

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1078

To improve immigration law enforcement.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1993

Mr. GALLEGLY (for himself, Mr. SENSENBRENNER, Mr. HYDE, Mr. HUNTER, Mr. OXLEY, Mr. STUMP, Mr. BAKER of Louisiana, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. MOORHEAD, Mr. DREIER, Mr. McKEON, Mr. STEARNS, Mr. ARCHER, Mr. CUNNINGHAM, Mr. LEWIS of California, Mr. McCANDLESS, Mr. DORNAN, Mr. WELDON, Mr. ROYCE, Mr. BARTON of Texas, Mr. PACKARD, Mr. GORDON, Mr. SMITH of Texas, Mr. HEFLEY, Mr. MCCOLLUM, Mr. HANCOCK, Mr. HERGER, Mr. CALVERT, Mr. HORN, Mr. KYL, Mr. POMBO, and Mr. COX) introduced the following bill; which was referred jointly to the Committees on the Judiciary, Education and Labor, and Foreign Affairs

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## A BILL

To improve immigration law enforcement.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improved Immigration  
5 Law Enforcement Act of 1993”.

1 **SEC. 2. INCREASED PERSONNEL LEVELS OF THE BORDER**  
2 **PATROL.**

3 The number of full-time positions in the Border Pa-  
4 trol of the Department of Justice for fiscal year 1994 shall  
5 be increased to 6,600.

6 **SEC. 3. INCREASED FUNDING FOR THE BORDER PATROL.**

7 In addition to funds otherwise available for such pur-  
8 poses, there are authorized to be appropriated to the At-  
9 torney General \$50,000,000 for the fiscal year 1993,  
10 which amount shall be available only for equipment, sup-  
11 port services, and initial training for the Border Patrol.  
12 Funds appropriated pursuant to this section are author-  
13 ized to remain available until expended.

14 **SEC. 4. INSERVICE TRAINING FOR THE BORDER PATROL.**

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

18 “(e)(1) The Attorney General shall continue to pro-  
19 vide for such programs of inservice training for full-time  
20 and part-time personnel of the Border Patrol in contact  
21 with the public as will familiarize the personnel with the  
22 rights and varied cultural backgrounds of aliens and citi-  
23 zens in order to ensure and safeguard the constitutional  
24 and civil rights, personal safety, and human dignity of all  
25 individuals, aliens as well as citizens, within the jurisdic-

1 tion of the United States with whom they have contact  
2 in their work.

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

6 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the Attorney General  
8 \$1,000,000 for fiscal year 1994 to carry out the inservice  
9 training described in section 103(e) of the Immigration  
10 and Nationality Act. The funds appropriated pursuant to  
11 this subsection are authorized to remain available until ex-  
12 pended.

13 **SEC. 5. INCREASE IN I.N.S. SUPPORT PERSONNEL.**

14 In order to provide support for the increased person-  
15 nel levels of the border patrol authorized in section 2, the  
16 number of full-time support positions for investigation, de-  
17 tention and deportation, intelligence, information and  
18 records, legal proceedings, and management and adminis-  
19 tration in the Immigration and Naturalization Service  
20 shall be increased by 580 positions above the number of  
21 equivalent positions as of September 30, 1992.

22 **SEC. 6. STRENGTHENED ENFORCEMENT OF WAGE AND**  
23 **HOUR LAWS.**

24 (a) IN GENERAL.—The number of full-time positions  
25 in the Wage and Hour Division with the Employment

1 Standards Administration of the Department of Labor for  
2 the fiscal year 1994 shall be increased by 250 positions  
3 above the number of equivalent positions available to the  
4 Wage and Hour Division as of September 30, 1992.

5 (b) ASSIGNMENT.—Individuals employed to fill the  
6 additional positions described in subsection (a) shall be as-  
7 signed to investigate violations of wage and hour laws in  
8 areas where the Attorney General has notified the Sec-  
9 retary of Labor that there are high concentrations of un-  
10 documented aliens.

11 **SEC. 7. STRENGTHENED ENFORCEMENT OF THE EM-**  
12 **LOYER SANCTIONS PROVISIONS.**

13 (a) IN GENERAL.—The number of full-time positions  
14 in the Investigations Division within the Immigration and  
15 Naturalization Service of the Department of Justice for  
16 the fiscal year 1994 shall be increased by 250 positions  
17 above the number of equivalent positions available to such  
18 Division as of September 30, 1992.

19 (b) ASSIGNMENT.—Individuals employed to fill the  
20 additional positions described in subsection (a) shall be as-  
21 signed to investigate violations of the employer sanctions  
22 provisions contained in section 274A of the Immigration  
23 and Nationality Act, including investigating reports of vio-  
24 lations received from officers of the Employment Stand-  
25 ards Administration of the Department of Labor.

1 **SEC. 8. INCREASED NUMBER OF ASSISTANT UNITED**  
2 **STATES ATTORNEYS.**

3 (a) IN GENERAL.—The number of Assistant United  
4 States Attorneys that may be employed by the Depart-  
5 ment of Justice for the fiscal year 1994 shall be increased  
6 by 21 above the number of Assistant United States Attor-  
7 neys that could be employed as of September 30, 1992.

8 (b) ASSIGNMENT.—Individuals employed to fill the  
9 additional positions described in subsection (a) shall be  
10 specially trained to be used for the prosecution of persons  
11 who bring into the United States or harbor illegal aliens,  
12 fraud, and other criminal statutes involving illegal aliens.

13 **SEC. 9. ENHANCED PENALTIES FOR CERTAIN ALIEN SMUG-**  
14 **GLING.**

15 Subsection 274(a) of the Immigration and National-  
16 ity Act (8 U.S.C. 1324(a)) is amended—

17 (1) in paragraph (1), by striking “five years”  
18 and inserting “10 years (or 20 years in the case of  
19 an offense described in paragraph (3))”, and

20 (2) by adding at the end the following new  
21 paragraph:

22 “(3) For purposes of paragraph (1), an offense  
23 described in this paragraph if—

24 “(A) the offense involves 5 or more aliens;

25 “(B) the offense involves other criminal ac-  
26 tivity;

1           “(C) one or more of the aliens referred to  
2           in paragraph (1) were under the age of 18 at  
3           the time of the offense and the offense was  
4           committed either for the purpose of illegal  
5           adoption or for the purpose of sexual or com-  
6           mercial exploitation; or

7           “(D) the offense involves the dangerous,  
8           inhumane treatment, or death of, or serious  
9           bodily injury to, an alien referred to in para-  
10          graph (1).”.

11 **SEC. 10. CHANGES IN CRIMINAL PENALTIES FOR BRINGING**  
12 **IN ALIENS.**

13          Section 274 of the Immigration and Nationality Act  
14 (8 U.S.C. 1324) is amended—

15           (1) in subsection (a)(2), by inserting before the  
16          period at the end thereof the following: “, except  
17          that a person who commits an offense under sub-  
18          paragraph (B)(ii) shall be fined in accordance with  
19          that title, or imprisoned not more than 10 years, or  
20          both”, and

21           (2) by adding at the end thereof the following  
22          new subsection:

23          “(d) For purposes of this section, the mere employ-  
24          ment of an individual (including the usual and normal

1 practices incident to employment) by itself shall not be  
2 deemed to constitute harboring.”.

3 **SEC. 11. NEGOTIATIONS WITH MEXICO AND CANADA.**

4 It is the sense of the Congress that—

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

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

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

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