

104TH CONGRESS
1ST SESSION

S. 999

To amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document use by aliens, asylum, terrorist aliens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 19), 1995

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

A BILL

To amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document use by aliens, asylum, terrorist aliens, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Illegal Immigration
5 Control Act of 1995”.

1 SEC. 2. TABLE OF CONTENTS.

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

TITLE I—INTERDICTION, EXCLUSION, AND DEPORTATION

- Sec. 101. Physical barriers.
- Sec. 102. Border Patrol agents.
- Sec. 103. Interior repatriation program.
- Sec. 104. Detention facilities.
- Sec. 105. Notice to service of port of entry arrivals.
- Sec. 106. Limitation on authority for suspension of deportation.
- Sec. 107. Disqualification from attaining permanent residence status.
- Sec. 108. Termination of work authorization for aliens in deportation proceedings.
- Sec. 109. Countries to which aliens shall be deported.
- Sec. 110. Repeal of adjustment of status of unlawful aliens.

TITLE II—ALIEN SMUGGLING

- Sec. 201. Expanded forfeiture for smuggling or harboring illegal aliens.
- Sec. 202. Including alien smuggling as a racketeering activity for purposes of racketeering influenced and corrupt organizations (RICO) enforcement authority.
- Sec. 203. Enhanced penalties for certain alien smuggling and for employers who knowingly employ smuggled aliens.
- Sec. 204. Wiretap authority for alien smuggling investigations.

TITLE III—EMPLOYMENT

- Sec. 301. Immigration and Naturalization Service investigators.
- Sec. 302. Enhancement of social security account number cards and establishment of number verification system.

TITLE IV—GOVERNMENT BENEFITS

- Sec. 401. Prohibition of benefits for certain categories of aliens.
- Sec. 402. Unemployment benefits.
- Sec. 403. Housing benefits.
- Sec. 404. SAVE system.
- Sec. 405. Limitation on Federal financial assistance to localities that refuse to cooperate in the arrest and deportation of unlawful aliens.
- Sec. 406. Uniform vital statistics.
- Sec. 407. Earned income tax credit denied to individuals not authorized to be employed in the United States.

TITLE V—CRIMINAL ALIENS

- Sec. 501. Authorizing registration of aliens on criminal probation or criminal parole.
- Sec. 502. Expansion in definition of “aggravated felony”.
- Sec. 503. Deportation procedures for certain criminal aliens.
- Sec. 504. Restricting defenses to deportation for certain criminal aliens.
- Sec. 505. Collateral attacks on underlying deportation order.
- Sec. 506. Miscellaneous and technical changes.

- Sec. 507. Criminal alien tracking center.
 Sec. 508. Prisoner transfer treaty study.
 Sec. 509. Expediting criminal alien deportation and exclusion.

TITLE VI—TERRORIST ALIENS

- Sec. 601. Removal of alien terrorists.
 Sec. 602. Membership in a terrorist organization as a basis for exclusion from the United States under the Immigration and Nationality Act.

TITLE VII—INSPECTIONS

- Sec. 701. Preinspection at foreign airports.
 Sec. 702. Training of airline personnel in detection of fraudulent documents.
 Sec. 703. Passport and visa offenses penalties improvement.

TITLE VIII—ASYLUM

- Sec. 801. Inspection and exclusion by immigration officers.
 Sec. 802. Asylum.
 Sec. 803. Failure to appear for provisional asylum hearing; judicial review.
 Sec. 804. Conforming amendments.
 Sec. 805. Effective dates.

TITLE IX—FUNDING

- Sec. 901. Reduction in overhead costs incurred in federally sponsored research.

1 **TITLE I—INTERDICTION,**
 2 **EXCLUSION, AND DEPORTATION**
 3 **SEC. 101. PHYSICAL BARRIERS.**

4 The Attorney General, in consultation with the Com-
 5 missioner of the Immigration and Naturalization Service,
 6 shall take action to install additional physical barriers at
 7 the United States border to deter unauthorized crossings
 8 in areas of high illegal entry into the United States. Such
 9 additional barriers shall include barriers similar to those
 10 in use in the San Diego, California, vicinity.

11 **SEC. 102. BORDER PATROL AGENTS.**

12 In addition to such amounts as are otherwise author-
 13 ized to be appropriated, there is authorized to be appro-
 14 priated for each of the fiscal years 1995, 1996, 1997,

1 1998, and 1999 for salaries and expenses of the Border
2 Patrol such amounts as may be necessary to provide for
3 an increase in the number of agents of the Border Patrol
4 by 6,000 full-time equivalent agent positions (and nec-
5 essary support personnel positions) beyond the number of
6 such positions authorized for the Border Patrol as of Octo-
7 ber 1, 1993.

8 **SEC. 103. INTERIOR REPATRIATION PROGRAM.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Attorney General and the Commissioner
11 of the Immigration and Naturalization Service shall de-
12 velop and implement a program in which aliens who pre-
13 viously have illegally entered the United States not less
14 than 3 times and are deported or returned to a country
15 contiguous to the United States will be returned to loca-
16 tions not less than 500 kilometers from that country's bor-
17 der with the United States.

18 **SEC. 104. DETENTION FACILITIES.**

19 (a) **BORDER DETENTION FACILITIES.**—Not later
20 than 180 days after the date of enactment of this Act,
21 the Attorney General and the Commissioner of the Immi-
22 gration and Naturalization Service shall take appropriate
23 action to increase the capability of the Immigration and
24 Naturalization Service to detain individuals who have ille-
25 gally entered the United States at a border area.

1 (b) TRANSFER OF CLOSED MILITARY BASES FOR
2 FEDERAL ILLEGAL ALIEN INCARCERATION FACILI-
3 TIES.—

4 (1) PRIORITY AVAILABILITY TO DEPARTMENT
5 OF JUSTICE.—Notwithstanding any other provision
6 of law, a military installation or facility of the De-
7 partment of Defense to be closed under a base clo-
8 sure law may be made available, as determined by
9 the Attorney General, to the Bureau of Prisons of
10 the Department of Justice for use as a facility for
11 the incarceration of aliens who are subject to exclu-
12 sion or deportation from the United States.

13 (2) DEFINITION.—For purposes of this sub-
14 section, the term “base closure law” means each of
15 the following:

16 (A) The Defense Base Closure and Re-
17 alignment Act of 1990 (part A of title XXIX of
18 Public Law 101–510; 10 U.S.C. 2687 note).

19 (B) Title II of the Defense Authorization
20 Amendments and Base Closure and Realign-
21 ment Act (Public Law 100–526; 10 U.S.C.
22 2687 note).

23 (C) Section 2687 of title 10, United States
24 Code.

1 (D) Any other similar law enacted after
2 the date of the enactment of this Act.

3 **SEC. 105. NOTICE TO SERVICE OF PORT OF ENTRY ARRIV-**
4 **ALS.**

5 The Attorney General is authorized to require, by
6 regulation, not less than 24 hour advance notice to the
7 Immigration and Naturalization Service of the intention
8 of any vessel to arrive at any port of entry.

9 **SEC. 106. LIMITATION ON AUTHORITY FOR SUSPENSION OF**
10 **DEPORTATION.**

11 (a) IN GENERAL.—Section 244 of the Immigration
12 and Nationality Act (8 U.S.C. 1254) is amended—

13 (1) in subsection (a), by striking “and—” and
14 all that follows through the period and inserting the
15 following: “and has served for a minimum period of
16 24 months in an active-duty status in the Armed
17 Forces of the United States and, if separated from
18 such service, was separated under honorable condi-
19 tions, and at the time of his enlistment or induction
20 was in the United States”;

21 (2) by striking subsection (b);

22 (3) by striking subsection (g); and

23 (4) by redesignating subsections (c) through (f)
24 as subsections (a) through (d), respectively.

1 (b) CONFORMING REPEAL.—Section 304(c)(1)(B) of
2 the Miscellaneous and Technical Immigration and Natu-
3 ralization Amendments of 1991 (Public Law 102–232) is
4 repealed.

5 **SEC. 107. DISQUALIFICATION FROM ATTAINING PERMA-**
6 **NENT RESIDENCE STATUS.**

7 (a) DISAPPROVAL OF PETITIONS.—Section 204 of
8 the Immigration and Nationality Act (8 U.S.C. 1154) is
9 amended by adding at the end the following new sub-
10 section:

11 “(i) The Attorney General may not approve any peti-
12 tion for lawful permanent residence status filed by an alien
13 who has at any time been apprehended in the United
14 States for (A) entry without inspection, or (B) failing to
15 depart from the United States upon the expiration of any
16 nonimmigrant [or temporary] visa.”.

17 (b) DENIAL OF ADJUSTMENT OF STATUS.—Section
18 245(c) of the Immigration and Nationality Act (8 U.S.C.
19 1254(c)) is amended—

20 (1) by striking “or (5)” and inserting “(5)”;
21 and

22 (2) by inserting before the period the following:
23 “or (6) any alien who (A) has at any time been ap-
24 prehended in the United States for entry without in-
25 spection, or (B) has failed to depart from the United

1 States within 30 days of the expiration date of any
2 nonimmigrant or temporary visa, unless such alien
3 has applied for and been granted asylum or refugee
4 status in the United States”.

5 **SEC. 108. TERMINATION OF WORK AUTHORIZATION FOR**
6 **ALIENS IN DEPORTATION PROCEEDINGS.**

7 (a) AMENDMENT TO IMMIGRATION AND NATIONAL-
8 ITY ACT.—Section 242B of the Immigration and Nation-
9 ality Act (8 U.S.C. 1252b) is amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the follow-
13 ing:

14 “(f) INELIGIBILITY FOR WORK AUTHORIZATION.—

15 (1) Except as provided in paragraph (2), an alien with
16 respect to whom an order to show cause has been issued
17 under this section is not eligible for employment author-
18 ization.

19 “(2) The Attorney General, at his or her discretion,
20 may grant employment authorization to an alien described
21 in paragraph (1) if such alien is serving as an informant
22 or a witness for the Government in a criminal investiga-
23 tion.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect three years after the date
3 of enactment of this Act.

4 **SEC. 109. COUNTRIES TO WHICH ALIENS SHALL BE DE-**
5 **PORTED.**

6 Section 243(g) of the Immigration and Nationality
7 Act (8 U.S.C. 1253(g)) is amended by inserting “non-
8 immigrant visas (other than visas for nonimmigrant aliens
9 described in subparagraphs (A), (C), (D), (E), and (G)
10 of section 101(a)(15))” after “issuance of”.

11 **SEC. 110. REPEAL OF ADJUSTMENT OF STATUS OF UNLAW-**
12 **FUL ALIENS.**

13 (a) IN GENERAL.—Subsection (i) of section 245 of
14 the Immigration and Nationality Act (8 U.S.C. 1255), as
15 added by section 506(b) of the Department of State and
16 Related Agencies Appropriations Act, 1995 (Public Law
17 103–317), 108 Stat. 1765), is repealed.

18 (b) EFFECTIVE DATE.—The repeal made by sub-
19 section (a) shall apply to applications for adjustment of
20 status filed before, on, or after the date of the enactment
21 of this Act, except such applications as were approved as
22 of the date of the enactment of this Act. In the case of
23 such an application for adjustment filed, but not approved,
24 as of the date of the enactment of this Act, the Attorney

1 General shall promptly refund to the applicant the amount
2 of the application fee paid.

3 **TITLE II—ALIEN SMUGGLING**

4 **SEC. 201. EXPANDED FORFEITURE FOR SMUGGLING OR** 5 **HARBORING ILLEGAL ALIENS.**

6 (a) IN GENERAL.—Paragraph (1) of section 274(b)
7 of the Immigration and Nationality Act (8 U.S.C.
8 1324(b)) is amended to read as follows:

9 “(1)(A) Except as provided in subparagraph (B), the
10 following property shall be subject to seizure and forfeit-
11 ure:

12 “(i) Any conveyance, including any vessel, vehi-
13 cle, or aircraft, which has been or is being used in
14 the commission of a violation of subsection (a).

15 “(ii) Any property, real or personal, which—

16 “(I) constitutes, or is derived from or
17 traceable to, the proceeds obtained directly or
18 indirectly from the commission of a violation of
19 subsection (a), or

20 “(II) is used to facilitate, or is intended to
21 be so used in the commission of, a violation of
22 subsection (a)(1)(A).

23 “(B)(i) No property used by any person as a common
24 carrier in the transaction of business as a common carrier
25 shall be forfeited under this section, unless the owner or

1 other person with lawful custody of the property was a
2 consenting party to or privy to the violation of subsection
3 (a) or of section 274A(a)(1) or 274A(a)(2).

4 “(ii) No property shall be forfeited under the provi-
5 sions of this section by reason of any act or omission es-
6 tablished by the owner to have been committed or omitted
7 by a person other than the owner while the property was
8 unlawfully in the possession of a person other than the
9 owner in violation of the criminal laws of the United
10 States or of any State.

11 “(iii) No property shall be forfeited under the provi-
12 sions of this section to the extent of an interest of the
13 owner, by reason of any act or omission established by
14 the owner to have been committed or omitted without the
15 knowledge, consent, or willful disregard of the owner, un-
16 less the act or omission was committed or omitted by an
17 employee or agent of the owner or other person with lawful
18 custody of the property with the intent of furthering the
19 business interests of, or to confer any other benefit upon,
20 the owner or other person with lawful custody of the prop-
21 erty.”.

22 (b) CONFORMING AMENDMENTS.—Section 274(b) of
23 such Act (8 U.S.C. 1324(b)) is amended—

24 (1) in paragraph (2)—

1 (A) by striking “conveyance” and inserting
2 “property” each place it appears, and

3 (B) by striking “is being used in” and in-
4 serting “is being used in, is facilitating, has fa-
5 cilitated, is facilitating or was intended to facili-
6 tate”; and

7 (2) in paragraphs (4) and (5), by striking “a
8 conveyance”, “any conveyance”, and “conveyance”
9 and inserting “property” each place it appears.

10 **SEC. 202. INCLUDING ALIEN SMUGGLING AS A RACKETEER-**
11 **ING ACTIVITY FOR PURPOSES OF RACK-**
12 **ETEERING INFLUENCED AND CORRUPT OR-**
13 **GANIZATIONS (RICO) ENFORCEMENT AU-**
14 **THORITY.**

15 Section 1961(1) of title 18, United States Code, is
16 amended—

17 (1) by striking “or” before “(E) any act”, and

18 (2) by inserting before the period at the end the
19 following: “, or (F) any act which is indictable under
20 section 274(a)(1) of the Immigration and National-
21 ity Act (relating to alien smuggling)”.

1 **SEC. 203. ENHANCED PENALTIES FOR CERTAIN ALIEN**
2 **SMUGGLING AND FOR EMPLOYERS WHO**
3 **KNOWINGLY EMPLOY SMUGGLED ALIENS.**

4 (a) IMMIGRATION AND NATIONALITY ACT.—(1) Sec-
5 tion 274(a)(1)(A) of the Immigration and Nationality Act
6 (8 U.S.C. 1324(a)(1)(A)) is amended—

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

8 (B) by striking the comma at the end of clause
9 (iv) and all that follows through the period and in-
10 sserting “; or”; and

11 (C) by adding at the end the following:

12 “(v) contracts or agrees with another
13 party for that party to provide, for employ-
14 ment by the person or another, an alien
15 who is not authorized to be employed in
16 the United States, knowing that such
17 party intends to cause such alien to be
18 brought into the United States in violation
19 of the laws of the United States,”.

20 (2) Section 274(a)(1)(B) of such Act is amended in
21 clause (i), by inserting “or (v)” after “(A)(i)”.

22 **SEC. 204. WIRETAP AUTHORITY FOR ALIEN SMUGGLING IN-**
23 **VESTIGATIONS.**

24 Section 2516(1) of title 18, United State Code, is
25 amended—

1 (1) in paragraph (c) by inserting after “weap-
2 ons),” the following: “or a felony violation of section
3 1028 (relating to production of false identification
4 documentation), section 1542 (relating to false
5 statements in passport applications), section 1546
6 (relating to fraud and misuse of visas, permits, and
7 other documents),”;

8 (2) by striking out “or” after paragraph (l) and
9 redesignating paragraphs (m), (n), and (o) as para-
10 graphs (n), (o), and (p), respectively; and

11 (3) by inserting after paragraph (l) the follow-
12 ing new paragraph:

13 “(m) a violation of section 274 of the Immigration
14 and Nationality Act (8 U.S.C. 1324) (relating to alien
15 smuggling), of section 277 of the Immigration and Nation-
16 ality Act (8 U.S.C. 1327) (relating to the smuggling of
17 aliens convicted of aggravated felonies or of aliens subject
18 to exclusion on grounds of national security), or of section
19 278 of the Immigration and Nationality Act (8 U.S.C.
20 1328) (relating to smuggling of aliens for the purpose of
21 prostitution or other immoral purpose);”.

1 **TITLE III—EMPLOYMENT**

2 **SEC. 301. IMMIGRATION AND NATURALIZATION SERVICE**

3 **INVESTIGATORS.**

4 In addition to such amounts as are otherwise author-
5 ized to be appropriated, there is authorized to be appro-
6 priated for each of the fiscal years 1995, 1996, 1997,
7 1998, and 1999 for salaries and expenses of the Immigra-
8 tion and Naturalization Service such amounts as may be
9 necessary to provide for an increase in the number of in-
10 vestigators of the Immigration and Naturalization Service
11 by 1,000 full-time equivalent investigator positions (and
12 such support personnel as are necessary) beyond the num-
13 ber of such positions authorized as of October 1, 1993.

14 **SEC. 302. ENHANCEMENT OF SOCIAL SECURITY ACCOUNT**

15 **NUMBER CARDS AND ESTABLISHMENT OF**

16 **NUMBER VERIFICATION SYSTEM.**

17 Section 274A(d) of the Immigration and Nationality
18 Act (8 U.S.C. 1324A(d)) is amended to read as follows:

19 “(d) ENHANCED SOCIAL SECURITY ACCOUNT NUM-
20 BER CARDS AND NUMBER VERIFICATION SYSTEM.—

21 “(1) ENHANCEMENT OF SOCIAL SECURITY
22 CARDS.—

23 “(A) ISSUANCE OF ENHANCED CARD FOR
24 CITIZENS.—The Commissioner shall cause to be
25 issued enhanced social security account number

1 cards to United States citizens and United
2 States nationals who are 16 years of age or
3 older upon application, proof of identity, proof
4 of citizenship or nationality, and payment of a
5 reasonable fee.

6 “(B) ISSUANCE OF ENHANCED CARD FOR
7 ALIENS.—The Commissioner shall cause to be
8 issued enhanced social security account number
9 cards to aliens lawfully admitted for permanent
10 residence or who are otherwise authorized to
11 work in the United States and who are 16 years
12 of age or older upon application, proof of iden-
13 tity, verification of status by the Immigration
14 and Naturalization Service, and payment of a
15 reasonable fee.

16 “(2) REQUIREMENTS OF NEW CARDS.—

17 “(A) IN GENERAL.—The cards issued pur-
18 suant to paragraph (1) shall—

19 “(i) be uniform in appearance,

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

22 “(iii) contain such identifying infor-
23 mation that is specific to each person as
24 the Commissioner shall determine, and

1 “(iv) contain the name, sex, date of
2 birth, and social security account number
3 of the issuee.

4 “(B) WORK AUTHORIZATION EXPIRATION
5 DATE.—The cards issued pursuant to para-
6 graph (1)(B) to aliens who are not permanent
7 resident aliens shall indicate whether the work
8 authorization granted to the alien has an expi-
9 ration date.

10 “(3) IMPLEMENTATION.—

11 “(A) IN GENERAL.—All social security ac-
12 count number cards issued after January 1,
13 1997, shall be issued pursuant to the require-
14 ments under this subsection.

15 “(B) NEW EMPLOYEES.—After January 1,
16 1997, individuals applying for employment shall
17 be required to apply for enhanced social secu-
18 rity account cards to be issued pursuant to
19 paragraph (1).

20 “(C) FULL IMPLEMENTATION.—By Janu-
21 ary 1, 2000, all individuals who are 16 years of
22 age or older and who have a social security ac-
23 count number must apply for a social security
24 account number card issued pursuant to para-
25 graph (1).

1 “(4) NUMBER VERIFICATION SYSTEM.—

2 “(A) IN GENERAL.—The Commissioner, in
3 consultation with the Attorney General, shall
4 make such modifications and improvements as
5 are necessary to current data bases and systems
6 to develop and implement a number verification
7 system that a person or entity can access by
8 telephone or other electronic means. Such sys-
9 tem shall allow for verification that an individ-
10 ual’s social security account number—

11 “(i) has been issued,

12 “(ii) was issued to an individual au-
13 thorized to work in the United States, and

14 “(iii) is not a number issued to a de-
15 ceased individual that has not been re-
16 issued.

17 The system shall also provide any other infor-
18 mation that the Commissioner and Attorney
19 General determine is needed to verify that the
20 number is a number issued validly to the indi-
21 vidual and that such individual is authorized to
22 work in the United States.

23 “(B) ACCESS FEE.—A fee, not to exceed
24 \$2 plus any line charges payable to a telephone
25 carrier or equivalent entity, shall be charged for

1 each instance of accessing the number verifica-
2 tion system to pay for the costs of operating the
3 system.

4 “(C) EFFECTIVE DATE.—The number ver-
5 ification system required by this paragraph
6 shall be operational by January 1, 1997.

7 “(5) FUNDING OF EMPLOYMENT VERIFICATION
8 AND NUMBER VERIFICATION SYSTEMS.—

9 “(A) IN GENERAL.—The amount of the fee
10 that is to be charged under paragraph (1) shall
11 be the amount (rounded to the nearest whole
12 dollar), not exceeding \$10, required to cover the
13 cost of issuing the enhanced social security ac-
14 count number cards. The Commissioner shall
15 provide for the waiver of any fee for persons
16 unable to pay.

17 “(B) TRUST FUNDS PROTECTED.—Any
18 costs incurred in developing and implementing
19 the enhanced social security account number
20 cards and the employment verification and
21 number verification systems that exceed the
22 fees collected under paragraph (1) shall not be
23 paid for out of any trust fund established under
24 the Social Security Act.

25 “(6) PRIVACY PROTECTIONS.—

1 “(A) PRIVACY OF INFORMATION.—The em-
2 ployment verification and number verification
3 systems must protect the privacy and security
4 of personal information and identifiers utilized
5 in the systems.

6 “(B) LIMITED USE OF SYSTEMS.—Any
7 personal information utilized by the employ-
8 ment verification and number verification sys-
9 tems may not be made available to Government
10 agencies, employers, and other persons except
11 to the extent necessary to verify that an individ-
12 ual is not an unauthorized alien.

13 “(C) LIMITED DENIAL OF VERIFICA-
14 TION.—A verification that an employee or pro-
15 spective employee is eligible to be employed in
16 the United States may not be withheld or re-
17 voked under the systems for any reason other
18 than that the employee or prospective employee
19 is an unauthorized alien.

20 “(D) LIMITED USE FOR LAW ENFORCE-
21 MENT PURPOSES.—The employment verification
22 and number verification systems may not be
23 used for law enforcement purposes, other than
24 for enforcement of this Act or sections 1001,

1 1028, 1546, and 1621 of title 18, United States
2 Code.

3 “(E) RESTRICTION ON USE OF CARDS.—
4 The enhanced social security account number
5 cards issued pursuant to this subsection may
6 not be required to be presented for any purpose
7 other than under this Act (or enforcement of
8 sections 1001, 1028, 1546, and 1621 of title
9 18, United States Code, or for verification of an
10 applicant’s eligibility for any Federal, State or
11 local public assistance program) nor to be car-
12 ried on one’s person.

13 “(F) PENALTIES FOR UNAUTHORIZED
14 USE.—Unauthorized use or disclosure of the in-
15 formation or identifiers contained in the em-
16 ployment verification and number verification
17 systems shall be punishable by civil and crimi-
18 nal penalties determined by the Commissioner.

19 “(7) MONITORING AND IMPROVEMENTS IN SYS-
20 TEMS.—

21 “(A) IN GENERAL.—The Attorney General
22 shall provide for the monitoring and evaluation
23 of the degree to which the employment verifica-
24 tion and number verification systems estab-
25 lished under this section provide secure systems

1 to determine employment eligibility in the Unit-
 2 ed States.

3 “(B) RECOMMENDATIONS FOR CHANGE.—
 4 To the extent that such systems are found not
 5 to be secure systems to determine employment
 6 eligibility in the United States, the Attorney
 7 General shall recommend such changes in (in-
 8 cluding additions to) the systems as may be
 9 necessary to establish such systems.

10 “(8) DEFINITIONS.—For purposes of this sub-
 11 section—

12 “(A) the term ‘Commissioner’ means the
 13 Commissioner of the Social Security Adminis-
 14 tration, and

15 “(B) the term ‘State’ means one of the
 16 United States, the District of Columbia, or
 17 Puerto Rico.”.

18 **TITLE IV—GOVERNMENT**
 19 **BENEFITS**

20 **SEC. 401. PROHIBITION OF BENEFITS FOR CERTAIN CAT-**
 21 **EGORIES OF ALIENS.**

22 (a) DIRECT FEDERAL FINANCIAL BENEFITS.—Sub-
 23 ject to subsection (b) and the Immigration and Nationality
 24 Act, and notwithstanding any other provision of law, an
 25 alien not lawfully within the United States as a permanent

1 resident, a refugee, an asylee, or a parolee is not eligible
2 for any direct Federal financial benefit or social insurance
3 benefit (whether through grant, loan, guarantee, or other-
4 wise) as such benefits are identified by the Attorney Gen-
5 eral in consultation with other appropriate heads of the
6 various departments and agencies of the Federal Govern-
7 ment.

8 (b) EMERGENCY MEDICAL CARE.—Subsection (a)
9 shall not apply with respect to the Federal reimbursement
10 of emergency medical care for aliens, as determined by the
11 Secretary of Health and Human Services by regulation.

12 **SEC. 402. UNEMPLOYMENT BENEFITS.**

13 (a) PROHIBITION.—An alien who has not been grant-
14 ed employment authorization pursuant to the Immigration
15 and Nationality Act or other Federal law shall be ineligible
16 for unemployment compensation under an unemployment
17 compensation law of a State or the United States.

18 (b) CONDITION OF ELIGIBILITY.—An alien granted
19 temporary work authorization shall be eligible only for un-
20 employment compensation under an employment com-
21 pensation law of a State or the United States that accrued
22 during such time as the alien was authorized to work.

23 **SEC. 403. HOUSING BENEFITS.**

24 (a) LIMITATION.—Notwithstanding section 401 or
25 any other provision of law, no alien who is not a perma-

1 nent resident, a refugee, an asylee, or a parolee shall be
2 eligible for benefits under the following provisions of law:

3 (1) The program of rental assistance on behalf
4 of low-income families provided under section 8 of
5 the United States Housing Act of 1937 (42 U.S.C.
6 1437f).

7 (2) The program of assistance to public housing
8 under title I of the United States Housing Act of
9 1937 (42 U.S.C. 1437 et seq.).

10 (3) The loan program under section 502 of the
11 Housing Act of 1949 (42 U.S.C. 1472).

12 (4) The program of interest reduction payments
13 pursuant to contracts entered into by the Secretary
14 of Housing and Urban Development under section
15 236 of the National Housing Act (12 U.S.C. 1715z-
16 1).

17 (5) The program of loans for rental and cooper-
18 ative housing under section 515 of the Housing Act
19 of 1949 (42 U.S.C. 1485).

20 (6) The program of rental assistance payments
21 pursuant to contracts entered into under section
22 521(a)(2)(A) of the Housing Act of 1949 (42 U.S.C.
23 1490a(a)(2)(A)).

1 (7) The program of assistance payments on be-
2 half of homeowners under section 235 of the Na-
3 tional Housing Act (12 U.S.C. 1715z).

4 (8) The program of rent supplement payments
5 on behalf of qualified tenants pursuant to contracts
6 entered into under section 101 of the Housing and
7 Urban Development Act of 1965 (12 U.S.C. 1701s).

8 (9) The loan and grant programs under section
9 504 of the Housing Act of 1949 (42 U.S.C. 1474)
10 for repairs and improvements to rural dwellings.

11 (10) The loan and assistance programs under
12 sections 514 and 516 of the Housing Act of 1949
13 (42 U.S.C. 1484, 1486) for housing for farm labor.

14 (11) The program of grants for preservation
15 and rehabilitation of housing under section 533 of
16 the Housing Act of 1949 (42 U.S.C. 1490m).

17 (12) The program of grants and loans for mu-
18 tual and self-help housing and technical assistance
19 under section 523 of the Housing Act of 1949 (42
20 U.S.C. 1490c).

21 (13) The program of site loans under section
22 524 of the Housing Act of 1949 (42 U.S.C. 1490d).

23 (b) REGULATIONS.—Not later than January 1, 1995,
24 the Secretary of Housing and Urban Development shall
25 issue final regulations to carry out subsection (a).

1 **SEC. 404. SAVE SYSTEM.**

2 There are authorized to be appropriated for each of
3 the fiscal years 1995, 1996, 1997, 1998, and 1999 such
4 sums as may be necessary to carry out the purposes of
5 the automated SAVE system established under section
6 121 of the Immigration Reform and Control Act of 1986
7 (Public Law 99-603).

8 **SEC. 405. LIMITATION ON FEDERAL FINANCIAL ASSIST-**
9 **ANCE TO LOCALITIES THAT REFUSE TO CO-**
10 **OPERATE IN THE ARREST AND DEPORTATION**
11 **OF UNLAWFUL ALIENS.**

12 Notwithstanding any other provision of law, Federal
13 financial assistance shall be reduced by 20 percent to any
14 local government on and after such date as the Attorney
15 General certifies that the local government has an official
16 policy of refusing to cooperate with officers or employees
17 of the Department of Justice (including the Immigration
18 and Naturalization Service) with respect to the arrest and
19 deportation of aliens who are not lawfully present within
20 the United States. Such reduction in assistance is not re-
21 imburseable and shall continue for as long as the policy
22 of noncooperation remains in effect.

23 **SEC. 406. UNIFORM VITAL STATISTICS.**

24 (a) IMPLEMENTATION.—

25 (1) IN GENERAL.—Not later than 2 years after
26 the date of the enactment of this Act, the Commis-

1 sioner of the Social Security Administration (here-
2 after in this section referred to as the “Commis-
3 sioner”) shall coordinate with the State agencies re-
4 sponsible for registration and certification of births
5 and deaths in all States that have, as of the date of
6 the enactment of this Act, computerized vital statis-
7 tics records in establishing a pilot program for an
8 electronic network linking the vital statistics records
9 of such States.

10 (2) EXPANSION OF NETWORK.—Not later than
11 3 years after the date of the enactment of this Act,
12 the electronic network described in paragraph (1)
13 shall be expanded to include the 10 States with the
14 largest number of undocumented aliens.

15 (3) USE OF NETWORK.—The pilot program net-
16 work shall provide, where practical, for the matching
17 of deaths with births and shall enable the confirma-
18 tion of births and deaths of citizens of such States,
19 or of aliens within such States, by any Federal or
20 State agency or official in the performance of official
21 duties, including by the Internal Revenue Service in
22 verifying taxpayer identification numbers for pur-
23 poses of section 32(c)(1)(E) of the Internal Revenue
24 Code of 1986.

1 (4) ADDITIONAL MEASURES TO IMPROVE THE
2 NETWORK.—The Commissioner and participating
3 State agencies shall institute measures to achieve
4 uniform and accurate reporting of vital statistics
5 into the pilot program network, to protect the integ-
6 rity of the registration and certification process, and
7 to prevent fraud against the Government and other
8 persons through the use of false birth or death cer-
9 tificates.

10 (b) REPORT.—

11 (1) REPORT ON IMPLEMENTATION.—Not later
12 than 180 days after the date of the enactment of
13 this Act, the Commissioner shall issue a written re-
14 port to Congress regarding how the pilot program
15 will be implemented and the costs of the implemen-
16 tation.

17 (2) REPORT ON POSSIBLE NETWORK EXPAN-
18 SION.—Not later than 180 days after the establish-
19 ment of a pilot program under subsection (a)(1), the
20 Commissioner shall submit a report to Congress on
21 how soon the electronic network can be expanded na-
22 tionwide.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated for fiscal year 1996 and

1 for subsequent fiscal years such sums as may be necessary
2 to carry out this section.

3 **SEC. 407. EARNED INCOME TAX CREDIT DENIED TO INDI-**
4 **VIDUALS NOT AUTHORIZED TO BE EM-**
5 **PLOYED IN THE UNITED STATES.**

6 (a) IN GENERAL.—Section 32(c)(1) of the Internal
7 Revenue Code of 1986 (relating to individuals eligible to
8 claim the earned income tax credit) is amended by adding
9 at the end the following new subparagraph:

10 “(E) IDENTIFICATION NUMBER REQUIRE-
11 MENT.—The term ‘eligible individual’ does not
12 include any individual who does not include on
13 the return of tax for the taxable year—

14 “(i) such individual’s taxpayer identi-
15 fication number, and

16 “(ii) if the individual is married (with-
17 in the meaning of section 7703), the tax-
18 payer identification number of such indi-
19 vidual’s spouse.”

20 (b) SPECIAL IDENTIFICATION NUMBER.—Section 32
21 of the Internal Revenue Code of 1986 is amended by add-
22 ing at the end the following new subsection:

23 “(k) IDENTIFICATION NUMBERS.—Solely for pur-
24 poses of subsections (c)(1)(E) and (c)(3)(D), a taxpayer
25 identification number means a social security number is-

1 sued to an individual by the Social Security Administra-
2 tion (other than a social security number issued pursuant
3 to clause (II) (or that portion of clause (III) that relates
4 to clause (II)) of section 205(c)(2)(B)(i) of the Social Se-
5 curity Act).”

6 (c) EXTENSION OF PROCEDURES APPLICABLE TO
7 MATHEMATICAL OR CLERICAL ERRORS.—Section
8 6213(g)(2) of the Internal Revenue Code of 1986 (relating
9 to the definition of mathematical or clerical errors) is
10 amended by striking “and” at the end of subparagraph
11 (D), by striking the period at the end of subparagraph
12 (E) and inserting “, and”, and by inserting after subpara-
13 graph (E) the following new subparagraph:

14 “(F) an omission of a correct taxpayer
15 identification number required under section 32
16 (relating to the earned income tax credit) to be
17 included on a return.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply to taxable years beginning after
20 December 31, 1995.

1 **TITLE V—CRIMINAL ALIENS**

2 **SEC. 501. AUTHORIZING REGISTRATION OF ALIENS ON**
3 **CRIMINAL PROBATION OR CRIMINAL PA-**
4 **ROLE.**

5 Section 263(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1303(a)) is amended by striking “and (5)”
7 and inserting “(5) aliens who are or have been on criminal
8 probation or criminal parole pursuant to the laws of the
9 United States or of any State, and (6)”.

10 **SEC. 502. EXPANSION IN DEFINITION OF “AGGRAVATED**
11 **FELONY”.**

12 Section 101(a)(43) of the Immigration and National-
13 ity Act (8 U.S.C. 1101(a)(43)) is amended—

14 (1) in subparagraph (D), by inserting before
15 the semicolon the following: “, or an offense de-
16 scribed in sections 1951 through 1955 or in sections
17 1958 through 1963”;

18 (2) in subparagraph (K)—

19 (A) by redesignating clauses (i) and (ii) as
20 clauses (ii) and (iii), respectively; and

21 (B) by inserting after “an offense that—”
22 the following new clause:

23 (i) is described in sections 2421
24 through 2424 of title 18, United States
25 Code, for commercial advantage;

1 (3) by redesignating subparagraphs (P) and
2 (Q) as subparagraphs (Q) and (R), respectively; and

3 (4) by inserting after subparagraph (O) the fol-
4 lowing:

5 “(P) any offense described in section 1084
6 of title 18, United States Code, where a sen-
7 tence of 5 years imprisonment or more may be
8 imposed;

9 “(Q) any offense relating to commercial
10 bribery, counterfeiting, forgery or trafficking in
11 vehicles whose identification numbers have been
12 altered, where a sentence of 5 years imprison-
13 ment or more may be imposed;”.

14 **SEC. 503. DEPORTATION PROCEDURES FOR CERTAIN**
15 **CRIMINAL ALIENS.**

16 (a) IN GENERAL.—Section 242A(a) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1252a(a)) is amend-
18 ed—

19 (1) in paragraph (1), by inserting “permanent
20 resident” after “correctional facilities for”;

21 (2) in paragraph (2) by striking “respect to an”
22 and inserting “respect to a permanent resident”;
23 and

24 (3) in paragraph (3), by inserting “permanent
25 resident” after “in the case of any”.

1 (b) DEPORTATION OF ALIENS WHO ARE NOT PER-
2 MANENT RESIDENTS.—Section 242A(b)(1) of such Act is
3 amended by striking “Attorney General may” and insert-
4 ing “Attorney General shall”.

5 (c) PRESUMPTION OF DEPORTABILITY.—Section
6 242A of such Act (8 U.S.C. 1252a) is amended by adding
7 at the end the following new subsection:

8 “(d) PRESUMPTION OF DEPORTABILITY.—An alien
9 convicted of an aggravated felony shall be conclusively pre-
10 sumed to be deportable from the United States.”.

11 (d) LIMITED JUDICIAL REVIEW.—Section 106(d) of
12 the Immigration and Nationality Act (8 U.S.C. 1105a) is
13 amended to read as follows:

14 “(d) Notwithstanding subsection (c), a petition for
15 review or for habeas corpus on behalf of an alien described
16 in section 242A(c) may only challenge whether the alien
17 is in fact an alien described in such section, and no court
18 shall have jurisdiction to review any other issue.”.

19 (e) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to all aliens against whom deporta-
21 tion proceedings are initiated after the date of enactment
22 of this Act.

1 **SEC. 504. RESTRICTING DEFENSES TO DEPORTATION FOR**
2 **CERTAIN CRIMINAL ALIENS.**

3 (a) DEFENSES BASED ON SEVEN YEARS OF PERMA-
4 NENT RESIDENCE.—The last sentence of section 212(c)
5 of the Immigration and Nationality Act (8 U.S.C.
6 1182(c)) is amended by striking out “has served for such
7 felony or felonies” and all that follows through the period
8 and inserting in lieu thereof “has been sentenced for such
9 felony or felonies to a term of imprisonment of at least
10 5 years, provided that the time for appealing such convic-
11 tion or sentence has expired and the sentence has become
12 final.”.

13 (b) DEFENSES BASED ON WITHHOLDING OF DEPOR-
14 TATION.—Section 243(h)(2) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1253(h)(2)) is amended—

16 (1) by striking out the final sentence and in-
17 serting in lieu thereof the following new subpara-
18 graph:

19 “(E) the alien has been convicted of an ag-
20 gravated felony.”; and

21 (2) by striking out the “or” at the end of sub-
22 paragraph (C) and inserting “or” at the end of sub-
23 paragraph (D).

1 **SEC. 505. COLLATERAL ATTACKS ON UNDERLYING DEPOR-**
2 **TATION ORDER.**

3 Section 276 of the Immigration and Nationality Act
4 (8 U.S.C. 1326) is amended by inserting after subsection
5 (b) the following new subsection:

6 “(c) In any criminal proceeding under this section,
7 no alien may challenge the validity of the deportation
8 order described in subsection (a)(1) or subsection (b) un-
9 less the alien demonstrates—

10 “(1) that the alien exhausted the administrative
11 remedies (if any) that may have been available to
12 seek relief against such order,

13 “(2) that the deportation proceedings at which
14 such order was issued improperly deprived the alien
15 of the opportunity for judicial review, and

16 “(3) that the entry of such order was fun-
17 damentally unfair.”.

18 **SEC. 506. MISCELLANEOUS AND TECHNICAL CHANGES.**

19 (a) FORM OF DEPORTATION HEARINGS.—The sec-
20 ond sentence of section 242(b) of the Immigration and
21 Nationality Act (8 U.S.C. 1252(b)) is amended by insert-
22 ing before the period the following: “; except that nothing
23 in this subsection shall preclude the Attorney General
24 from authorizing proceedings by electronic or telephonic
25 media (with or without the consent of the alien) or, where

1 waived or agreed to by the parties, in the absence of the
2 alien.”.

3 (b) CONSTRUCTION OF EXPEDITED DEPORTATION
4 REQUIREMENTS.—No amendment made by this Act shall
5 be construed to create any right or benefit, substantive
6 or procedural, which is legally enforceable by any party
7 against the United States, its agencies, its officers or any
8 other person.

9 **SEC. 507. CRIMINAL ALIEN TRACKING CENTER.**

10 (a) OPERATION.—The Commissioner of Immigration
11 and Naturalization, with the cooperation of the Director
12 of the Federal Bureau of Investigation and the heads of
13 other agencies, shall, under the authority of section
14 242(a)(3)(A) of the Immigration and Nationality Act (8
15 U.S.C. 1252(a)(3)(A)), operate a criminal alien tracking
16 center.

17 (b) PURPOSE.—The criminal alien tracking center
18 shall be used to assist Federal, State, and local law en-
19 forcement agencies in identifying and locating aliens who
20 may be subject to deportation by reason of their conviction
21 of aggravated felonies.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 \$2,000,000 for fiscal year 1995 and \$5,000,000 for each
25 of the fiscal years 1996, 1997, 1998, and 1999.

1 **SEC. 508. PRISONER TRANSFER TREATY STUDY.**

2 (a) REPORT TO CONGRESS.—Not later than 180 days
3 after the date of the enactment of this Act, the Secretary
4 of State and the Attorney General shall submit to the Con-
5 gress a report that describes the use and effectiveness of
6 the Prisoner Transfer Treaty with Mexico to remove from
7 the United States aliens who have been convicted of crimes
8 in the United States.

9 (b) USE OF TREATY.—The report under subsection
10 (a) shall include the following information:

11 (1) The number of aliens convicted of a crimi-
12 nal offense in the United States since November 30,
13 1977, who would have been or are eligible for trans-
14 fer pursuant to the Treaty.

15 (2) The number of aliens described in para-
16 graph (1) who have been transferred pursuant to the
17 Treaty.

18 (3) The number of aliens described in para-
19 graph (2) who have been incarcerated in full compli-
20 ance with the Treaty.

21 (4) The number of aliens who are incarcerated
22 in a penal institution in the United States who are
23 eligible for transfer pursuant to the Treaty.

24 (5) The number of aliens described in para-
25 graph (4) who are incarcerated in State and local
26 penal institutions.

1 (c) EFFECTIVENESS OF TREATY.—The report under
2 subsection (a) shall include the recommendations of the
3 Secretary of State and the Attorney General to increase
4 the effectiveness and use of, and full compliance with, the
5 Treaty. In considering the recommendations under this
6 subsection, the Secretary and the Attorney General shall
7 consult with such State and local officials in areas dis-
8 proportionately impacted by aliens convicted of criminal
9 offenses as the Secretary and the Attorney General con-
10 sider appropriate. Such recommendations shall address
11 the following areas:

12 (1) Changes in Federal laws, regulations, and
13 policies affecting the identification, prosecution, and
14 deportation of aliens who have committed a criminal
15 offense in the United States.

16 (2) Changes in State and local laws, regula-
17 tions, and policies affecting the identification, pros-
18 ecution, and deportation of aliens who have commit-
19 ted a criminal offense in the United States.

20 (3) Changes in the Treaty that may be nec-
21 essary to increase the number of aliens convicted of
22 crimes who may be transferred pursuant to the
23 Treaty.

24 (4) Methods for preventing the unlawful re-
25 entry into the United States of aliens who have been

1 convicted of criminal offenses in the United States
2 and transferred pursuant to the Treaty.

3 (5) Any recommendations of appropriate offi-
4 cials of the Mexican Government on programs to
5 achieve the goals of, and ensure full compliance
6 with, the Treaty.

7 (6) An assessment of whether the recommenda-
8 tions under this subsection require the renegotiation
9 of the Treaty.

10 (7) The additional funds required to implement
11 each recommendation under this subsection.

12 (d) DEFINITION.—As used in this section, the term
13 “Prisoner Transfer Treaty with Mexico” or “Treaty” re-
14 fers to the Treaty Between the United States of America
15 and the United Mexican States on the Execution of Penal
16 Sentences, done at Mexico City on November 25, 1976
17 (28 U.S.T. 7399).

18 **SEC. 509. EXPEDITING CRIMINAL ALIEN DEPORTATION AND**

19 **EXCLUSION.**

20 (a) CONVICTED DEFINED.—Section 241(a)(2) of the
21 Immigration and Nationality Act (8 U.S.C. 1251(a)(2))
22 is amended by adding at the end the following new sub-
23 paragraph:

24 “(E) CONVICTED DEFINED.—In this para-
25 graph, the term ‘convicted’ means a judge or

1 jury has found the alien guilty or the alien has
2 entered a plea of guilty or nolo contendere,
3 whether or not the alien appeals therefrom.”.

4 (b) DEPORTATION OF CONVICTED ALIENS.—

5 (1) IMMEDIATE DEPORTATION.—Section 242(h)
6 of such Act (8 U.S.C. 1252(h)) is amended—

7 (A) by striking “(h) An alien” and insert-
8 ing “(h)(1) Subject to paragraph (2), an alien”;
9 and

10 (B) by adding at the end the following new
11 paragraph:

12 “(2) An alien sentenced to imprisonment may be de-
13 ported prior to the termination of such imprisonment by
14 the release of the alien from confinement, if the Service
15 petitions the appropriate court or other entity with author-
16 ity concerning the alien to release the alien into the cus-
17 tody of the Service for execution of an order of deporta-
18 tion.”.

19 (2) PROHIBITION OF REENTRY INTO THE
20 UNITED STATES.—Section 212(a)(2) of such Act (8
21 U.S.C. 1182(a)(2)) is amended—

22 (A) by redesignating subparagraph (F) as
23 subparagraph (G); and

24 (B) by inserting after subparagraph (E)
25 the following new subparagraph:

1 “(F) ALIENS DEPORTED BEFORE SERVING
2 MINIMUM PERIOD OF CONFINEMENT.—In addi-
3 tion to any other period of exclusion which may
4 apply an alien deported pursuant to section
5 242(h)(2) is excludable during the minimum pe-
6 riod of confinement to which the alien was sen-
7 tenced.”.

8 (c) EXECUTION OF DEPORTATION ORDERS.—Section
9 242(i) of such Act (8 U.S.C. 1252(i)) is amended by add-
10 ing at the end the following: “An order of deportation may
11 not be executed until all direct appeals relating to the con-
12 viction which is the basis of the deportation order have
13 been exhausted.”.

14 **TITLE VI—TERRORIST ALIENS**

15 **SEC. 601. REMOVAL OF ALIEN TERRORISTS.**

16 (a) IN GENERAL.—The Immigration and Nationality
17 Act (8 U.S.C. 1101 et seq.) is amended by inserting the
18 following new section:

19 “REMOVAL OF ALIEN TERRORISTS

20 “SEC. 242C. (a) DEFINITIONS.—As used in this sec-
21 tion—

22 “(1) the term ‘alien terrorist’ means any alien
23 described in section 241(a)(4)(B);

24 “(2) the term ‘classified information’ has the
25 same meaning as defined in section 1(a) of the Clas-

1 sified Information Procedures Act (18 U.S.C. App.
2 IV);

3 “(3) the term ‘national security’ has the same
4 meaning as defined in section 1(b) of the Classified
5 Information Procedures Act (18 U.S.C. App. IV);

6 “(4) the term ‘special court’ means the court
7 described in subsection (c) of this section; and

8 “(5) the term ‘special removal hearing’ means
9 the hearing described in subsection (e) of this sec-
10 tion.

11 “(b) APPLICATION FOR USE OF PROCEDURES.—The
12 provisions of this section shall apply whenever the Attor-
13 ney General certifies under seal to the special court that—

14 “(1) the Attorney General or Deputy Attorney
15 General has approved of the proceeding under this
16 section;

17 “(2) an alien terrorist is physically present in
18 the United States; and

19 “(3) removal of such alien terrorist by deporta-
20 tion proceedings described in sections 242, 242A, or
21 242B would pose a risk to the national security of
22 the United States because such proceedings would
23 disclose classified information.

24 “(c) SPECIAL COURT.—(1) The Chief Justice of the
25 United States shall publicly designate up to 7 judges from

1 up to 7 United States judicial districts to hear and decide
2 cases arising under this section, in a manner consistent
3 with the designation of judges described in section 103(a)
4 of the Foreign Intelligence Surveillance Act (50 U.S.C.
5 1803(a)).

6 “(2) The Chief Justice may, in the Chief Justice’s
7 discretion, designate the same judges under this section
8 as are designated pursuant to section 1803(a) of title 50,
9 United States Code.

10 “(d) INVOCATION OF SPECIAL COURT PROCE-
11 DURE.—(1) When the Attorney General makes the appli-
12 cation described in subsection (b), a single judge of the
13 special court shall consider the application in camera and
14 ex parte.

15 “(2) The judge shall invoke the procedures of sub-
16 section (e), if the judge determines that there is probable
17 cause to believe that—

18 “(A) the alien who is the subject of the applica-
19 tion has been correctly identified;

20 “(B) a deportation proceeding described in sec-
21 tions 242, 242A, or 242B would pose a risk to the
22 national security of the United States because such
23 proceedings would disclose classified information;
24 and

1 “(C) the threat posed by the alien’s physical
2 presence is immediate and involves the risk of death
3 or serious bodily harm.

4 “(e) SPECIAL REMOVAL HEARING.—(1) Except as
5 provided in paragraph (4), the special removal hearing au-
6 thorized by a showing of probable cause described in sub-
7 section (d)(2) shall be open to the public.

8 “(2) The alien shall have a right to be present at such
9 hearing and to be represented by counsel. Any alien finan-
10 cially unable to obtain counsel shall be entitled to have
11 counsel assigned to represent such alien. Counsel may be
12 appointed as described in section 3006A of title 18, United
13 States Code.

14 “(3) The alien shall have a right to introduce evi-
15 dence on his own behalf, and except as provided in para-
16 graph (4), shall have a right to cross-examine any witness
17 or request that the judge issue a subpoena for the pres-
18 ence of a named witness.

19 “(4) The judge shall authorize the introduction in
20 camera and ex parte of any item of evidence for which
21 the judge determines that public disclosure would pose a
22 risk to the national security of the United States because
23 it would disclose classified information.

1 “(5) With respect to any evidence described in para-
2 graph (4), the judge shall cause to be delivered to the alien
3 either—

4 “(A)(i) the substitution for such evidence of a
5 statement admitting relevant facts that the specific
6 evidence would tend to prove, or (ii) the substitution
7 for such evidence of a summary of the specific evi-
8 dence; or

9 “(B) if disclosure of even the substituted evi-
10 dence described in subparagraph (A) would create a
11 substantial risk of death or serious bodily harm to
12 any person, a statement informing the alien that no
13 such summary is possible.

14 “(6) If the judge determines—

15 “(A) that the substituted evidence described in
16 paragraph (4)(B) will provide the alien with sub-
17 stantially the same ability to make his defense as
18 would disclosure of the specific evidence, or

19 “(B) that disclosure of even the substituted evi-
20 dence described in paragraph (5)(A) would create a
21 substantial risk of death or serious bodily harm to
22 any person,

23 then the determination of deportation (described in sub-
24 section (f)) may be made pursuant to this section.

1 “(f) DETERMINATION OF DEPORTATION.—(1) If the
2 determination in subsection (e)(6)(A) has been made, the
3 judge shall, considering the evidence on the record as a
4 whole, require that the alien be deported if the Attorney
5 General proves, by clear and convincing evidence, that the
6 alien is subject to deportation because he is an alien as
7 described in section 241(a)(4)(B).

8 “(2) If the determination in subsection (e)(6)(B) has
9 been made, the judge shall, considering the evidence re-
10 ceived (in camera and otherwise), require that the alien
11 be deported if the Attorney General proves, by clear, con-
12 vincing, and unequivocal evidence, that the alien is subject
13 to deportation because he is an alien as described in sec-
14 tion 241(a)(4)(B).

15 “(g) APPEALS.—(1) The alien may appeal a deter-
16 mination under subsection (f) to the Court of Appeals for
17 the Federal Circuit, by filing a notice of appeal with such
18 court within 20 days of the determination under such sub-
19 section.

20 “(2)(A) The Attorney General may appeal a deter-
21 mination under subsection (d), (e), or (f) to the court of
22 appeals for the Federal Circuit, by filing a notice of appeal
23 with such court within 20 days of the determination under
24 any one of such subsections.

1 “(B) When requested by the Attorney General, the
2 entire record of the proceeding under this section shall be
3 transmitted to the court of appeals under seal. If the At-
4 torney General is appealing a determination under sub-
5 section (d) or (e), the court of appeals shall consider such
6 appeal in camera and ex parte.”.

7 (b) CONFORMING AMENDMENT.—Section 1295(a) of
8 title 28, United States Code, is amended—

9 (1) by striking “and” at the end of paragraph
10 (13);

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

13 (3) by adding at the end the following new
14 paragraph:

15 “(15) of an appeal under section 242C(g) of the
16 Immigration and Nationality Act.”.

17 (c) CLERICAL AMENDMENT.—The table of contents
18 of the Immigration and Nationality Act is amended by in-
19 serting after the item relating to section 242B the follow-
20 ing new item:

“Sec. 242C. Removal of alien terrorists.”.

1 **SEC. 602. MEMBERSHIP IN A TERRORIST ORGANIZATION AS**
 2 **A BASIS FOR EXCLUSION FROM THE UNITED**
 3 **STATES UNDER THE IMMIGRATION AND NA-**
 4 **TIONALITY ACT.**

5 Section 212(a)(3)(B) of the Immigration and Nation-
 6 ality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

7 (1) in clause (i)(II) by inserting “or” at the
 8 end;

9 (2) by adding after clause (i)(II) the following:

10 “(III) is a member of an organi-
 11 zation that engages in, or has engaged
 12 in, terrorist activity or who actively
 13 supports or advocates terrorist activ-
 14 ity,”; and

15 (3) by adding after clause (iii) the following:

16 “(iv) **TERRORIST ORGANIZATION DE-**
 17 **FINED.**—As used in this Act, the term ‘ter-
 18 rorist organization’ means an organization
 19 which commits terrorist activity as deter-
 20 mined by the Attorney General, in con-
 21 sultation with the Secretary of State.”.

22 **TITLE VII—INSPECTIONS**

23 **SEC. 701. PREINSPECTION AT FOREIGN AIRPORTS.**

24 The Immigration and Nationality Act is amended by
 25 inserting after section 235 the following new section:

1 “PREINSPECTION AT FOREIGN AIRPORTS

2 “SEC. 235A. (a) ESTABLISHMENT OF
3 PREINSPECTION STATIONS.—(1) Subject to paragraph
4 (4), not later than 2 years after the date of the enactment
5 of this section, the Attorney General, in consultation with
6 the Secretary of State, shall establish and maintain
7 preinspection stations in at least 5 of the foreign airports
8 that are among the 10 foreign airports which the Attorney
9 General identifies as serving as last points of departure
10 for the greatest numbers of passengers who arrive from
11 abroad by air at ports of entry within the United States.
12 Such preinspection stations shall be in addition to any
13 preinspection stations established prior to the date of the
14 enactment of this section.

15 “(2) Not later than November 1, 1995, and each sub-
16 sequent November 1, the Attorney General shall compile
17 data identifying—

18 “(A) the foreign airports which served as last
19 points of departure for aliens who arrived by air at
20 United States ports of entry without valid docu-
21 mentation during the preceding fiscal years,

22 “(B) the number and nationality of such aliens
23 arriving from each such foreign airport, and

24 “(C) the primary routes such aliens followed
25 from their country of origin to the United States.

1 “(3) Subject to paragraph (4), not later than 4 years
2 after the date of enactment of this section, the Attorney
3 General, in consultation with the Secretary of State, shall
4 establish preinspection stations in at least 5 additional for-
5 eign airports which the Attorney General, in consultation
6 with the Secretary of State, determines based on the data
7 compiled under paragraph (2) and such other information
8 as may be available would most effectively reduce the
9 number of aliens who arrive from abroad by air at points
10 of entry within the United States without valid docu-
11 mentation. Such preinspection stations shall be in addition
12 to those established prior to or pursuant to paragraph (1).

13 “(4) Prior to the establishment of a preinspection
14 station the Attorney General, in consultation with the Sec-
15 retary of State, shall ensure that—

16 “(A) employees of the United States stationed
17 at the preinspection station and their accompanying
18 family members will receive appropriate protection,

19 “(B) such employees and their families will not
20 be subject to unreasonable risks to their welfare and
21 safety, and

22 “(C) the country in which the preinspection sta-
23 tion is to be established maintains practices and pro-
24 cedures with respect to asylum seekers and refugees
25 in accordance with the Convention Relating to the

1 Status of Refugees (done at Geneva, July 28, 1951),
2 or the Protocol Relating to the Status of Refugees
3 (done at New York, January 31, 1967).

4 “(b) ESTABLISHMENT OF CARRIER CONSULTANT
5 PROGRAM.—The Attorney General shall assign additional
6 immigration officers to assist air carriers in the detection
7 of fraudulent documents at foreign airports which, based
8 on the records maintained pursuant to subsection (a)(2),
9 served as a point of departure for a significant number
10 of arrivals at United States ports of entry without valid
11 documentation, but where no preinspection station exists.

12 “(c) CLERICAL AMENDMENT.—The table of contents
13 is amended by inserting after the item relating to section
14 235 the following new item:

“Sec. 235A. Preinspection at foreign airports.”.

15 **SEC. 702. TRAINING OF AIRLINE PERSONNEL IN DETEC-**
16 **TION OF FRAUDULENT DOCUMENTS.**

17 (a) USE OF FUNDS.—Section 286(h)(2)(A) (8 U.S.C.
18 1356(h)(2)(A)) is amended—

19 (1) in clause (iv), by inserting “, including
20 training of, and technical assistance to, commercial
21 airline personnel on such detection” after “United
22 States”, and

23 (2) by adding at the end the following:

24 “The Attorney General shall provide for expenditures for
25 training and assistance described in clause (iv) in an

1 amount, for any fiscal year, not less than 5 percent of
2 the total of the expenses incurred that are described in
3 the previous sentence.”.

4 (b) COMPLIANCE WITH DETECTION REGULA-
5 TIONS.—Section 212(f) (8 U.S.C. 1182(f)) is amended by
6 adding at the end the following: “Whenever the Attorney
7 General finds that a commercial airline has failed to com-
8 ply with regulations of the Attorney General relating to
9 requirements of airlines for the detection of fraudulent
10 documents used by passengers traveling to the United
11 States (including the training of personnel in such detec-
12 tion), the Attorney General may suspend the entry of some
13 or all aliens transported to the United States by such air-
14 line.”.

15 (c) EFFECTIVE DATES.—(1) The amendments made
16 by subsection (a) shall apply to expenses incurred during
17 or after fiscal year 1995.

18 (2) The Attorney General shall first issue, in pro-
19 posed form, regulations referred to in the second sentence
20 of section 212(f) of the Immigration and Nationality Act,
21 as added by the amendment made by subsection (b), by
22 not later than 90 days after the date of the enactment
23 of this Act.

1 **SEC. 703. PASSPORT AND VISA OFFENSES PENALTIES IM-**
2 **PROVEMENT.**

3 (a) IN GENERAL.—Chapter 75 of title 18, United
4 States Code, is amended—

5 (1) in section 1541, by striking “not more than
6 \$500 or imprisoned not more than one year” and in-
7 serting “under this title or imprisoned not more
8 than 10 years”;

9 (2) in each of sections 1542, 1543, and 1544,
10 by striking “not more than \$2,000 or imprisoned
11 not more than five years” and inserting “under this
12 title or imprisoned not more than 10 years”;

13 (3) in section 1545, by striking “not more than
14 \$2,000 or imprisoned not more than three years”
15 and inserting “under this title or imprisoned not
16 more than 10 years”;

17 (4) in section 1546(a), by striking “five years”
18 and inserting “10 years”;

19 (5) in section 1546(b), by striking “in accord-
20 ance with this title, or imprisoned not more than two
21 years” and inserting “under this title or imprisoned
22 not more than 10 years”; and

23 (6) by adding at the end the following:

1 **“§ 1547. Alternative imprisonment maximum for cer-**
2 **tain offenses**

3 “Notwithstanding any other provision of this title,
4 the maximum term of imprisonment that may be imposed
5 for an offense under this chapter (other than an offense
6 under section 1545)—

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

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

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 75 of title 18, United States
15 Code, is amended by adding at the end the following new
16 item:

“1547. Alternative imprisonment maximum for certain offenses.”.

17 (c) ASSET FORFEITURE.—Section 981(a)(1) of title
18 18, United States Code, is amended by inserting after sub-
19 paragraph (F) the following:

20 “(G) Any property used in committing an of-
21 fense under section 1543 or 1546 of this title or for
22 which the maximum authorized imprisonment is set
23 by section 1547 of this title.”.

TITLE VIII—ASYLUM**SEC. 801. INSPECTION AND EXCLUSION BY IMMIGRATION****OFFICERS.**

(a) IN GENERAL.—Section 235(b) (8 U.S.C. 1225(b)) is amended to read as follows:

“(b) INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.—

“(1) An immigration officer shall inspect each alien who is seeking entry to the United States.

“(2)(A) If the examining immigration officer determines that an alien seeking entry—

“(i) does not present the documentation required (if any) to obtain legal entry to the United States; and

“(ii) does not indicate either an intention to apply for provisional asylum (under section 208) or a fear of persecution,

the officer shall order the alien excluded from the United States without further hearing or review.

“(B) The examining immigration officer shall refer for immediate inspection at the port of entry by an asylum officer under subparagraph (C) any alien who (i) does not present the documentation required (if any) to obtain legal entry to the United States, and (ii) has indicated an intention to apply

1 for provisional asylum or a fear of persecution. Such
2 an alien shall not be considered to have been in-
3 spected and admitted for purposes of this Act.

4 “(C)(i) If an asylum officer determines that an
5 alien has a credible fear of persecution, the alien
6 shall be entitled to apply for provisional asylum
7 under section 208.

8 “(ii)(I) Subject to subclause (II), if an asylum
9 officer determines that an alien does not have a
10 credible fear of persecution the officer shall order
11 the alien excluded from the United States without
12 further hearing or review.

13 “(II) The Attorney General shall promulgate
14 regulations to provide for the immediate review by
15 another asylum officer at the port of entry of a deci-
16 sion under subclause (I).

17 “(iii) For the purposes of this subparagraph,
18 the term ‘credible fear of persecution’ means (I) that
19 it is more probable than not that the statements
20 made by the alien in support of his or her claim are
21 true, and (II) that there is a significant possibility,
22 in light of such statements and of such other facts
23 as are known to the officer that the alien could es-
24 tablish eligibility for provisional asylum under sec-
25 tion 208.

1 “(iv) Notwithstanding any other provision of
2 law, no court shall have jurisdiction to review, except
3 by petition for habeas corpus, any determination
4 made with respect to an alien found excludable pur-
5 suant to this paragraph. In any such case, review by
6 habeas corpus shall be limited to examination of
7 whether the petitioner (I) is an alien, and (II) was
8 ordered excluded from the United States pursuant to
9 this paragraph.

10 “(v) Notwithstanding any other provision of
11 law, no court shall have jurisdiction (I) to review the
12 procedures established by the Attorney General for
13 the determination of exclusion pursuant to this para-
14 graph, or (II) to enter declaratory or injunctive re-
15 lief with respect to the implementation of this para-
16 graph. Regardless of the nature of the suit or claim,
17 no court shall have jurisdiction except by habeas cor-
18 pus petition as provided in clause (iv) to consider
19 the validity of any adjudication or determination
20 under this paragraph or to provide declaratory or in-
21 junctive relief with respect to the exclusion of any
22 alien pursuant to this paragraph.

23 “(vi) In any action brought for the assessment
24 of penalties for improper entry or re-entry of an
25 alien under section 275 or 276, no court shall have

1 jurisdiction to hear claims collaterally attacking the
2 validity of orders of exclusion or deportation entered
3 under sections 235, 236, and 242.

4 “(3)(A) Except as provided in subparagraph
5 (B), if the examining immigration officer determines
6 that an alien seeking entry is not clearly and beyond
7 a doubt entitled to enter, the alien shall be detained
8 for a hearing before a special inquiry officer.

9 “(B) The provisions of subparagraph (A) shall
10 not apply—

11 “(i) to an alien crewman,

12 “(ii) to an alien described in paragraph
13 (2)(A) or 2(B), or

14 “(iii) if the conditions described in section
15 273(d) exist.

16 “(4) The decision of the examining immigration
17 officer, if favorable to the admission of any alien,
18 shall be subject to challenge by any other immigra-
19 tion officer and such challenge shall operate to take
20 the alien, whose privilege to enter is so challenged,
21 before a special inquiry officer for a hearing on ex-
22 clusion of the alien.

23 “(5) An alien has not entered the United States
24 for purposes of this Act unless and until such alien

1 has been inspected and admitted by an immigration
2 officer pursuant to this subsection.”.

3 (b) CONFORMING AMENDMENTS.—Section 237(a) (8
4 U.S.C. 1227(a)) is amended—

5 (1) in the second sentence of paragraph (1), by
6 striking “Deportation” and inserting “Subject to
7 section 235(b)(2), deportation”; and

8 (2) in the first sentence of paragraph (2), by
9 striking “If” and inserting “Subject to section
10 235(b)(2), if”.

11 **SEC. 802. ASYLUM.**

12 (a) IN GENERAL.—Section 208 (8 U.S.C. 1158) is
13 amended to read as follows:

14 **“SEC. 208. ASYLUM.**

15 **“(a) PROVISIONAL ASYLUM.—**

16 **“(1) RIGHT TO APPLY.—**The Attorney General
17 shall establish a procedure for an alien physically
18 present in the United States or at a land border or
19 port of entry, irrespective of such alien’s status, to
20 apply for provisional asylum in accordance with this
21 section.

22 **“(2) CONDITIONS FOR GRANTING.—**

23 **“(A) MANDATORY CASES.—**The Attorney
24 General shall grant provisional asylum to an
25 alien if the alien applies for provisional asylum

1 in accordance with the requirements of this sec-
2 tion and establishes that it is more likely than
3 not that in the alien's country of nationality
4 (or, in the case of a person having no national-
5 ity, the country in which such alien last habit-
6 ually resided) such alien's life or freedom would
7 be threatened on account of race, religion, na-
8 tionality, membership in a particular social
9 group, or political opinion.

10 “(B) DISCRETIONARY CASES.—The Attor-
11 ney General may grant provisional asylum to an
12 alien if the alien applies for provisional asylum
13 in accordance with the requirements of this sec-
14 tion and establishes that the alien is a refugee
15 within the meaning of section 101(a)(42).

16 “(C) EXCEPTIONS.—(i) Subparagraphs
17 (A) and (B) shall not apply to an alien if the
18 Attorney General determines that—

19 “(I) the alien ordered, incited, as-
20 sisted, or otherwise participated in the per-
21 secution of any person on account of race,
22 religion, nationality, membership in a par-
23 ticular social group, or political opinion;

24 “(II) the alien, having been convicted
25 by a final judgment of a particularly seri-

1 ous crime, constitutes a danger to the com-
2 munity of the United States;

3 “(III) there are serious reasons for
4 believing that the alien has committed a
5 serious nonpolitical crime outside the
6 United States prior to the arrival of the
7 alien in the United States;

8 “(IV) there are reasonable grounds
9 for regarding the alien as a danger to the
10 security of the United States; or

11 “(V) a country willing to accept the
12 alien has been identified (other than the
13 country described in subparagraph (A)) to
14 which the alien can be deported or re-
15 turned and the alien does not establish
16 that it is more likely than not that the
17 alien’s life or freedom would be threatened
18 in such country on account of race, reli-
19 gion, nationality, membership in a particu-
20 lar social group, or political opinion.

21 “(ii)(I) For purposes of clause (i)(II), an
22 alien who has been convicted of an aggravated
23 felony shall be considered to have committed a
24 particularly serious crime.

1 “(II) The Attorney General shall promul-
2 gate regulations that specify additional crimes
3 that will be considered to be a crime described
4 in clause (i)(II) or (i)(III).

5 “(III) The Attorney General shall promul-
6 gate regulations establishing such additional
7 limitations and conditions as the Attorney Gen-
8 eral considers appropriate under which an alien
9 shall be ineligible to apply for provisional asy-
10 lum under subparagraph (B).

11 “(3) PROVISIONAL ASYLUM STATUS.—In the
12 case of any alien granted provisional asylum under
13 paragraph (2)(A), the Attorney General, in accord-
14 ance with this section—

15 “(A) shall not deport or return the alien to
16 the country described under paragraph (2)(A);

17 “(B) shall authorize the alien to engage in
18 employment in the United States and provide
19 the alien with an ‘employment authorized’ en-
20 dorsement or other appropriate work permit;
21 and

22 “(C) may allow the alien to travel abroad
23 with the prior consent of the Attorney General.

24 “(4) TERMINATION.—Provisional asylum grant-
25 ed under paragraph (2) may be terminated if the At-

1 torney General, pursuant to such regulations as the
2 Attorney General may prescribe, determines that—

3 “(A) the alien no longer meets the condi-
4 tions described in paragraph (2) owing to a
5 change in circumstances in the alien’s country
6 of nationality or, in the case of an alien having
7 no nationality, in the country in which the alien
8 last habitually resided;

9 “(B) the alien meets a condition described
10 in paragraph (2)(C); or

11 “(C) a country willing to accept the alien
12 has been identified (other than the country de-
13 scribed in paragraph (2)) to which the alien can
14 be deported or returned and the alien cannot
15 establish that it is more likely than not that the
16 alien’s life or freedom would be threatened in
17 such country on account of race, religion, na-
18 tionality, membership in a particular social
19 group, or political opinion.

20 “(5) ACCEPTANCE BY ANOTHER COUNTRY.—In
21 the case of an alien described in paragraph
22 (2)(C)(i)(V) or paragraph (4)(C), the alien’s depor-
23 tation or return shall be directed by the Attorney
24 General in the sole discretion of the Attorney Gen-
25 eral, to any country which is willing to accept the

1 alien into its territory (other than the country de-
2 scribed in paragraph (2)(A)).

3 “(b) PROVISIONAL ASYLUM APPLICATIONS.—

4 “(1) IN GENERAL.—

5 “(A) DEADLINE.—Subject to subpara-
6 graph (B), an alien’s application for provisional
7 asylum shall not be considered under this sec-
8 tion unless—

9 “(i) the alien has filed, not later than
10 30 days after entering or coming to the
11 United States, notice of intention to file
12 such an application, and

13 “(ii) such application is actually filed
14 not later than 60 days after entering or
15 coming to the United States.

16 “(B) EXCEPTION.—An application for pro-
17 visional asylum may be considered, not with-
18 standing that the requirements of subparagraph
19 (A) have not been met, only if the alien dem-
20 onstrates by clear and convincing evidence
21 changed circumstances in the alien’s country of
22 nationality (or in the case of an alien with no
23 nationality, in the country where the alien last
24 habitually resided) affecting eligibility for provi-
25 sional asylum.

1 “(2) REQUIREMENTS.—An application for pro-
2 visional asylum shall not be considered unless the
3 alien submits to the taking of fingerprints and a
4 photograph in a manner determined by the Attorney
5 General.

6 “(3) PREVIOUS DENIAL OF ASYLUM.—An appli-
7 cation for provisional asylum shall not be considered
8 if the alien has been denied asylum by a country in
9 which the alien had access to a full and fair proce-
10 dure for determining his or her asylum claim in ac-
11 cordance with a bilateral or multilateral agreement
12 between that country and the United States.

13 “(4) FEES.—In the discretion of the Attorney
14 General, the Attorney General may impose reason-
15 able fees for the consideration of an application for
16 provisional asylum, for employment authorization
17 under this section, and for adjustment of status
18 under section 209(b). The Attorney General is au-
19 thorized to provide for the assessment and payment
20 of any such fee over a period of time or by install-
21 ments.

22 “(5) EMPLOYMENT.—An applicant for provi-
23 sional asylum is not entitled to engage in employ-
24 ment in the United States. The Attorney General
25 may authorize an alien who has filed an application

1 for provisional asylum to engage in employment in
2 the United States, in the discretion of the Attorney
3 General.

4 “(6) NOTICE OF CONSEQUENCES OF FRIVOLOUS
5 APPLICATIONS.—At the time of filing a notice of in-
6 tention to apply for provisional asylum, the alien
7 shall be advised of the consequences, under sub-
8 section (e), of filing a frivolous application for provi-
9 sional asylum.

10 “(c) SANCTIONS FOR FAILURE TO APPEAR.—

11 “(1) Subject to paragraph (2), the application
12 for provisional asylum of an alien who does not ap-
13 pear for a hearing on such application shall be sum-
14 marily dismissed unless the alien can show excep-
15 tional circumstances (as defined in section
16 242B(f)(2)) as determined by an asylum officer or
17 immigration judge.

18 “(2) Paragraph (1) shall not apply if written
19 and oral notice were not provided to the alien of the
20 time and place at which the asylum hearing was to
21 be held, and in the case of any change or postpone-
22 ment in such time or place, written and oral notice
23 were provided to the alien of the new time or place
24 of the hearing.

25 “(d) ASYLUM.—

1 “(1) ADJUSTMENT OF STATUS.—Under such
2 regulations as the Attorney General may prescribe,
3 the Attorney General shall adjust to the status of an
4 alien granted asylum the status of any alien granted
5 provisional asylum under subsection (a)(2)(A) or
6 (a)(2)(B) who—

7 “(A) applies for such adjustment;

8 “(B) has been physically present in the
9 United States for at least 1 year after being
10 granted provisional asylum;

11 “(C) continues to be eligible for provisional
12 asylum under this section; and

13 “(D) is admissible under this Act at the
14 time of examination for adjustment of status
15 under this subsection.

16 “(2) TREATMENT OF SPOUSE AND CHIL-
17 DREN.—A spouse or child (as defined in section
18 101(b) (A), (B), (C), (D), or (E)) of an alien whose
19 status is adjusted to that of an alien granted asylum
20 under paragraph (a)(2) may be granted the same
21 status as the alien if accompanying, or following to
22 join, such alien.

23 “(3) APPLICATION FEES.—The Attorney Gen-
24 eral may impose a reasonable fee for the filing of an
25 application for asylum under this subsection.

1 “(e) DENIAL OF IMMIGRATION BENEFITS FOR FRIV-
2 OLOUS APPLICATIONS.—

3 “(1) IN GENERAL.—If the Attorney General de-
4 termines that an alien has made a frivolous applica-
5 tion for provisional asylum under this section and
6 the alien has received the notice under subsection
7 (b)(5), the alien shall be permanently ineligible for
8 any benefits under this Act, effective as of the date
9 of a final determination on such application.

10 “(2) TREATMENT OF MATERIAL MISREPRESENTEN-
11 TATIONS.—For purposes of this subsection, an appli-
12 cation considered to be ‘frivolous’ includes, but is
13 not limited to, an application which contains a will-
14 ful misrepresentation or concealment of a material
15 fact.”.

16 (b) CLERICAL AMENDMENT.—The item in the table
17 of contents relating to section 208 is amended to read as
18 follows:

“Sec. 208. Asylum.”.

19 **SEC. 803. FAILURE TO APPEAR FOR PROVISIONAL ASYLUM**
20 **HEARING; JUDICIAL REVIEW.**

21 (a) FAILURE TO APPEAR FOR PROVISIONAL ASYLUM
22 HEARING.—Section 242B(e)(4) (8 U.S.C. 1252b(e)(4)) is
23 amended—

24 (1) in the heading, by striking “ASYLUM” and
25 inserting “PROVISIONAL ASYLUM”;

1 (2) by striking “asylum” each place it appears
2 and inserting “provisional asylum”; and

3 (3) in subparagraph (A), by striking all after
4 clause (iii) and inserting “shall not be eligible for
5 any benefits under this Act.”.

6 (b) JUDICIAL REVIEW.—Section 106 (8 U.S.C.
7 1105a) is amended by adding at the end the following sub-
8 section:

9 “(e) The procedure prescribed by, and all the provi-
10 sions of chapter 158 of title 28, United States Code, shall
11 apply to, and shall be the sole and exclusive procedure for,
12 the judicial review of all final orders granting or denying
13 provisional asylum, except that—

14 “(1) a petition for review may be filed not later
15 than 90 days after the date of the issuance of the
16 final order granting or denying provisional asylum;

17 “(2) the venue of any petition for review under
18 this subsection shall be in the judicial circuit in
19 which the administrative proceedings were conducted
20 in whole or in part, or in the judicial circuit wherein
21 is the residence, as defined in this Act, of the peti-
22 tioner, but not in more than one circuit; and

23 “(3) notwithstanding any other provision of
24 law, a determination granting or denying provisional
25 asylum based on changed circumstances pursuant to

1 section 208(b)(1)(A)(ii) shall be in the sole discre-
2 tion of the officer conducting the administrative pro-
3 ceeding.”.

4 **SEC. 804. CONFORMING AMENDMENTS.**

5 (a) LIMITATION ON DEPORTATION.—Section 243 (8
6 U.S.C. 1253) is amended by striking subsection (h).

7 (b) ADJUSTMENT OF STATUS.—Section 209(b) (8
8 U.S.C. 1159(b)) is amended—

9 (1) in paragraph (2) by striking “one year” and
10 inserting “2 years”; and

11 (2) by amending paragraph (3) to read as
12 follows:

13 “(3) continues to be eligible for provisional asy-
14 lum under section 208,”.

15 (c) ALIENS INELIGIBLE FOR TEMPORARY PRO-
16 TECTED STATUS.—Section 244A(c)(2)(B)(ii) (8 U.S.C.
17 1254a(c)(2)(B)(ii)) is amended by striking “section
18 243(h)(2)” and inserting “section 208(a)(2)(C)”.

19 (d) ELIGIBILITY FOR NATURALIZATION.—Section
20 316(f)(1) (8 U.S.C. 1427(f)(1)) is amended by striking
21 “subparagraphs (A) through (D) of paragraph 243(h)(2)”
22 and inserting “section 208(a)(2)(C).”.

23 (e) FAMILY UNITY.—Section 301(e) of the Immigra-
24 tion Act of 1990 (Public Law 101–649) is amended by

1 striking “section 243(h)(2)” and inserting “section
2 208(a)(2)(C).”.

3 **SEC. 805. EFFECTIVE DATES.**

4 (a) IN GENERAL.—Except as otherwise provided, the
5 amendments made by this title shall take effect on the
6 date of the enactment of this Act.

7 (b) EXCEPTIONS.—(1) The amendments made by
8 this title shall not apply to applications for asylum or with-
9 holding of deportation made before the first day of the
10 first month that begins more than 180 days after the date
11 of the enactment of this Act and no application for provi-
12 sional asylum under section 208 of the Immigration and
13 Nationality Act (as amended by section 801 of this title)
14 shall be considered before such first day.

15 (2) In applying section 208(b)(1)(A) of the Immigra-
16 tion and Nationality Act (as amended by this title) in the
17 case of an alien who has entered or came to the United
18 States before the first day described in paragraph (1), not-
19 withstanding the deadlines specified in such section—

20 (A) the deadline for the filing of a notice of in-
21 tention to file an application for provisional asylum
22 is 30 days after such first day, and

23 (B) the deadline for the filing of the application
24 for provisional asylum is 30 days after the date of
25 filing such notice.

1 (3) The amendments made by section 803(b) (relat-
2 ing to adjustment of status) shall not apply to aliens
3 granted asylum under section 208 of the Immigration and
4 Nationality Act, as in effect before the date of the enact-
5 ment of this Act.

6 **TITLE IX—FUNDING**

7 **SEC. 901. REDUCTION IN OVERHEAD COSTS INCURRED IN** 8 **FEDERALLY SPONSORED RESEARCH.**

9 (a) LIMITATION.—Notwithstanding any other law, on
10 and after the date of the enactment of this Act, each head
11 of a Federal agency making a grant to, or entering into
12 a contract with, an institution of higher education for re-
13 search and development, shall—

14 (1) reduce the overhead payment rate used to
15 pay for indirect costs related to such research and
16 development to a rate not to exceed 50 percent of
17 the modified total direct costs that are incurred by
18 such institution for such research and development;
19 and

20 (2) return the amount saved as a result of
21 paragraph (1) to the general fund of the Treasury.

22 (b) CBO SCORING.—The Congressional Budget Of-
23 fice estimates that the reduction in overhead payments for
24 federally funded university research required by this sec-
25 tion will produce savings of \$1,240,000,000 over the 5-

1 year period beginning October 1, 1995, and ending Sep-
2 tember 30, 1999.

3 (c) DEFINITIONS.—For the purpose of this section—

4 (1) the term “indirect costs” means administra-
5 tive costs and the costs of library and student serv-
6 ices, building and equipment, and operations and
7 maintenance;

8 (2) the term “institution of higher education”
9 has the meaning stated in section 1201(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1141(a));

11 (3) the term “Federal agency” means a depart-
12 ment, agency, or instrumentality of the Federal Gov-
13 ernment (including an executive agency (as defined
14 in section 105 of title 5, United States Code)); and

15 (4) the term “modified total direct costs”
16 means the costs of—

17 (A) salaries and wages;

18 (B) fringe benefits;

19 (C) materials, supplies, services and travel;

20 and

21 (D) awarding a subgrant to, or entering

22 into a subcontract for, not more than \$25,000.

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S 999 IS—2

S 999 IS—3

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S 999 IS—6