  
2 in a counterfeit-resistant form consistent with the  
3 second sentence of section 205(c)(2)(D) of the  
4 Social Security Act.

5 “(2) RESTRICTIONS ON CHANGES IN SYSTEM.—  
6 Except as provided in paragraph (1)(C), any change  
7 the President proposes to implement under paragraph  
8 (1) in the verification system must be designed in a  
9 manner so the verification system, as so changed,  
10 meets the following requirements:

11 “(A) RELIABLE DETERMINATION OF IDEN-  
12 TITY.—The system must be capable of reliably  
13 determining whether—

14 “(i) a person with the identity claimed  
15 by an employee or prospective employee is  
16 eligible to work, and

17 “(ii) the employee or prospective em-  
18 ployee is claiming the identity of another in-  
19 dividual.

20 “(B) USING OF COUNTERFEIT-RESISTANT  
21 DOCUMENTS.—If the system requires that a docu-  
22 ment be presented to or examined by an employ-  
23 er, the document must be in a form which is re-  
24 sistant to counterfeiting and tampering.

1           “(C) LIMITED USE OF SYSTEM.—Any per-  
2           sonal information utilized by the system may not  
3           be made available to Government agencies, em-  
4           ployers, and other persons except to the extent  
5           necessary to verify that an individual is not an  
6           unauthorized alien.

7           “(D) PRIVACY OF INFORMATION.—The  
8           system must protect the privacy and security of  
9           personal information and identifiers utilized in the  
10          system.

11          “(E) LIMITED DENIAL OF VERIFICATION.—  
12          A verification that an employee or prospective  
13          employee is eligible to be employed in the United  
14          States may not be withheld or revoked under the  
15          system for any reason other than that the employ-  
16          ee or prospective employee is an unauthorized  
17          alien.

18          “(F) LIMITED USE FOR LAW ENFORCEMENT  
19          PURPOSES.—The system may not be used for law  
20          enforcement purposes, other than for enforcement  
21          of this Act or sections 1001, 1028, 1546, and  
22          1621 of title 18, United States Code.

23          “(G) RESTRICTION ON USE OF NEW DOCU-  
24          MENTS.—If the system requires individuals to  
25          present a new card or other document (designed

1 specifically for use for this purpose) at the time of  
2 hiring, recruitment, or referral, then such docu-  
3 ment may not be required to be presented for any  
4 purpose other than under this Act (or enforcement  
5 of sections 1001, 1028, 1546, and 1621 of title  
6 18, United States Code) nor to be carried on  
7 one's person.

8 “(3) NOTICE TO CONGRESS BEFORE IMPLE-  
9 MENTING CHANGES.—

10 “(A) IN GENERAL.—The President may not  
11 implement any change under paragraph (1) unless  
12 at least—

13 “(i) 60 days, or

14 “(ii) in the case of a major change de-  
15 scribed in subparagraph (D), two years,

16 before the date of implementation of the change,  
17 the President has prepared and transmitted to the  
18 Committee on the Judiciary of the House of Rep-  
19 resentatives and to the Committee on the Judici-  
20 ary of the Senate a written report setting forth  
21 the proposed change. The President promptly  
22 shall cause to have printed in the Federal Regis-  
23 ter the substance of any major change (described  
24 in subparagraph (D)) proposed and reported to  
25 Congress.

1           “(B) CONTENTS OF REPORT.—In any report  
2           under subparagraph (A) the President shall in-  
3           clude recommendations for the establishment of  
4           civil and criminal sanctions for unauthorized use  
5           or disclosure of the information or identifiers con-  
6           tained in such system.

7           “(C) CONGRESSIONAL REVIEW OF MAJOR  
8           CHANGES.—

9           “(i) HEARINGS AND REVIEW.—The  
10          Committees on the Judiciary of the House of  
11          Representatives and of the Senate shall  
12          cause to have printed in the Congressional  
13          Record the substance of any major change  
14          described in subparagraph (D), shall hold  
15          hearings respecting the feasibility and desir-  
16          ability of implementing such a change, and,  
17          within the two year period before implemen-  
18          tation, shall report to their respective Houses  
19          findings on whether or not such a change  
20          should be implemented.

21          “(ii) CONGRESSIONAL ACTION.—No  
22          major change may be implemented unless the  
23          Congress specifically provides, in an appro-  
24          priations or other Act, for funds for imple-  
25          mentation of the change.



1           “(D) MAJOR CHANGES REQUIRING TWO  
2 YEARS NOTICE AND CONGRESSIONAL REVIEW.—

3 As used in this paragraph, the term ‘major  
4 change’ means a change which would—

5           “(i) require an individual to present a  
6 new card or other document (designed specif-  
7 ically for use for this purpose) at the time of  
8 hiring, recruitment, or referral, or

9           “(ii) provide for a telephone verification  
10 system similar to that described under para-  
11 graph (4)(B)(ii);

12 but does not include a change in any card used  
13 for accounting purposes under the Social Security  
14 Act.

15           “(4) DEMONSTRATION PROJECTS.—

16           “(A) AUTHORITY.—The President may un-  
17 dertake demonstration projects (consistent with  
18 paragraph (2)) of different changes in the require-  
19 ments of subsection (b). No such project may  
20 extend over a period of longer than three years.

21           “(B) REPORTS ON PROJECTS.—The Presi-  
22 dent shall report to the Congress on the results of  
23 demonstration projects conducted under this  
24 paragraph.

25           “(d) COMPLIANCE.—

1           “(1) COMPLAINTS AND INVESTIGATIONS.—The  
2           Attorney General shall establish procedures—

3                   “(A) for individuals and entities to file writ-  
4           ten, signed complaints respecting potential viola-  
5           tions of subsection (a),

6                   “(B) for the investigation of those complaints  
7           which, on their face, have a substantial probability  
8           of validity,

9                   “(C) for the investigation of such other viola-  
10          tions of subsection (a) as the Attorney General de-  
11          termines to be appropriate, and

12                   “(D) for the designation in the Service of a  
13          unit which has, as its primary duty, the prosecu-  
14          tion of cases of violations of subsection (a) under  
15          this subsection.

16          “(2) ORDER FOR VIOLATIONS.—

17                   “(A) IN GENERAL.—If, after notice and op-  
18          portunity to request a hearing respecting a viola-  
19          tion of subsection (a), the immigration judge  
20          determines, upon the preponderance of the evi-  
21          dence received, that a person or entity named in  
22          the complaint has violated subsection (a), the  
23          judge shall state his findings of fact and issue and  
24          cause to be served on such person or entity an  
25          order.

1           “(B) CIVIL PENALTY AS PART OF ORDER.—

2           An order under subparagraph (A) shall require the  
3           person or entity to cease and desist from such vio-  
4           lations and to pay a civil penalty in an amount  
5           of—

6                   “(i) not less than \$100 and not more  
7                   than \$2,000 for each unauthorized alien with  
8                   respect to whom a violation of subsection (a)  
9                   occurred,

10                   “(ii) not less than \$2,000 and not more  
11                   than \$5,000 for each such alien in the case  
12                   of a person or entity previously subject to an  
13                   order under this subsection, or

14                   “(iii) not less than \$3,000 and not more  
15                   than \$10,000 for each such alien in the case  
16                   of a person or entity which has engaged or is  
17                   engaging in a pattern or practice of such vio-  
18                   lations.

19           “(C) ADDITIONAL REMEDIES AS PART OF  
20           ORDER.—An order under subparagraph (A) may  
21           require the person or entity—

22                   “(i) to comply with the requirements of  
23                   subsection (b) (or subsection (c) if applicable)  
24                   with respect to individuals hired (or recruited  
25                   or referred for employment for a fee or other

1 consideration) during a period of up to three  
2 years, and

3 “(ii) to take such other remedial action  
4 as is appropriate.

5 “(D) DISMISSAL OF COMPLAINTS.—If upon  
6 the preponderance of the evidence taken, the  
7 judge is of the opinion that the person or entity  
8 named in the complaint has not violated subsec-  
9 tion (a), the judge shall state his findings of fact  
10 and shall issue an order dismissing the complaint.

11 “(3) AUTHORITY IN INVESTIGATIONS.—In con-  
12 ducting investigations and hearings under this sub-  
13 section—

14 “(A) immigration officers and immigration  
15 judges shall have reasonable access to examine  
16 evidence of any person or entity being investi-  
17 gated, and

18 “(B) immigration judges, by subpoena, may  
19 compel the attendance of witnesses and the pro-  
20 duction of evidence at any designated place or  
21 hearing.

22 In case of contumacy or refusal to obey a subpoena  
23 lawfully issued under this paragraph and upon applica-  
24 tion of the Attorney General, an appropriate district  
25 court of the United States may issue an order requiring

1 compliance with such subpoena and any failure to obey  
2 such order may be punished by such court as a  
3 contempt thereof.

4 “(4) TREATMENT OF CERTAIN SUBDIVISIONS.—

5 In applying this subsection in the case of a person or  
6 entity composed of distinct, physically separate subdivi-  
7 sions each of which provides separately for the hiring,  
8 recruiting, or referring for employment without refer-  
9 ence to the practices of, or under the control of, or  
10 common control with, another subdivision, each such  
11 subdivision shall be considered a separate person or  
12 entity.

13 “(5) ADMINISTRATIVE APPELLATE REVIEW.—

14 The Attorney General may provide for the administra-  
15 tive appellate review of the determination of an immi-  
16 gration judge under this subsection by an appropriate  
17 administrative appellate body.

18 “(e) JUDICIAL REVIEW OF ORDERS.—Judicial review  
19 of orders under this subsection shall be exclusively under the  
20 procedures provided in chapter 158 of title 28, United States  
21 Code, except as follows:

22 “(1) FILING DEADLINE.—Petitions for review  
23 may be filed not later than 45 days after the date of  
24 the final order.

1           “(2) VENUE.—The venue of any petition for  
2 review under this subsection shall be in the judicial cir-  
3 cuit in which the administrative proceedings before an  
4 immigrant judge were conducted in whole or in part,  
5 or in the judicial circuit wherein is the residence of the  
6 petitioner, but not in more than one circuit.

7           “(3) SERVICE.—In the case of review sought by  
8 an entity other than the Service, the action shall be  
9 brought against the Immigration and Naturalization  
10 Service as respondent and service of the petition to  
11 review shall be made upon the Attorney General and  
12 upon the official of the Service in charge of the Service  
13 district in which the office of the clerk of the court is  
14 located.

15           “(4) SUBSTANTIAL EVIDENCE.—The petition  
16 shall be determined solely upon the administrative  
17 record upon which the order is based and the immigra-  
18 tion judge's findings of fact, if supported by substantial  
19 evidence on the record considered as a whole, shall be  
20 conclusive.

21           “(5) TYPEWRITTEN BRIEFS.—It shall not be nec-  
22 essary to print the record or any part thereof, or the  
23 brief, and the court shall review the proceedings on a  
24 typewritten record and on typewritten briefs.

1 In any judicial review of an immigration judge's order under  
2 this subsection, the court may provide for such order of en-  
3 forcement as may be appropriate. Section 279 shall not apply  
4 to causes arising under this section.

5       “(f) ENFORCEMENT OF ORDERS.—If a person or entity  
6 fails to comply with a final order issued under subsection (d)  
7 against the person or entity, the Attorney General shall file a  
8 suit to seek compliance with the order in any appropriate  
9 district court of the United States. In any such suit, the va-  
10 lidity and appropriateness of the final order imposing the as-  
11 sessment shall not be subject to review.

12       “(g) MISCELLANEOUS PROVISIONS.—

13               “(1) DOCUMENTATION.—In providing documenta-  
14 tion or endorsement of authorization of aliens (other  
15 than aliens lawfully admitted for permanent residence)  
16 authorized to be employed in the United States, the  
17 Attorney General shall provide that any limitations  
18 with respect to the period or type of employment or  
19 employer shall be conspicuously stated on the docu-  
20 mentation or endorsement.

21               “(2) PREEMPTION.—The provisions of this sec-  
22 tion preempt any State or local law imposing civil or  
23 criminal sanctions (other than through licensing and  
24 similar laws) upon those who employ, or recruit or

1 refer for a fee or other consideration for employment,  
2 unauthorized aliens.

3 “(h) DEFINITIONS.—As used in this section—

4 “(1) IMMIGRATION JUDGE.—The term ‘immigra-  
5 tion judge’ means an immigration officer specially des-  
6 ignated to hear cases under this section.

7 “(2) UNAUTHORIZED ALIEN.—The term ‘unau-  
8 thorized alien’ means, with respect to the employment  
9 of an alien at a particular time, that the alien is not at  
10 that time either (A) an alien lawfully admitted for per-  
11 manent residence, or (B) authorized to be so employed  
12 by this Act or by the Attorney General.”.

13 (b) EFFECTIVE DATES.—(1) Except as otherwise pro-  
14 vided in this subsection or subsection (c), the amendment  
15 made by subsection (a) shall take effect on the date of the  
16 enactment of this Act.

17 (2) Paragraph (1) of section 274A(a) of the Immigration  
18 and Nationality Act, making unlawful the hiring, recruiting,  
19 or referral of unauthorized aliens for employment, shall only  
20 apply to the hiring, recruiting, or referral of individuals oc-  
21 ccurring after the date of the enactment of this Act.

22 (3) Paragraph (2) of section 274A(a) of the Immigration  
23 and Nationality Act, relating to making unlawful the continu-  
24 ing employment of unauthorized aliens, shall only apply to



1 aliens who are hired after the date of the enactment of this  
2 Act.

3 (4) Section 274A(g)(2) of the Immigration and National-  
4 ity Act takes effect on the first day of the seventh month  
5 beginning after the date of the enactment of this Act.

6 (c) PROMULGATION OF REGULATIONS AND EDUCA-  
7 TION AND WARNING PERIOD.—(1) The Attorney General  
8 shall, not later than the first day of the seventh month begin-  
9 ning after the date of the enactment of this Act, first issue, on  
10 an interim or other basis, such regulations as may be neces-  
11 sary in order to implement section 274A of the Immigration  
12 and Nationality Act.

13 (2) The Attorney General, in cooperation with the Sec-  
14 retaries of Agriculture, Commerce, Health and Human Serv-  
15 ices, Labor, and the Treasury and the Administrator of the  
16 Small Business Administration and with organizations repre-  
17 senting or assisting employers, employees, and employment  
18 agencies, shall take steps to broadly disseminate forms and  
19 information and provide for public education respecting the  
20 provisions of section 274A of the Immigration and National-  
21 ity Act.

22 (3) Where the Attorney General has reason to believe  
23 that a person or entity may have violated subsection (a) of  
24 section 274A of the Immigration and Nationality Act during  
25 the six-month period beginning on the first day of the first

1 month beginning after the date of the enactment of this Act,  
2 the Attorney General shall notify such person or entity of  
3 such belief and shall not conduct any proceeding, nor impose  
4 any order, under such section on the basis of such alleged  
5 violation or violations.

6 (4) Where the Attorney General has reason to believe  
7 that a person or entity may have violated subsection (a) of  
8 section 274A of the Immigration and Nationality Act during  
9 the subsequent six-month period, the Attorney General shall,  
10 in the first instance of such an alleged violation (or violations)  
11 occurring during such period, provide a warning to the  
12 person or entity that such a violation or violations may have  
13 occurred and shall not conduct any proceeding, nor impose  
14 any penalty, under such section on the basis of such alleged  
15 violation or violations.

16 (d) CONFORMING AMENDMENTS TO MIGRANT AND  
17 SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—

18 (1) The Migrant and Seasonal Agricultural Worker Protec-  
19 tion Act (Public Law 97-470) is amended—

20 (A) by striking out “101(a)(15)(H)(ii)” in para-  
21 graphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802)  
22 and inserting in lieu thereof “101(a)(15)(N)”;

23 (B) in section 103(a) (29 U.S.C. 1813(a))—

24 (i) by striking out “or” at the end of para-  
25 graph (4),

1 (ii) by striking out the period at the end of  
2 paragraph (5) and inserting in lieu thereof “; or”,  
3 and

4 (iii) by adding at the end the following new  
5 paragraph:

6 “(6) has been found to have violated paragraph  
7 (1) or (2) of section 274A(a) of the Immigration and  
8 Nationality Act.”;

9 (C) by striking out section 106 (29 U.S.C. 1816)  
10 and the corresponding item in the table of contents;  
11 and

12 (D) by striking out “section 106” in section  
13 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu  
14 thereof “paragraph (1) or (2) of section 274A(a) of the  
15 Immigration and Nationality Act”.

16 (2) The amendments made by paragraph (1) shall apply  
17 to the employment, recruitment, referral, or utilization of the  
18 services of an individual occurring on or after the first day of  
19 the seventh month beginning after the date of the enactment  
20 of this Act.

21 (e) CONFORMING AMENDMENT TO TABLE OF CON-  
22 TENTS.—The table of contents is amended by inserting after  
23 the item relating to section 274 the following new item:

“Sec. 274A. Unlawful employment of aliens.”.

24 (f) REPORTS ON IMPLEMENTATION OF SECTION.—For  
25 monitoring and study respecting the enactment of this section

1 (including actions taken on any discrimination in employment  
2 which might result from enactment of this section), see sec-  
3 tion 402 of this Act.

4 **SEC. 122. TEMPORARY AGRICULTURAL WORKER PROGRAM.**

5 (a) **PROVIDING NEW "N" NONIMMIGRANT CLASSIFI-**  
6 **CATION FOR TEMPORARY AGRICULTURAL WORKERS.—**

7 Section 101(a)(15) (8 U.S.C. 1101(a)) is amended—

8 (1) by inserting "other than agricultural services  
9 described in section 216(h)(1)" in subparagraph (H)(ii)  
10 after "temporary services or labor",

11 (2) by striking out "or" at the end of subpara-  
12 graph (L),

13 (3) by striking out the period at the end of sub-  
14 paragraph (M) and inserting in lieu thereof "; or", and

15 (4) by adding at the end the following new sub-  
16 paragraph:

17 "(N) an alien, having a residence in a foreign  
18 country which he has no intention of abandoning, who is  
19 coming temporarily to the United States under section  
20 216 to perform agricultural services (as defined in sec-  
21 tion 216(h)(1)) of a temporary or seasonal nature."

22 (b) **INVOLVEMENT OF DEPARTMENTS OF LABOR AND**  
23 **AGRICULTURE IN TEMPORARY AGRICULTURAL WORKER**  
24 **PROGRAM.—**Section 214(c) (8 U.S.C. 1184(c)) is amended—

1 (1) by striking out "or (L)" in the first sentence  
2 and inserting in lieu thereof ", (L), or (N)", and

3 (2) by adding at the end the following: "For pur-  
4 poses of this subsection the term 'appropriate agencies  
5 of Government' means the Department of Labor and  
6 includes, with respect to nonimmigrants under section  
7 101(a)(15)(N), the Department of Agriculture. The pro-  
8 visions of section 216 shall apply to the question of im-  
9 porting any alien as a nonimmigrant under section  
10 101(a)(15)(N).".

11 (c) ADMISSION OF TEMPORARY AGRICULTURAL  
12 WORKERS.—Chapter 2 of title II is amended by adding after  
13 section 215 the following new section:

14 "ADMISSION OF TEMPORARY AGRICULTURAL WORKERS  
15 "SEC. 216. (a) APPLICATION FOR LABOR CERTIFICA-  
16 TION.—

17 "(1) REQUIREMENT.—A petition to import an  
18 alien as a temporary agricultural worker (as defined in  
19 subsection (h)(3)) may not be approved by the Attorney  
20 General unless the petitioner has applied to the Secre-  
21 tary of Labor for a certification that—

22 "(A) there are not sufficient workers who are  
23 able, willing, and qualified and who will be avail-  
24 able at the time and place needed to perform the  
25 services involved in the petition, and

1           “(B) the employment of the alien in such  
2           services will not adversely affect the wages and  
3           working conditions of workers in the United  
4           States similarly employed.

5           “(2) PAYMENT OF REQUIRED FEES.—The Secre-  
6           tary of Labor may require by regulation, as a condition  
7           of applying for the certification, the payment of a fee  
8           to recover the reasonable costs of processing applica-  
9           tions for certification.

10          “(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICA-  
11          TION.—The Secretary of Labor may not issue a certification  
12          under subsection (a) with respect to an employer if the condi-  
13          tions described in paragraph (1) are not met or if any of the  
14          following conditions exist:

15                 “(1) LABOR DISPUTE.—There is a strike or lock-  
16                 out in the course of a labor dispute which, under the  
17                 regulations, precludes such certification.

18                 “(2) VIOLATION OF TERM OF PREVIOUS CERTI-  
19                 FICATION.—

20                         “(A) IN GENERAL.—The employer at any  
21                         time during the previous two-year period em-  
22                         ployed temporary agricultural workers and the  
23                         Secretary of Labor has determined, after notice  
24                         and opportunity for a hearing, that the employer  
25                         at any time during that period—

1                   “(i) substantially violated an essential  
2                   term or condition of the labor certification  
3                   with respect to the employment of domestic  
4                   or nonimmigrant workers, or

5                   “(ii) has not paid any penalty for such  
6                   violations which have been assessed by the  
7                   Secretary of Labor.

8                   “(B) DISQUALIFICATION LIMITED TO ONE  
9                   YEAR.—No employer may be denied certification  
10                  under subparagraph (A) for more than one year  
11                  for any violation described in that subparagraph.

12                  “(3) NOT PROVIDING FOR WORKERS’ COMPENSA-  
13                  TION.—The employer has not provided the Secretary  
14                  with satisfactory assurances that if the employment for  
15                  which the certification is sought is not covered by  
16                  State workers’ compensation law, the employer will  
17                  provide, at no cost to the worker, insurance covering  
18                  injury and disease arising out of and in the course of  
19                  the worker’s employment which will provide benefits at  
20                  least equal to those provided under the State workers’  
21                  compensation law for comparable employment.

22                  “(c) RULES CONCERNING APPLICATIONS FOR LABOR  
23                  CERTIFICATION.—The following rules shall apply in the  
24                  case of the filing and consideration of an application for a  
25                  labor certification for a temporary agricultural worker:

1           “(1) DEADLINE FOR FILING APPLICATIONS.—

2           The Secretary of Labor may not require that the appli-  
3           cation be filed more than 65 days before the first date  
4           the employer requires the services of the worker.

5           “(2) NOTICE WITHIN 14 DAYS OF DEFICIEN-  
6           CIES.—

7           “(A) NOTICE OF DEFICIENCIES.—The appli-  
8           cation shall be considered to have met the re-  
9           quirements of subsection (a)(1) (other than sub-  
10          paragraph (A) thereof) unless the Secretary of  
11          Labor, within 14 days of the date of filing the ap-  
12          plication, notifies the employer filing the applica-  
13          tion that the application does not meet the re-  
14          quirements.

15          “(B) SUBMITTAL OF MODIFIED APPLICA-  
16          TION.—If the application does not meet the re-  
17          quirements, the notice shall include the reasons  
18          therefor and the Secretary shall permit the em-  
19          ployer an opportunity for the prompt resubmission  
20          of a modified application.

21          “(3) ISSUANCE OF CERTIFICATION.—

22          “(A) IF CONDITIONS MET.—The Secretary  
23          of Labor shall make, not later than 20 days before  
24          the date such services are first required to be per-



1           formed, the certification described in subsection  
2           (a)(1) if—

3                   “(i) the employer has complied with the  
4                   requirements for certification (including the  
5                   recruitment of eligible individuals as pre-  
6                   scribed by regulation), and

7                   “(ii) the employer does not actually  
8                   have, or has not been provided with referrals  
9                   of, eligible individuals who have agreed to  
10                  perform such services on the terms and con-  
11                  ditions of a job offer which meet require-  
12                  ments of regulations.

13                  “(B) CONTINUED ACCEPTANCE OF APPLI-  
14                  CANTS.—A labor certification under this section  
15                  remains effective only if the employer continues to  
16                  accept for employment, until the date the tempo-  
17                  rary agricultural workers depart for work with the  
18                  employer, eligible individuals who apply or are re-  
19                  ferred to the employer.

20                  “(4) PROVIDING HOUSING ALLOWANCE.—In the  
21                  employer’s complying with terms and conditions of em-  
22                  ployment respecting the furnishing of housing, the em-  
23                  ployer shall be permitted, at the employer’s option and  
24                  instead of providing for suitable housing accommoda-  
25                  tions, to substitute payment of a reasonable housing al-

1 lowance, but only if suitable housing is otherwise avail-  
2 able in the proximate area of employment.

3 “(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

4 “(1) PERMITTING FILING BY AGRICULTURAL AS-  
5 SOCIATIONS.—A petition to import an alien as a tem-  
6 porary agricultural worker, and an application for a  
7 labor certification with respect to such a worker, may  
8 be filed by an association representing agricultural pro-  
9 ducers which use agricultural services.

10 “(2) TREATMENT OF ASSOCIATIONS ACTING AS  
11 EMPLOYERS.—If such an association is a joint or sole  
12 employer of temporary agricultural workers, the certifi-  
13 cations granted under this section to the association  
14 may be used for the certified job opportunities of any of  
15 its producer members and such workers may be trans-  
16 ferred among its member producers to perform agricul-  
17 tural services of a temporary or seasonal nature for  
18 which the certifications were granted.

19 “(3) TREATMENT OF VIOLATIONS.—

20 “(A) MEMBER’S VIOLATION DOES NOT NEC-  
21 ESSARILY DISQUALIFY ASSOCIATION OR OTHER  
22 MEMBERS.—If an individual producer member of  
23 such an association is determined to have commit-  
24 ted an act that under subsection (b)(2) results in  
25 the denial of certifications with respect to the

1 member, the denial shall apply only to that  
2 member and does not apply to the association or  
3 another producer member of the association unless  
4 the Secretary determines that the association or  
5 other member participated in, or had knowledge  
6 of and derived benefit from, the violation.

7 “(B) ASSOCIATION’S VIOLATION DOES NOT  
8 NECESSARILY DISQUALIFY MEMBERS.—If an as-  
9 sociation representing agricultural producers as an  
10 agent, joint employer, or employer is determined  
11 to have committed an act that under subsection  
12 (b)(2) results in the denial of certification with re-  
13 spect to the association, the denial shall apply  
14 only to the association and does not apply to any  
15 individual producer member of the association  
16 unless the Secretary determines that the member  
17 participated in, or had knowledge of and derived  
18 benefit from, the violation.

19 “(e) EXPEDITED ADMINISTRATIVE APPEALS OF CER-  
20 TAIN DETERMINATIONS.—

21 “(1) DENIAL OF LABOR CERTIFICATION.—The  
22 Secretary of Labor shall provide for an expedited pro-  
23 cedure for the review of a denial of certification under  
24 subsection (a)(1) or, at the applicant’s request, for a de  
25 novo administrative hearing respecting the denial. In

1 the case of a request for such a review or hearing with  
2 respect to denial of certification for temporary agricul-  
3 tural workers to perform agricultural services in the  
4 production of perishable commodities (as defined by the  
5 Secretary of Agriculture for purposes of this section),  
6 the Secretary of Labor shall provide that the review or  
7 hearing take place not later than 72 hours after the  
8 time the request is submitted.

9 “(2) REDETERMINATION WHERE UNQUALIFIED  
10 WORKERS REFERRED FOR EMPLOYMENT.—The Secre-  
11 tary of Labor shall expeditiously, but in no case later  
12 than 72 hours after the time a new determination is  
13 requested, make a new determination on the request  
14 for certification in the case of a temporary agricultural  
15 worker if the employer asserts that eligible individuals  
16 who have been referred are not able, willing, or quali-  
17 fied because of lawful employment-related reasons. If  
18 the employer asserts that an eligible individual who  
19 has been referred is not able, willing, or qualified, the  
20 burden of proof is on the employer to establish that the  
21 individual referred is not able, willing, or qualified be-  
22 cause of employment-related reasons.

23 “(3) ATTORNEY GENERAL EXPEDITED REVIEW  
24 WHERE WORKERS NOT ACTUALLY AVAILABLE.—To  
25 the extent that—

1           “(A) a certification under subsection (a)(1)  
2           was denied solely because of the availability of el-  
3           igible individuals to perform the agricultural serv-  
4           ices specified in the petition, and

5           “(B) eligible individuals who agree to per-  
6           form the services for which the temporary agricul-  
7           tural workers are sought are not actually avail-  
8           able at the time and place such services are re-  
9           quired,

10          the Attorney General shall provide by regulation for an  
11          expedited review of the petition respecting the workers  
12          not later than 72 hours after the time the employer re-  
13          quests expedited review under this paragraph. To the  
14          extent that the Attorney General determines that the  
15          facts described in the previous sentence exist, the At-  
16          torney General may provide for approval of the peti-  
17          tion (subject to the other conditions required for the ap-  
18          proval of certification under subsection (a)(1)), notwith-  
19          standing the denial of the certification by the Secretary  
20          of Labor.

21          “(4) EXPEDITED APPLICATION WHERE UNFOR-  
22          SEEN NEED FOR WORKERS.—

23                 “(A) PERMITTING AMENDED APPLICATION  
24                 OR ABBREVIATED RECRUITMENT PERIOD.—If

1 the Secretary of Labor makes the determination  
2 described in subparagraph (C), the Secretary—

3 “(i) shall permit the employer to amend  
4 or to make an application for certification  
5 under subsection (a)(1), and

6 “(ii) may waive some or all of the 65-  
7 day recruitment period described in subsec-  
8 tion (c)(1) as necessary to meet the critical  
9 need described in subparagraph (C)(i).

10 “(B) PROMPT REDETERMINATION.—In the  
11 case of an amended or new application under sub-  
12 paragraph (A)—

13 “(i) USING BEST DATA.—The Secretary  
14 shall make the determination on the amend-  
15 ment or application based upon the best  
16 available labor market information.

17 “(ii) DEADLINE FOR DETERMINA-  
18 TION.—Except as provided in clause (iii), the  
19 Secretary shall make the determination on  
20 the amendment or application not later than  
21 20 days before the date on which the work-  
22 ers are needed.

23 “(iii) DEADLINE FOR LATE AMEND-  
24 MENTS AND APPLICATIONS—If an amend-  
25 ment or application is made at any time later

1 than 3 days before such date of need de-  
2 scribed in clause (ii), the Secretary shall  
3 make the determination on the amendment  
4 or application within 72 hours after the date  
5 the amendment or application is submitted.

6 “(C) DETERMINATION OF UNFORSEEN CIR-  
7 CUMSTANCES.—The determination under sub-  
8 paragraph (A) is that—

9 “(i) in the case of an employer that has  
10 filed an application for a certification under  
11 subsection (a)(1), the employer—

12 “(I) has a critical need for workers  
13 before the expiration of the 65-day  
14 period described in subsection (c)(1), or

15 “(II) has a critical need for addi-  
16 tional workers who had not been re-  
17 quested in the previous application;

18 “(ii) in the case of an employer that had  
19 not previously filed such an application, the  
20 employer has a critical need for workers  
21 before the expiration of the 65-day period  
22 described in subsection (c)(1) and the employ-  
23 er made prompt application for certification  
24 under subsection (a)(1) when the employer’s  
25 need for workers became known; and

1                   “(iii) based on the employer’s past expe-  
2                   rience and on reasonable expectations, the  
3                   need for such workers at the time required  
4                   could not have been foreseen.

5                   “(5) PERMITTING PRESENTATION OF COUNTER-  
6                   VAILING EVIDENCE.—If the Secretary of Labor denies  
7                   a certification under subsection (a)(1) or fails to act on  
8                   the application, the Attorney General may permit the  
9                   applicant to present countervailing evidence to the At-  
10                  torney General that—

11                  “(A) there are not sufficient workers who are  
12                  able, willing, and qualified and who will be avail-  
13                  able at the time and place needed to perform the  
14                  services involved in the petition for which the cer-  
15                  tification is sought, and

16                  “(B) the employment policies of the Depart-  
17                  ment of Labor have been observed.

18                  “(f) ENTRY AND TRANSFER OF TEMPORARY AGRICUL-  
19                  TURAL WORKERS.—

20                  “(1) TIME LIMITATION.—An alien may not be  
21                  admitted to the United States as a temporary agricul-  
22                  tural worker for an aggregate period longer than the  
23                  period (or periods) determined by regulations of the At-  
24                  torney General. The regulations may provide for a  
25                  period of admission of longer than one year in the case



1 of agricultural services which the Secretary of Labor  
2 has recognized, for purposes of the admission of certain  
3 nonimmigrants under section 101(a)(15)(H)(ii), before  
4 the date of the enactment of this section.

5 “(2) VIOLATORS DISQUALIFIED FOR 5 YEARS.—  
6 An alien may not be admitted to the United States as  
7 a temporary agricultural worker if the alien was admit-  
8 ted to the United States as such a worker within the  
9 previous five-year period and the alien during that  
10 period violated a term or condition of such previous ad-  
11 mission.

12 “(3) TRANSFER OF WORKERS AMONG EMPLOY-  
13 ERS PERMITTED.—Nothing in this section shall prohib-  
14 it an employer which has a petition approved with re-  
15 spect to the importation of temporary agricultural  
16 workers from hiring such a worker who has completed  
17 a work contract entered into with another employer.  
18 The Attorney General shall provide for a procedure to  
19 allow temporary agricultural workers, who have com-  
20 pleted a work contract under this section and who are  
21 not otherwise deportable, to remain in the United  
22 States for brief periods in which to seek and accept  
23 employment with employers who are authorized to  
24 employ the workers.

25 “(g) MISCELLANEOUS PROVISIONS.—

1           “(1) AUTHORITY OF SECRETARY OF LABOR.—

2           The Secretary of Labor is authorized to take such ac-  
3           tions, including imposing appropriate penalties and  
4           seeking appropriate injunctive relief and specific per-  
5           formance of contractual obligations, as may be neces-  
6           sary to assure employer compliance with terms and  
7           conditions of employment under this section.

8           “(2) APPROPRIATE DOCUMENTATION.—The At-  
9           torney General shall provide for such endorsement of  
10          entry and exit documents of temporary agricultural  
11          workers as may be necessary to carry out this section  
12          and to provide notice for purposes of section 274A.

13          “(3) PREEMPTION.—The provisions of subsections  
14          (a) and (c) of section 214 and the provisions of this sec-  
15          tion preempt any State or local law regulating admissi-  
16          bility of nonimmigrant workers.

17          “(h) DEFINITIONS.—For purposes of this section:

18               “(1) AGRICULTURAL SERVICES.—The term ‘agri-  
19               cultural services’ has the meaning given such term by  
20               the Secretary of Labor in regulations and includes—

21                       “(A) agricultural labor, defined in section  
22                       3121(g) of the Internal Revenue Code of 1954,  
23                       and

24                       “(B) agriculture, as defined in section 3(f) of  
25                       the Fair Labor Standards Act of 1938.

1           “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible  
2 individual’ means, with respect to employment, an indi-  
3 vidual who is not an unauthorized alien (as defined in  
4 section 274A(h)(2)) with respect to that employment.

5           “(3) TEMPORARY AGRICULTURAL WORKER.—  
6 The term ‘temporary agricultural worker’ means a  
7 nonimmigrant described in section 101(a)(15)(N).”.

8           (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
9 404 (8 U.S.C. 1101 note), as amended by sections 101(b) and  
10 102(b) of this Act, is further amended by adding at the end  
11 the following new subsections:

12           “(d) AUTHORIZATIONS OF APPROPRIATIONS FOR SEC-  
13 RETARY OF LABOR.—(1) There are authorized to be appro-  
14 priated to the Secretary of Labor for each fiscal year, begin-  
15 ning with fiscal year 1986, \$10,000,000 for the purposes—

16           “(A) of recruiting domestic workers for temporary  
17 services which might otherwise be performed by tem-  
18 porary agricultural workers described in section 216,  
19 and

20           “(B) of monitoring terms and conditions under  
21 which such temporary agricultural workers (and do-  
22 mestic workers employed by the same employers) are  
23 employed in the United States.

24           “(2) There are authorized to be appropriated for each  
25 fiscal year, beginning with fiscal year 1986, such sums as

1 may be necessary for the purpose of enabling the Secretary of  
2 Labor to make determinations and certifications under section  
3 216 and under section 212(a)(14).

4       “(e) AUTHORIZATION OF APPROPRIATIONS FOR SEC-  
5 RETARY OF AGRICULTURE.—There are authorized to be ap-  
6 propriated for each fiscal year, beginning with fiscal year  
7 1986, such sums as may be necessary for the purposes of  
8 enabling the Secretary of Agriculture to carry out the Secre-  
9 tary’s duties and responsibilities under section 216.”.

10       (e) PROHIBITING ADJUSTMENT OF STATUS OF TEM-  
11 PORARY AGRICULTURAL WORKERS.—(1) Section 245(c) (8  
12 U.S.C. 1255(c)), as amended by section 113(a) of this Act, is  
13 further amended by adding at the end the following new  
14 paragraph:

15       “(4) An alien (other than an immediate relative specified  
16 in section 201(b)) who entered the United States classified as  
17 a nonimmigrant under section 101(a)(15)(N).”.

18       (2) Section 248(1) (8 U.S.C. 1258(1)) is amended by  
19 striking out “or (K)” and inserting in lieu thereof “(K), or  
20 (N)”.

21       (f) EFFECTIVE DATE.—The amendments made by sub-  
22 sections (a), (b), and (c) of this section apply to petitions and  
23 applications filed under sections 214(c) and 216 of the Immi-  
24 gration and Nationality Act on or after the first day of the  
25 seventh month beginning after the date of the enactment of

1 this Act (hereinafter in this section referred to as the "effec-  
2 tive date").

3 (g) REGULATIONS.—The Attorney General, in consul-  
4 tation with the Secretary of Labor and the Secretary of Agri-  
5 culture, shall approve all regulations to be issued implement-  
6 ing sections 101(a)(15)(N) and 216 of the Immigration and  
7 Nationality Act. Notwithstanding any other provision of law,  
8 final regulations to implement such sections shall first be  
9 issued, on an interim or other basis, not later than the effec-  
10 tive date.

11 (h) CONFORMING AMENDMENT TO TABLE OF CON-  
12 TENTS.—The table of contents is amended by inserting after  
13 the item relating to section 215 the following new item:

"Sec. 216. Admission of temporary agricultural workers."

14 **SEC. 123. AGRICULTURAL LABOR TRANSITION PROGRAM.**

15 (a) ESTABLISHMENT OF TRANSITION PROGRAM.—The  
16 Attorney General, in consultation with the Secretary of  
17 Labor and the Secretary of Agriculture, shall promulgate  
18 rules and regulations for the implementation of an agricultur-  
19 al labor transition program. The program shall be effective  
20 for a three-year period beginning on the first day of the sev-  
21 enth month beginning after the date of enactment of this Act.

22 (b) LIMITATION ON NUMBER OF WORKERS UNDER  
23 PROGRAM.—During the first year of the transition program,  
24 an agricultural employer, except as provided in (c), (d), and  
25 (e), may, as provided by regulation, employ up to 100 percent

1 of his nondomestic seasonal agricultural worker need with  
2 transitional workers. During the second and third years of  
3 the program, the employer may employ up to 67 percent and  
4 33 percent, respectively, of his nondomestic seasonal agricul-  
5 tural worker needs with transitional workers.

6 (c) CANNOT REPLACE LEGAL WORKERS.—Nothing in  
7 this section shall permit transitional workers to replace avail-  
8 able United States workers or legal foreign workers admitted  
9 under the Immigration and Nationality Act.

10 (d) COVERAGE UNDER OTHER EMPLOYMENT LAWS.—  
11 All workers employed under the provisions of this section  
12 shall be fully protected by all Federal and State laws and  
13 regulations governing the employment of United States mi-  
14 grant and seasonal agricultural workers.

15 (e) ELIGIBILITY OF ALIENS.—(1) An undocumented  
16 alien in the United States shall be eligible to be a transitional  
17 worker under the provisions of this section if the person is  
18 employed or has been employed as a seasonal agricultural  
19 worker in the United States for at least 90 days during a  
20 period of time after January 1, 1980.

21 (2) An undocumented worker shall not be eligible to be  
22 a transitional worker and may not be registered under this  
23 section if the person is deportable for any reason other than  
24 those described in paragraphs (2) and (9) of section 241(a) of  
25 the Immigration and Nationality Act, or on the basis, under

1 paragraph (1) of that section, of being excludable at the time  
2 of entry under paragraph (19), (20), or (26) of section 212(a)  
3 of such Act. Only persons employed as transitional workers  
4 and registered as such by the Attorney General during the  
5 first year of the program shall be eligible during the second  
6 and third years.

7 (3) A transitional worker under this section is not eligi-  
8 ble to apply for adjustment of status under section 245(a) of  
9 the Immigration and Nationality Act, unless the alien is an  
10 immediate relative described in section 201(b) of such Act.

11 (f) REQUIREMENTS FOR EMPLOYERS TO PARTICI-  
12 PATE.—To employ transitional workers under the provisions  
13 of this section, an agricultural employer must—

14 (1) notify the Attorney General of the employer's  
15 intention to participate in the transition program within  
16 twelve months of the beginning of the program, and

17 (2) provide such information relating to the em-  
18 ployer's requirements for seasonal agricultural workers  
19 in months or other periods in previous and future years  
20 as the Attorney General may specify.

21 (g) REPORTS ON USE OF WORKERS.—After an em-  
22 ployer begins participation in the agricultural labor transition  
23 program the employer shall provide, upon request, to the At-  
24 torney General a numerical count of the number of transition-  
25 al workers employed and the total number of domestic and

1 foreign seasonal agricultural workers employed by the  
2 employer.

3 (h) APPLICATION OF STANDARDS FOR TEMPORARY  
4 AGRICULTURAL WORKERS IN CERTAIN CASES.—Any eli-  
5 gible employer under the transition program who employs  
6 nonimmigrant alien agricultural workers under the provisions  
7 of section 216 of the Immigration and Nationality Act shall  
8 provide wages and working conditions as required by subsec-  
9 tion (a)(1)(B) of such section to all similarly employed work-  
10 ers of that employer.

11 (i) EMPLOYMENT DOES NOT PRECLUDE LEGALIZA-  
12 TION OF A WORKER.—Agreement by an alien to be a transi-  
13 tional worker would not preclude that alien from eligibility  
14 under the legalization provisions of title II of this Act.

15 (j) PAYMENT OF FEES.—The Attorney General may  
16 require by regulation, as a condition of participation by an  
17 employer in the transition program, the payment of a fee to  
18 recover the reasonable costs of processing registrations under  
19 the transition program.

20 (k) TREATMENT OF CERTAIN DOCUMENTATION.—In  
21 accordance with regulations of the Attorney General, a work  
22 permit or other documentation issued under this section to a  
23 transitional worker shall be considered to be documentation  
24 evidencing authorization of employment for purposes of sec-  
25 tion 274A(b)(1)(C)(iii) of the Immigration and Nationality Act



1 and an alien employed by an employer and in possession of a  
2 properly endorsed work permit or other such documentation  
3 for a period of time shall be considered (for purposes of sec-  
4 tion 274A(h)(2) of such Act) to be authorized by the Attorney  
5 General to be so employed during that period of time. For  
6 purposes of section 3121(a)(1) of the Internal Revenue Code  
7 of 1954 and section 210(a) of the Social Security Act, a tran-  
8 sitional worker performing seasonal agricultural services for  
9 an employer participating under the program shall be consid-  
10 ered to be lawfully admitted to the United States on a tempo-  
11 rary basis to perform agricultural labor.

12 (l) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—

13 (1) Notwithstanding the Federal Property and Administrative  
14 Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney  
15 General is authorized to expend from the appropriation pro-  
16 vided for the administration and enforcement of the Immigra-  
17 tion and Nationality Act, such amounts as may be necessary  
18 for the leasing or acquisition of property in the fulfillment of  
19 this section during the period of the transition program.

20 (2) USE OF RETIRED FEDERAL EMPLOYEES.—Not-  
21 withstanding any other provision of law, the retired or retain-  
22 er pay of a member or former member of the Armed Forces  
23 of the United States or the annuity of a retired employee of  
24 the Federal Government shall not be reduced while such in-  
25 dividual is temporarily employed by the Service for the

1 period of the transition program to perform duties in connec-  
2 tion with the program.

3 **SEC. 124. COMMISSION ON AGRICULTURAL WORKER PRO-**  
4 **GRAMS.**

5 (a) **ESTABLISHMENT AND COMPOSITION OF COMMIS-**  
6 **SION.**—(1) There is established a commission (hereinafter in  
7 this section referred to as the “Commission”) to be composed  
8 of 12 members—

9 (A) two to be appointed by the Attorney General,

10 (B) two to be appointed by the Secretary of  
11 Labor,

12 (C) two to be appointed by the Secretary of Agri-  
13 culture,

14 (D) three to be appointed by the Speaker of the  
15 House of Representatives, and

16 (E) three members to be appointed by the Presi-  
17 dent pro tempore of the Senate.

18 (2) In appointing individuals as members, the Attorney  
19 General, the Secretaries of Labor and Agriculture, the  
20 Speaker, and the President pro tempore shall assure that  
21 members include some individuals who are representative of  
22 labor organizations for agricultural workers and some individ-  
23 uals who are representative of agricultural employers of non-  
24 domestic workers. Appointments to the Commission shall be  
25 made in a manner that provides for balanced representation

1 of the various interests in the matters considered by the  
2 Commission.

3 (3) A vacancy in the Commission shall be filled in the  
4 same manner in which the original appointment was made.

5 (4) Appointments to the Commission shall first be made  
6 within 30 days after the date of the enactment of this Act.

7 (5) Members shall be appointed to serve for the life of  
8 the Commission.

9 (b) REVIEW OF AGRICULTURAL LABOR PROGRAMS.—

10 (1) The Commission shall study and review—

11 (A) the temporary agricultural worker program  
12 described in section 216 of the Immigration and Na-  
13 tionality Act, and

14 (B) the agricultural labor transition program under  
15 section 123 of this Act,

16 particularly as such programs impact on the labor needs of  
17 agricultural employers in the United States and on the wages  
18 and working conditions of United States agricultural workers.

19 (2) The Commission shall specifically review the follow-  
20 ing with respect to the temporary agricultural worker pro-  
21 gram under section 216 of the Immigration and Nationality  
22 Act:

23 (A) The standards described in subsection (a)(1) of  
24 that section for the certification respecting temporary  
25 agricultural workers.

1 (B) Whether or not there should be a statutory or  
2 other specific limit on the number of such workers who  
3 may be imported in any period.

4 (C) Whether or not payments equivalent to the  
5 taxes otherwise imposed under the Federal Insurance  
6 Contributions Act and the Federal Unemployment Tax  
7 Act should be made by the employers of such workers  
8 and what use should be made of these payments.

9 (D) What is a proper length of time and proper  
10 mechanism for the recruitment of domestic workers  
11 before importation of such foreign workers.

12 (E) Whether foreign agricultural workers should  
13 be contractually restricted to employment with specific  
14 employers.

15 (F) Whether current labor standards offer ade-  
16 quate protection for domestic and foreign agricultural  
17 workers.

18 (G) Whether certain geographic regions need spe-  
19 cial programs or provisions to meet their unique needs.

20 (e) REPORT TO CONGRESS.—(1) The Commission shall  
21 report to the Congress not later than two years after the  
22 effective date (described in section 122(f)) on its reviews  
23 under subsection (b). The Commission shall include in its  
24 report recommendations for improvements in the temporary  
25 agricultural worker program under section 216 of the Immi-

1 gration and Nationality Act, including specific legislative  
2 recommendations—

3 (1) on the matter specifically reviewed under sub-  
4 section (b)(2),

5 (2) improving the timeliness of decisions regarding  
6 the admission of temporary agricultural workers under  
7 the program,

8 (3) removing any current economic disincentives  
9 to hiring United States citizens or permanent resident  
10 aliens where temporary agricultural workers have been  
11 requested, and

12 (4) improving the cooperation among government  
13 agencies, employers, employer associations, workers,  
14 unions, and other worker associations to end the de-  
15 pendence of any industry on a constant supply of tem-  
16 porary foreign agricultural workers.

17 (d) COMPENSATION OF MEMBERS.—(1) Each member  
18 of the Commission who is not an officer or employee of the  
19 Federal Government is entitled to receive, subject to such  
20 amounts as are provided in advance in appropriations Acts,  
21 the daily equivalent of the minimum annual rate of basic pay  
22 in effect for grade GS-18 of the General Schedule for each  
23 day (including traveltime) during which the member is en-  
24 gaged in the actual performance of duties of the Commission.

1 Each member of the Commission who is such an officer or  
2 employee shall serve without additional pay.

3 (2) While away from their homes or regular places of  
4 business in the performance of services for the Commission,  
5 members of the Commission shall be allowed travel expenses,  
6 including per diem in lieu of subsistence.

7 (f) MEETINGS OF COMMISSION.—(1) Seven members of  
8 the Commission shall constitute a quorum, but a lesser  
9 number may hold hearings.

10 (2) The Chairman and the Vice Chairman of the Com-  
11 mission shall be elected by the members of the Commission  
12 for the life of the Commission.

13 (3) The Commission shall meet at the call of the Chair-  
14 man or a majority of its members.

15 (g) STAFF.—(1) The Chairman, in consultation with the  
16 Vice Chairman, may appoint and fix the compensation of a  
17 staff director and such other additional personnel as may be  
18 necessary to enable the Commission to carry out its func-  
19 tions, without regard to the laws, rules, and regulations gov-  
20 erning appointment in the competitive service. Any Federal  
21 employee subject to those laws, rules, and regulations may be  
22 detailed to the Commission without reimbursement, and such  
23 detail shall be without interruption or loss of civil service  
24 status or privilege.

1           (2) The Commission may procure temporary and inter-  
2 mittent services under section 3109(b) of title 5, United  
3 States Code, but at rates for individuals not to exceed the  
4 daily equivalent of the minimum annual rate of basic pay pay-  
5 able for GS-18 of the General Schedule.

6           (g) AUTHORITY OF COMMISSION.—(1) The Commission  
7 may for the purpose of carrying out this section, hold such  
8 hearings, sit and act at such times and places, take such tes-  
9 timony, and receive such evidence as the Commission consid-  
10 ers appropriate.

11           (2) The Commission may secure directly from any de-  
12 partment or agency of the United States information neces-  
13 sary to enable it to carry out this section. Upon request of the  
14 Chairman, the head of such department or agency shall fur-  
15 nish such information to the Commission.

16           (3) The Commission may accept, use, and dispose of  
17 gifts or donations of services or property.

18           (4) The Commission may use the United States mails in  
19 the same manner and under the same conditions as other  
20 departments and agencies of the United States.

21           (5) The Administrator of General Services shall provide  
22 to the Commission on a reimbursable basis such administra-  
23 tive support services as the Commission may request.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—(1) There  
2 are authorized to be appropriated such sums as may be nec-  
3 essary to carry out the purposes of this section.

4 (2) Notwithstanding any other provision of this section,  
5 no payment, or authorization to make payments or to enter  
6 into contracts under this section, shall be effective to such  
7 extent, or in such amounts, as are provided in advance in  
8 appropriations Acts.

9 (i) TERMINATION DATE.—The Commission shall cease  
10 to exist 27 months after the effective date (described in sec-  
11 tion 122(f)).

12 TITLE II—LEGALIZATION OF STATUS

13 SEC. 201. LEGALIZATION COMMISSION.

14 (a) ESTABLISHMENT AND COMPOSITION OF COMMIS-  
15 SION.—(1) There is established a Select Commission on Le-  
16 galization (hereinafter in this section referred to as the  
17 “Commission”), to be composed of 16 members—

18 (A) eight to be appointed by the President (not  
19 more than four of whom may be members of the same  
20 political party) from a list of names submitted by the  
21 Speaker of the House of Representatives and

22 (B) eight to be appointed by the President (not  
23 more than four of whom may be members of the same  
24 political party) from a list of names submitted by the  
25 President pro tempore of the Senate.



1           (2) Each list submitted under paragraph (1) shall contain  
2 the names of at least 24 individuals, not more than 12 of  
3 whom are members of the same political party, and none of  
4 whom are officials or employees in the legislative branch of  
5 the Federal Government.

6           (3) A vacancy in the Commission shall be filled in the  
7 same manner in which the original appointment was made.

8           (4) The Speaker of the House of Representatives and  
9 the President pro tempore of the Senate shall submit the lists  
10 described in paragraph (2) to the President not later than 30  
11 days after the date of the enactment of this Act and the  
12 President shall first appoint individuals as members of the  
13 Commission within 30 days after the date of receipt of such  
14 lists.

15          (5) Members shall be appointed to serve for the life of  
16 the Commission.

17          (b) DUTIES OF COMMISSION.—The Commission shall  
18 monitor and review—

19               (1) the border patrol and other enforcement pro-  
20 grams of the Federal Government designed to control  
21 substantially the illegal entry of aliens into the United  
22 States and to prevent and deter substantially violations  
23 of the terms of entry, including the amount of re-  
24 sources devoted to these programs and their effective-  
25 ness, and

1           (2) the programs of the Federal Government de-  
2           signed to eliminate substantially the employment of un-  
3           authorized aliens in the United States, including the  
4           amount of resources devoted to these programs and  
5           their effectiveness.

6 The Commission may also study improvements that can be  
7 made to improve the effectiveness of these programs.

8           (c) **REPORTS TO CONGRESS.**—(1) The Commission  
9 shall transmit a report to Congress on its activities not later  
10 than one year after the date a majority of its members are  
11 first appointed, and (until its expiration) not less frequently  
12 than annually thereafter.

13           (2) Each report shall include a description of the in-  
14 crease in resources being devoted to the programs described  
15 in subsection (b) and the effect of the increase and such rec-  
16 ommendations for improvements in the programs as the  
17 Commission determines to be appropriate.

18           (3) Each report also shall contain a finding of whether  
19 the following conditions have been met:

20           (A) Programs of the Federal Government are in  
21 effect, and have adequate resources, to control substan-  
22 tially illegal entry of aliens into the United States, to  
23 prevent and deter substantially violations of the terms  
24 of entry, and to eliminate substantially the employment  
25 of unauthorized aliens in the United States.

1           (B) There is substantial likelihood that these pro-  
2           grams will continue to remain effective after the imple-  
3           mentation of the program of legalization under section  
4           202 of this Act.

5           (d) **COMPENSATION OF MEMBERS, MEETINGS, STAFF,**  
6           **AUTHORITY OF COMMISSION, AND AUTHORIZATION OF**  
7           **APPROPRIATIONS.**—(1) The provisions of subsection (d), (e),  
8           (f)(2), (f)(3), (g), and (h) of section 124 of this Act shall apply  
9           to the Commission under this section in the same manner as  
10          they apply to the Commission established under section 124.

11          (2) Nine members of the Commission shall constitute a  
12          quorum, but a lesser number may hold hearings.

13          (e) **TERMINATION DATE.**—The Commission shall cease  
14          to exist upon the effective date of the legalization program  
15          (described in section 202(a)(1)(C)), except that the Commis-  
16          sion may continue to function for up to 90 days thereafter for  
17          the purpose of concluding its activities.

18          **SEC. 202. LEGALIZATION OF STATUS.**

19          (a) **TEMPORARY RESIDENCE STATUS.**—The Attorney  
20          General may, in his discretion and under such regulations as  
21          he shall prescribe, adjust the status of an alien to that of an  
22          alien lawfully admitted for temporary residence if the alien  
23          meets the following requirements:

24                  (1) **TIMELY APPLICATION.**—

1 (A) DURING APPLICATION PERIOD.—Except  
2 as provided in subparagraph (B), the alien must  
3 apply for such adjustment during the 12-month  
4 period beginning on a date (not later than 90 days  
5 after the effective date of the legalization pro-  
6 gram, described in subparagraph (C)) designated  
7 by the Attorney General.

8 (B) APPLICATION WITHIN 30 DAYS OF  
9 SHOW-CAUSE ORDER.—An alien who, at any  
10 time during the 12-month period described in sub-  
11 subparagraph (A), is the subject of an order to show  
12 cause issued under section 242 of the Immigration  
13 and Nationality Act, must make application under  
14 this section not later than the end of the 30-day  
15 period beginning either on the first day of such  
16 12-month period or on the date of the issuance of  
17 such order, whichever day is later.

18 (C) EFFECTIVE DATE OF LEGALIZATION  
19 PROGRAM.—As used in this section, the term “ef-  
20 fective date of the legalization program” means  
21 the date the Legalization Commission reports,  
22 under section 201(c)(3), that conditions described  
23 in such section have been met.

24 (D) INFORMATION INCLUDED IN APPLICA-  
25 TION.—Each application under this subsection

1 shall contain such information as the Attorney  
2 General may require, including information on  
3 living relatives of the applicant with respect to  
4 whom a petition for preference or other status  
5 may be filed by the applicant at any later date  
6 under section 204(a) of the Immigration and Na-  
7 tionality Act.

8 (2) CONTINUOUS UNLAWFUL RESIDENCE SINCE  
9 1980.—

10 (A) IN GENERAL.—The alien must establish  
11 that he either (i) arrived in the United States  
12 before January 1, 1980, and that he has resided  
13 continuously in the United States in an unlawful  
14 status since such date, or (ii) is a special Cuban or  
15 Haitian entrant (as described in subparagraph  
16 (D)).

17 (B) NONIMMIGRANTS.—In the case of an  
18 alien who entered the United States as a nonim-  
19 migrant before January 1, 1980, the alien must  
20 establish that the alien's period of authorized stay  
21 as a nonimmigrant expired before such date  
22 through the passage of time or the alien's unlaw-  
23 ful status was known to the Government as of  
24 such date.

1 (C) EXCHANGE VISITORS.—If the alien was  
2 at any time a nonimmigrant exchange alien (as  
3 defined in section 101(a)(15)(J) of the Immigration  
4 and Nationality Act), the alien must establish that  
5 the alien was not subject to the two-year foreign  
6 residence requirement of section 212(e) or has ful-  
7 filled that requirement or received a waiver there-  
8 of.

9 (D) SPECIAL CUBAN OR HAITIAN EN-  
10 TRANT.—As used in this section, the term “spe-  
11 cial Cuban or Haitian entrant” means an alien  
12 who is—

13 (i) a national of Cuba who arrived in  
14 the United States and presented himself for  
15 inspection after April 20, 1980, and before  
16 January 1, 1981, and who is still physically  
17 present in the United States;

18 (ii) a national of Haiti who on Decem-  
19 ber 31, 1980, was the subject of exclusion or  
20 deportation proceedings under section 236 or  
21 section 242 of the Immigration and National-  
22 ity Act, including a national of Haiti who on  
23 that date was under an order of exclusion  
24 and deportation or under an order of depor-  
25 tation which had not yet been executed;

1 (iii) a national of Haiti who was paroled  
2 into the United States under section  
3 212(d)(5) of such Act or was granted volun-  
4 tary departure before December 31, 1980,  
5 and was physically present in the United  
6 States on that date; or

7 (iv) a national of Cuba or Haiti who on  
8 December 31, 1980, had an application for  
9 asylum pending with the Immigration and  
10 Naturalization Service.

11 (3) CONTINUOUS PHYSICAL PRESENCE SINCE EN-  
12 ACTMENT.—The alien must establish that the alien has  
13 been continuously physically present in the United  
14 States since the date of the enactment of this section.

15 (4) ADMISSIBLE AS IMMIGRANT.—The alien must  
16 establish that he—

17 (A) is admissible to the United States as an  
18 immigrant, except as otherwise provided under  
19 subsection (d)(2),

20 (B) has not been convicted of any felony or  
21 of three or more misdemeanors committed in the  
22 United States,

23 (C) has not assisted in the persecution of any  
24 person or persons on account of race, religion, na-

1           tionality, membership in a particular social group,  
2           or political opinion, and

3                   (D) is registered or registering under the  
4           Military Selective Service Act, if the alien is re-  
5           quired to be so registered under that Act.

6           (b) SUBSEQUENT ADJUSTMENT TO PERMANENT RESI-  
7   DENCE   AND   NATURE   OF   TEMPORARY   RESIDENT  
8   STATUS.—

9                   (1) ADJUSTMENT TO PERMANENT RESIDENCE.—

10          The Attorney General, in his discretion and under such  
11          regulations as he may prescribe, may adjust the status  
12          of any alien provided lawful temporary resident status  
13          under subsection (a) to that of an alien lawfully  
14          admitted for permanent residence if the alien meets the  
15          following requirements:

16                   (A) TIMELY APPLICATION.—The alien must  
17                   apply for such adjustment during the 12-month  
18                   period beginning with the first day of the thirty-  
19                   first month that begins after the date the alien  
20                   was granted such temporary resident status.

21                   (B) CONTINUOUS LAWFUL RESIDENCE.—

22                           (i) IN GENERAL.—The alien must es-  
23                           tablish that he has continuously resided in  
24                           the United States since the date the alien  
25                           was granted such temporary resident status.



1 (ii) TREATMENT OF CERTAIN AB-  
2 SENCES.—An alien shall not be considered  
3 to have lost the continuous residence referred  
4 to in clause (i) by reason of an absence from  
5 the United States permitted under paragraph  
6 (3)(A).

7 (C) ADMISSIBLE AS IMMIGRANT.—The alien  
8 must establish that he—

9 (i) is admissible to the United States as  
10 an immigrant, except as otherwise provided  
11 under subsection (d)(2), and

12 (ii) has not been convicted of any felony  
13 or three or more misdemeanors committed in  
14 the United States.

15 (D) BASIC CITIZENSHIP SKILLS.—

16 (i) IN GENERAL.—The alien must dem-  
17 onstrate that he either—

18 (I) meets the requirements of sec-  
19 tion 312 of the Immigration and Na-  
20 tionality Act (relating to minimal under-  
21 standing of ordinary English and a  
22 knowledge and understanding of the his-  
23 tory and government of the United  
24 States), or

1 (II) is satisfactorily pursuing a  
2 course of study (recognized by the At-  
3 torney General) to achieve such an un-  
4 derstanding of English and such a  
5 knowledge and understanding of the his-  
6 tory and government of the United  
7 States.

8 (ii) EXCEPTION FOR ELDERLY INDIVID-  
9 UALS.—The Attorney General may, in his  
10 discretion, waive all or part of the require-  
11 ments of clause (i) in the case of an alien  
12 who is 65 years of age or older.

13 (2) TERMINATION OF TEMPORARY RESIDENCE.—  
14 The Attorney General shall provide for termination of  
15 temporary resident status granted an alien under this  
16 subsection—

17 (A) if it appears to the Attorney General  
18 that the alien was in fact not eligible for such  
19 status;

20 (B) if the alien commits an act that—

21 (i) makes the alien inadmissible to the  
22 United States as an immigrant, except as  
23 otherwise provided under subsection (d)(2), or

1 (ii) is convicted of any felony or three or  
2 more misdemeanors committed in the United  
3 States; or

4 (C) at the end of the forty-second month be-  
5 ginning after the date the alien is granted such  
6 status, unless the alien has filed an application for  
7 adjustment of such status pursuant to paragraph  
8 (1) and such application has not been denied.

9 (3) AUTHORIZED TRAVEL AND EMPLOYMENT  
10 DURING TEMPORARY RESIDENCE.—During the period  
11 an alien is in the lawful temporary resident status  
12 granted under subsection (a)—

13 (A) AUTHORIZATION OF TRAVEL  
14 ABROAD.—The Attorney General shall, in accord-  
15 ance with regulations, permit the alien to return  
16 to the United States after such brief and casual  
17 trips abroad as the Attorney General determines  
18 reflect an intention on the part of the alien to  
19 adjust to lawful permanent resident status under  
20 paragraph (1).

21 (B) AUTHORIZATION OF EMPLOYMENT.—  
22 The Attorney General shall grant the alien au-  
23 thorization to engage in employment in the  
24 United States and provide to that alien an “em-

1           ployment authorized" endorsement or other ap-  
2           propriate work permit.

3           (c) APPLICATIONS FOR INITIAL ADJUSTMENT OF  
4 STATUS.—

5           (1) TO WHOM MAY BE MADE.—The Attorney  
6           General shall provide that applications for adjustment  
7           of status under subsection (a) may be filed—

8                   (A) with the Attorney General, or

9                   (B) with a qualified designated entity, but  
10           only if the applicant consents to the forwarding of  
11           the application to the Attorney General.

12           As used in this section, the term "qualified designated  
13           entity" means an organization or person designated  
14           under paragraph (2).

15           (2) DESIGNATION OF QUALIFIED ENTITIES TO  
16           RECEIVE APPLICATIONS.—For purposes of assisting in  
17           the program of legalization provided under this section,  
18           the Attorney General shall designate qualified organi-  
19           zations and State and local governments as qualified  
20           designated entities for purposes of this section.

21           (3) TREATMENT OF APPLICATIONS BY QUALI-  
22           FIED DESIGNATED ENTITIES.—Each qualified designat-  
23           ed entity must agree to forward to the Attorney Gen-  
24           eral applications filed with it in accordance with para-  
25           graph (1)(B) but not to forward to the Attorney Gener-

1 al applications filed with it unless the applicant has  
2 consented to such forwarding. No such entity may  
3 make a determination required by this section to be  
4 made by the Attorney General.

5 (4) PENALTIES FOR FALSE STATEMENTS IN AP-  
6 PPLICATIONS.—Whoever files an application for adjust-  
7 ment of status under this section and knowingly and  
8 willfully falsifies, misrepresents, conceals, or covers up  
9 a material fact or makes any false, fictitious, or fraudu-  
10 lent statements or representations, or makes or uses  
11 any false writing or document knowing the same to  
12 contain any false, fictitious, or fraudulent statement or  
13 entry, shall be fined, or imprisoned not more than five  
14 years, or both.

15 (5) APPLICATION FEES.—

16 (A) FEE SCHEDULE.—The Attorney General  
17 shall prescribe a fee of \$100 or more to be paid  
18 by each alien who files an application for adjust-  
19 ment of status under subsection (a) or subsection  
20 (b)(1).

21 (B) USE OF FEES.—The Attorney General  
22 shall deposit payments received under the preced-  
23 ing sentence in a separate account and amounts in  
24 such account shall be available, without fiscal  
25 year limitation, only to cover administrative ex-

1           penses incurred in connection with the review of  
2           applications filed under this section.

3           (d) WAIVER OF NUMERICAL LIMITATIONS AND CER-  
4 TAIN GROUNDS FOR EXCLUSION.—

5           (1) NUMERICAL LIMITATIONS DO NOT APPLY.—

6           The numerical limitations of section 201 and 202 of  
7           the Immigration and Nationality Act shall not apply to  
8           the adjustment of aliens to lawful permanent resident  
9           status under this section.

10          (2) WAIVER OF GROUNDS FOR EXCLUSION.—In  
11          the determination of an alien's admissibility under sub-  
12          sections (a)(4)(A), (b)(1)(C)(i), and (b)(2)(B)(i)—

13           (A) GROUNDS OF EXCLUSION NOT APPLICA-  
14           BLE.—The provisions of paragraphs (14), (20),  
15           (21), (25), and (32) of section 212(a) of the Immi-  
16           gration and Nationality Act shall not apply.

17           (B) WAIVER OF OTHER GROUNDS.—

18           (i) IN GENERAL.—Except as provided  
19           in clause (ii), the Attorney General may  
20           waive any other provision of section 212(a)  
21           of such Act in the case of individual aliens  
22           for humanitarian purposes, to assure family  
23           unity, or when it is otherwise in the public  
24           interest.

1 (ii) GROUNDS THAT MAY NOT BE  
2 WAIVED.—The following provisions of sec-  
3 tion 212(a) of such Act may not be waived  
4 by the Attorney General under clause (i):

5 (I) Paragraph (9) and (10) (relating  
6 to criminals).

7 (II) Paragraph (15) (relating to  
8 aliens likely to become public charges)  
9 insofar as it relates to an application for  
10 adjustment to permanent residence.

11 (III) Paragraph (23) (relating to  
12 drug offenses), except for so much of  
13 such paragraph as relates to a single of-  
14 fense of simple possession of 30 grams  
15 or less of marihuana.

16 (IV) Paragraphs (27), (28), and  
17 (29) (relating to national security and  
18 members of certain organizations).

19 (V) Paragraph (33) (relating to  
20 those who assisted in the Nazi persecu-  
21 tions).

22 (e) TEMPORARY STAY OF DEPORTATION AND WORK  
23 AUTHORIZATION DURING APPLICATION PERIOD.—The At-  
24 torney General shall provide that in the case of an alien who,  
25 during the application period described in subsection (a)(1),

1 presents an application for adjustment of status under subsec-  
2 tion (a) which application establishes a prima facie case of  
3 eligibility to have his status adjusted under such subsection,  
4 and until a final administrative determination on the applica-  
5 tion has been made in accordance with this section, the  
6 alien—

7           (1) may not be deported, and  
8           (2) shall be granted authorization to engage in  
9 employment in the United States and be provided an  
10 “employment authorized” endorsement or other appro-  
11 priate work permit.

12 This subsection shall not be construed as preventing the At-  
13 torney General from commencing deportation proceedings  
14 against any alien.

15       (f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

16           (1) LIMITATION ON ADMINISTRATIVE AND JUDI-  
17 CIAL REVIEW.—Except as provided in paragraph (4)  
18 there shall be no administrative or judicial review (by  
19 class action or otherwise) of a decision or determina-  
20 tion under this section.

21           (2) NO REVIEW FOR LATE FILINGS.—No denial  
22 of adjustment of status under this section based on a  
23 late filing of an application for such adjustment may be  
24 reviewed by a court of the United States or of any



1 State or reviewed in any administrative proceeding of  
2 the United States Government.

3 (3) NO COLLATERAL ATTACKS.—An alien denied  
4 adjustment of status under this section may not raise a  
5 claim respecting such adjustment in any proceeding of  
6 the United States or any State involving the status of  
7 such alien, including any proceeding of deportation or  
8 exclusion under this Act.

9 (4) SINGLE LEVEL OF ADMINISTRATIVE APPEL-  
10 LATE REVIEW.—The Attorney General shall establish  
11 an appellate authority to provide for a single level of  
12 administrative appellate review of a final determination  
13 respecting an application for adjustment of status under  
14 this section. Such administrative appellate review shall  
15 be based solely upon the administrative record estab-  
16 lished at the time of the determination on the applica-  
17 tion and may not review a denial described in para-  
18 graph (2).

19 (g) IMPLEMENTATION OF SECTION.—

20 (1) REGULATIONS.—The Attorney General, after  
21 consultation with the Committees on the Judiciary of  
22 the House of Representatives and of the Senate, shall  
23 prescribe—

24 (A) regulations establishing a definition of the  
25 term “resided continuously”, as used in this sec-

1           tion, and the evidence needed to establish that an  
2           alien has resided continuously in the United  
3           States for purposes of this section, and

4                   (B) such other regulations as may be neces-  
5                   sary to carry out this section.

6           (2) CONSIDERATIONS.—In prescribing regulations  
7           described in paragraph (1)(A)—

8                   (A) PERIODS OF CONTINUOUS RESI-  
9                   DENCE.—The Attorney General shall specify indi-  
10                  vidual periods, and aggregate periods, of absence  
11                  from the United States which will be considered  
12                  to break a period of continuous residence in the  
13                  United States.

14                  (B) ABSENCES CAUSED BY DEPORTATION  
15                  OR ADVANCED PAROLE.—The Attorney General  
16                  shall provide that—

17                          (i) an alien shall not be considered to  
18                          have resided continuously in the United  
19                          States, if, during any period for which con-  
20                          tinuous residence is required, the alien was  
21                          outside the United States as a result of a de-  
22                          parture under an order of deportation, and

23                          (ii) any period of time during which an  
24                          alien is outside the United States pursuant to  
25                          the advance parole procedures of the Service

1 shall not be considered as part of the period  
2 of time during which an alien is outside the  
3 United States for purposes of this section.

4 (C) WAIVERS OF CERTAIN ABSENCES.—The  
5 Attorney General may provide for a waiver, in  
6 the discretion of the Attorney General, of the pe-  
7 riods specified under subparagraph (A) in the case  
8 of an absence from the United States due merely  
9 to a brief temporary trip abroad required by emer-  
10 gency or extenuating circumstances outside the  
11 control of the alien.

12 (D) USE OF CERTAIN DOCUMENTATION.—  
13 The Attorney General shall require that—

14 (i) continuous residence and physical  
15 presence in the United States must be estab-  
16 lished through documents, together with in-  
17 dependent corroboration of the information  
18 contained in such documents, and

19 (ii) the documents provided under clause  
20 (i) be employment-related if employment-re-  
21 lated documents with respect to the alien are  
22 available to the applicant.

23 (3) INTERIM FINAL REGULATIONS.—Regulations  
24 prescribed under this section may be prescribed to take  
25 effect on an interim final basis if the Attorney General

1 determines that this is necessary in order to implement  
2 this section in a timely manner.

3 (h) TEMPORARY DISQUALIFICATION OF NEWLY LE-  
4 GALIZED ALIENS FROM RECEIVING CERTAIN PUBLIC AS-  
5 SISTANCE.—During the six-year period beginning on the  
6 date an alien is granted lawful temporary resident status  
7 under subsection (a) and notwithstanding any other provision  
8 of law—

9 (1) an alien (other than a special Cuban and Haitian  
10 entrant, as defined in subsection (a)(2)(D)) granted  
11 lawful resident status under this section is not eligible  
12 for—

13 (A) financial assistance furnished under Fed-  
14 eral law (whether through grant, loan, guarantee,  
15 or otherwise) on the basis of financial need, as  
16 such programs are identified by the Attorney  
17 General in consultation with other appropriate  
18 heads of the various departments and agencies of  
19 Government,

20 (B) medical assistance under a State plan ap-  
21 proved under title XIX of the Social Security  
22 Act, and

23 (C) assistance under the Food Stamp Act of  
24 1977, and

1           (2) a State or political subdivision therein may, to  
2           the extent consistent with paragraph (1), provide that  
3           the alien is not eligible for welfare assistance furnished  
4           under the law of that State or political subdivision.

5 For the purpose of section 501 of the Refugee Education  
6 Assistance Act of 1980 (Public Law 96-122), assistance  
7 shall be continued under such section with respect to an alien  
8 without regard to the alien's adjustment of status under this  
9 section. Unless otherwise specifically provided by law, an  
10 alien in temporary lawful residence status granted under sub-  
11 section (a) shall not be considered (for purposes of any law of  
12 a State or political subdivision providing welfare assistance)  
13 to be permanently residing in the United States under color  
14 of law.

15           (i) MISCELLANEOUS PROVISIONS.—

16           (1) DISSEMINATION OF INFORMATION ON LE-  
17 GALIZATION PROGRAM.—During the three-month  
18 period beginning on the effective date of the legaliza-  
19 tion program, the Attorney General, in cooperation  
20 with qualified designated entities and the Secretary of  
21 Labor, shall broadly disseminate information respecting  
22 the benefits which aliens may receive under this sec-  
23 tion and the requirements to obtain such benefits.

24           (2) PROCEDURES FOR PROPERTY ACQUISITION  
25 OR LEASING.—Notwithstanding the Federal Property

1 and Administrative Services Act of 1949 (40 U.S.C.  
2 471 et seq.), the Attorney General is authorized to  
3 expend from the appropriation provided for the admin-  
4 istration and enforcement of the Immigration and Na-  
5 tionality Act, such amounts as may be necessary for  
6 the leasing or acquisition of property in the fulfillment  
7 of this section. This authority shall end two years after  
8 the effective date of the legalization program.

9 (3) USE OF RETIRED FEDERAL EMPLOYEES.—  
10 Notwithstanding any other provision of law, the retired  
11 or retainer pay of a member or former member of the  
12 Armed Forces of the United States or the annuity of a  
13 retired employee of the Federal Government shall not  
14 be reduced while such individual is temporarily em-  
15 ployed by the Service for a period of not to exceed 18  
16 months to perform duties in connection with the adjust-  
17 ment of status of aliens under this section.

18 (4) APPLICATION OF PROVISIONS OF IMMIGRA-  
19 TION AND NATIONALITY ACT.—Except as otherwise  
20 specifically provided in this section, the definitions con-  
21 tained in the Immigration and Nationality Act apply in  
22 the administration of this section. Nothing in this sec-  
23 tion shall be held to repeal, amend, alter, modify,  
24 effect, or restrict the powers, duties, functions, or au-  
25 thority of the Attorney General in the administration

1 and enforcement of such Act or any other law relating  
2 to immigration, nationality, or naturalization. The fact  
3 that an alien may be eligible to be granted lawful resi-  
4 dence status under this section shall not preclude the  
5 alien from seeking such a status under any other provi-  
6 sion of law for which the alien may be eligible.

7 (j) **LIMITING APPLICATION OF PUBLIC LAW 89-732.**—

8 The first section of Public Law 89-732 shall not apply to any  
9 alien who is first inspected and admitted or paroled into the  
10 United States after the date of the enactment of this Act.

11 **SEC. 203. STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There are  
13 authorized to be appropriated to make payments to States  
14 (and for related Federal administration costs) under this sec-  
15 tion \$600,000,000 for each of three fiscal years, beginning  
16 with the fiscal year in which the application period (described  
17 in section 202(a)(1)(A)) ends.

18 (b) **CAPPED ENTITLEMENT.**—(1) The Secretary of  
19 Health and Human Services (hereinafter in this section re-  
20 ferred to as the “Secretary”) shall provide, in accordance  
21 with this section and from the allotment for that State deter-  
22 mined under paragraph (2), for payment to each of the States  
23 with an application approved under this section for reim-  
24 bursement of the costs—

1 (A) of public programs of assistance provided with  
2 respect to eligible legalized aliens, and

3 (B) for the imprisonment of aliens who are in the  
4 United States unlawfully and—

5 (i) whose most recent entry into the United  
6 States was without inspection, or

7 (ii) whose most recent admission to the  
8 United States was as a nonimmigrant but—

9 (I) whose period of authorized stay as a  
10 nonimmigrant expired, or

11 (II) whose unlawful status was known  
12 to the Government,

13 before the date of the commission of the crime for  
14 which the imprisonment was imposed.

15 (2)(A) The Secretary shall establish a formula for deter-  
16 mining the amount of the allotment to each State under this  
17 section for each fiscal year. Such formula shall, subject to  
18 subparagraph (B), take into account—

19 (i) the number of eligible legalized aliens (as de-  
20 fined in subsection (i)(3)) residing in the State in that  
21 fiscal year,

22 (ii) the ratio of the number of eligible legalized  
23 aliens in the State to the total number of residents of  
24 that State and to the total number of such aliens in all  
25 the States in that fiscal year,



1 (iii) the amount of expenditures the State is likely  
2 to incur in that fiscal year in providing assistance for  
3 eligible legalized aliens under programs of public assist-  
4 ance (as defined in subsection (i)(2)), and

5 (iv) the ratio of the amount of expenditures re-  
6 ferred to in clause (iii) in the State to the total amount  
7 of such expenditures in all of the States,

8 in a manner that provides for an equitable and balanced dis-  
9 tribution of funds among the States.

10 (B)(i) The total of the allotments to States under this  
11 section is equal to \$600,000,000 for each of the three fiscal  
12 years described in subsection (a).

13 (ii) To the extent that all the funds appropriated under  
14 this section for a fiscal year are not otherwise allotted to  
15 States either because all the States have not qualified for  
16 such allotments under this section for the fiscal year or be-  
17 cause some States have indicated in their description of ac-  
18 tivities that they do not intend to use the full amount of such  
19 allotments in that fiscal year and the succeeding fiscal year,  
20 such excess shall be allotted among the remaining States in  
21 proportion to the amount otherwise allotted to such States  
22 for the fiscal year without regard to this clause.

23 (2) In determining the number of eligible legalized aliens  
24 for purposes of paragraph (1)(A), the Secretary may estimate

1 such number on the basis of such data as he may deem ap-  
2 propriate.

3 (3) For each fiscal year the Secretary shall make pay-  
4 ments, as provided by section 203 of the Intergovernmental  
5 Cooperation Act of 1968 (42 U.S.C. 4213), to each State  
6 from its allotment under this subsection. Any amount paid to  
7 a State for a fiscal year and remaining unobligated at the end  
8 of such year shall remain available for the next fiscal year to  
9 such State for the purposes for which it was made.

10 (c) STATEMENTS AND ASSURANCES.—(1) No State is  
11 eligible for payment under this section unless the State—

12 (A) has filed with, and had approved by, the Sec-  
13 retary an application containing such information, in-  
14 cluding the information described in paragraph (2) and  
15 criteria for and administrative methods of disbursing  
16 funds received under this section, as the Secretary de-  
17 termines to be necessary to carry out this section, and

18 (B) transmits to the Secretary a statement of as-  
19 surances that certifies that (i) funds allotted to the  
20 State under this section will only be used to carry out  
21 the purposes described in subsection (d), (ii) the State  
22 will provide a fair method (as determined by the State)  
23 for the allocation of funds among State and local agen-  
24 cies in accordance with subsection (d)(2), and (iii) fiscal  
25 control and fund accounting procedures will be estab-

1 lished that are adequate to meet the requirements of  
2 subsections (e) and (f).

3 (2) The application of each State under this section for  
4 each fiscal year must include detailed information on—

5 (A) the number of eligible legalized aliens residing  
6 in the State, and

7 (B) the costs (excluding any such costs otherwise  
8 paid from Federal funds) which the State and each lo-  
9 cality is likely to incur for programs of public assist-  
10 ance and for imprisonment costs described in subsec-  
11 tion (b)(1)(B).

12 (d) USE OF FUNDS.—A State may use amounts paid to  
13 it under this section only—

14 (1) for the purpose of providing assistance with  
15 respect to eligible legalized aliens under programs of  
16 public assistance and under programs of public health  
17 assistance, but only to the extent such assistance is  
18 otherwise available under such programs to citizens re-  
19 siding in the State, and

20 (2) for the purpose of paying for costs incurred by  
21 the State for the imprisonment of aliens described in  
22 subsection (b)(1)(B).

23 (e) REPORTS AND AUDITS.—(1)(A) Each State shall  
24 prepare and submit to the Secretary annual reports on its  
25 activities under this section. In order to properly evaluate

1 and to compare the performance of different States assisted  
2 under this section and to assure the proper expenditure of  
3 funds under this section, such reports shall be in such form  
4 and contain such information as the Secretary determines  
5 (after consultation with the States and the Comptroller Gen-  
6 eral) to be necessary—

7 (i) to secure an accurate description of those ac-  
8 tivities,

9 (ii) to secure a complete record of the purposes for  
10 which funds were spent, of the recipients of such funds,  
11 and of the progress made toward achieving the pur-  
12 poses of this section, and

13 (iii) to determine the extent to which funds were  
14 expended consistent with subsection (d).

15 Copies of the report shall be provided, upon request, to any  
16 interested public agency, and each such agency may provide  
17 its views on these reports to the Congress.

18 (B) The Secretary shall annually report to the Congress  
19 on activities funded under this section and shall provide for  
20 transmittal of a copy of such report to each State.

21 (2)(A) Each State shall, not less often than once every  
22 two years, audit its expenditures from amounts received  
23 under this section. Such State audits shall be conducted by  
24 an entity independent of the State agency administering a  
25 program funded under this section in accordance with the

1 Comptroller General's standards for auditing governmental  
2 organizations, programs, activities, and functions and gener-  
3 ally accepted auditing standards. Within 30 days following  
4 the completion of each audit report, the State shall submit a  
5 copy of that audit report to the Secretary.

6 (B) Each State shall repay to the United States amounts  
7 found by the Secretary, after notice and opportunity for a  
8 hearing to the State, not to have been expended in accord-  
9 ance with this section and, if such repayment is not made, the  
10 Secretary may offset such amounts against the amount of any  
11 allotment to which the State is or may become entitled under  
12 this section or may otherwise recover such amounts.

13 (C) The Secretary may, after notice and opportunity for  
14 a hearing, withhold payment of funds to any State which is  
15 not using its allotment under this section in accordance with  
16 this section. The Secretary may withhold such funds until the  
17 Secretary finds that the reason for the withholding has been  
18 removed and there is reasonable assurance that it will not  
19 recur.

20 (3) The State shall make copies of the reports and audits  
21 required by this subsection available for public inspection  
22 within the State.

23 (4)(A) For the purpose of evaluating and reviewing the  
24 assistance provided under this section, the Secretary and the  
25 Comptroller General shall have access to any books, ac-

1 counts, records, correspondence, or other documents that are  
2 related to such assistance, and that are in the possession,  
3 custody, or control of States, political subdivisions thereof, or  
4 any of their grantees.

5 (B) In conjunction with an evaluation or review under  
6 subparagraph (A), no State or political subdivision thereof (or  
7 grantee of either) shall be required to create or prepare new  
8 records to comply with subparagraph (A).

9 (f) CRIMINAL PENALTIES FOR FALSE STATEMENTS.—  
10 Whoever—

11 (1) knowingly and willfully makes or causes to be  
12 made any false statement or misrepresentation of a ma-  
13 terial fact in connection with the furnishing of items or  
14 services for which payment may be made by a State  
15 from funds allotted to the State under this section, or

16 (2) having knowledge of the occurrence of any  
17 event affecting his initial or continued right to any  
18 such payment conceals or fails to disclose such event  
19 with an intent fraudulently to secure such payment  
20 either in a greater amount than is due or when no such  
21 payment is authorized,

22 shall be fined, imprisoned for not more than five years, or  
23 both.

24 (g) ANTI-DISCRIMINATION PROVISION.—(1)(A) For the  
25 purpose of applying the prohibitions against discrimination on

1 the basis of age under the Age Discrimination Act of 1975,  
2 on the basis of handicap under section 504 of the Rehabilita-  
3 tion Act of 1973, on the basis of sex under title IX of the  
4 Education Amendments of 1972, or on the basis of race,  
5 color, or national origin under title VI of the Civil Rights Act  
6 of 1964, programs and activities funded in whole or in part  
7 with funds made available under this section are considered  
8 to be programs and activities receiving Federal financial as-  
9 sistance.

10 (B) No person shall on the ground of sex or religion be  
11 excluded from participation in, be denied the benefits of, or be  
12 subjected to discrimination under, any program or activity  
13 funded in whole or in part with funds made available under  
14 this section.

15 (2) Whenever the Secretary finds that a State, locality,  
16 or local educational agency which has been provided payment  
17 from an allotment under this section has failed to comply  
18 with a provision of law referred to in paragraph (1)(A), with  
19 paragraph (1)(B), or with an applicable regulation (including  
20 one prescribed to carry out paragraph (1)(B)), he shall notify  
21 the chief executive officer of the State and shall request him  
22 to secure compliance. If within a reasonable period of time,  
23 not to exceed 60 days, the chief executive officer fails or  
24 refuses to secure compliance, the Secretary may—

1 (A) refer the matter to the Attorney General with  
2 a recommendation that an appropriate civil action be  
3 instituted,

4 (B) exercise the powers and functions provided by  
5 title VI of the Civil Rights Act of 1964, the Age Dis-  
6 crimination Act of 1975, or section 504 of the Reha-  
7 bilitation Act of 1973, as may be applicable, or

8 (C) take such other action as may be provided by  
9 law.

10 (3) When a matter is referred to the Attorney General  
11 pursuant to paragraph (2)(A), or whenever he has reason to  
12 believe that the entity is engaged in a pattern or practice in  
13 violation of a provision of law referred to in paragraph (1)(A)  
14 or in violation of paragraph (1)(B), the Attorney General may  
15 bring a civil action in any appropriate district court of the  
16 United States for such relief as may be appropriate, including  
17 injunctive relief.

18 (h) CONSULTATION WITH STATE AND LOCAL OFFI-  
19 CIALS.—In establishing regulations and guidelines to carry  
20 out this section, the Secretary shall consult with representa-  
21 tives of State and local governments.

22 (i) DEFINITIONS.—For purposes of this section:

23 (1) The term "State" has the meaning given such  
24 term in section 101(a)(36) of the Immigration and Na-  
25 tionality Act.



1           (2) The term "programs of public assistance"  
2 means programs in a State or local jurisdiction  
3 which—

4           (A) provide for cash, medical, or other assist-  
5           ance (as defined by the Secretary) designed to  
6           meet the basic subsistence or health needs of indi-  
7           viduals or required in the interest of public health,

8           (B) are generally available to needy individ-  
9           uals residing in the State or locality, and

10           (C) receive funding from units of State or  
11           local government.

12           (3) The term "eligible legalized alien" means an  
13           alien who has been granted lawful resident status  
14           under section 202(a), but only until the end of the six-  
15           year period beginning on the date the alien was grant-  
16           ed such status.

17           **TITLE III—OTHER CHANGES IN THE**  
18           **IMMIGRATION LAW**

19           **SEC. 301. CHANGE IN COLONIAL QUOTA.**

20           (a) INCREASE TO 3,000.—(1) Section 202(c) (8 U.S.C.  
21           1152(c)) is amended by striking out "six hundred" and insert-  
22           ing in lieu thereof "3,000".

23           (2) Section 202(e) (8 U.S.C. 1152(e)) is amended by  
24           striking out "600" and inserting in lieu thereof "3,000".

1 (b) EFFECTIVE DATE.—The amendments made by sub-  
2 section (a) shall apply to fiscal years beginning after the date  
3 of the enactment of this Act.

4 SEC. 302. VISA WAIVER PILOT PROGRAM FOR CERTAIN  
5 VISITORS.

6 (a) ESTABLISHING VISA WAIVER PILOT PROGRAM.—  
7 Chapter 2 of title II is amended by adding after section 216  
8 (added by section 122(c) of this Act) the following new  
9 section:

10 “VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS

11 “SEC. 217. (a) ESTABLISHMENT OF PILOT  
12 PROGRAM.—The Attorney General and the Secretary of  
13 State are authorized to establish a pilot program (hereafter in  
14 this section referred to as the ‘pilot program’) under which  
15 the requirement of paragraph (26)(B) of section 212(a) may  
16 be waived by the Attorney General and the Secretary of  
17 State, acting jointly and in accordance with this section, in  
18 the case of an alien who meets the following requirements:

19 “(1) SEEKING ENTRY AS TOURIST FOR LESS  
20 THAN 90 DAYS.—The alien is applying for admission  
21 during the pilot program period (as defined in subsec-  
22 tion (e)) as a nonimmigrant visitor (described in section  
23 101(a)(15)(B)) for a period not exceeding 90 days.

24 “(2) NATIONAL OF PILOT PROGRAM COUNTRY.—

25 The alien is a national of a country which—

1           “(A) extends (or agrees to extend) reciprocal  
2           privileges to citizens and nationals of the United  
3           States, and

4           “(B) is designated as a pilot program country  
5           under subsection (c).

6           “(3) EXECUTES ENTRY CONTROL AND WAIVER  
7           FORMS.—The alien before the time of such admis-  
8           sion—

9           “(A) completes such immigration form as the  
10          Attorney General shall establish under subsection  
11          (b)(3), and

12          “(B) executes a waiver of review and appeal  
13          described in subsection (b)(4).

14          “(4) ROUND-TRIP TICKET.—The alien has a  
15          round-trip, nonrefundable, nontransferable, open-dated  
16          transportation ticket which—

17          “(A) is issued by a carrier which has entered  
18          into an agreement described in subsection (d), and

19          “(B) guarantees transport of the alien out of  
20          the United States at the end of the alien's visit.

21          “(5) NOT A SAFETY THREAT.—The alien has  
22          been determined not to represent a threat to the wel-  
23          fare, health, safety, or security of the United States.

24          “(6) NO PREVIOUS VIOLATION.—If the alien pre-  
25          viously was admitted without a visa under this section,

1 the alien must not have failed to comply with the con-  
2 ditions of any previous admission as such a nonimmig-  
3 rant.

4 “(b) CONDITIONS BEFORE PILOT PROGRAM CAN BE  
5 PUT INTO OPERATION.—

6 “(1) PRIOR NOTICE TO CONGRESS.—The pilot  
7 program may not be put into operation until the end of  
8 the 30-day period beginning on the date that the At-  
9 torney General submits to the Congress a certification  
10 that the screening and monitoring system described in  
11 paragraph (2) is operational and effective and that the  
12 form described in paragraph (3) has been produced.

13 “(2) AUTOMATED DATA ARRIVAL AND DEPART-  
14 TURE SYSTEM.—The Attorney General in cooperation  
15 with the Secretary of State shall develop and establish  
16 an automated data arrival and departure control  
17 system to screen and monitor the arrival into and de-  
18 parture from the United States of nonimmigrant visi-  
19 tors receiving a visa waiver under the pilot program.

20 “(3) VISA WAIVER INFORMATION FORM.—The  
21 Attorney General shall develop a form for use under  
22 the pilot program. Such form shall be consistent and  
23 compatible with the control system developed under  
24 paragraph (2). Such form shall provide for, among  
25 other items—

1           “(A) a summary description of the conditions  
2           for excluding nonimmigrant visitors from the  
3           United States under section 212(a) and under the  
4           pilot program,

5           “(B) a description of the conditions of entry  
6           with a waiver under the pilot program, including  
7           the limitation of such entry to 90 days and the  
8           consequences of failure to abide by such condi-  
9           tions, and

10           “(C) questions for the alien to answer con-  
11           cerning any previous denial of the alien’s applica-  
12           tion for a visa.

13           “(4) WAIVER OF RIGHTS.—An alien may not be  
14           provided a waiver under the pilot program unless the  
15           alien has waived any right—

16           “(A) to review or appeal under this Act of  
17           an immigration officer’s determination as to the  
18           admissibility of the alien at the port of entry into  
19           the United States or

20           “(B) to contest, other than on the basis of an  
21           application for asylum, any action for deportation  
22           against the alien.

23           “(c) DESIGNATION OF PILOT PROGRAM COUN-  
24           TRIES.—

1           “(1) UP TO 8 COUNTRIES.—The Attorney Gener-  
2           al and the Secretary of State acting jointly may desig-  
3           nate up to eight countries as pilot program countries  
4           for purposes of the pilot program.

5           “(2) INITIAL QUALIFICATIONS.—For the initial  
6           period described in paragraph (4), a country may not  
7           be designated as a pilot program country unless the  
8           following requirements are met:

9                   “(A) LOW NONIMMIGRANT VISA REFUSAL  
10                   RATE FOR PREVIOUS 2-YEAR PERIOD.—The av-  
11                   erage number of refusals of nonimmigrant visitor  
12                   visas for nationals of that country during the two  
13                   previous full fiscal years was less than 2.0 percent  
14                   of the total number of nonimmigrant visitor visas  
15                   for nationals of that country which were granted  
16                   or refused during those years.

17                   “(B) LOW IMMIGRANT VISA REFUSAL RATE  
18                   FOR EACH OF 2 PREVIOUS YEARS.— The aver-  
19                   age number of refusals of nonimmigrant visitor  
20                   visas for nationals of that country during either of  
21                   such two previous full fiscal years was less than  
22                   2.5 percent of the total number of nonimmigrant  
23                   visitor visas for nationals of that country which  
24                   were granted or refused during that year.

1           “(3) CONTINUING AND SUBSEQUENT QUALIFICA-  
2           TIONS.—For each fiscal year (within the pilot program  
3           period) after the initial period—

4                   “(A) CONTINUING QUALIFICATION.—In the  
5                   case of a country which was a pilot program  
6                   country in the previous fiscal year, a country may  
7                   not be designated as a pilot program country  
8                   unless the sum of—

9                           “(i) the total of the number of nationals  
10                           of that country who were excluded from ad-  
11                           mission or withdrew their application for ad-  
12                           mission during such previous fiscal year as a  
13                           nonimmigrant visitor, and

14                           “(ii) the total number of nationals of  
15                           that country who were admitted as nonimmig-  
16                           grant visitors during such previous fiscal  
17                           year and who violated the terms of such  
18                           admission,

19                   was less than 2 percent of the total number of na-  
20                   tionals of that country who applied for admission  
21                   as nonimmigrant visitors during such previous  
22                   fiscal year.

23                   “(B) NEW COUNTRIES.—In the case of an-  
24                   other country, the country may not be designated

1 as a pilot program country unless the following  
2 requirements are met:

3 “(i) LOW NONIMMIGRANT VISA REFUS-  
4 AL RATE IN PREVIOUS 2-YEAR PERIOD.—  
5 The average number of refusals of nonimmi-  
6 grant visitor visas for nationals of that coun-  
7 try during the two previous full fiscal years  
8 was less than 2 percent of the total number  
9 of nonimmigrant visitor visas for nationals of  
10 that country which were granted or refused  
11 during those years.

12 “(ii) LOW NONIMMIGRANT VISA REFUS-  
13 AL RATE IN EACH OF THE 2 PREVIOUS  
14 YEARS.—The average number of refusals of  
15 nonimmigrant visitor visas for nationals of  
16 that country during either of such two previ-  
17 ous full fiscal years was less than 2.5 per-  
18 cent of the total number of nonimmigrant  
19 visitor visas for nationals of that country  
20 which were granted or refused during that  
21 year.

22 “(4) INITIAL PERIOD.—For purposes of para-  
23 graphs (2) and (3), the term ‘initial period’ means the  
24 period beginning at the end of the 30-day period de-  
25 scribed in subsection (b)(1) and ending on the last day



1 of the first fiscal year which begins after such 30-day  
2 period.

3 “(d) CARRIER AGREEMENTS.—

4 “(1) IN GENERAL.—The agreement referred to in  
5 subsection (a)(4)(A) is an agreement between a carrier  
6 and the Attorney General under which the carrier  
7 agrees, in consideration of the waiver of the visa re-  
8 quirement with respect to a nonimmigrant visitor under  
9 the pilot program—

10 “(A) to indemnify the United States against  
11 any costs for the transportation of the alien from  
12 the United States if the visitor is refused admis-  
13 sion to the United States or remains in the United  
14 States unlawfully after the 90-day period de-  
15 scribed in subsection (a)(1)(A), and

16 “(B) to submit daily to immigration officers  
17 any immigration forms received with respect to  
18 nonimmigrant visitors provided a waiver under  
19 the pilot program.

20 “(2) TERMINATION OF AGREEMENTS.—The At-  
21 torney General may terminate an agreement under  
22 paragraph (1) with five days' notice to the carrier for  
23 the carrier's failure to meet the terms of such agree-  
24 ment.

1       “(e) DEFINITION OF PILOT PROGRAM PERIOD.—For  
2 purposes of this section, the term ‘pilot program period’  
3 means the period beginning at the end of the 30-day period  
4 referred to in subsection (b)(1) and ending on the last day of  
5 the third fiscal year which begins after such 30-day period.”.

6       (b) LIMITATION ON STAY IN UNITED STATES.—Sec-  
7 tion 214(a) (8 U.S.C. 1184(a)) is amended by adding at the  
8 end the following new sentence: “No alien admitted to the  
9 United States without a visa pursuant to section 217 may be  
10 authorized to remain in the United States as a nonimmigrant  
11 visitor for a period exceeding 90 days from the date of  
12 admission.”.

13       (c) PROHIBITION OF ADJUSTMENT TO IMMIGRANT  
14 STATUS.—Section 245(c) (8 U.S.C. 1255(c)), as amended by  
15 sections 113(a) and 122(e)(1) of this Act, is further amended  
16 by adding at the end the following new paragraph:

17       “(5) An alien (other than an immediate relative specified  
18 in section 201(b)) who was admitted as a nonimmigrant visi-  
19 tor without a visa under section 212(l) or section 217.”.

20       (d) PROHIBITION OF ADJUSTMENT OF NONIMMIGRANT  
21 STATUS.—Section 248 (8 U.S.C. 1258) is amended by strik-  
22 ing out “and” at the end of paragraph (2), by striking out the  
23 period at the end of paragraph (3) and inserting in lieu there-  
24 of “, and” and by adding at the end thereof the following  
25 new paragraph:

1           “(4) an alien admitted as a nonimmigrant visitor  
2           without a visa under section 212(l) or section 217.”.

3           (e) CONFORMING AMENDMENT TO TABLE OF CON-  
4 TENTS.—The table of contents is amended by adding after  
5 the item relating to section 216 (added by section 122(f) of  
6 this Act) the following new item:

          “Sec. 217. Visa waiver pilot program for certain visitors.”.

7 **SEC. 303. G-4 SPECIAL IMMIGRANTS.**

8           (a) SPECIAL IMMIGRANT STATUS FOR CERTAIN OFFI-  
9 CERS AND EMPLOYEES OF INTERNATIONAL ORGANIZA-  
10 TIONS AND THEIR IMMEDIATE FAMILY MEMBERS.—Sec-  
11 tion 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking  
12 out “or” at the end of subparagraph (G), by striking out the  
13 period at the end of subparagraph (H) and inserting in lieu  
14 thereof “; or”, and by adding at the end of the following new  
15 subparagraph:

16           “(I)(i) an immigrant who is the unmarried son or  
17           daughter of an officer or employee, or of a former offi-  
18           cer or employee, of an international organization de-  
19           scribed in paragraph (15)(G)(i), and who (I) while  
20           maintaining the status of a nonimmigrant under para-  
21           graph (15)(G)(iv) or paragraph (15)(O), has resided and  
22           been physically present in the United States for periods  
23           totaling at least one half of the seven years before the  
24           date of application for a visa or for adjustment of  
25           status to a status under this subparagraph and for a

1 period or periods aggregating at least seven years be-  
2 tween the ages of five and 21 years, and (II) applies  
3 for admission under this subparagraph no later than his  
4 twenty-fifth birthday or six months after the date this  
5 subparagraph is enacted, whichever is later;

6 “(ii) an immigrant who is the surviving spouse of  
7 a deceased officer or employee of such an international  
8 organization, and who (I) while maintaining the status  
9 of a nonimmigrant under paragraph (15)(G)(iv) or para-  
10 graph (15)(O), has resided and been physically present  
11 in the United States for periods totaling at least one  
12 half of the seven years before the date of application  
13 for a visa or for adjustment of status to a status under  
14 this subparagraph and for a period or periods aggregat-  
15 ing at least 15 years before the date of the death of  
16 such officer or employee, and (II) applies for admission  
17 under this subparagraph no later than six months after  
18 the date of such death or six months after the date this  
19 subparagraph is enacted, whichever is later;

20 “(iii) an immigrant who is a retired officer or em-  
21 ployee of such an international organization, and who  
22 (I) while maintaining the status of a nonimmigrant  
23 under paragraph (15)(G)(iv), has resided and been  
24 physically present in the United States for periods to-  
25 taling at least one half of the seven years before the

1 date of application for a visa or for adjustment of  
2 status to a status under this subparagraph and for a  
3 period or periods aggregating at least 15 years before  
4 the date of the officer or employee's retirement from  
5 any such international organization, and (II) applies for  
6 admission under this subparagraph before January 1,  
7 1993, and no later than six months after the date of  
8 such retirement or six months after the date this sub-  
9 paragraph is enacted, whichever is later; or

10 "(iv) an immigrant who is the spouse of a retired  
11 officer or employee accorded the status of special immi-  
12 grant under clause (iii), accompanying or following to  
13 join such retired officer or employee as a member of  
14 his immediate family."

15 (b) NONIMMIGRANT STATUS FOR CERTAIN PARENTS  
16 AND CHILDREN OF ALIENS GIVEN SPECIAL IMMIGRANT  
17 STATUS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as  
18 amended by section 122(a) of this Act, is further amended by  
19 striking out "or" at the end of subparagraph (M), by striking  
20 out the period at the end of subparagraph (N) and inserting in  
21 lieu thereof "; or", and by adding at the end the following  
22 new paragraph:

23 "(O)(i) the parent of an alien accorded the status  
24 of special immigrant under paragraph (27)(I)(i), but  
25 only if and while the alien is a child, or

1           “(ii) a child of such parent or of an alien accorded  
2           the status of a special immigrant under paragraph  
3           (27)(I) (ii), (iii), or (iv).”.

4                                   **TITLE IV—REPORTS**

5   **SEC. 401. TRIENNIAL COMPREHENSIVE REPORT ON IMMIGRA-**  
6                                   **TION.**

7           (a) **TRIENNIAL REPORT.**—The President shall transmit  
8           to the Congress, not later than January 1, 1987, and not  
9           later than January 1 of every third year thereafter, a com-  
10          prehensive immigration-impact report.

11          (b) **DETAILS IN EACH REPORT.**—Each report shall  
12          include—

13                  (1) the number and classification of aliens admit-  
14                  ted (whether as immediate relatives, special immi-  
15                  grants, refugees, or under the preferences classifica-  
16                  tions, or as nonimmigrants), paroled, or granted  
17                  asylum, during the relevant period;

18                  (2) a reasonable estimate of the number of aliens  
19                  who entered the United States during the period with-  
20                  out visas or who became deportable during the period  
21                  under section 241; and

22                  (3) a description of the impact of admissions and  
23                  other entries of immigrants, refugees, asylees, and pa-  
24                  rolees into the United States during the period on the  
25                  economy, labor and housing markets, the educational

1 system, social services, foreign policy, environmental  
2 quality and resources, and the population growth rate  
3 of the United States.

4 (c) HISTORY AND PROJECTIONS.—The information (re-  
5 ferred to in subsection (b)) contained in each report shall be—

6 (1) described for the preceding three-year period,  
7 and

8 (2) projected for the succeeding five-year period,  
9 based on reasonable estimates substantiated by the best  
10 available evidence.

11 (d) RECOMMENDATIONS.—The President also may in-  
12 clude in such report any appropriate recommendations on  
13 changes in numerical limitations or other policies under title  
14 II of the Immigration and Nationality Act bearing on the  
15 admission and entry of such aliens to the United States.

16 **SEC. 402. REPORTS ON UNAUTHORIZED ALIEN EMPLOYMENT**  
17 **AND DISCRIMINATION IN EMPLOYMENT.**

18 (a) PRESIDENTIAL REPORTS.—The President shall  
19 transmit to Congress annual reports on the implementation of  
20 section 274A of the Immigration and Nationality Act (relat-  
21 ing to unlawful employment of aliens) during the first five  
22 years after its implementation. Each report shall include—

23 (1) an analysis of the adequacy of the employment  
24 verification system provided under subsection (b) of  
25 that section;

1           (2) the status of the development and implementa-  
2           tion of changes in that system under subsection (c) of  
3           that section, including the results of any demonstration  
4           projects conducted under paragraph (4) of such subsec-  
5           tion; and

6           (3) the impact of the enforcement of that section  
7           on—

8                   (A) the employment, wages, and working  
9                   conditions of United States workers and on the  
10                  economy of the United States,

11                  (B) the number of aliens entering the United  
12                  States illegally or who fail to maintain legal  
13                  status after entry, and

14                  (C) the violation of terms and conditions of  
15                  nonimmigrant visas by foreign visitors.

16           (b) GAO REPORTS.—(1) Beginning one year after the  
17           date of enactment of this Act, and at intervals of one year  
18           thereafter for a period of five years after such date, the  
19           Comptroller General of the United States shall prepare and  
20           transmit to the Congress and to the taskforce established  
21           under subsection (c) a report describing the results of a  
22           review of the implementation and enforcement of section  
23           274A of the Immigration and Nationality Act during the pre-  
24           ceding twelve-month period, for the purpose of determining  
25           if—



1 (A) such provisions have been carried out satisfac-  
2 torily;

3 (B) a pattern of discrimination has resulted  
4 against citizens or nationals of the United States or  
5 against eligible workers seeking employment; and

6 (C) an unnecessary regulatory burden has been  
7 created for employers hiring such workers.

8 (2) In each report, the Comptroller General shall make  
9 a specific determination as to whether the implementation of  
10 that section has resulted in a pattern of discrimination in em-  
11 ployment (against other than unauthorized aliens) on the  
12 basis of national origin.

13 (3) If the Comptroller General has determined that such  
14 a pattern of discrimination has resulted, the report—

15 (A) shall include a description of the scope of that  
16 discrimination, and

17 (B) may include recommendations for such legisla-  
18 tion as may be appropriate to deter or remedy such  
19 discrimination.

20 (c) REVIEW BY TASKFORCE.—(1) The Attorney Gener-  
21 al, jointly with the Chairman of the Civil Rights Commission  
22 and the Chairman of the Equal Employment Opportunity  
23 Commission, shall establish a taskforce to review each report  
24 of the Comptroller General transmitted under subsection  
25 (b)(1).

1 (2) If the report transmitted includes a determination  
2 that the implementation of section 274A of the Immigration  
3 and Nationality Act has resulted in a pattern of discrimina-  
4 tion in employment (against other than unauthorized aliens)  
5 on the basis of national origin, the taskforce shall, taking into  
6 consideration any recommendations in the report, report to  
7 Congress recommendations for such legislation as may be ap-  
8 propriate to deter or remedy such discrimination.

9 (3) The Committees on the Judiciary of the House of  
10 Representatives and of the Senate shall hold hearings re-  
11 specting any report of the taskforce under paragraph (2)  
12 within 60 days after the date of receipt of the report.

13 **SEC. 403. REPORT ON VISA WAIVER PILOT PROGRAM.**

14 (a) **MONITORING AND REPORT PILOT PROGRAM.**—The  
15 Attorney General and the Secretary of State shall jointly  
16 monitor the pilot program established under section 217 of  
17 the Immigration and Nationality Act and shall report to the  
18 Congress not later than two years after the beginning of the  
19 program.

20 (b) **DETAILS IN REPORT.**—The report shall include—

21 (1) an evaluation of the program, including its  
22 impact—

23 (A) on the control of alien visitors to the  
24 United States,

1 (B) on consular operations in the countries  
2 designated under the program, as well as on con-  
3 sular operations in other countries in which addi-  
4 tional consular personnel have been relocated as a  
5 result of the implementation of the program, and

6 (C) on the United States tourism industry;  
7 and

8 (2) recommendations—

9 (A) on extending the pilot program period,  
10 and

11 (B) on increasing the number of countries  
12 that may be designated under the program.

13 **SEC. 404. PRESIDENTIAL REPORTS ON ANY LEGALIZATION**  
14 **PROGRAM.**

15 (a) **IN GENERAL.**—The President shall transmit to Con-  
16 gress two reports after the legalization program has been es-  
17 tablished under section 202 of this Act.

18 (b) **INITIAL REPORT ON LEGALIZED ALIENS.**—The  
19 first report, which shall be transmitted not later than 18  
20 months after the end of the application period for adjustment  
21 to lawful temporary residence status under the program, shall  
22 include a description of the population whose status is legal-  
23 ized under the program, including—

24 (1) geographical origins and manner of entry of  
25 these aliens into the United States,

- 1 (2) their demographic characteristics, and
- 2 (3) a general profile and characteristics of the
- 3 population legalized under the program.

4 (c) SECOND REPORT ON IMPACT OF LEGALIZATION  
5 PROGRAM.—The second report, which shall be transmitted  
6 not later than three years after the date of transmittal of the  
7 first report, shall include—

8 (1) the impact of the program on State and local  
9 governments and on public health and medical needs of  
10 individuals in the different regions of the United States,

11 (2) the patterns of employment of the legalized  
12 population, and

13 (3) the participation of legalized aliens in social  
14 service programs.

