

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

# H. R. 1929

To amend the Immigration and Nationality Act to more effectively prevent illegal immigration by improving control over the land borders of the United States, preventing illegal employment of aliens, reducing procedural delays in removing illegal aliens from the United States, providing wiretap and asset forfeiture authority to combat alien smuggling and related crimes, increasing penalties for bringing aliens unlawfully into the United States, and making certain miscellaneous and technical amendments, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1995

Mr. BERMAN (by request) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

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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 Enforce-  
5 ment Improvements Act of 1995”.

6 **SEC. 2. TABLE OF CONTENTS.**

7        The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—BORDER ENFORCEMENT

- Sec. 101. Authorization for border control strategies.
- Sec. 102. Border Patrol expansion.
- Sec. 103. Land border inspection enhancements.
- Sec. 104. Increased penalties for failure to depart, illegal reentry, and passport and visa fraud.
- Sec. 105. Pilot program on interior repatriation of deportable or excludable aliens.
- Sec. 106. Special exclusion in extraordinary migration situations.
- Sec. 107. Immigration emergency provisions.
- Sec. 108. Commuter lane pilot programs.

TITLE II—CONTROL OF UNLAWFUL EMPLOYMENT AND VERIFICATION

- Sec. 201. Reducing the number of employment verification documents.
- Sec. 202. Employment verification pilot projects.
- Sec. 203. Confidentiality of data under employment eligibility verification pilot projects.
- Sec. 204. Collection of Social Security numbers.
- Sec. 205. Employer sanctions penalties.
- Sec. 206. Criminal penalties for document fraud.
- Sec. 207. Civil penalties for document fraud.
- Sec. 208. Subpoena authority.
- Sec. 209. Increased penalties for employer sanctions involving labor standards violations.
- Sec. 210. Increased civil penalties for unfair immigration-related employment practices.
- Sec. 211. Retention of employer sanctions fines for law enforcement purposes.
- Sec. 212. Telephone verification system fee.
- Sec. 213. Authorizations.

TITLE III—ILLEGAL ALIEN REMOVAL

- Sec. 301. Civil penalties for failure to depart.
- Sec. 302. Judicial deportation.
- Sec. 303. Conduct of proceedings by electronic means.
- Sec. 304. Subpoena authority.

- Sec. 305. Stipulated exclusion and deportation.
- Sec. 306. Streamlining appeals from orders of exclusion and deportation.
- Sec. 307. Sanctions against countries refusing to accept deportation of their nationals.
- Sec. 308. Custody of aliens convicted of aggravated felonies.
- Sec. 309. Limitations on relief from exclusion and deportation.
- Sec. 310. Rescission of lawful permanent resident status.
- Sec. 311. Increasing efficiency in removal of detailed aliens.

#### TITLE IV—ALIEN SMUGGLING CONTROL

- Sec. 401. Wiretap authority for investigations of alien smuggling and document fraud.
- Sec. 402. Applying racketeering offenses to alien smuggling.
- Sec. 403. Expanded asset forfeiture for smuggling or harboring aliens.
- Sec. 404. Increased criminal penalties for alien smuggling.
- Sec. 405. Undercover investigation authority.
- Sec. 406. Amended definition of aggravated felony.

#### TITLE V—INSPECTIONS AND ADMISSIONS

- Sec. 501. Civil penalties for bringing inadmissible aliens from contiguous territories.
- Sec. 502. Definition of stowaway; excludability of stowaway; carrier liability for costs of detention.
- Sec. 503. List of alien and citizen passengers arriving or departing.
- Sec. 504. Elimination of limitations on immigration user fees for certain cruise ship passengers.
- Sec. 505. Transportation line responsibility for transit without visa aliens.
- Sec. 506. Authority to determine visa processing procedures.
- Sec. 507. Border services user fee.

#### TITLE VI—MISCELLANEOUS AND TECHNICAL AMENDMENTS

- Sec. 601. Alien prostitution.
- Sec. 602. Grants to States for medical assistance to undocumented immigrants.
- Sec. 603. Technical corrections to Violent Crime Control Act and Technical Corrections Act.
- Sec. 604. Expeditious deportation.
- Sec. 605. Authorization for use of volunteers.
- Sec. 606. Waiver of exclusion and deportation ground for certain section 274C violators.

## 1           **TITLE I—BORDER ENFORCEMENT**

### 2   **SEC. 101. AUTHORIZATION FOR BORDER CONTROL STRATE-**

### 3                   **GIES.**

4           There are authorized to be appropriated to the De-

5   partment of Justice such funds as may be necessary to

6   provide for expansion of efforts to prevent illegal immigra-

1 tion through direct deterrence at the land borders of the  
2 United States.

3 **SEC. 102. BORDER PATROL EXPANSION.**

4 The Attorney General, in each of fiscal years 1996,  
5 1997, and 1998, shall increase to the maximum extent  
6 feasible and consistent with standards of professionalism  
7 and training requirements, the number of full time, active-  
8 duty Border Patrol agents by no fewer than 700, above  
9 the number of such agents on duty at the end of fiscal  
10 year 1995, as well as hire an appropriate number of per-  
11 sonnel needed to support these agents.

12 **SEC. 103. LAND BORDER INSPECTION ENHANCEMENTS.**

13 To eliminate undue delay in the thorough inspection  
14 of persons and vehicles lawfully attempting to enter the  
15 United States, the Attorney General, subject to appropria-  
16 tion or availability of funds in the border services user fee  
17 account, shall increase in fiscal years 1996 and 1997 the  
18 number of full time land border inspectors assigned to ac-  
19 tive duty by the Immigration and Naturalization Service  
20 to a level adequate to assure full staffing of all border  
21 crossing lands now in use, under construction, or whose  
22 construction has been authorized by Congress.

1 **SEC. 104. INCREASED PENALTIES FOR FAILURE TO DE-**  
2 **PART, ILLEGAL REENTRY, AND PASSPORT**  
3 **AND VISA FRAUD.**

4 (a) The United States Sentencing Commission shall  
5 promptly promulgate, pursuant to section 994 of title 28,  
6 United States Code, amendments to the sentencing guide-  
7 lines to make appropriate increases in the base offense lev-  
8 els for offenses under section 242(e) and 276(b) of the  
9 Immigration and Nationality Act (8 U.S.C. 1252(e) and  
10 1326(b)) to reflect the amendments made by section  
11 130001 of the Violent Crime Control and Law Enforce-  
12 ment Act of 1994, Public Law 103–322, 108 Stat. 1796,  
13 2023 (Sept. 13, 1994).

14 (b) The United States Sentencing Commission shall  
15 promptly promulgate, pursuant to section 994 of title 28,  
16 United States Code, amendments to the sentencing guide-  
17 lines to make appropriate increases in the base offense lev-  
18 els for offenses under section 1541–1546 of title 18,  
19 United States Code, to reflect the amendments made by  
20 section 130009 of the Violent Crime Control and Law En-  
21 forcement Act of 1994, Public Law 103–322, 108 Stat.  
22 1796, 2030 (Sept. 13, 1994).

23 **SEC. 105. PILOT PROGRAM ON INTERIOR REPATRIATION**  
24 **OF DEPORTABLE OR EXCLUDABLE ALIENS.**

25 (a) ESTABLISHMENT.—Not later than 180 days after  
26 the date of enactment of this Act, the Attorney General

1 after consultation with the Secretary of State, may estab-  
2 lish a pilot program for up to two years which provides  
3 for interior repatriation and other disincentives for mul-  
4 tiple unlawful entries into the United States.

5 (b) REPORT.—If the Attorney General establishes  
6 such a pilot program, not later than 3 years after the date  
7 of enactment of this Act, the Attorney General, together  
8 with the Secretary of State, shall submit a report to the  
9 Committees on the Judiciary of the House of Representa-  
10 tives and of the Senate on the operation of the pilot pro-  
11 gram under this section and whether the pilot program  
12 or any part thereof should be extended or made perma-  
13 nent.

14 **SEC. 106. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRA-**  
15 **TION SITUATIONS.**

16 Section 235 of the Immigration and Nationality Act  
17 (8 U.S.C. 1225) is amended—

18 (1) in subsection (b), by inserting at the end  
19 the following sentence: “If the alien has arrived from  
20 a foreign territory contiguous to the United States,  
21 either at a land port of entry or on the land of the  
22 United States other than at a designated port of  
23 entry, the alien may be returned to that territory  
24 pending the inquiry.”; and

1           (2) by adding at the end the following new sub-  
2 sections (d) and (e):

3           “(d) SPECIAL EXCLUSION FOR EXTRAORDINARY MI-  
4 GRATION SITUATIONS.—

5           “(1) Notwithstanding the provisions of section  
6 (b) of this section and of section 236, the Attorney  
7 General under the circumstances described in sub-  
8 paragraphs (A) and (B) may, without referral to an  
9 immigration judge, order the exclusion and deporta-  
10 tion of an alien who appears to an examining immi-  
11 gration officer to be excludable. The Attorney Gen-  
12 eral shall by regulation establish a procedure for  
13 special orders of exclusion and deportation under  
14 this subsection when, in the case of an alien who is,  
15 or aliens who are excludable under section 212(a)—

16           “(A) the Attorney General determines that  
17 the numbers of circumstances of aliens en route  
18 to or arriving in the United States, including by  
19 aircraft, present an extraordinary migration sit-  
20 uation; or

21           “(B) the alien—

22           “(i) is brought or escorted under the  
23 authority of the United States into the  
24 United States, having been on board a ves-  
25 sel encountered outside of the territorial

1 waters of the United States by officers of  
2 the United States;

3 “(ii) is brought or escorted under the  
4 authority of the United States to a port or  
5 entry, having been on board a vessel en-  
6 countered within the territorial sea or in-  
7 ternal waters of the United States; or

8 “(iii) has arrived on a vessel trans-  
9 porting aliens to the United States without  
10 such alien having received prior official au-  
11 thorization to come to, enter, or reside in  
12 the United States.

13 The judgment whether there exists an extraordinary  
14 migration situation with the meaning of (A) or  
15 whether to invoke the provisions of (B) is committed  
16 to the sole and exclusive discretion of the Attorney  
17 General: *Provided*, That the provisions of this sub-  
18 section may be invoked by the Attorney General  
19 under subparagraph (A) for a period not exceed  
20 ninety days, unless, within such ninety-day period or  
21 extension thereof, the Attorney General determines,  
22 after consultation with the Committees on the Judi-  
23 ciary of the Senate and the House of Representa-  
24 tives, that an extraordinary migration situation con-

1 continues to warrant such procedures remaining in  
2 place for an additional ninety-day period.

3 “(2) As used in this section, ‘extraordinary mi-  
4 gration situation’ means the arrival or imminent ar-  
5 rival in the United States or its territorial waters of  
6 aliens who by their numbers or circumstances sub-  
7 stantially exceed the capacity for the inspection and  
8 examination of such aliens.

9 “(3) When the Attorney General determines to  
10 invoke the provisions of paragraph (1), the Attorney  
11 General may, pursuant to this section and sections  
12 235(e) and 106(f), suspend the normal operation of  
13 immigration regulations regarding the inspection  
14 and exclusion of aliens.

15 “(4) No alien may be ordered specially excluded  
16 under paragraph (1) if: (A) such alien is eligible to  
17 seek and seeks asylum under section 208; and (B)  
18 the Attorney General determines such alien has a  
19 credible fear of persecution on account of race, reli-  
20 gion, nationality, membership in a particular social  
21 group, or political opinion, in the country of such  
22 person’s nationality, or in the case of a person hav-  
23 ing no nationality, the country in which such person  
24 last habitually resided. The Attorney General may  
25 by regulation provide that, notwithstanding this

1 paragraph, an alien may be returned to a country  
2 where the alien does not have a credible fear of per-  
3 secution or of return to persecution. As used herein,  
4 the term ‘credible fear of persecution’ means that:  
5 (A) it is probable that the statements made by the  
6 alien in support of his or her claim are true; and (B)  
7 in light of such statements and country conditions,  
8 the alien has a reasonable possibility of establishing  
9 eligibility as a refugee within the meaning of section  
10 of section 101(a)(42)(A). An alien determined to  
11 have a credible fear of persecution shall be taken be-  
12 fore an immigration judge for a hearing in accord-  
13 ance with section 236.

14 “(5) Notwithstanding the provisions of para-  
15 graph (4), the Attorney General may provide that an  
16 application for asylum made by an alien arriving in  
17 the United States under the circumstances described  
18 in subparagraph (A) of paragraph (1) be considered  
19 pursuant to section 208 and any regulations promul-  
20 gated thereunder for applications considered pursu-  
21 ant to this paragraph: *Provided, however,* That an  
22 alien not granted asylum is subject to a special order  
23 of exclusion under paragraph (1).

24 “(6) A special exclusion order entered in ac-  
25 cordance with the provisions of this subsection is not

1 subject to administrative appeal, except that the At-  
2 torney General shall provide by regulation for—

3 “(A) prompt review of such an order  
4 against an applicant who appears to have been  
5 lawfully admitted for permanent residence; and

6 “(B) prompt review of such an order en-  
7 tered against an alien physically present in the  
8 United States who has sought asylum under  
9 section 208 and was determined not to have a  
10 credible fear of persecution under paragraph  
11 (4). Such review shall be conducted by an offi-  
12 cer or officers of the Department of Justice  
13 specially trained in asylum and refugee law.

14 “(7) A special exclusion order shall have the  
15 same effect as if the alien had been ordered excluded  
16 and deported pursuant to section 236, except that  
17 judicial review of such an order shall be available  
18 only under section 106(f).

19 “(8) Nothing in this subsection shall be re-  
20 garded as requiring a hearing before an immigration  
21 judge in the case of an alien crewman or alien stow-  
22 away.

23 “(e) NO COLLATERAL ATTACK.—In any action  
24 brought for the assessment of penalties for improper entry  
25 or reentry of an alien under sections 275 and 276 of the

1 Immigration and Nationality Act, no court shall have ju-  
2 risdiction to hear claims attacking the validity of orders  
3 of special exclusion entered under this section.”.

4 **SEC. 107. IMMIGRATION EMERGENCY PROVISIONS.**

5 (a) REIMBURSEMENT OF FEDERAL AGENCIES FROM  
6 IMMIGRATION EMERGENCY FUND.—Section 404(b) of the  
7 Immigration and Nationality Act (8 U.S.C. 1101 note) is  
8 amended—

9 (1) in paragraph (1) after “paragraph (2)” by  
10 replacing “and” with “,”, striking “state”, inserting  
11 “other Federal agencies and States”, inserting “and  
12 for the costs associated with repatriation of aliens  
13 attempting to enter the United States illegally,  
14 whether apprehended within or outside the terri-  
15 torial sea of the United States” before “except”, and  
16 by adding the following language at the end of para-  
17 graph (1): “*Provided*, That the fund may be used for  
18 the costs of such repatriations without the require-  
19 ment for a determination by the President that an  
20 immigration emergency exists.”; and

21 (2) in paragraph (2)(A), by inserting “to Fed-  
22 eral agencies providing support to the Department  
23 of Justice or” after “available”.

24 (b) VESSEL MOVEMENT CONTROLS.—Section 191 of  
25 title 50, United States Code, is amended by inserting “or

1 whenever the Attorney General determines that an actual  
2 or anticipated mass migration of aliens en route to or ar-  
3 riving off the coast of the United States presents urgent  
4 circumstances requiring an immediate Federal response,”  
5 after “United States,” the first time it appears.

6 (c) DELEGATION OF IMMIGRATION ENFORCEMENT  
7 AUTHORITY.—Section 103 of the Immigration and Na-  
8 tionality Act (8 U.S.C. 1103) is amended by adding at  
9 the end of subsection (a) a new sentence to read as follows:  
10 “In the event the Attorney General determines that an  
11 actual or imminent mass influx of aliens arriving off the  
12 coast of the United States presents urgent circumstances  
13 requiring an immediate Federal response, the Attorney  
14 General may authorize, with the consent of the head of  
15 the department, agency, or establishment under whose ju-  
16 risdiction the individual is serving, any specially des-  
17 igned state or local law enforcement officer to perform  
18 or exercise any of the powers, privileges, or duties con-  
19 ferred or imposed by this Act or regulations issued there-  
20 under upon officers or employees of the Service.”.

21 **SEC. 108. COMMUTER LANE PILOT PROGRAMS.**

22 (a) Section 286(q) of the Immigration and National-  
23 ity Act (8 U.S.C. 1356) is amended—

24 (1) in paragraph (1), by striking “a project”  
25 and inserting “projects”;

1 (2) in paragraph (1), by striking “Such  
2 project” and inserting “Such projects”; and

3 (3) by striking paragraph (5).

4 (b) The Departments of Commerce, Justice, and  
5 State, the Judiciary, and Related Agencies Appropriation  
6 Act, 1994 (Public Law 103–121, 107 Stat. 1161), is  
7 amended by striking the fourth proviso under the heading  
8 “Immigration and Naturalization Service, Salaries and  
9 Expenses”.

10 **TITLE II—CONTROL OF UNLAWFUL**  
11 **EMPLOYMENT AND VERIFICATION**

12 **SEC. 201. REDUCING THE NUMBER OF EMPLOYMENT VER-**  
13 **IFICATION DOCUMENTS.**

14 (a) PROVISION OF SOCIAL SECURITY ACCOUNT NUM-  
15 BERS.—Section 274A of the Immigration and Nationality  
16 Act (8 U.S.C. 1324a) is amended by adding at the end  
17 of subsection (b)(2) a new sentence to read as follows:  
18 “The Attorney General is authorized to require an individ-  
19 ual to provide on the form described in subsection  
20 (b)(1)(A) that individual’s Social Security account number  
21 for purposes of complying with this section.”.

22 (b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR  
23 EMPLOYMENT AUTHORIZATION AND IDENTITY.—Section  
24 274A(b)(1) of the Immigration and Nationality Act (8  
25 U.S.C. 1324a(b)(1)) is amended—

1 (1) in subparagraph (B)—

2 (A) by striking clauses (ii), (iii), and (iv)  
3 and redesignating clause (v) as clause (ii),

4 (B) in clause (i), by adding at the end  
5 “or”, and

6 (C) in redesignated clause (ii), by revising  
7 the introductory text to read as follows:

8 “(ii) resident alien card, alien reg-  
9 istration card, or other document des-  
10 igned by regulation by the Attorney Gen-  
11 eral, if the document—”; and

12 (D) in redesignated clause (ii) by striking  
13 the period after subclause (II) and by adding a  
14 new subclause (III) to read as follows:

15 “(III) and contains appropriate  
16 security features.” and

17 (2) in subparagraph (C)—

18 (A) by inserting “or” after the “;” at the  
19 end of clause (i),

20 (B) by striking clause (ii), and

21 (C) by redesignating clause (iii) as clause  
22 (ii).

23 (c) EFFECTIVE DATE.—The amendments made by  
24 subsections (a) and (b) shall apply with respect to hiring  
25 (or recruiting or referring) occurring on or after such date

1 (not later than 180 days after the date of the enactment  
2 of this Act) as the Attorney General shall designate.

3 **SEC. 202. EMPLOYMENT VERIFICATION PILOT PROJECTS.**

4 (a) The Attorney General, together with the Commis-  
5 sion of Social Security, shall conduct pilot projects to test  
6 methods to accomplish reliable verification of eligibility for  
7 employment in the United States. The pilot projects tested  
8 may include—

9 (1) an expansion of the telephone verification  
10 system to include, by the end of Fiscal Year 1996,  
11 participation by up to 1,000 employers;

12 (2) a process which allows employers to verify  
13 the eligibility for employment of new employees  
14 using Social Security Administration (SSA) records  
15 and, if necessary, to conduct a cross-check using Im-  
16 migration and Naturalization Service (INS) records;

17 (3) a simulated linkage of the electronic records  
18 of the INS and the SSA to test the technical fea-  
19 sibility of establishing a linkage between the actual  
20 electronic records of the INS and the SSA; or

21 (4) improvements and additions to the elec-  
22 tronic records of the INS and the SSA for the pur-  
23 pose of using such records for verification of employ-  
24 ment eligibility.

1           (b) The pilot projects referred to in subsection (a)  
2 shall be conducted in such locations and with such number  
3 of employers as is consistent with their pilot status.

4           (c) The pilot projects referred to in subsection (a)  
5 shall begin not later than 12 months after the enactment  
6 of this Act and may continue for a period of 3 years. Dur-  
7 ing the pilot project, the Attorney General shall track com-  
8 plaints of discrimination arising from the administration  
9 or enforcement of the pilot project. Not later than 60 days  
10 prior to the conclusion of this 3-year period, the Attorney  
11 General shall submit to the Congress a report on the pilot  
12 projects. The report shall include evaluations of each of  
13 the pilot projects according to the following criteria: cost  
14 effectiveness, technical feasibility, resistance to fraud, pro-  
15 tection of confidentiality and privacy, and protection  
16 against discrimination, and which projects, if any, should  
17 be adopted.

18           (d) Upon completion of the report required by sub-  
19 section (c), the Attorney General is authorized to continue  
20 implementation on a pilot basis for an additional period  
21 of 1 year any or all of the pilot projects authorized in sub-  
22 section (a). The Attorney General shall inform Congress  
23 of a decision to exercise this authority not later than the  
24 end of the 3-year period specified in subsection (c).

1 (e) Nothing in this section shall exempt the pilot  
2 projects from any and all applicable civil rights laws, in-  
3 cluding, but not limited to, Section 102 of the Immigra-  
4 tion Reform and Control Act of 1986, as amended; title  
5 VII of the Civil Rights Act of 1964, as amended; the Age  
6 Discrimination in Employment Act of 1967, as amended;  
7 the Equal Pay Act of 1963, as amended; and the Ameri-  
8 cans with Disabilities Act of 1990, as amended.

9 (f) In conducting the pilot projects referred to in sub-  
10 section (a), the Attorney General may require appropriate  
11 notice to prospective employees concerning the employers'  
12 participation in the pilot projects. Any notice should con-  
13 tain information for filing complaints with the Attorney  
14 General regarding operation of the pilot projects, includ-  
15 ing discrimination in the hiring and firing of employees  
16 and applicants on the basis of race, national origin, or citi-  
17 zenship status.

18 **SEC. 203. CONFIDENTIALITY OF DATA UNDER EMPLOY-**  
19 **MENT ELIGIBILITY VERIFICATION PILOT**  
20 **PROJECTS.**

21 (a) Any personal information obtained in connection  
22 with a pilot project under section 202 may not be made  
23 available to Government agencies, employers, or other per-  
24 sons except to the extent necessary—

1 (1) to verify that an employee is not an unau-  
2 thorized alien (as defined in section 274A(h)(3) of  
3 the Immigration and Nationality Act (8 U.S.C.  
4 1324a(h)(3)));

5 (2) to take other action required to carry out  
6 section 202; or

7 (3) to enforce the Immigration and Nationality  
8 Act (8 U.S.C. 1101 et seq.) or sections 911, 1001,  
9 1028, 1546, or 1621 of title 18, United States Code.

10 (b) No employer may participate in a pilot project  
11 under section 202 unless the employer has in place such  
12 procedures as the Attorney General shall require—

13 (1) to safeguard all personal information from  
14 unauthorized disclosure and condition redisclosure of  
15 such information to any person or entity upon its  
16 agreement also to safeguard such information; and

17 (2) to provide notice to all individuals of the  
18 right to request an agency to correct or amend the  
19 individual's record and the steps to follow to make  
20 such a request.

21 (c)(1) Any person who is a United States citizen,  
22 United States national, lawful permanent resident, or  
23 other employment authorized alien, and who is subject to  
24 work authorization verification under section 202 shall be  
25 considered an individual under section 552a(a)(2) of title

1 5, United States Code, but only with respect to records  
2 covered by this section.

3 (2) For purposes of this section, a record shall mean  
4 an item, collection, or grouping of information about an  
5 individual that is created, maintained, or used by a Fed-  
6 eral agency in the course of a pilot project under section  
7 202 to make a final determination concerning an individ-  
8 ual's authorization to work in the United States, and that  
9 contains the individual's name or identifying number,  
10 symbol, or other identifying particular assigned to the in-  
11 dividual.

12 (d) Whenever an employer or other person willfully  
13 and knowingly—

14 (1) discloses or uses information for a purpose  
15 other than those permitted under subsection (a); or

16 (2) fails to comply with a requirement of the  
17 Attorney General pursuant to subsection (b);

18 after notice and opportunity for an administrative hearing  
19 conducted by the Attorney General or the Commissioner  
20 of Social Security, as appropriate, or by a designee, the  
21 employer or other person shall be subject to a civil money  
22 penalty of not less than \$1,000 nor more than \$10,000  
23 for each violation. In determining the amount of the pen-  
24 alty, consideration shall be given to the intent of the per-

1 son committing the violation, the impact of the violation,  
2 and any history of previous violations by the person.

3 (e) Nothing in this section shall limit the rights and  
4 remedies otherwise available to United States citizens and  
5 lawful permanent residents under section 552a of title 5,  
6 United States Code.

7 (f) Nothing in this section 202 shall be construed to  
8 authorize, directly or indirectly, the issuance or use of na-  
9 tional identification cards or the establishment of a na-  
10 tional identification card.

11 **SEC. 204. COLLECTION OF SOCIAL SECURITY NUMBERS.**

12 Section 264 of the Immigration and Nationality Act  
13 (8 U.S.C. 1304) is amended by adding at the end a new  
14 subsection (f) to read as follows:

15 “(f) Notwithstanding any other provision of law, the  
16 Attorney General is authorized to require any alien to pro-  
17 vide the alien’s Social Security account number for pur-  
18 poses of inclusion in any record of the alien maintained  
19 by the Attorney General.”.

20 **SEC. 205. EMPLOYER SANCTIONS PENALTIES.**

21 (a) INCREASED CIVIL MONEY PENALTIES FOR HIR-  
22 ING, RECRUITING, AND REFERRAL VIOLATIONS.—Section  
23 274A(e)(4)(A) of the Immigration and Nationality Act (8  
24 U.S.C. 1324(e)(4)(A)) is amended—

1 (1) in clause (i), by striking “\$250” and  
2 “\$2,000” and inserting “\$1,000” and “\$3,000”, re-  
3 spectively;

4 (2) in clause (ii), by striking “\$2,000” and  
5 “\$5,000” and inserting “\$3,000” and “\$8,000”, re-  
6 spectively; and

7 (3) in clause (iii), by striking “\$3,000” and  
8 “\$10,000” and inserting “\$8,000” and “\$25,000”,  
9 respectively.

10 (b) INCREASED CIVIL MONEY PENALTIES FOR PA-  
11 PERWORK VIOLATIONS.—Section 274A(e)(5) of the Immi-  
12 gration and Nationality Act (8 U.S.C. 1324a(e)(5)) is  
13 amended by striking “\$100” and “\$1,000” and inserting  
14 “\$200” and “\$5,000”, respectively.

15 (c) INCREASED CRIMINAL PENALTIES FOR PATTERN  
16 OR PRACTICE VIOLATIONS.—Section 274A(f)(1) of the  
17 Immigration and Nationality Act (8 U.S.C. 1324a(f)(1))  
18 is amended by inserting the phrase “guilty of a felony and  
19 shall be” immediately after the phrase “subsection  
20 (a)(1)(A) or (a)(2).” Section 274A(f)(1) of such Act is  
21 further amended by striking “\$3,000” and “six months”  
22 and inserting “\$7,000” and “two years”, respectively.

23 **SEC. 206. CRIMINAL PENALTIES FOR DOCUMENT FRAUD.**

24 (a) FRAUD AND MISUSE OF GOVERNMENT-ISSUED  
25 IDENTIFICATION DOCUMENTS.—Section 1028(b)(1) of

1 title 18, United States Code, is amended by striking “five  
2 years” and inserting “10 years” and by adding at the end  
3 the following new provision: “Notwithstanding any other  
4 provision of this title, the maximum term of imprisonment  
5 that may be imposed for an offense under this section—

6           “(1) if committed to facilitate a drug traffick-  
7           ing crime (as defined in 929(a)) is 15 years; and

8           “(2) if committed to facilitate an act of inter-  
9           national terrorism (as defined in section 2331) is 20  
10          years.”.

11          (b) CHANGES TO THE SENTENCING LEVELS.—Pur-  
12          suant to section 994 of title 28, United States Code, and  
13          section 21 of the Sentencing Act of 1987, the United  
14          States Sentencing Commission shall promptly promulgate  
15          guidelines, or amend existing guidelines, to make appro-  
16          priate increases in the base offense levels for offenses  
17          under section 1028(a) of title 18, United States Code.

18          **SEC. 207. CIVIL PENALTIES FOR DOCUMENT FRAUD.**

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

22                 (1) by striking “or” at the end of paragraph  
23                 (3);

24                 (2) by striking the period and inserting “; or”  
25                 at the end of paragraph (4); and

1 (3) by adding at the end the following:

2 “(5) to present before boarding a common car-  
3 rier for the purpose of coming to the United States  
4 a document that relates to the alien’s eligibility to  
5 enter the United States and to fail to present such  
6 document to an immigration officer upon arrival at  
7 a United States port of entry, or

8 “(6) in reckless disregard of the fact that the  
9 information is false or does not relate to the appli-  
10 cant, to prepare, to file, or to assist another in pre-  
11 paring or filing, documents which are falsely made  
12 (including but not limited to documents which con-  
13 tain false information, material misrepresentation,  
14 or information which does not relate to the appli-  
15 cant) for the purposes of satisfying a requirement of  
16 this Act.

17 The Attorney General may waive the penalties of this sec-  
18 tion with respect to an alien who knowingly violates para-  
19 graph (5) if the alien is subsequently granted asylum  
20 under section 208 or withholding of deportation under sec-  
21 tion 243(h). For the purposes of this section, the phrase  
22 ‘falsely made any document’ includes the preparation or  
23 provision of any document required under this Act, with  
24 knowledge or in reckless disregard of the fact that such  
25 document contains false, fictitious, or fraudulent state-

1 ment or material representation, or has no basis in law  
2 or fact, or otherwise fails to state a material fact pertain-  
3 ing to the document.”.

4 (b) CONFORMING AMENDMENTS FOR CIVIL PEN-  
5 ALTIES.—Section 274C(d)(3) of the Immigration and Na-  
6 tionality Act (8 U.S.C. 1324c(d)(3)) is amended by strik-  
7 ing “each document used, accepted, or created and each  
8 instance of use, acceptance, or creation” in each of the  
9 two places it appears and inserting “each document that  
10 is the subject of a violation under subsection (a)”.

11 **SEC. 208. SUBPOENA AUTHORITY.**

12 (a) IMMIGRATION OFFICER AUTHORITY.—

13 (1) Section 274A(e)(2) of the Immigration and  
14 Nationality Act (8 U.S.C. 1324a(e)(2)) is amended  
15 by—

16 (A) striking at the end of subparagraph

17 (A) “and”;

18 (B) striking at the end of subparagraph

19 (B) “.” and inserting “; and”; and

20 (C) adding a new subparagraph (C) to  
21 read as follows:

22 “(C) immigration officers designated by  
23 the Commissioner may compel by subpoena the  
24 attendance of witnesses and the production of  
25 evidence at any designated place prior to the fil-

1           ing of a complaint in a case under paragraph  
2           (3).”.

3           (2) Section 274C(d)(1) of the Immigration and  
4           Nationality Act (8 U.S.C. 1324(a)(3)(2)) is amend-  
5           ed by—

6                   (A) striking at the end of subparagraph  
7           (A) “and”;

8                   (B) striking at the end of subparagraph  
9           (B) “.” and inserting “, and”; and

10                   (C) adding a new subparagraph (C) to  
11           read as follows:

12                   “(C) immigration officers designated by  
13           the Commissioner may compel by subpoena the  
14           attendance of witnesses and the production of  
15           evidence at any designated place prior to the fil-  
16           ing of a complaint in a case under paragraph  
17           (2).”.

18           (b) SECRETARY OF LABOR SUBPOENA AUTHOR-  
19           ITY.—The Immigration and Nationality Act is amended  
20           by adding a new section 294 (8 U.S.C. 1364) to read as  
21           follows:

22                   “SEC. 294. SECRETARY OF LABOR SUBPOENA AU-  
23           THORITY.—The Secretary of Labor may issue subpoenas  
24           requiring the attendance and testimony of witnesses or the  
25           production of any records, books, papers, or documents

1 in connection with any investigation or hearing conducted  
2 in the enforcement of any immigration program for which  
3 the Secretary of Labor has been delegated enforcement  
4 authority under the Act. In such hearing, the Secretary  
5 of Labor may administer oaths, examine witnesses, and  
6 receive evidence. For the purpose of any such hearing or  
7 investigation, the authority contained in sections 9 and 10  
8 of the Federal Trade Commission Act (15 U.S.C. 49, 50),  
9 relating to the attendance of witnesses and the production  
10 of books, papers, and documents, shall be available to the  
11 Secretary of Labor.”.

12 **SEC. 209. INCREASED PENALTIES FOR EMPLOYER SANC-**  
13 **TIONS INVOLVING LABOR STANDARDS VIOLA-**  
14 **TIONS.**

15 (a) Section 274A(e) of the Immigration and Nation-  
16 ality Act (8 U.S.C. 1324a(e)) is amended by adding a new  
17 paragraph (10) to read as follows:

18 “(10)(A) The administrative law judge shall  
19 have the authority to require payment of a civil  
20 money penalty in an amount up to two times the  
21 level of the penalty prescribed by this subsection in  
22 any case where the employer has been found to have  
23 committed willful or repeated violations of any of the  
24 following statutes:

1           “(i) The Fair Labor Standards Act (29  
2 U.S.C. 201 et seq.), pursuant to a final deter-  
3 mination by the Secretary of Labor or a court  
4 of competent jurisdiction.

5           “(ii) The Migrant and Seasonal Agricul-  
6 tural Worker Protection Act (29 U.S.C. 1801 et  
7 seq.), pursuant to a final determination by the  
8 Secretary of Labor or a court of competent ju-  
9 risdiction.

10           “(iii) The Family and Medical Leave Act  
11 (29 U.S.C. et seq.), pursuant to a final deter-  
12 mination by a court of competent jurisdiction.

13           “(B) The Secretary of Labor and the Attorney  
14 General shall consult regarding the administration of  
15 the provisions of this paragraph.”.

16           (b) Section 274B(g) of the Immigration and Nation-  
17 ality Act (8 U.S.C. 1324b(g)) is amended by adding a new  
18 paragraph (4) to read as follows:

19           “(4)(A) The administrative law judge shall have  
20 the authority to require payment of a civil money  
21 penalty in an amount up to two times the level of  
22 the penalty prescribed by this subsection in any case  
23 where the employer has been found to have commit-  
24 ted willful or repeated violations of any of the follow-  
25 ing statutes:

1           “(i) The Fair Labor Standards Act, (29  
2 U.S.C. 201 et seq.), pursuant to a final deter-  
3 mination by the Secretary of Labor or a court  
4 of competent jurisdiction.

5           “(ii) The Migrant and Seasonal Agricul-  
6 tural Worker Protection Act (29 U.S.C. 1801 et  
7 seq.), pursuant to a final determination by the  
8 Secretary of Labor or a court of competent ju-  
9 risdiction.

10           “(iii) The Family and Medical Leave Act  
11 (29 U.S.C. 2601 et seq.), pursuant to a final  
12 determination by a court of competent jurisdic-  
13 tion.

14           “(B) The Secretary of Labor and the Attorney  
15 General shall consult regarding the administration of  
16 the provisions of this paragraph.”.

17           (c) Section 274C(d) of the Immigration and Nation-  
18 ality Act (8 U.S.C. 1324c(d)) is amended by adding a new  
19 paragraph (7) to read as follows:

20           “(7)(A) The administrative law judge shall have  
21 the authority to require payment of a civil money  
22 penalty in an amount up to two times the level of  
23 the penalty prescribed by this subsection in any case  
24 where the employer has been found to have commit-

1       ted willful or repeated violations of any of the follow-  
2       ing statutes:

3               “(i) The Fair Labor Standards Act, (29  
4               U.S.C. 201 et seq.), pursuant to a final deter-  
5               mination by the Secretary of Labor or a court  
6               of competent jurisdiction.

7               “(ii) The Migrant and Seasonal Agricul-  
8               tural Worker Protection Act, (29 U.S.C. 1801  
9               et seq.), pursuant to a final determination by  
10              the Secretary of Labor or a court of competent  
11              jurisdiction.

12              “(iii) The Family and Medical Leave Act  
13              (29 U.S.C. 2601 et seq.), pursuant to a final  
14              determination by a court of competent jurisdic-  
15              tion.

16              “(B) The Secretary of Labor and the Attorney  
17              General shall consult regarding the administration of  
18              the provisions of this paragraph.”.

19   **SEC. 210. INCREASED CIVIL PENALTIES FOR UNFAIR IMMI-**  
20                   **GRATION-RELATED EMPLOYMENT PRAC-**  
21                   **TICES.**

22              (a) Section 274B(g)(2)(B) of the Immigration and  
23              Nationality Act (8 U.S.C. 1324b(g)(2)(B)) is amended—

1 (1) in clause (iv)(I), by striking “\$250” and  
2 “\$2,000” and inserting “\$1,000” and “\$3,000”, re-  
3 spectively;

4 (2) in clause (iv)(II), by striking “\$2,000” and  
5 “\$5,000” and inserting “\$3,000” and “\$8,000”, re-  
6 spectively;

7 (3) in clause (iv)(III), by striking “\$3,000” and  
8 “\$10,000” and inserting “\$8,000” and “\$25,000”,  
9 respectively; and

10 (4) in clause (iv)(IV), by striking “\$100” and  
11 “\$1,000” and inserting “\$200” and “\$5,000”, re-  
12 spectively.

13 **SEC. 211. RETENTION OF EMPLOYER SANCTIONS FINES**  
14 **FOR LAW ENFORCEMENT PURPOSES.**

15 Section 286(c) of the Immigration and Nationality  
16 Act, 8 U.S.C. 1356(c) is amended by striking the period  
17 at the end of the section and by adding the following: “:  
18 *Provided further*, That all monies received during each fis-  
19 cal year in payment of penalties under section 274A of  
20 this Act in excess of \$5,000,000 shall be credited to the  
21 Immigration and Naturalization Service Salaries and Ex-  
22 penses appropriations account that funds activities and re-  
23 lated expenses associated with enforcement of that section  
24 and shall remain available until expended.”.

1 **SEC. 212. TELEPHONE VERIFICATION SYSTEM FEE.**

2 Section 274A(d) of the Immigration and Nationality  
3 Act (8 U.S.C. 1324a(d)) is amended by adding at the end  
4 a new paragraph (5) to read as follows:

5 “(5) TELEPHONE VERIFICATION SYSTEM  
6 FEE.—

7 “(A) The Attorney General is authorized  
8 to collect a fee from employers, recruiters, or  
9 referrers who subscribe to participate in a tele-  
10 phone verification system pilot under this sec-  
11 tion.

12 “(B) Funds collected pursuant to this au-  
13 thorization shall be deposited as offsetting col-  
14 lections to the Immigration and Naturalization  
15 Service Salaries and Expenses appropriations  
16 account solely to fund the costs incurred to pro-  
17 vide alien employment verification services  
18 through such a system.”.

19 **SEC. 213. AUTHORIZATIONS.**

20 There are authorized to be appropriated such sums  
21 as may be necessary to carry out this title. None of the  
22 costs incurred in carrying out this title shall be paid for  
23 out of any trust fund established under the Social Security  
24 Act.

1       **TITLE III—ILLEGAL ALIEN REMOVAL**

2       **SEC. 301. CIVIL PENALTIES FOR FAILURE TO DEPART.**

3       The Immigration and Nationality Act is amended by  
4 adding a new section 274D (8 U.S.C. 1324d) to read as  
5 follows:

6           “CIVIL PENALTIES FOR FAILURE TO DEPART

7           “SEC. 274D. (a) Any alien subject to a final order  
8 of exclusion and deportation or deportation who—

9               “(1) willfully fails or refuses to—

10                   “(A) depart from the United States pursu-  
11 ant to the order;

12                   “(B) make timely application in good faith  
13 for travel or other documents necessary for de-  
14 parture; or

15                   “(C) present for deportation at the time  
16 and place required by the Attorney General; or

17               “(2) conspires to or takes any action designed  
18 to prevent or hamper the alien’s departure pursuant  
19 to the order;

20 shall pay a civil penalty of not more than \$500 to the  
21 Commissioner as offsetting collections for each day the  
22 alien is in violation of this section.

23           “(b) Nothing in this section shall be construed to di-  
24 minish or qualify any penalties to which an alien may be  
25 subject for activities proscribed by section 242(e) or any  
26 other section of this Act.”.

1 **SEC. 302. JUDICIAL DEPORTATION.**

2 (a) Section 242A(d)(1) of the Immigration and Na-  
3 tionality Act (8 U.S.C. 1252a(d)(1)) is amended to read  
4 as follows:

5 “(1) AUTHORITY.—Notwithstanding any other  
6 provision of this Act, a United States district court  
7 shall have jurisdiction to enter a judicial order of de-  
8 portation at the time of sentencing against an alien:  
9 (i) whose criminal conviction for an offense for  
10 which the alien is before the court for sentencing  
11 causes such alien to be deportable under section  
12 241(a)(2)(A), or (ii) who previously has been con-  
13 victed of an aggravated felony at any time, if such  
14 an order has been requested by the United States  
15 Attorney with the concurrence of the Commissioner  
16 and if the court chooses to exercise such jurisdic-  
17 tion.”.

18 (b) Section 242A(d)(3) of the Immigration and Na-  
19 tionality Act (8 U.S.C. 1252a(d)(3)(A)) is amended by  
20 striking clauses (ii) and (iii) and by revising clause (i) to  
21 read as follows:

22 “(i) A judicial order of deportation or  
23 denial of such order may be appealed by  
24 either party. Appellate review of any judi-  
25 cial order of deportation shall be consid-  
26 ered as part of the underlying criminal

1 case and subject to all the procedures and  
2 filing deadlines governing criminal ap-  
3 peals.”.

4 (c) Section 242A(d)(4) of the Immigration and Na-  
5 tionality Act (8 U.S.C. 1252a(d)(4)) is amended by strik-  
6 ing “without a decision on the merits”.

7 (d) The last sentence of section 3583(d)(3) of title  
8 18, United States Code is amended to read as follows: “If  
9 an alien defendant is subject to deportation, the court may  
10 provide, as a condition of supervised release, that he or  
11 she be ordered deported by the Attorney General, pursu-  
12 ant to the procedures in the Immigration and Nationality  
13 Act, and remain outside the United States, and the court  
14 may order that he or she be delivered to a duly authorized  
15 immigration official for such deportation.”.

16 **SEC. 303. CONDUCT OF PROCEEDINGS BY ELECTRONIC**  
17 **MEANS.**

18 Section 242(b) of the Immigration and Nationality  
19 Act (8 U.S.C. 1252(b)) is amended by inserting at the  
20 end the following: “Nothing in this subsection shall pre-  
21 clude the Attorney General from authorizing proceedings  
22 by video electronic media, by telephone, or, where waived  
23 or agreed to by the parties, in the absence of the alien.  
24 Contested full evidentiary hearings on the merits may be

1 conducted by telephone only with the consent of the  
2 alien.”.

3 **SEC. 304. SUBPOENA AUTHORITY.**

4 (a) Section 236(a) of the Immigration and National-  
5 ity Act (8 U.S.C. 1226(a)) is amended by inserting “issue  
6 subpoenas,” in the first sentence after “evidence,”.

7 (b) Section 242(b) of the Immigration and National-  
8 ity Act (8 U.S.C. 1252(b)) is amended by inserting “issue  
9 subpoenas,” in the first sentence after “evidence,”.

10 **SEC. 305. STIPULATED EXCLUSION AND DEPORTATION.**

11 (a) Section 236 of the Immigration and Nationality  
12 Act (8 U.S.C. 1226) is amended by adding at the end of  
13 subsection (a) the following new paragraph:

14 “(4) STIPULATED EXCLUSION AND DEPORTA-  
15 TION.—The Attorney General shall provide by regu-  
16 lation for the entry by an immigration judge of an  
17 order of exclusion and deportation stipulated to by  
18 the alien and the Service. Such an order may be en-  
19 tered without a personal appearance by the alien be-  
20 fore the immigration judge. A stipulated order shall  
21 constitute a conclusive determination of the alien’s  
22 excludability and deportability from the United  
23 States.”.

24 (b) Section 242 of the Immigration and Nationality  
25 Act (8 U.S.C. 1252) is amended in subsection (b) by strik-

1 ing the sentence immediately following paragraph (4) and  
2 inserting the following: “The Attorney General shall fur-  
3 ther provide by regulation for the entry by an immigration  
4 judge of an order of deportation stipulated to by the alien  
5 and the Service. Such an order may be entered without  
6 a personal appearance by the alien before the immigration  
7 judge. A stipulated order shall constitute a conclusive de-  
8 termination of the alien’s deportability from the United  
9 States. The procedures so prescribed shall be the sole and  
10 exclusive procedures for determining the deportability of  
11 an alien under this section.”.

12 **SEC. 306. STREAMLINING APPEALS FROM ORDERS OF EX-**  
13 **CLUSION AND DEPORTATION.**

14 (a) Section 106 of the Immigration and Nationality  
15 Act (8 U.S.C. 1105a) is amended to read as follows:

16 “JUDICIAL REVIEW OF ORDERS OF DEPORTATION,  
17 EXCLUSION, AND SPECIAL EXCLUSION

18 “SEC. 106 (a) APPLICABLE PROVISIONS.—Judicial  
19 review of a final order of exclusion or deportation is gov-  
20 erned only by chapter 158 of title 28 of the United States  
21 Code, except as provided in subsection (b): *Provided, how-*  
22 *ever,* That no court may order the taking of additional evi-  
23 dence pursuant to section 2347(c) of title 28, United  
24 States Code.

25 “(b) REQUIREMENTS.—

1           “(1) A petition for review must be filed not  
2 later than 30 days after the date of the final order  
3 of exclusion or deportation.

4           “(2) A petition for review shall be filed with the  
5 court of appeals for the judicial circuit in which the  
6 immigration judge completed the proceedings.

7           “(3) THE RESPONDENT IS THE ATTORNEY  
8 GENERAL.—The petition shall be served on the At-  
9 torney General and on the officer or employee of the  
10 Immigration and Naturalization Service in charge of  
11 the Service district in which the final order of exclu-  
12 sion or deportation was entered. Service of the peti-  
13 tion on the officer or employee stays the deportation  
14 of an alien pending the court’s decision on the peti-  
15 tion, unless the court orders otherwise. However, if  
16 the alien has been convicted of an aggravated felony,  
17 or the alien is under an order of exclusion, service  
18 of the petition does not stay the deportation unless  
19 the court orders otherwise.

20           “(4) Except as provided in paragraph (5)(B) of  
21 this subsection, the court of appeals shall decide the  
22 petition only on the administrative record on which  
23 the order of exclusion or deportation is based and  
24 the Attorney General’s findings of fact shall be con-

1       clusive unless a reasonable adjudicator would be  
2       compelled to conclude to the contrary.

3           “(5)(A) If the petitioner claims to be a national  
4       of the United States and the court of appeals finds  
5       from the pleadings and affidavits that no genuine  
6       issue of material fact about the petitioner’s national-  
7       ity is presented, the court shall decide the national-  
8       ity claim.

9           “(B) If the petitioner claims to be a national of  
10      the United States and the court of appeals finds  
11      that a genuine issue of material fact about the peti-  
12      tioner’s nationality is presented, the court shall  
13      transfer the proceeding to the district court of the  
14      United States for the judicial district in which the  
15      petitioner resides for a new hearing on the national-  
16      ity claim and a decision on that claim as if an action  
17      had been brought in the district court under section  
18      2201 of title 28, United States Code.

19           “(C) The petitioner may have the nationality  
20      claim decided only as provided in this section.

21           “(6)(A) If the validity of an order of deporta-  
22      tion has not been judicially decided, a defendant in  
23      a criminal proceeding charged with violating sub-  
24      section (d) or (e) of section 242 may challenge the  
25      validity of the order in the criminal proceeding only

1 by filing a separate motion before trial. The district  
2 court, without a jury, shall decide the motion before  
3 trial.

4 “(B) If the defendant claims in the motion to  
5 be a national of the United States and the district  
6 court finds that no genuine issue of material fact  
7 about the defendant’s nationality is presented, the  
8 court shall decide the motion only on the administra-  
9 tive record on which the deportation order is based.  
10 The administrative findings of fact are conclusive if  
11 supported by reasonable, substantial, and probative  
12 evidence on the record considered as a whole.

13 “(C) If the defendant claims in the motion to  
14 be a national of the United States and the district  
15 court finds that a genuine issue of material fact  
16 about the defendant’s nationality is presented, the  
17 court shall hold a new hearing on the nationality  
18 claim and decide that claim as if an action had been  
19 brought under section 2201 of title 28, United  
20 States Code.

21 “(D) If the district court rules that the depor-  
22 tation order is invalid, the court shall dismiss the in-  
23 dictment. The United States Government may ap-  
24 peal the dismissal to the court of appeals for the ap-  
25 propriate circuit within 30 days. The defendant may

1 not file a petition for review under this section dur-  
2 ing the criminal proceeding. The defendant may  
3 have the nationality claim decided only as provided  
4 in this section.

5 “(7) This subsection—

6 “(A) does not prevent the Attorney Gen-  
7 eral, after a final order of deportation has been  
8 issued, from detaining the alien under section  
9 242(c);

10 “(B) does not relieve the alien from com-  
11 plying with subsection (d) or (e) of section 242;  
12 and

13 “(C) except as provided in paragraph (3)  
14 of this subsection, does not require the Attorney  
15 General to defer deportation of the alien.

16 “(8) The record and briefs do not have to be  
17 printed. The court of appeals shall review the pro-  
18 ceeding on a typewritten record and on typewritten  
19 briefs.”

20 “(c) REQUIREMENTS FOR PETITION.—A petition for  
21 review of an order of deportation shall state whether a  
22 court has upheld the validity of the order, and, if so, shall  
23 state the name of the court, the date of the court’s ruling,  
24 and the kind of proceeding.

1       “(d) REVIEW OF FINAL ORDERS.—A court may re-  
2 view a final order of deportation only if—

3           “(1) the alien has exhausted all administrative  
4 remedies available to the alien as of right; or

5           “(2) another court has not decided the validity  
6 of the order, unless the reviewing court finds that  
7 the petition presents grounds that could not have  
8 been presented in the prior judicial proceeding or  
9 that the remedy provided by the prior proceeding  
10 was inadequate or ineffective to test the validity of  
11 the order.

12       “(e) LIMITED REVIEW FOR NON-PERMANENT RESI-  
13 DENTS CONVICTED OF AGGRAVATED FELONIES.—

14           “(1) A petition for review filed by an alien  
15 against whom a final order of deportation has been  
16 issued under section 242A may challenge only  
17 whether—

18           “(A) the alien is the alien described in the  
19 order;

20           “(B) the alien is an alien described in sec-  
21 tion 242A(b)(2) and has been convicted after  
22 entry into the United States of an aggravated  
23 felony; and

24           “(C) the alien was afforded the procedures  
25 described in section 242A(b)(4).

1           “(2) A court reviewing the petition has jurisdic-  
2           tion only to review the issues described in paragraph  
3           (1).

4           “(f) SPECIAL EXCLUSION.—Notwithstanding any  
5           other provision of law, except as provided in this sub-  
6           section, no court shall have jurisdiction to review any indi-  
7           vidual determination or to entertain any other cause or  
8           claim arising from or relating to the implementation or  
9           operation of the special exclusion provisions contained in  
10          section 235(d); except as provided herein, there shall be  
11          no judicial review of: (i) a decision by the Attorney Gen-  
12          eral to invoke the provisions of section 235(d), (ii) the ap-  
13          plication of section 235(d) to individual aliens, including  
14          the determination made under paragraphs 5 and 6, or (iii)  
15          procedures and policies adopted by the Attorney General  
16          to implement the provisions of section 235(d). Regardless  
17          of the nature of the action or claim or of the identity of  
18          the party or parties bringing the action, no court shall  
19          have jurisdiction or authority to enter declaratory, injunc-  
20          tive, or other equitable relief not specifically authorized in  
21          this subsection, or to certify a class under rule 23 of the  
22          Federal Rules of Civil Procedure.

23           “(1) Judicial review of any cause, claim, or in-  
24           dividual determination made or arising under or per-  
25           taining to special exclusion under section 235(d)

1 shall only be available in habeas corpus proceedings,  
2 and shall be limited to determinations of: (i) whether  
3 the petitioner is an alien, (ii) whether the petitioner  
4 was ordered specially excluded, and (iii) whether the  
5 petitioner can prove by a preponderance of the evi-  
6 dence that he or she is an alien lawfully admitted for  
7 permanent residence and is entitled to such further  
8 inquiry as prescribed by the Attorney General pursu-  
9 ant to section 235(d)(3).

10 “(2) In any case where the court determines  
11 that the petitioner: (i) is an alien who was not or-  
12 dered specially excluded, or (ii) has demonstrated by  
13 a preponderance of the evidence that he or she is a  
14 lawful permanent resident, the court may order no  
15 remedy or relief other than to require that the peti-  
16 tioner be provided a hearing in accordance with sec-  
17 tion 236 or a determination in accordance with sec-  
18 tions 235(a) or 273(d). Any alien who is provided a  
19 hearing under section 236 pursuant to these provi-  
20 sions may thereafter obtain judicial review of any re-  
21 sulting final order of exclusion pursuant to this sec-  
22 tion.

23 “(3) In determining whether an alien has been  
24 ordered specially excluded, the court’s inquiry shall  
25 be limited to whether such an order in fact was is-

1 sued and whether it relates to the petitioner. There  
2 shall be no review of whether the alien is actually ex-  
3 cludable or entitled to any relief from exclusion.”.

4 **SEC. 307. SANCTIONS AGAINST COUNTRIES REFUSING TO**  
5 **ACCEPT DEPORTATION OF THEIR NATION-**  
6 **ALS.**

7 Section 243(g) of the Immigration and Nationality  
8 Act (8 U.S.C. 1253(g)) is amended to read as follows:

9 “(g) DISCONTINUING GRANTING VISAS WHEN COUN-  
10 TRY DENIES OR DELAYS ACCEPTING ALIEN.—On being  
11 notified by the Attorney General that the government of  
12 a foreign country denies or unreasonably delays accepting  
13 an alien who is a citizen, subject, national, or resident of  
14 that country after the Attorney General asks whether the  
15 government will accept the alien under this section, the  
16 Secretary of State may order consular officers in that for-  
17 eign country to discontinue granting such classes of visas  
18 as the Secretary shall deem appropriate to citizens, sub-  
19 jects, nationals, and residents of that country until the At-  
20 torney General notifies the Secretary that the country has  
21 accepted the alien.”.

1 **SEC. 308. CUSTODY OF ALIENS CONVICTED OF AGGRA-**  
2 **VATED FELONIES.**

3 (a) Section 236 of the Immigration and Nationality  
4 Act (8 U.S.C. 1226) is amended in paragraph (e)(2) by  
5 inserting after “unless” the following subparagraph:

6 “(A) the Attorney General determines,  
7 pursuant to section 3521 of title 18, United  
8 States Code, that release from custody is nec-  
9 essary to provide protection to a witness, a po-  
10 tential witness, a person cooperating with an in-  
11 vestigation into major criminal activity, or an  
12 immediate family member or close associate of  
13 a witness, potential witness, or person cooperat-  
14 ing with such an investigation or (B).”.

15 (b) Section 242 of the Immigration and Nationality  
16 Act (8 U.S.C. 1252) is amended by revising paragraph  
17 (a)(2) to read as follows:

18 “(2)(A) The Attorney General shall take into  
19 custody any alien convicted of an aggravated felony  
20 when the alien is released. This requirement shall  
21 apply whether the alien is released on parole, super-  
22 vised release, or probation, or may be arrested or  
23 imprisoned again for the same offense.

24 “(B) The Attorney General may release the  
25 alien only if the alien—

1           “(i) was lawfully admitted to the United  
2 States and satisfies the Attorney General that  
3 the alien is not a threat to the community and  
4 is likely to appear for any scheduled proceeding;  
5 or

6           “(ii) the Attorney General decides pursu-  
7 ant to section 3521 of title 18, United States  
8 Code, that release from custody is necessary to  
9 provide protection to a witness, a potential wit-  
10 ness, a person cooperating with an investigation  
11 into major criminal activity, or an immediate  
12 family member or close associate of a witness,  
13 potential witness, or person cooperating with  
14 such an investigation.”.

15 **SEC. 309. LIMITATIONS ON RELIEF FROM EXCLUSION AND**  
16 **DEPORTATION.**

17           (a) Section 212(c) of the Immigration and National-  
18 ity Act (8 U.S.C. 1182(c)) is revised to read as follows:

19           “(c) An alien who is and has been lawfully admitted  
20 for permanent residence for at least 5 years, who has re-  
21 sided in the United States continuously for 7 years after  
22 having been lawfully admitted, and who is returning to  
23 such residence after having temporarily proceeded abroad  
24 voluntarily and not under an order of deportation, may  
25 be admitted in the discretion of the Attorney General with-

1 out regard to the provisions of subsection (a) (other than  
2 paragraphs (3) and (9)(C)). For purposes of this sub-  
3 section, any period of continuous residence shall be  
4 deemed to end when the alien is placed in proceedings to  
5 exclude the alien from the United States. Nothing con-  
6 tained in this subsection shall limit the authority of the  
7 Attorney General to exercise the discretion authorized  
8 under section 211(b). The first sentence of this subsection  
9 shall not apply to an alien who has been convicted of one  
10 or more aggravated felonies and has been sentenced for  
11 such felony or felonies to a term of imprisonment of at  
12 least 5 years. This subsection shall apply only to an alien  
13 in proceedings under section 236.”.

14 (b) Section 244 of the Immigration and Nationality  
15 Act (8 U.S.C. 1254) is revised to read as follows:

16 “SEC. 244(a). CANCELLATION OF DEPORTATION.—  
17 The Attorney General may cancel deportation in the case  
18 of an alien who is deportable from the United States  
19 and—

20 “(1) is and has been a lawful permanent resi-  
21 dent for at least 5 years who has resided in the  
22 United States continuously for 7 years after being  
23 lawfully admitted and has not been convicted of an  
24 aggravated felony or felonies for which the alien has

1       been sentenced, in the aggregate, to a term of im-  
2       prisonment of at least 5 years; or

3               “(2) has been physically present in the United  
4       States for a continuous period of not less than 7  
5       years since entering the United States; has been a  
6       person of good moral character during such period;  
7       and establishes that deportation would result in ex-  
8       treme hardship to the alien or the alien’s spouse,  
9       parent, or child, who is a citizen of the United  
10      States or an alien lawfully admitted for permanent  
11      residence.

12 For purposes of this section, any period of continuous resi-  
13 dence or continuous physical presence in the United States  
14 shall be deemed to end when the alien is served an order  
15 to show cause pursuant to section 242B(a)(1). An alien  
16 shall be considered to have failed to maintain continuous  
17 physical presence in the United States under paragraph  
18 (2) if the alien was absent from the United States for any  
19 single period of more than 90 days or an aggregate period  
20 of more than 180 days. No person who is deportable under  
21 section 241(a)(2)(C) or 241(a)(4) shall be eligible for re-  
22 lief under this section. No person who has been convicted  
23 of an aggravated felony shall be eligible for relief under  
24 paragraph (2) of this section.

1       “(b) CONTINUOUS PHYSICAL PRESENCE NOT RE-  
2 QUIRED BECAUSE OF HONORABLE SERVICE IN ARMED  
3 FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—

4 The requirements of continuous residence or continuous  
5 physical presence in the United States specified in sub-  
6 sections (a)(1) and (a)(2) of this section shall not be appli-  
7 cable to an alien who—

8           “(1) has served for a minimum period of twen-  
9 ty-four months in an active-duty status in the  
10 Armed Forces of the United States and, if separated  
11 from such service, was separated under honorable  
12 conditions, and

13           “(2) at the time of his or her enlistment or in-  
14 duction was in the United States.

15       “(c) ADJUSTMENT OF STATUS.—The Attorney Gen-  
16 eral may cancel deportation and adjust to the status of  
17 an alien lawfully admitted for permanent residence any  
18 alien who the Attorney General decides meets the require-  
19 ments of subsection (a)(2). The Attorney General shall  
20 record the alien’s lawful admission for permanent resi-  
21 dence as of the date the Attorney General decides to cancel  
22 removal.

23       “(d) VOLUNTARY DEPARTURE.—(1) The Attorney  
24 General may in his or her discretion permit an alien volun-

1 tarily to depart the United States at the alien's own ex-  
2 pense—

3           “(A) in lieu of being subject to deportation pro-  
4 ceedings under section 242 or prior to the comple-  
5 tion of such proceedings, if the alien is not a person  
6 deportable under section 241(a)(2)(A)(iii) or section  
7 241(a)(4). The Attorney General may require the  
8 alien to post a voluntary departure bond, to be sur-  
9 rendered upon proof that the alien has departed the  
10 United States within the time specified. If any alien  
11 who is authorized to depart voluntarily under this  
12 paragraph is financially unable to depart at his or  
13 her own expense and the Attorney General deems  
14 the alien's removal to be in the best interest of the  
15 United States, the expense of such removal may be  
16 paid from the appropriation for enforcement of this  
17 Act; or

18           “(B) at the conclusion of a proceeding under  
19 section 242, only if the immigration judge deter-  
20 mines that—

21           “(i) the alien is, and has been, a person of  
22 good moral character for at least five years im-  
23 mediately preceding his or her application for  
24 voluntary departure;

1           “(ii) the alien is not deportable under sec-  
2           tion 241(a)(2)(A)(iii) or section 241(a)(4); and

3           “(iii) the alien establishes by clear and  
4           convincing evidence that he or she has the  
5           means to depart the United States and intends  
6           to do so. The alien shall be required to post a  
7           voluntary departure bond, in an amount nec-  
8           essary to ensure that the alien will depart, to be  
9           surrendered upon proof that the alien has de-  
10          parted the United States within the time speci-  
11          fied.

12          “(2) If the alien fails voluntarily to depart the United  
13          States within the time period specified in accordance with  
14          subparagraphs (1) or (2), the alien shall be subject to a  
15          civil penalty of not more than \$500 per day and be ineli-  
16          gible for any further relief under this paragraph or para-  
17          graph (b).

18          “(3) The Attorney General may by regulation limit  
19          eligibility for voluntary departure for any class or classes  
20          of aliens. No court may review any regulation issued under  
21          this subparagraph.

22          “(4) An alien may appeal from denial of a request  
23          for an order of voluntary departure under subparagraph  
24          (2) in accordance with the procedures in section 106, pro-  
25          vided that no court shall have jurisdiction over an appeal

1 regarding the length of voluntary departure where the  
2 alien has been granted voluntary departure of 30 days or  
3 more. Notwithstanding the pendency of an appeal by an  
4 alien of a denial of voluntary departure or a grant of vol-  
5 untary departure of less than 30 days, the alien shall be  
6 removable from the United States 60 days after entry of  
7 the order of deportation. No court may order a stay of  
8 such removal. The alien's removal from the United States  
9 shall not moot the appeal.

10       “(e) ALIEN CREWMEN; NONIMMIGRANT EXCHANGE  
11 ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL  
12 EDUCATION OR TRAINING; OTHER.—The provisions of  
13 subsection (a) of this section shall not apply to an alien  
14 who—

15               “(1) entered the United States as a crewman  
16       subsequent to June 30, 1964;

17               “(2) was admitted to the United States as a  
18       nonimmigrant exchange alien as defined in section  
19       101(a)(15)(J), or has acquired the status of such a  
20       nonimmigrant exchange alien after admission, in  
21       order to receive graduate medical education or train-  
22       ing, regardless of whether or not the alien is subject  
23       to or has fulfilled the two-year foreign residence re-  
24       quirement of section 212(e); or

1           “(3)(A) was admitted to the United States as  
2           a nonimmigrant exchange alien as defined in section  
3           101(a)(15)(J) or has acquired the status of such a  
4           nonimmigrant exchange alien after admission other  
5           than to receive graduate medical education or train-  
6           ing, (B) is subject to the two-year foreign residence  
7           requirement of section 212(e), and (C) has not ful-  
8           filled that requirement or received a waiver thereof,  
9           or in the case of a foreign medical graduate who has  
10          received a waiver pursuant to section 220 of the Im-  
11          migration and Nationality Technical Corrections Act  
12          of 1994, Public Law 103–416, has not fulfilled the  
13          requirements of section 214(k).”.

14          (c) CONFORMING AMENDMENTS.—

15                 (1) Section 242(b) of the Immigration and Na-  
16                 tionality Act (8 U.S.C. 1252(b)) is amended by  
17                 striking the last two sentences.

18                 (2) Section 242B of the Immigration and Na-  
19                 tionality Act (8 U.S.C. 1252b) is amended—

20                         (A) in paragraph (e)(2)—

21                                 (i) by striking “section 244(e)(1)”  
22                                 and inserting “section 244(d)”, and

23                                 (ii) by striking “section 242(b)(1)”  
24                                 and inserting “section 244(d)”; and

25                         (B) in paragraph (e)(5)—

1 (i) by striking “section 242(b)(1)”  
2 and inserting “section 244(d)”, and

3 (ii) by striking “suspension of depor-  
4 tation” and inserting “cancellation of de-  
5 portation”.

6 (d)(1) The amendments made by subsection (a) of  
7 this section shall take effect on the date of enactment; ex-  
8 cept that, for purposes of determining the period of contin-  
9 uous residence, the amendments made by subsection (a)  
10 shall apply to all aliens against whom proceedings are  
11 commenced on or after the date of enactment.

12 (2) The amendments made by subsection (b) of this  
13 section shall take effect on the date of enactment; except  
14 that, for purposes of determining the periods of continu-  
15 ous residence or continuous physical presence, the amend-  
16 ments made by subsection (b) shall apply to all aliens upon  
17 whom an order to show cause is served on or after the  
18 date of enactment.

19 (3) The amendments made by subsection (c) of this  
20 section shall take effect on the date of enactment.

21 **SEC. 310. RESCISSION OF LAWFUL PERMANENT RESIDENT**  
22 **STATUS.**

23 Section 246(a) of the Immigration and Nationality  
24 Act (8 U.S.C. 1256a)) is amended by adding at the end  
25 the following sentence: “Nothing in this subsection shall

1 require the Attorney General to rescind the alien's status  
2 prior to commencement of procedures to deport the alien  
3 under section 242 and 242A, and an order of deportation  
4 issued by an immigration judge shall be sufficient to re-  
5 scind the alien's status.”.

6 **SEC. 311. INCREASING EFFICIENCY IN REMOVAL OF DE-**  
7 **TAINED ALIENS.**

8 (a) There are authorized to be appropriated such  
9 funds as may be necessary for the Attorney General to  
10 conduct a pilot program or programs to study methods  
11 for increasing the efficiency of deportation and exclusion  
12 proceedings against detained aliens by increasing the  
13 availability of pro bono counseling and representation for  
14 such aliens. Any such pilot program may provide for ad-  
15 ministrative grants to not-for-profit organizations involved  
16 in the counseling and representation of aliens in immigra-  
17 tion proceedings. An evaluation component shall be in-  
18 cluded in any such pilot program to test the efficiency and  
19 cost effectiveness of the services provided and the  
20 replicability of such programs at other locations.

21 (b) Nothing in this section shall be regarded as creat-  
22 ing a right to be represented in exclusion or deportation  
23 proceedings at the expense of the Government.

1    **TITLE IV—ALIEN SMUGGLING CONTROL**  
2    **SEC. 401. WIRETAP AUTHORITY FOR INVESTIGATIONS OF**  
3                   **ALIEN SMUGGLING AND DOCUMENT FRAUD.**

4       Section 2516(l) of title 18, United States Code, is  
5 amended—

6           (a) in paragraph (c), by inserting after  
7       “trains)” the following: “or a felony violation of sec-  
8       tion 1028 (relating to production of false identifica-  
9       tion documentation), section 1541 (relating to pass-  
10      port issuance without authority), section 1542 (re-  
11      lating to false statements in passport applications),  
12      section 1543 (relating to forgery or false use of  
13      passport), section 1544 (relating to misuse of pass-  
14      port), section 1546 (relating to fraud or misuse of  
15      visas, permits, or other documents)”;

16           (b) by striking “or” after paragraph (l);

17           (c) by redesignating paragraphs (m), (n), and  
18      (o) as paragraphs (n), (o), and (p), respectively; and

19           (d) by inserting after paragraph (l) the follow-  
20      ing new paragraph:

21           “(m) a violation of section 274, 277, or 278 of  
22      the Immigration and Nationality Act (relating to the  
23      smuggling of aliens);”.

1 **SEC. 402. APPLYING RACKETEERING OFFENSES TO ALIEN**  
2 **SMUGGLING.**

3 Section 1961(l) of title 18, United States Code, is  
4 amended—

5 (a) by striking “or” after “law of the United  
6 States,”;

7 (b) by inserting “or” at the end of clause (E);  
8 and

9 (c) by adding at the end the following:

10 “(F) any act, or conspiracy to commit any  
11 act, in violation of section 274(a)(1)(A)(v), 277,  
12 or 278 of the Immigration and Nationality Act  
13 (8 U.S.C. 1324(a)(1)(A)(v), 1327, or 1328).”.

14 **SEC. 403. EXPANDED ASSET FORFEITURE FOR SMUGGLING**  
15 **OR HARBORING ALIENS.**

16 Section 274 of the Immigration and Nationality Act  
17 of 1952, as amended (8 U.S.C. 1324) is amended—

18 (a) by amending paragraph (b)(1) to read as  
19 follows:

20 “(b) SEIZURE AND FORFEITURE.—(1) The following  
21 property shall be subject to seizure and forfeiture:

22 “(A) Any conveyance, including any vessel, ve-  
23 hicle, or aircraft, which has been or is being used in  
24 the commission of a violation of subsection (a); ex-  
25 cept that—

1           “(i) no conveyance used by any person as  
2           a common carrier in the transaction of business  
3           as a common carrier shall be forfeited under  
4           the provisions of this section unless it shall ap-  
5           pear that the owner or other person in charge  
6           of such conveyance was a consenting party or  
7           privity to the illegal act; and

8           “(ii) no conveyance shall be forfeited under  
9           the provisions of this section by reason of any  
10          act or omission established by the owner thereof  
11          to have been committed or omitted by any per-  
12          son other than such owner while such convey-  
13          ance was unlawfully in the possession of a per-  
14          son other than such owner in violation of the  
15          criminal laws of the United States, or of any  
16          State.

17          “(B) Any property, real or personal, (i) that  
18          constitutes, or is derived from or is traceable to the  
19          proceeds obtained directly or indirectly from the  
20          commission of a violation of subsection (a), or (ii)  
21          that is used to facilitate, or is intended to be used  
22          to facilitate, the commission of a violation of sub-  
23          paragraph (a)(1)(A), except that no property shall  
24          be forfeited under this paragraph, to the extent of  
25          an interest of an owner, by reason of any act or

1 omission established by that owner to have been  
2 committed or omitted by any other person other  
3 than such owner without knowledge or consent of  
4 that owner.”; and

5 (b) in paragraph (b)(2)—

6 (1) by striking “conveyances” both places  
7 it appears and inserting “property”; and

8 (2) by striking “is being used in” and in-  
9 serting “is being used in, is facilitating, has fa-  
10 cilitated, is facilitating or was intended to facili-  
11 tate”;

12 (3) in paragraph (3)—

13 (A) by inserting “(A)” immediately  
14 after “(3)”, and

15 (B) by adding at the end the follow-  
16 ing:

17 “(B) Before the seizure of any real property  
18 pursuant to this section the Attorney General shall  
19 provide notice and opportunity to be heard to the  
20 owner of the property. The Attorney General shall  
21 prescribe such regulations as may be necessary to  
22 carry out this paragraph.”;

23 (4) in paragraphs (b)(4) and (b)(5) by  
24 striking each place they appear the phrase “a

1 conveyance” and the word “conveyance” and in-  
2 serting “property”; and

3 (5) by redesignating subsection (c) to be  
4 subsection (d) and inserting the following new  
5 subsection (c):

6 “(c) CRIMINAL FORFEITURE.—

7 “(1) Any person convicted of a violation of sub-  
8 section (a) shall forfeit to the United States, irre-  
9 spective of any provision of State law—

10 “(A) any conveyance, including any vessel,  
11 vehicle, or aircraft used in the commission of a  
12 violation of subsection (a); and

13 “(B) any property real or personal—

14 “(i) that constitutes, or is derived  
15 from or is traceable to the proceeds ob-  
16 tained directly or indirectly from the com-  
17 mission of a violation of subsection (a), or

18 “(ii) that is used to facilitate, or is in-  
19 tended to be used to facilitate, the commis-  
20 sion of a violation of subparagraph  
21 (a)(1)(A).

22 The court, in imposing sentence on such person,  
23 shall order that the person forfeit to the United  
24 States all property described in this subsection.

1           “(2) The criminal forfeiture of property under  
2 this subsection, including any seizure and disposition  
3 of the property and any related administrative or ju-  
4 dicial proceeding shall be governed by the provisions  
5 of section 413 of the Comprehensive Drug Abuse  
6 Prevention and Control Act of 1970 (21 U.S.C.  
7 853), except for subsections 413(a) and 413(d)  
8 which shall not apply to forfeitures under this sub-  
9 section.”.

10 **SEC. 404. INCREASED CRIMINAL PENALTIES FOR ALIEN**  
11 **SMUGGLING.**

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

14           (a) in subsection (a)(1)(A)—

15                   (A) by striking “or” at the end of clause  
16 (iii);

17                   (B) by striking the comma at the end of  
18 clause (iv) and inserting “; or”; and

19                   (C) by adding at the end the following new  
20 clause:

21                           “(v)(I) engages in any conspiracy to  
22 commit any of of the preceding acts, or  
23 (II) aids or abets the commission of any of  
24 the preceding acts.”;

25           (b) in subsection (a)(1)(B)—

1 (A) in clause (i), by inserting “or (v)(I)”  
2 after “(A)(i)”;

3 (B) in clause (ii), by striking “or (iv)” and  
4 inserting “(iv), or (v)(II)”;

5 (C) in clause (iii), by striking “or (iv)” and  
6 inserting “(iv), or (v)”;

7 (c) in subsection (a)(1)(B) by adding at the end  
8 the following new paragraph:

9 “(3) Any person who hires for employment an  
10 alien—

11 “(A) knowing that such alien is an unau-  
12 thorized alien (as defined in section 274A(h)(3),  
13 and

14 (B) knowing that such alien has been  
15 brought into the United States in violation of  
16 this subsection,

17 shall be fined under title 18, United States Code,  
18 and shall be imprisoned for not more than 5 years.”;

19 and

20 (d) in subsection (a)(2)(A)—

21 (1) by striking the period after clause (iv)  
22 and adding a new clause (v) to read as follows:

23 “(v) an offense committed with the in-  
24 tent or with reason to believe that the alien  
25 unlawfully brought into the United States

1 will commit an offense against the United  
2 States or any State punishable by impris-  
3 onment for more than 1 year.”; and

4 (2) in subparagraph (B) by adding “(v)”  
5 after “(A)(i)” in clause (i).

6 **SEC. 405. UNDERCOVER INVESTIGATION AUTHORITY.**

7 (a) With respect to any undercover investigative oper-  
8 ation of the Immigration and Naturalization Service which  
9 is necessary for the detection and prosecution of crimes  
10 against the United States—

11 (1) sums authorized to be appropriated for the  
12 Immigration and Naturalization Service by this Act  
13 may be used for leasing space within the United  
14 States, the District of Columbia, and the territories  
15 and possessions of the United States without regard  
16 to section 3679(a) of the Revised Statutes (31  
17 U.S.C. 1341), section 3732(a) of the Revised Stat-  
18 utes (41 U.S.C. 11(a)), section 305 of the Act of  
19 June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the  
20 third undesignated paragraph under the heading  
21 “Miscellaneous” of the Act of March 3, 1877 (19  
22 Stat. 370; 40 U.S.C. 34), section 3648 of the Re-  
23 vised Statutes (31 U.S.C. 3324), section 3741 of the  
24 Revised Statutes (41 U.S.C. 22), and subsections (a)  
25 and (c) of section 304 of the Federal Property and

1 Administrative Services Act of 1949 (63 Stat. 395;  
2 41 U.S.C. 254 (a) and (c));

3 (2) sums authorized to be appropriated for the  
4 Immigration and Naturalization Service by this Act  
5 may be used to establish or to acquire proprietary  
6 corporations or business entities as part of an un-  
7 dercover operation, and to operate such corporations  
8 or business entities on a commercial basis, without  
9 regard to the provisions of section 304 of the Gov-  
10 ernment Corporation Control Act (31 U.S.C. 9102);

11 (3) sums authorized to be appropriated for the  
12 Immigration and Naturalization Service by this Act,  
13 and the proceeds from such undercover operation,  
14 may be deposited in banks or other financial institu-  
15 tions without regard to the provisions of section 648  
16 of Title 18 of the United States Code, and section  
17 3639 of the Revised Statutes (31 U.S.C. 3302); and

18 (4) the proceeds from such undercover oper-  
19 ation may be used to offset necessary and reasonable  
20 expenses incurred in such operation without regard  
21 to the provisions of section 3617 of Revised Statutes  
22 (31 U.S.C. 3302).

23 The authorization set forth in this section may be exer-  
24 cised only upon written certification of the Commissioner  
25 of the Immigration and Naturalization Service, in con-

1 sultation with the Deputy Attorney General, that any ac-  
2 tion authorized by paragraph (1), (2), (3), or (4) is nec-  
3 essary for the conduct of such undercover operation.

4 (b) As soon as practicable after the proceeds from  
5 an undercover investigative operation, carried out under  
6 paragraphs (3) and (4) of subsection (a), are no longer  
7 necessary for the conduct of such operation, such proceeds  
8 or the balance of such proceeds remaining at the time shall  
9 be deposited into the Treasury of the United States as  
10 miscellaneous receipts.

11 (c) If a corporation or business entity established or  
12 acquired as part of an undercover operation under para-  
13 graph (2) of subsection (a) with a net value of over  
14 \$50,000 is to be liquidated, sold, or otherwise disposed  
15 of, the Immigration and Naturalization Service, as much  
16 in advance as the Commissioner or his or her designee  
17 determines practicable, shall report the circumstances to  
18 the Attorney General, the Director of the Office of Man-  
19 agement and Budget, and the Comptroller General. The  
20 proceeds of the liquidation, sale, or other disposition, after  
21 obligations are met, shall be deposited in the Treasury of  
22 the United States as miscellaneous receipts.

23 (d) The Immigration and Naturalization Service shall  
24 conduct detailed financial audits of closed undercover op-

1 erations on a quarterly basis and shall report the results  
2 of the audits in writing to the Deputy Attorney General.

3 **SEC. 406. AMENDED DEFINITION OF AGGRAVATED FELONY.**

4 (a) IN GENERAL.—Section 101(a)(43) of the Immi-  
5 gration and Nationality Act (8 U.S.C. 1101(a)(43)), as  
6 amended by section 222 of the Immigration and National-  
7 ity Technical Corrections Act of 1994 (Public Law 103-  
8 416), is amended—

9 (1) in subparagraph (N), by striking “of title  
10 18, United States Code”; and

11 (2) in subparagraph (O), by striking “which  
12 constitutes” and all that follows up to the semicolon  
13 at the end and inserting “, for the purpose of com-  
14 mercial advantage”.

15 (b) EFFECTIVE DATE OF CONVICTION.—Section  
16 101(a)(43) of the Immigration and Nationality Act (8  
17 U.S.C. 1101(a)(43)), as amended by section 222(b) of the  
18 Immigration and Nationality Technical Corrections Act of  
19 1994 (Public Law 103-416) is amended by adding at the  
20 end the following sentence: “Notwithstanding any other  
21 provision of law, the term applies for all purposes to con-  
22 victions entered before, on, or after the date of enactment  
23 of this Act.”.

24 (c) APPLICATION TO WITHHOLDING OF DEPORTA-  
25 TION.—Section 243(h) of the Immigration and National-

1 ity Act (8 U.S.C. 1253(h)) is amended in paragraph (2)  
2 by inserting “for which the sentence imposed is 5 years  
3 or more” after “aggravated felony”.

4 **TITLE V—INSPECTIONS AND ADMISSIONS**

5 **SEC. 501. CIVIL PENALTIES FOR BRINGING INADMISSIBLE**  
6 **ALIENS FROM CONTIGUOUS TERRITORIES.**

7 Section 273 of the Immigration and Nationality Act  
8 (8 U.S.C. 1323) is amended by—

9 (a) striking “(other than from foreign contig-  
10 uous territory)” from subsection (a), and

11 (b) striking “\$3,000” and inserting “\$5,000”  
12 in subsection (b).

13 **SEC. 502. DEFINITION OF STOWAWAY; EXCLUDABILITY OF**  
14 **STOWAWAY; CARRIER LIABILITY FOR COSTS**  
15 **OF DETENTION.**

16 (a) Section 101(a) of the Immigration and National-  
17 ity Act (8 U.S.C. 1101) is amended by adding the follow-  
18 ing new subsection:

19 “(47) The term ‘stowaway’ means any alien who ob-  
20 tains transportation without the consent of the owner,  
21 charterer, master or person in command of any vessel or  
22 aircraft through either concealment on board such vessel  
23 or aircraft or evasion of that carrier’s standard boarding  
24 procedures.”.

1 (b) Section 237 of the Immigration and Nationality  
2 Act (8 U.S.C. 1227) is amended as follows:

3 (1) By inserting in paragraph (a)(1) before the  
4 period at the end of the first sentence the following:  
5 “, or unless the alien is an excluded stowaway who  
6 has requested asylum or withholding of deportation  
7 and whose application has not been adjudicated, or  
8 whose application has been denied but who has not  
9 exhausted any remaining appeal rights”.

10 (2) By inserting after the first sentence in  
11 paragraph (a)(1) the following sentences: “Any alien  
12 stowaway inspected upon arrival in the United  
13 States is an alien who is excluded within the mean-  
14 ing of this section. The term “alien” wherever ap-  
15 pearing in this section shall include an excluded  
16 stowaway. The provisions of section 237 concerning  
17 the deportation of an excluded alien shall apply to  
18 the deportation of a stowaway under section  
19 273(d).”.

20 (c) Section 273(d) of the Immigration and National-  
21 ity Act (8 U.S.C. 1323(d)) is amended to read as follows:  
22 “It shall be the duty of the owner, charterer, agent con-  
23 signee, commanding officer, or master of any vessel or air-  
24 craft arriving at the United States from any place outside  
25 the United States to detain on board or at such other

1 place as may be designated by an immigration officer any  
2 alien stowaway until such stowaway has been inspected by  
3 an immigration officer. Upon inspection, the Attorney  
4 General, pursuant to regulation, may take immediate cus-  
5 tody of any stowaway and shall charge the owner,  
6 charterer, agent, consignee, commanding officer, or mas-  
7 ter of the vessel or aircraft on which the stowaway has  
8 arrived the costs of detaining the stowaway. It shall be  
9 the duty of the owner, charterer, agent, consignee, com-  
10 manding officer, or master of any vessel or aircraft arriv-  
11 ing at the United States from any place outside the United  
12 States to deport any alien stowaway on the vessel or air-  
13 craft on which such stowaway arrived or on another vessel  
14 or aircraft at the expense of the vessel or aircraft on which  
15 such stowaway arrived when required to do so by an immi-  
16 gration officer. Failure to comply with the provisions of  
17 this section shall result in the imposition of a \$5,000 fine,  
18 payable to the Commissioner as offsetting collections for  
19 each alien stowaway. Pending final determination of liabil-  
20 ity for such fine, no such vessel or aircraft shall be granted  
21 clearance, except that clearance may be granted upon the  
22 deposit of a sum sufficient to cover such fine, or of a bond  
23 with sufficient surety to secure the payment thereof ap-  
24 proved by the Commissioner. An alien stowaway inspected  
25 upon arrival shall be considered an excluded alien under

1 this Act. The provisions of section 235 for detention of  
2 aliens for examination before a special inquiry officer and  
3 the right of appeal provided for in section 236 shall not  
4 apply to aliens who arrive as stowaways and no such aliens  
5 shall be permitted to land in the United States, except  
6 temporarily for medical treatment, or pursuant to such  
7 regulations as the Attorney General may prescribe for the  
8 ultimate departure, removal or deportation of such alien  
9 from the United States. A stowaway may apply for asylum  
10 or withholding of deportation, as provided in sections 208  
11 and 243(h) of this Act, pursuant to such regulations as  
12 the Attorney General may establish.”.

13 **SEC. 503. LIST OF ALIEN AND CITIZEN PASSENGERS ARRIV-**  
14 **ING OR DEPARTING.**

15 Section 231(a) of the Immigration and Nationality  
16 Act (8 U.S.C. 1221(a)) is amended by—

17 (a) striking the first sentence and inserting the  
18 following:

19 “In connection with the arrival of any person by  
20 water or by air at any port within the United States from  
21 any place outside the United States, it shall be the duty  
22 of the master or commanding officer, or authorized agent,  
23 owner, or consignee of the vessel or aircraft, having such  
24 person on board to deliver to the immigration officers at  
25 the port of arrival, or other place designated by the Attor-

1 ney General, electronic, typewritten or printed lists or  
2 manifests of the persons on board such vessel or aircraft.”;

3 (b) striking in the second sentence “shall be  
4 prepared” and inserting “shall be prepared and sub-  
5 mitted”; and

6 (c) inserting after the second sentence the fol-  
7 lowing sentence: “Such lists or manifests shall con-  
8 tain, but not be limited to, for each person trans-  
9 ported, the person’s full name, date of birth, gender,  
10 citizenship, travel document number (if applicable),  
11 and arriving flight number.”.

12 **SEC. 504. ELIMINATION OF LIMITATIONS ON IMMIGRATION**  
13 **USER FEES FOR CERTAIN CRUISE SHIP PAS-**  
14 **SENGERS.**

15 Section 286(e)(1) of the Immigration and Nationality  
16 Act (8 U.S.C. 1356) is amended to read as follows: “No  
17 fee shall be charged under subsection (d) for immigration  
18 inspection or preinspection provided in connection with the  
19 arrival of any passenger aboard an international ferry.”.

20 **SEC. 505. TRANSPORTATION LINE RESPONSIBILITY FOR**  
21 **TRANSIT WITHOUT VISA ALIENS.**

22 Section 238(c) of the Immigration and Nationality  
23 Act (8 U.S.C. 1228(c)) is amended by inserting after the  
24 first sentence the following: “Notwithstanding any other  
25 provision of this Act and in consideration for bringing

1 aliens transiting through the United States without a visa,  
2 transportation lines shall agree, as part of any contract  
3 entered into under this section, to indemnify the United  
4 States against any costs for the detention and removal  
5 from the United States of any such alien who for any rea-  
6 son—

7           “(1) is refused admission to the United States;

8           “(2) fails to continue his or her journey to a  
9 foreign country within the time prescribed by regula-  
10 tion; or

11           “(3) is refused admission by the foreign country  
12 to which the alien is travelling while transiting  
13 through the United States.”.

14 **SEC. 506. AUTHORITY TO DETERMINE VISA PROCESSING**  
15 **PROCEDURES.**

16 Section 202(a)(1) of the Immigration and Nationality  
17 Act (8 U.S.C. 1152(a)(1)) is amended by inserting before  
18 the period at the end the following: “: *Provided, however,*  
19 That nothing in this subsection shall be construed to limit  
20 the authority of the Secretary of State to determine the  
21 procedures for the processing of immigrant visa applica-  
22 tions or the locations where such applications will be proc-  
23 essed.”.

1 **SEC. 507. BORDER SERVICES USER FEE.**

2 Section 286 of the Immigration and Nationality Act  
3 (8 U.S.C. 1356) is amended by inserting the following new  
4 subsection:

5 “(s)(1) In addition to any other fee authorized by  
6 law, the Attorney General shall charge and collect a fee,  
7 in United States currency, for border-related services and  
8 enforcement, at ports selected by the States in which they  
9 are located to participate in the border services user fee  
10 program. The fee shall be \$1.50 for each non-commercial  
11 conveyance and \$.75 for each pedestrian, for every land  
12 border entry, including persons arriving via ferries on any  
13 body of water which forms a part of the borders and  
14 boundaries contiguous to the United States. Commercial  
15 conveyances transporting passengers through passenger  
16 processing facilities shall be charged the pedestrian fee for  
17 the operator and each passenger, except that crewmen on  
18 ferries shall not be charged and conveyances on ferries will  
19 be charged the conveyance fee. These funds shall be avail-  
20 able to the Attorney General in accordance with this sec-  
21 tion.

22 “(2) To the greatest extent practicable, fee revenues  
23 will be reinvested in participating ports in amounts that  
24 are approximately proportionate to the amounts collected  
25 at those ports and will not be used to substitute for the  
26 resources that would be allocated to the ports if they were

1 not in the program, but will be added to the funds that  
2 would otherwise be dedicated to port spending.

3 “(3)(A) Each State that selects one or more ports  
4 to participate in the border services user fee program may  
5 establish a Border Services Council for each participating  
6 port.

7 “(B) The Councils shall develop spending priorities  
8 for the ports and submit those priorities to the Attorney  
9 General or his or her designated representative.

10 “(i) PORT SERVICES.—The Attorney General or  
11 his or her designee shall account for these priorities  
12 in reinvesting fee revenues to fund additional perma-  
13 nent and temporary immigration inspectors and re-  
14 lated support; the addition, improvement, and modi-  
15 fication of facilities at ports of entry and border  
16 areas contiguous to those ports; the expansion, oper-  
17 ation, and maintenance of information systems and  
18 advanced technologies related to port-related services  
19 and enforcement; and the enhancement of facilita-  
20 tion of legal traffic and the reduction of border vio-  
21 lence and smuggling.

22 “(ii) PORT-RELATED ENHANCEMENTS.—The  
23 Attorney General shall grant all revenues available  
24 for expenses above and beyond the costs set forth in  
25 subparagraph (1) to the Councils. These grant funds

1 shall be spent on enhancements outside the port that  
2 facilitate operation of the port or otherwise enhance  
3 the flow of people or goods across the border.

4 “(iii) For ports without Border Councils, the  
5 Attorney General or his or her designee shall make  
6 grants of all funds beyond those used for the pur-  
7 poses of subparagraph (1) to other ports.

8 “(C) The membership of the Councils shall include—

9 “(i) three State representatives appointed by  
10 the Governor, at least one of which shall represent  
11 business interests;

12 “(ii) three local representatives appointed by  
13 the Mayor, the County Board of Supervisors, the  
14 Town Council, or other local governing body, as de-  
15 termined by the state; and

16 “(iii) three Federal representatives, including a  
17 Service representative appointed by the Commis-  
18 sioner; a Customs representative appointed by the  
19 Commissioner of the Customs Service; and a GSA  
20 representative appointed by the Administrator of  
21 General Services.

22 “(D) The Councils shall be exempt from the require-  
23 ments of the Federal Advisory Committees Act (5 U.S.C.  
24 App.). All Council meetings shall be open to the public.

1       “(E) States that select ports for participation in the  
2 border services user fee program may withdraw those  
3 ports from the program—

4           “(i) after amortizing any improvements that  
5 have been made with revenues from the program,  
6 and

7           “(ii) after providing one year’s notice, to allow  
8 the Federal agencies to comply with the proper pro-  
9 cedures for relocating or terminating inspectors and  
10 other personnel.

11       “(4) The Attorney General may—

12           “(A) develop and implement special discounted  
13 fee programs for frequent border crossers;

14           “(B) adjust the border crossing user fee peri-  
15 odically to compensate for inflation, based on a na-  
16 tional average of the consumer price index, and  
17 other escalation in the cost of carrying out the pur-  
18 poses of this Act; and

19           “(C) contract with private and public sector en-  
20 tities to collect the fee and require the collection of  
21 the fee to be performed by local bridge, tunnel and  
22 other transportation authorities operating in the  
23 United States, including ferry operators, adjacent to  
24 ports of entry, where such authorities exist. Such

1 authorities shall be reimbursed for administrative  
2 costs related to collection of the fee.

3 “(5) Nothing in this section shall be construed to  
4 limit the methods used for fee collection, including out-  
5 bound collection of the fee.

6 “(6) All of the fees collected under this subsection  
7 shall be deposited as offsetting governmental receipts in  
8 a separate account within the Treasury of the United  
9 States, to be expended in accordance with subsection (2)  
10 of this section. Such account shall be known as the border  
11 services user fee account.

12 “(7) START-UP COSTS.—The Attorney General is au-  
13 thorized to advance from the working capital fund of the  
14 Department of Justice to the border services user fee ac-  
15 count the funds required to implement the border services  
16 user fee. Receipts from this fee shall be transferred from  
17 the border services user fee account and deposited as off-  
18 setting receipts to the working capital fund of the Depart-  
19 ment of Justice, up to the amount advanced by the fund  
20 to liquidate the advance provided by the Department of  
21 Justice working capital fund.

22 “(8) EFFECTIVE DATE.—The Attorney General shall  
23 begin collection of the fee in a participating State not later  
24 than twelve months from the date the State notifies the

1 Attorney General that it has selected ports to participate  
2 in the border services user fee program.

3 “(9) PENALTIES FOR NONPAYMENT.—The Attorney  
4 General may establish penalties for nonpayment of fees  
5 as determined to be necessary to ensure compliance with  
6 the provisions of this section.

7 “(10) REGULATIONS.—The Attorney General may  
8 prescribe such rules and regulations as may be necessary  
9 to carry out the provisions of this section.”.

10 **TITLE VI—MISCELLANEOUS AND**  
11 **TECHNICAL AMENDMENTS**

12 **SEC. 601. ALIEN PROSTITUTION.**

13 Section 2424 of title 18 of the United States Code  
14 is amended by—

15 (a) in the first paragraph of subsection (a)—

16 (1) striking “alien”;

17 (2) inserting after “individual” the first  
18 time it appears “, knowing or in reckless dis-  
19 regard of the fact that said individual is an  
20 alien,”; and

21 (3) striking “within three years after that  
22 individual has entered the United States from  
23 any country, party to the arrangement adopted  
24 July 25, 1902, for the suppression of the white-  
25 slave traffic”.

1 (b) in the second paragraph of subsection (a)—

2 (1) striking “thirty” and inserting “five  
3 business”; and

4 (2) striking “within three years after that  
5 individual has entered the United States from  
6 any country, party to the said arrangement for  
7 the suppression of the white slave traffic”.

8 (c) in the third paragraph of subsection (a),  
9 striking “two” and inserting “ten”.

10 (d) in subsection (b), striking “.” after “failing  
11 to comply with this section” and inserting “, or for  
12 enforcement of the provisions of section 274A of the  
13 Immigration and Nationality Act, as amended.”.

14 **SEC. 602. GRANTS TO STATES FOR MEDICAL ASSISTANCE**  
15 **TO UNDOCUMENTED IMMIGRANTS.**

16 (a) **IN GENERAL.**—In order to assist States to meet  
17 the costs of providing treatment to certain aliens for emer-  
18 gency medical conditions, there are authorized to be ap-  
19 propriated \$150,000,000 for each of fiscal years 1996  
20 through 2000.

21 (b) **ALLOTMENTS.**—

22 (1) From the sums appropriated pursuant to  
23 subsection (a) for a fiscal year, the Secretary of  
24 Health and Human Services shall determine, with  
25 respect to each State with a plan approved under

1 title XIX of the Social Security Act, an allotment for  
2 each such State which shall be the amount which  
3 bears the same ratio to the amount appropriated for  
4 such fiscal year as the sum of such State's allot-  
5 ments for fiscal years 1988 through 1994 under sec-  
6 tion 204 of the Immigration Reform and Control  
7 Act of 1986 bears to the total of such allotments for  
8 all the States for such fiscal years.

9 (2) In the case of any State for which the allot-  
10 ment determined under paragraph (1) for a fiscal  
11 year is less than 1 percent of the amount appro-  
12 priated pursuant to subsection (a) for such year, no  
13 allotment shall be made, and in the case of any  
14 other State which notifies the Secretary that all or  
15 part of its allotment will not be needed for the pur-  
16 pose for which it is available, the State's allotment  
17 shall be made as determined under paragraph (1),  
18 and then reduced by the unneeded portion. There  
19 shall be allotted to each of the remaining States the  
20 amount determined with respect to each such State  
21 under paragraph (1), together with the additional al-  
22 lotments provided below in this paragraph. The total  
23 of (A) the amount of allotments determined under  
24 paragraph (1) but not made, and (B) the amount of  
25 the reductions under the preceding sentence, shall

1       also be allotted among each of the remaining States  
2       as follows: the allotment of each such remaining  
3       State shall be increased by an amount which bears  
4       the same ratio to such total as the allotment amount  
5       determined with respect to such State for the fiscal  
6       year involved under paragraph (1) bears to the sum  
7       of such allotment amounts for all such remaining  
8       States for such fiscal year.

9       (c) USE OF FUNDS.—Payments under this section  
10      may only be used to provide the non-Federal share of ex-  
11      penditures under the State plan approved under title XIX  
12      of the Social Security Act (as required by the last sentence  
13      of section 1902(a) of such Act) for care and services nec-  
14      essary for the treatment of an emergency condition that  
15      are furnished to an alien who is not a qualified alien under  
16      section 250A(c) of the Immigration and Nationality Act.

17      (d) PAYMENT OF FUNDS.—In order to receive funds  
18      under this section, the State shall certify to the Secretary  
19      that funds will only be used for the purpose described in  
20      subsection (c). Thereafter, the Secretary shall from time  
21      to time make payments to each State from this allotment  
22      under subsection (b)(2). Payments under this section shall  
23      be made to the agency responsible for administering or  
24      supervising the administration of the State's plan ap-  
25      proved under title XIX of the Social Security Act, and

1 such payments shall be available to the State for expendi-  
2 ture in accordance with this section in the year allotted  
3 or in any subsequent fiscal year.

4 (e) DEFINITION.—As used in this section, the term  
5 “State” has the meaning given such term, for purposes  
6 of title XIX of the Social Security Act, under section  
7 1101(a)(1) of such Act.

8 **SEC. 603. TECHNICAL CORRECTIONS TO VIOLENT CRIME**  
9 **CONTROL ACT AND TECHNICAL CORREC-**  
10 **TIONS ACT.**

11 (a)(1) Section 130003(c)(1) of the Violent Crime  
12 Control Act of 1994, Public Law 103–322, is amended  
13 by striking “a new subsection (i)” and inserting “a new  
14 subsection (j)”.

15 (2) The amendment made by this subsection shall be  
16 effective as if originally included in section 130003(c)(1)  
17 of the Violent Crime Control Act of 1994.

18 (b)(1) Section 106(d)(1)(D) of the Immigration and  
19 Nationality Act (8 U.S.C. 1105a), as amended by section  
20 130004(b) of the Violent Crime Control Act of 1994, Pub-  
21 lic Law 103–322, is amended by striking “242A(b)(5)”  
22 and inserting “242A(b)(4)”.

23 (2) The amendment made by this subsection shall be  
24 effective as if originally included in section 130004(b) of  
25 the Violent Crime Control Act of 1994.

1 (c)(1) Section “242A(d)(4) of the Immigration and  
2 Nationality Act (8 U.S.C. 1252a(d)(4)), as added by sec-  
3 tion 223 of the Immigration and Nationality Technical  
4 Corrections Act of 1994, Public Law 103–416, is amended  
5 by striking “without a decision on the merits”.

6 (2) The amendment made by this subsection shall be  
7 effective as if originally included in section 223 of Public  
8 Law 103–416.

9 **SEC. 604. EXPEDITIOUS DEPORTATION.**

10 Section 225 of the Immigration and Nationality  
11 Technical Corrections Act of 1994, Public Law 103–416,  
12 is amended by striking the words “section 242(i) of the  
13 Immigration and Nationality Act (8 U.S.C. 1252(i))” and  
14 substituting in lieu thereof, “sections 242(i) or 242A of  
15 the Immigration and Nationality Act (8 U.S.C. 1252(i)  
16 or 1252a)”.

17 **SEC. 605. AUTHORIZATION FOR USE OF VOLUNTEERS.**

18 Notwithstanding any other provision of law, the At-  
19 torney General may accept, administer, and utilize gifts  
20 of services from any person for the purpose of providing  
21 administrative assistance to the Immigration and Natu-  
22 ralization Service in administering programs relating to  
23 naturalization, adjudications at ports of entry, and re-  
24 moval of criminal aliens. Nothing in this Section shall re-

1 quire the Attorney General to accept the services of any  
2 person.

3 **SEC. 606. WAIVER OF EXCLUSION AND DEPORTATION**  
4 **GROUND FOR CERTAIN SECTION 274C VIOLA-**  
5 **TORS.**

6 (a) Section 212(a)(6)(F) of the Immigration and Na-  
7 tionality Act (8 U.S.C. 1182(a)(6)(F)) is revised to read  
8 as follows:

9 “(F) SUBJECT OF CIVIL PENALTY.—

10 “(i) IN GENERAL.—An alien who is the  
11 subject of a final order for violation of section  
12 274C is excludable.

13 “(ii) WAIVER AUTHORIZED.—For provision  
14 authorizing waiver of clause (i), see subsection  
15 (d)(12).”

16 (b) Section 212(d) of the Immigration and National-  
17 ity Act (8 U.S.C. 1182(d)) is amended by adding a new  
18 paragraph (12), to read as follows:

19 “(12) The Attorney General may, in his or her  
20 discretion for humanitarian purposes, to assure fam-  
21 ily unity, or when it is otherwise in the public inter-  
22 est, waive application of clause (i) of subsection  
23 (a)(6)(F)—in the case of an alien lawfully admitted  
24 for permanent residence who temporarily proceeded  
25 abroad voluntarily and not under an order of depor-

1 tation, and who is otherwise admissible to the  
2 United States as a returning resident under section  
3 211(b), and in the case of an alien seeking admis-  
4 sion or adjustment of status as an immediate rel-  
5 ative or immigrant under section 203(a) (other than  
6 paragraph (4) thereof) if the violation under section  
7 274C was committed solely to assist, aid, or support  
8 the alien’s spouse, parent, son, or daughter (and not  
9 other individual).”

10 (c) Section 241(a)(3)(C) of the Immigration and Na-  
11 tionality Act (8 U.S.C. 1251(a)(3)(C) is revised to read  
12 as follows:

13 “(C) DOCUMENT FRAUD.—

14 “(i) IN GENERAL.—An alien who is  
15 the subject of a final order for violation of  
16 section 274C is deportable.

17 “(ii) WAIVER AUTHORIZED.—The At-  
18 torney General may waive clause (i) in the  
19 case of an alien lawfully admitted for per-  
20 manent residence if the alien’s civil money  
21 penalty under section 274C was incurred  
22 solely to assist, aid, or support the alien’s  
23 spouse, parent, son, or daughter (and no  
24 other individual)”.

○

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