

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5456

To respond to the crisis of illegal immigration in the United States.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2006

Mr. BURTON of Indiana introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To respond to the crisis of illegal immigration in the United States.

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; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the “Il-  
5 legal Immigration Crisis Response Act of 2006”.

6       (b) **TABLE OF CONTENTS.**—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Sense of Congress.
- Sec. 4. Border security.

Sec. 5. English as official language of the United States.

Sec. 6. Illegal aliens living in the United States.

Sec. 7. Visa tightening for temporary workers.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The illegal entry of dangerous gang mem-  
4 bers, such as MS-13, is a direct threat to the secu-  
5 rity of the United States.

6 (2) The continuing rise of illegal immigration  
7 increases the chances that a terrorist will gain entry  
8 into the United States undetected.

9 (3) The rising cost to American taxpayers to  
10 support housing, health care, education expenses,  
11 and criminal justice for illegal aliens has reached be-  
12 tween \$11 billion and \$22 billion per year.

13 (4) Any attempt to deal with the illegal aliens  
14 currently living in the United States must be dealt  
15 with after the United States has secured its borders  
16 in order to prevent a flood of illegal aliens seeking  
17 to take advantage of any programs for citizenship.

18 (5) Deportation of the estimated 12 to 20 mil-  
19 lion illegal aliens currently residing in the United  
20 States is not feasible.

21 (6) Placing illegal aliens currently living in the  
22 United States on a path to citizenship is the least  
23 desirable option, but is one of many options the  
24 United States must examine.

1           (7) Amnesties that have passed before were un-  
2           successful because they did not fully execute a bor-  
3           der security program at the same time.

4 **SEC. 3. SENSE OF CONGRESS.**

5           It is the sense of Congress that the worsening crisis  
6 of illegal immigration needs to be solved.

7 **SEC. 4. BORDER SECURITY.**

8           (a) **FULL-TIME ACTIVE-DUTY BORDER PATROL**  
9 **AGENTS.**—In order to fulfill the requirement under sec-  
10 tion 5202 of the Intelligence Reform and Terrorism Pre-  
11 vention Act of 2004 (Public Law 108–458) (relating to  
12 an increase in the number of positions for full-time active-  
13 duty border patrol agents within the Department of  
14 Homeland Security), and subject to the availability of ap-  
15 propriations for such purpose, the Secretary of Homeland  
16 Security shall—

17           (1) increase incentives to recruit individuals to  
18           become such agents by offering such individuals re-  
19           payment of higher education loans; and

20           (2) establish a Border Patrol Agent Training  
21           Program modeled on the Reserve Officers' Training  
22           Corps under which individuals are provided with one  
23           year of tuition reimbursement for each year of serv-  
24           ice as a full-time active-duty border patrol agent.

1           (b) DEPLOYMENT OF TECHNOLOGY.—The Secretary  
2 of Homeland Security is authorized to deploy newly devel-  
3 oped technologies, such as infrared cameras, motion detec-  
4 tors, and unmanned aerial surveillance vehicles, to secure  
5 the international land and maritime borders of the United  
6 States.

7           (c) CONSTRUCTION OF BORDER FENCE.—The Sec-  
8 retary of Homeland Security is authorized to construct a  
9 border security fence along portions of the southern inter-  
10 national land border of the United States as the Secretary  
11 determines necessary.

12          (d) ADMISSION TO THE UNITED STATES.—Not later  
13 than one year after the date of the enactment of this Act,  
14 no individual may be admitted to the United States unless  
15 such individual presents to an immigration officer appro-  
16 priate documentation, such as an authentic, valid passport  
17 issued by the government of a foreign country or by the  
18 Government of the United States, a valid nonimmigrant  
19 or immigrant visa, a United States driver’s license, an  
20 alien registration card, or a border crossing identification  
21 card.

22 **SEC. 5. ENGLISH AS OFFICIAL LANGUAGE OF THE UNITED**  
23 **STATES.**

24          (a) IN GENERAL.—Title 4, United States Code, is  
25 amended by adding at the end the following new chapter:

1           **“CHAPTER 6—OFFICIAL LANGUAGE**

2   **“§ 161. Official language of the United States**

3           “The official language of the United States is  
4 English.

5   **“§ 162. Preserving and enhancing the role of the offi-  
6                                   cial language**

7           “Representatives of the Federal Government shall  
8 have an affirmative obligation to preserve and enhance the  
9 role of English as the official language of the Federal Gov-  
10 ernment. Such obligation shall include encouraging great-  
11 er opportunities for individuals to learn the English lan-  
12 guage.

13   **“§ 163. Official functions of Government to be con-  
14                                   ducted in English**

15           “(a) OFFICIAL FUNCTIONS.—The official functions  
16 of the Government of the United States shall be conducted  
17 in English.

18           “(b) SCOPE.—For the purposes of this section, the  
19 term ‘United States’ means the several States and the  
20 District of Columbia, and the term ‘official’ refers to any  
21 function that (i) binds the Government, (ii) is required  
22 by law, or (iii) is otherwise subject to scrutiny by either  
23 the press or the public.

24           “(c) PRACTICAL EFFECT.—This section shall apply  
25 to all laws, public proceedings, regulations, publications,

1 orders, actions, programs, and policies, but does not apply  
2 to—

3 “(1) teaching of languages;

4 “(2) requirements under the Individuals with  
5 Disabilities Education Act;

6 “(3) actions, documents, or policies necessary  
7 for national security, international relations, trade,  
8 tourism, or commerce;

9 “(4) actions or documents that protect the pub-  
10 lic health and safety;

11 “(5) actions or documents that facilitate the ac-  
12 tivities of the Bureau of the Census in compiling any  
13 census of population;

14 “(6) actions that protect the rights of victims of  
15 crimes or criminal defendants; or

16 “(7) using terms of art or phrases from lan-  
17 guages other than English.

18 **“§ 164. Uniform English language rule for naturaliza-  
19 tion**

20 “(a) UNIFORM LANGUAGE TESTING STANDARD.—All  
21 citizens should be able to read and understand generally  
22 the English language text of the Declaration of Independ-  
23 ence, the Constitution, and the laws of the United States  
24 made in pursuance of the Constitution.

1 “(b) CEREMONIES.—All naturalization ceremonies  
2 shall be conducted in English.

3 **“§ 165. Rules of construction**

4 “Nothing in this chapter shall be construed—

5 “(1) to prohibit a Member of Congress or any  
6 officer or agent of the Federal Government, while  
7 performing official functions, from communicating  
8 unofficially through any medium with another per-  
9 son in a language other than English (as long as of-  
10 ficial functions are performed in English);

11 “(2) to limit the preservation or use of Native  
12 Alaskan or Native American languages (as defined  
13 in the Native American Languages Act);

14 “(3) to disparage any language or to discourage  
15 any person from learning or using a language; or

16 “(4) to be inconsistent with the Constitution of  
17 the United States.

18 **“§ 166. Standing**

19 “A person injured by a violation of this chapter may  
20 in a civil action (including an action under chapter 151  
21 of title 28) obtain appropriate relief.”.

22 (b) CLERICAL AMENDMENT.—The table of chapters  
23 at the beginning of title 4, United States Code, is amended  
24 by inserting after the item relating to chapter 5 the fol-  
25 lowing new item:

“CHAPTER 6. OFFICIAL LANGUAGE”.

1 (c) GENERAL RULES OF CONSTRUCTION FOR  
 2 ENGLISH LANGUAGE TEXTS OF THE LAWS OF THE  
 3 UNITED STATES.—

4 (1) IN GENERAL.—Chapter 1 of title 1, United  
 5 States Code, is amended by adding at the end the  
 6 following new section:

7 **“§ 8. General rules of construction for laws of the**  
 8 **United States**

9 “(a) English language requirements and workplace  
 10 policies, whether in the public or private sector, shall be  
 11 presumptively consistent with the laws of the United  
 12 States; and

13 “(b) Any ambiguity in the English language text of  
 14 the laws of the United States shall be resolved, in accord-  
 15 ance with the last two articles of the Bill of Rights, not  
 16 to deny or disparage rights retained by the people, and  
 17 to reserve powers to the States respectively, or to the peo-  
 18 ple.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-  
 20 tions at the beginning of chapter 1 of title 1, United  
 21 States Code, is amended by inserting after the item  
 22 relating to section 7 the following new item:

“8. General Rules of Construction for Laws of the United States.”.

23 (d) IMPLEMENTING REGULATIONS.—Not later than  
 24 180 days after the date of the enactment of this Act, the  
 25 Secretary of Homeland Security shall issue for public no-

1 tice and comment a proposed rule for uniform testing  
2 English language ability of candidates for naturalization,  
3 based upon the principles that—

4           (1) all citizens should be able to read and un-  
5 derstand generally the English language text of the  
6 Declaration of Independence, the Constitution, and  
7 the laws of the United States which are made in  
8 pursuance thereof; and

9           (2) any exceptions to this standard should be  
10 limited to extraordinary circumstances, such as asy-  
11 lum.

12 **SEC. 6. ILLEGAL ALIENS LIVING IN THE UNITED STATES.**

13       (a) ESTABLISHMENT OF OFFICE OF ALIEN REG-  
14 ISTRATION.—Not later than six months after the date of  
15 the enactment of this Act, the Secretary of Homeland Se-  
16 curity shall establish in the Department of Homeland Se-  
17 curity an Office of Alien Registration (in this section re-  
18 ferred to as the “Office”) that shall be responsible for  
19 managing the registration, adjustment, and citizenship  
20 process under this section of aliens who are unlawfully  
21 present in the United States.

22       (b) REGISTRATION WITH OFFICE.—

23           (1) IN GENERAL.—Except as provided in para-  
24 graph (2), if an alien who is unlawfully present in  
25 the United States can prove to the satisfaction of

1 the Secretary of Homeland Security, in accordance  
2 with regulations promulgated by the Secretary, that  
3 such alien was continuously physically present in the  
4 United States since the date of the introduction in  
5 the House of Representatives of the Illegal Immigra-  
6 tion Crisis Response Act of 2006 (109th Congress),  
7 such alien may register with the Office under this  
8 section during the six-month period beginning on the  
9 date of the establishment of the Office.

10 (2) PROHIBITION ON REGISTRATION OF CRIMI-  
11 NAL ALIENS AND TERRORISTS.—The Secretary may  
12 not register an alien under this subsection unless the  
13 Secretary has verified, including by screening  
14 against an appropriate terrorist watchlist and  
15 through a criminal background check, that the alien  
16 is not inadmissible on any ground under paragraph  
17 (2) or (3) of section 212(a) of the Immigration and  
18 Nationality Act (8 U.S.C. 1182(a)) (relating to inad-  
19 missibility on criminal and related grounds activities  
20 and on security and related grounds, including ter-  
21 rorism).

22 (3) IDENTIFICATION CARDS PROVIDED.—

23 (A) TEMPORARY IDENTIFICATION CARD.—

24 At the time of registration under this sub-  
25 section, an alien shall be issued a temporary

1 identification card by the Office and shall pro-  
2 vide the Office with information necessary for  
3 the issuance of a permanent identification card  
4 under subparagraph (B).

5 (B) PERMANENT IDENTIFICATION CARD.—

6 The Office shall, as expeditiously as practicable,  
7 mail to an alien who has registered under this  
8 section a permanent identification card. Such  
9 permanent identification cards shall be tamper-  
10 resistant and counterfeit-proof and shall feature  
11 a common machine-readable technology with de-  
12 fined minimum data elements, including the fol-  
13 lowing information:

14 (i) The alien's full legal name.

15 (ii) The alien's date of birth.

16 (iii) The alien's gender.

17 (iv) A digital photograph of the alien.

18 (v) The alien's address of principal  
19 residence.

20 (vi) The alien's signature.

21 (vii) Physical security features, similar  
22 to those in use for United States currency,  
23 designed to prevent tampering, counter-  
24 feiting, or duplication of the identification  
25 card for fraudulent purposes.

1 (viii) A biometric component, such as  
2 a fingerprint or an iris scan.

3 (4) FEES.—An alien shall pay to the Office a  
4 fee for the costs associated with—

5 (A) registration of such an alien under this  
6 subsection; and

7 (B) providing such an alien with such tem-  
8 porary and permanent identification cards.

9 (5) SURRENDER OF CARD.—At the time of the  
10 naturalization of an alien registered under this sub-  
11 section, such an alien shall surrender to the Office  
12 the alien’s temporary and permanent identification  
13 cards.

14 (c) EXPEDITED REMOVAL AND CRIMINAL PEN-  
15 ALTIES FOR NONREGISTERED ALIENS.—

16 (1) EXPEDITED REMOVAL.—

17 (A) IN GENERAL.—Except as provided in  
18 subparagraph (B), notwithstanding any other  
19 provision of law—

20 (i) any alien who—

21 (I) is unlawfully present in the  
22 United States;

23 (II) is not registered under sub-  
24 section (b), or is so registered but or

1 has not satisfied the requirements of  
2 subsection (e); and

3 (III) is apprehended in the  
4 United States at a location that is not  
5 along the international land or mari-  
6 time borders of the United States;

7 shall be immediately detained and pre-  
8 sented before an immigration judge (as de-  
9 fined in section 101(b)(4) of the Immigra-  
10 tion and Nationality Act (8 U.S.C.  
11 1101(b)(4)));

12 (ii) the name and fingerprints of such  
13 alien shall be added to an appropriate  
14 watch list maintained by the Department  
15 of Homeland Security concerning aliens  
16 who have been unlawfully present in the  
17 United States; and

18 (iii) the judge shall order the alien im-  
19 mediately removed from the United States  
20 without being released from detention and  
21 without further hearing or review in the  
22 same manner as an alien described in sub-  
23 paragraph (A)(i) of section 235(a)(1) of  
24 such Act (8 U.S.C. 1225(a)(1)) is subject

1 to immediate removal from the United  
2 States under the provisions of such section.

3 (B) EXCEPTION.—In the case of an alien  
4 who is eligible to register under subsection (b),  
5 subparagraph (A) shall not apply until after the  
6 last day of the six-month registration period  
7 provided under such subsection.

8 (2) CRIMINAL PENALTIES FOR SUBSEQUENT  
9 UNLAWFUL PRESENCE.—An alien who is removed  
10 from the United States under paragraph (1) and  
11 who is subsequently determined to be unlawfully  
12 present in the United States shall be imprisoned for  
13 not more than five years and fined in accordance  
14 with title 18, United States Code, and shall be re-  
15 moved from the United States under such paragraph  
16 after having completed the term of imprisonment.

17 (d) TEMPORARY RESIDENT STATUS.—

18 (1) IN GENERAL.—Upon registration under  
19 subsection (b), the Secretary of Homeland Security  
20 shall adjust the status of such an alien to that of an  
21 alien lawfully admitted for temporary residence.

22 (2) PERIOD OF VALIDITY.—Such temporary  
23 status shall be valid for a period of 15 months be-  
24 ginning on the date of the adjustment but shall be  
25 extended during the pendency of an application for

1 adjustment to lawful permanent resident status  
2 under subsection (e)(1)(A).

3 (3) TERMINATION OF STATUS AND REMOVAL  
4 FROM UNITED STATES.—The Secretary shall termi-  
5 nate the status of an alien provided lawful tem-  
6 porary residence under this section and remove such  
7 alien from the United States in accordance with sub-  
8 section (c) in the same manner as an alien described  
9 in such subsection is subject to removal if—

10 (A) the Secretary determines that such  
11 alien was in fact not eligible for registration  
12 under subsection (b); or

13 (B) such alien—

14 (i) commits an act that makes such  
15 alien inadmissible to the United States as  
16 an immigrant; or

17 (ii) is convicted of any felony or three  
18 or more misdemeanors committed in the  
19 United States.

20 (e) SUBSEQUENT ADJUSTMENT TO PERMANENT  
21 RESIDENCE.—

22 (1) IN GENERAL.—The Secretary of Homeland  
23 Security shall adjust the status of an alien provided  
24 lawful temporary resident status under subsection  
25 (d) (which has not be terminated or subject to ter-

1 mination under paragraph (3) of such subsection) to  
2 that of an alien lawfully admitted for permanent res-  
3 idence if such alien satisfies the following require-  
4 ments:

5 (A) TIMELY APPLICATION AFTER ONE  
6 YEAR'S RESIDENCE.—Such alien submits to the  
7 Office an application for such adjustment dur-  
8 ing the three month period beginning with the  
9 twelfth month that begins after the date such  
10 alien was granted such temporary resident sta-  
11 tus.

12 (B) BASIC CITIZENSHIP SKILLS.—Such  
13 alien demonstrates to the satisfaction of the  
14 Secretary of Homeland Security that such alien  
15 satisfies the requirements of section 312(a) of  
16 the Immigration and Nationality Act (8 U.S.C.  
17 1423(a)) (relating to an understanding of the  
18 English language, including an ability to read,  
19 write, and speak words in ordinary usage in the  
20 English language, and a knowledge and under-  
21 standing of the fundamentals of the history,  
22 and of the principles and form of government,  
23 of the United States).

24 (2) RELATION TO NATURALIZATION EXAMINA-  
25 TION.—In accordance with regulations of the Sec-

1       retary of Homeland Security, an alien who has dem-  
2       onstrated under paragraph (1)(B) that such alien  
3       satisfies the requirements of section 312(a) of the  
4       Immigration and Nationality Act (8 U.S.C. 1423(a))  
5       may be considered to have satisfied the requirements  
6       of such section for purposes of becoming naturalized  
7       as a citizen of the United States under title III of  
8       such Act.

9               (3) REMOVAL FROM UNITED STATES FOR FAIL-  
10       URE TO ADJUST STATUS.—If an alien obtains lawful  
11       temporary resident status and does not satisfy the  
12       requirements of this subsection for adjustment to  
13       lawful permanent residence, such alien shall be re-  
14       moved from the United States in accordance with  
15       subsection (c) in the same manner as an alien de-  
16       scribed in such subsection is subject to removal.

17       (f) EMPLOYER RESPONSIBILITIES.—

18               (1) IN GENERAL.—Each employer in the United  
19       States that employs an alien who is eligible for reg-  
20       istration under subsection (b) and who is not other-  
21       wise so registered shall register such alien with the  
22       Office under such subsection.

23               (2) PENALTIES.—An employer that violates the  
24       requirement of paragraph (1) shall be fined by the  
25       Office in an amount not to exceed \$50,000 for each

1       such alien with respect to whom such a violation oc-  
2       curs.

3       (g) PAYMENT OF TAXES.—Beginning on the date of  
4 an alien’s registration under subsection (b), such an alien  
5 shall be liable for the payment of all applicable Federal,  
6 State, and local taxes.

7       (h) NATURALIZATION.—An alien who is registered  
8 with the Office under subsection (b) and whose status has  
9 been adjusted under subsection (e) to that of an alien law-  
10 fully admitted for permanent residence is eligible for natu-  
11 ralization under title III of the Immigration and Nation-  
12 ality Act if such an alien satisfies the requirements for  
13 otherwise applicable.

14 **SEC. 7. VISA TIGHTENING FOR TEMPORARY WORKERS.**

15       Visas issued to nonimmigrants under subparagraph  
16 (H)(ii) of section 101(a)(15) of the Immigration and Na-  
17 tionality Act (8 U.S.C. 1101(a)(15)) shall be tamper-re-  
18 sistant and counterfeit-proof and shall contain a biometric  
19 component, such as a fingerprint or an iris scan, that is  
20 substantially similar to the biometric component required  
21 under section 6(b)(3)(B)(viii).

○