

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

# H. R. 1079

To prevent immigration document fraud, and for other purposes.

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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. INHOFE, Mr. GORDON, Mr. SMITH of Texas, Mr. HEFLEY, 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, Banking, Finance and Urban Affairs, and Ways and Means

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## A BILL

To prevent immigration document fraud, 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.**

4       This Act may be cited as the “Immigration Docu-  
5       ment Fraud Prevention Act of 1993”.

1 **SEC. 2. ISSUANCE OF NEW IDENTIFICATION CARDS FOR**  
2 **ALIENS.**

3 (a) IN GENERAL.—The Attorney General shall cause  
4 to be issued new registration and identification cards to  
5 all aliens who are qualified to hold employment in the  
6 United States for the purpose of providing proof of em-  
7 ployment eligibility under section 274A of the Immigration  
8 and Nationality Act (8 U.S.C. 1324a).

9 (b) REQUIREMENTS.—(1) Each new registration and  
10 identification card issued under subsection (a) shall—

11 (A) be in a form which is resistant to counter-  
12 feiting and tampering;

13 (B) be designed in such a manner so that an  
14 employer can reliably determine that—

15 (i) the person with the bearer's claimed  
16 identity is eligible to be employed in the United  
17 States, and

18 (ii) the bearer is not claiming the identity  
19 of another individual;

20 (C) contain a photograph and other identifying  
21 information (such as date of birth, sex, and distin-  
22 guishing marks) that would allow an employer to de-  
23 termine with reasonable certainty that the bearer is  
24 not claiming the identity of another individual;

25 (D) in the case of a card issued to—

1 (i) a work-eligible nonimmigrant admitted  
2 under section 214 of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1184),

4 (ii) an alien admitted for temporary resi-  
5 dence under section 210 of such Act (8 U.S.C.  
6 1160),

7 (iii) an alien granted temporary protected  
8 status under section 244A of such Act (8  
9 U.S.C. 1254a), and

10 (iv) an alien authorized to work by the Im-  
11 migration and Naturalization Service pending a  
12 final determination of deportability,

13 shall specify the expiration date of the work author-  
14 ization on the face of the card; and

15 (E) shall specify the alien's admission number  
16 or alien file number.

17 (2) The new card shall be valid for a period of 10  
18 years and must be reissued to remain valid after the 10th  
19 anniversary of the date of its issue.

20 (3) The new card shall note on its face whether work  
21 authorization is restricted.

22 (4) An employer, for purposes of satisfying the re-  
23 quirements of section 274A(b) of the Immigration and  
24 Nationality—

1 (A) may require an alien seeking employment to  
2 produce the new card as proof of employment eligi-  
3 bility, and

4 (B) may inquire whether an applicant's limited  
5 work authorization has expired or has been reau-  
6 thorized at the end of a work authorization period.

7 Such a requirement or inquiry shall not constitute an un-  
8 fair immigration-related employment practice under sec-  
9 tion 274B of such Act.

10 **SEC. 3. IMPLEMENTATION.**

11 (a) IN GENERAL.—Each alien who is authorized to  
12 be employed in the United States shall, on or before Octo-  
13 ber 1, 1994, turn in any alien registration and identifica-  
14 tion card which is in the alien's possession at any post  
15 office or office of the Immigration and Naturalization  
16 Service. No resident alien shall receive the new card  
17 until—

18 (1) the alien—

19 (A) has surrendered the old green card,

20 (B) has provided proof of identity,

21 (C) has provided such other documents as  
22 may be required under law, and

23 (D) has paid a fee (not to exceed \$75) that  
24 is reasonable and sufficient to cover the costs of  
25 administration of this section; and

1           (2) the Service has verified the lawful status of  
2           the alien.

3           The Attorney General may waive payment of the fee under  
4           paragraph (1)(D) (or reduce the amount of such fee) if  
5           the alien provides satisfactory evidence that the alien can-  
6           not afford the full fee.

7           (b) POSTING OF NOTICES.—Notices of the require-  
8           ment of subsection (a) shall be posted in all post offices  
9           and Immigration and Naturalization Service offices and  
10          published in local newspapers during fiscal year 1994.

11          (c) INVALIDITY OF OLD CARDS.—Any alien registra-  
12          tion or identification card for permanent resident aliens,  
13          other than an alien registration and identification card is-  
14          sued under this section, shall be invalid as of midnight  
15          of October 1, 1997.

16          (d) USE OF NEW CARDS UNDER SAVE PROGRAM.—

17                  (1) IN GENERAL.—Section 1137(d) of the So-  
18                  cial Security Act (42 U.S.C. 1320b-7(d)) is amend-  
19                  ed—

20                          (A) in paragraph (2), by striking “either”  
21                          and all that follows through the end and insert-  
22                          ing the following: “a registration and identifica-  
23                          tion card issued under section 2(a) of the Immi-  
24                          gration Document Fraud Prevention Act of  
25                          1993.”,

1 (B) in paragraph (3), by striking “para-  
2 graph (2)(A)” and inserting “paragraph (2)”,  
3 and

4 (C) in paragraph (4), by striking “para-  
5 graph (2)(A)” and inserting “such paragraph”.

6 (2) HOUSING ASSISTANCE.—Section 214(d) of  
7 the Housing and Community Development Act of  
8 1980 (42 U.S.C. 1436a(d)) is amended—

9 (A) in paragraph (2), by striking “either”  
10 and all that follows through the end and insert-  
11 ing the following: “a registration and identifica-  
12 tion card issued under section 2(a) of the Immi-  
13 gration Document Fraud Prevention Act of  
14 1993.”,

15 (B) in paragraph (3), by striking “para-  
16 graph (2)(A)” and inserting “paragraph (2)”,

17 (C) in paragraph (4), by striking “para-  
18 graph (2)(A)” the first place it appears and in-  
19 serting “paragraph (2)”, and

20 (D) in paragraph (4), by striking “para-  
21 graph (2)(A)” the second place it appears and  
22 inserting “such paragraph”.

23 (3) EFFECTIVE DATE.—The amendments made  
24 by this subsection shall take effect on October 1,  
25 1997.

1 **SEC. 4. NO NATIONAL IDENTITY CARD.**

2 The new card described in section 2—

3 (1) shall not be considered a national identity  
4 card;

5 (2) shall not be issued to any citizen or national  
6 of the United States; and

7 (3) shall—

8 (A) not be required to be carried on one's  
9 person, and

10 (B) not be required to be presented other  
11 than—

12 (i) upon request by a prospective em-  
13 ployer for any purposes other than under  
14 this section or under sections 1001, 1023,  
15 1566, and 1621 of title 18, United States  
16 Code, or to satisfy the requirements of sec-  
17 tion 274A of the Immigration and Nation-  
18 ality Act, or

19 (ii) for purposes of carrying out sec-  
20 tion 1137(d) of the Social Security Act or  
21 section 214(d) of the Housing and Com-  
22 munity Development Act of 1980.

23 **SEC. 5. EMPLOYER EDUCATION PROGRAM.**

24 The Attorney General, in consultation with the Sec-  
25 retary of Labor, the Administrator of the Small Business  
26 Administration, and the Commissioner of the Internal

1 Revenue, shall conduct a nationwide program to inform  
2 employers about their responsibilities under the Immigra-  
3 tion and Nationality Act and the uses of the new alien  
4 registration and identification cards issued under this Act.

5 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated \$5,000,000  
7 for each of fiscal years 1994 and 1995 to carry out this  
8 Act.

9 **SEC. 7. STRONGER PENALTIES FOR IMMIGRATION FRAUD.**

10 (a) FRAUD AND MISUSE OF VISAS, PERMITS, AND  
11 OTHER DOCUMENTS.—Section 1546(a) of title 18, United  
12 States Code, is amended by striking “five years” each  
13 place it appears and inserting “10 years”.

14 (b) FRAUD AND RELATED ACTIVITY IN CONNECTION  
15 WITH IDENTIFICATION DOCUMENTS.—Section 1028(b)(1)  
16 of title 18, United States Code, is amended by striking  
17 “five years” and inserting “10 years”.

18 **SEC. 8. EMPLOYMENT ELIGIBILITY VERIFICATION DEM-**  
19 **ONSTRATION PROJECT.**

20 The Attorney General shall continue to conduct the  
21 demonstration projects under section 274A of the Immi-  
22 gration and Nationality Act in order to establish if it is  
23 feasible to determine the employment eligibility of aliens  
24 authorized to work in the United States through the use  
25 of a telephone and computation capability that is available

1 on the date of enactment of this Act. The Attorney Gen-  
2 eral shall submit a report to Congress on such projects  
3 by not later than October 1, 1994.

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