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Union Calendar No. 255

94TH CONGRESS
1ST SESSION

H. R. 8713

[Report No. 94-506]

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1975

Mr. RODINO (for himself, Mr. EIBERG, Mr. DODD, Mr. RUSSO, and Mr. FISH)
introduced the following bill; which was referred to the Committee on
the Judiciary

SEPTEMBER 24, 1975

Reported with an amendment, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the Immigration and Nationality Act, 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 That, section 245 of the Immigration and Nationality Act
4 (8 U.S.C. 1255) is amended to read as follows:
5 “SEC. 245. (a) The status of an alien who was in-
6 spected and admitted or paroled into the United States may
7 be adjusted by the Attorney General, in his discretion and
8 under such regulations as he may prescribe, to that of an
9 alien lawfully admitted for permanent residence if (1) the
10 alien makes an application for such adjustment, (2) the



1 section (b) as subsection (c) and adding new subsections
2 (b), (c), and (d) to read as follows:

3 “(b) (1) It shall be unlawful for any employer or any
4 person acting as an agent for such an employer, or any per-
5 son who, for a fee, refers an alien for employment by such
6 an employer, knowingly to employ, continue to employ, or
7 refer for employment any alien in the United States who
8 has not been lawfully admitted to the United States for
9 permanent residence, unless the employment of such alien
10 is authorized by the Attorney General.

11 “(2) If, on evidence or information he deems persua-
12 sive, the Attorney General, after affording an opportunity
13 to respond to and rebut such evidence or information, rea-
14 sonably concludes that an employer, or a person acting as an
15 agent for such an employer, or any person who, for a fee, re-
16 fers an alien for employment by such an employer, employs,
17 continues to employ, or refers for employment any alien in
18 the United States who has not been lawfully admitted for per-
19 manent residence, or any alien whose employment has not
20 been authorized by the Attorney General, the Attorney Gen-
21 eral may serve a citation on the employer, agent, or referrer
22 containing a notification that the alien’s employment is not
23 authorized and a warning of the penalties and injunctive
24 remedy set forth in this section. The procedure prescribed
25 by and the provisions of chapter 7 of title 5, United States

1 Code, shall apply to and shall be the sole and exclusive
2 procedure for the judicial review of a citation served by
3 the Attorney General. An action for judicial review of a
4 citation may be filed in the appropriate judicial district
5 not later than sixty days from the date of issuance of the
6 citation.

7 “(3) If, in a proceeding initiated within two years after
8 the service of such citation, the Attorney General finds that
9 any employer, agent, or referrer upon whom such citation
10 has been served has thereafter violated the provisions of
11 paragraph (1), the Attorney General shall assess a penalty
12 of not more than \$500 for each alien in respect to whom any
13 violation of paragraph (1) is found to have occurred.

14 “(4) A civil penalty shall be assessed by the Attorney
15 General only after the person charged with a violation under
16 paragraph (3) has been given an opportunity for a hearing
17 and the Attorney General has determined that a violation
18 did occur, and the amount of the penalty which is warranted.
19 The hearing shall be of record and conducted before an im-
20 migration officer designated by the Attorney General, in-
21 dividually or by regulation, and the proceedings shall be con-
22 ducted in accordance with the requirements of title 5, section
23 554, of the United States Code.

24 “(5) If the person against whom a civil penalty is as-
25 sessed fails to pay the penalty within the time prescribed



1 in such order, the Attorney General shall file a suit to collect
2 the amount in any appropriate district court of the United
3 States. In any such suit or in any other suit seeking to re-
4 view the Attorney General's determination, the suit shall be
5 determined solely upon the administrative record upon which
6 the civil penalty was assessed and the Attorney General's
7 findings of fact, if supported by substantial evidence on the
8 record considered as a whole, shall be conclusive.

9 “(c) Any employer or person who has been assessed a
10 civil penalty under subsection (b) (3) which has become
11 final and thereafter violates subsection (b) (1) shall be
12 guilty of a misdemeanor and upon conviction thereof shall
13 be punished by a fine not exceeding \$1,000, or by imprison-
14 ment not exceeding one year, or both, for each alien in re-
15 spect to whom any violation of this subsection occurs.

16 “(d) The district courts of the United States shall have
17 jurisdiction to enjoin violations of subsection (b) (1). Such
18 actions may be brought by the Attorney General in any
19 United States district court for a district wherein any act,
20 omission, or transaction constituting the violation occurred,
21 or any such court for the district wherein the defendant is
22 found or transacts business.”.

23 SEC. 3. Whenever the Attorney General has reasonable
24 cause to believe that an employer or agent of the employer
25 has failed or refused to hire or has discharged any individual,



1 or that any person has failed or refused to refer any indi-
2 vidual for a fee for ~~employment~~ *employment*, because of such
3 individual's national origin, the Attorney General may bring
4 a civil action in the appropriate district court of the United
5 States requesting such relief, including an action for a perma-
6 nent or temporary injunction, restraining order or other
7 order, as he deems necessary. The authority provided to the
8 Attorney General under this section is in addition to any
9 powers granted to the Equal Employment Opportunity
10 Commission in section 706 of the Civil Rights Act of 1964
11 (42 U.S.C. 2000e-5).

12 SEC. 4. (a) Notwithstanding any other provision of
13 law, an alien who has been continuously physically present
14 in the United States (except Puerto Rico, Guam, and the
15 Virgin Islands of the United States) since June 30, 1968, in
16 an unlawful status and who on June 30, 1975, is the spouse,
17 parent, son, daughter, brother, or sister of a citizen of the
18 United States, and the spouse or child of such alien; or who
19 on June 30, 1975, is the spouse or unmarried son or daughter
20 of an alien who has been lawfully admitted to the United
21 States for permanent residence; or whose departure from
22 the United States, in the opinion of the Attorney General,
23 would result in unusual hardship, may have his status ad-
24 justed to that of an alien lawfully admitted for permanent

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1 residence by the Attorney General, under such regulations
2 as he may prescribe, if the alien—

3 (1) makes application therefor within one year
4 after the effective date of this Act; and

5 (2) is found to be admissible as an immigrant un-
6 der the provisions of the Immigration and Nationality
7 Act, except for paragraphs (14) and (20) of section
8 212 (a) of that Act.

9 (b) The provisions of this section shall not apply to any
10 alien who ordered or participated in the persecution of any
11 person because of race, religion, national origin, or political
12 opinion.

13 (c) Upon the approval of an application for adjustment
14 made under subsection (a), the Attorney General shall re-
15 cord the alien's lawful admission for permanent residence
16 as of the date of the Attorney General's approval of the
17 application.

18 (d) For the purpose of this section the provisions of
19 sections 101 and 246 of the Immigration and Nationality
20 Act shall apply.

21 (e) *Upon the filing of an application for adjustment*
22 *made under subsection (a), the Attorney General shall au-*
23 *thorize the employment of such applicant pending final action*
24 *on the application.*



1 ~~SEC. 5.~~ The Immigration and Nationality Act is amended
2 by inserting immediately after section 274 the following new
3 section:

4 "~~DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING~~
5 ASSISTANCE UNDER THE SOCIAL SECURITY ACT

6 "~~SEC. 274A.~~ Any officer or employee of the Department
7 of Health, Education, and Welfare shall disclose to the Serv-
8 ice the name and most recent address of any alien who such
9 officer or employee knows is not lawfully in the United States
10 and who is receiving assistance under any State plan under
11 title I, X, XIV, XVI, XLX, or part A of title IV of the
12 Social Security Act."

13 *SEC. 5. Section 290 of the Immigration and Nationality*
14 *Act is amended by inserting a new subsection (e) to read*
15 *as follows:*

16 *"(e) The Secretary of Health, Education, and Wel-*
17 *fare shall disclose to the Attorney General the name and*
18 *most recent address of record of any alien who has not*
19 *been lawfully admitted for permanent residence or who is*
20 *not lawfully residing in the United States under section 203*
21 *(a)(7) or 212(d)(5) of the Immigration and Nationality*
22 *Act and who is receiving assistance under the provisions of*
23 *titles XVI (or titles I, X, XIV, and XVI as in effect for*
24 *Guam, Puerto Rico, and the Virgin Islands of the United*

1 *States), XIX, or part A, of title IV of the Social Security*
2 *Act."*

3 SEC. 6. The first paragraph of section 1546 of title 18
4 of the United States Code is amended to read as follows:

5 "Whoever knowingly forges, counterfeits, alters, or
6 falsely makes any immigrant or nonimmigrant visa, permit,
7 border crossing card, alien registration receipt card, or other
8 document prescribed by statute or regulation for entry into
9 or as evidence of authorized stay in the United States, or
10 utters, uses, attempts to use, possesses, obtains, accepts, or
11 receives any such visa, permit, border crossing card, alien
12 registration receipt card, or other document prescribed by
13 statute or regulation for entry into or as evidence of author-
14 ized stay in the United States, knowing it to be forged, coun-
15 terfeited, altered, or falsely made, or to have been procured
16 by means of any false claim or statement, or to have been
17 otherwise procured by fraud or unlawfully obtained; or".

18 SEC. 7. Nothing contained in this Act, unless otherwise
19 specifically provided therein, shall be construed to affect the
20 validity of any document or proceeding which shall be valid
21 at the time this Act shall take effect, or to affect any prose-
22 cution, suit, action, or proceeding, civil or criminal, done or
23 existing, at the time this Act shall take effect; but as to all
24 such prosecutions, suits, actions, proceedings, statutes, con-



1 ditions, rights, acts, things, liabilities, obligations, or matters,
2 the statutes or parts of statutes repealed by this Act are,
3 unless otherwise specifically provided therein, hereby con-
4 tinued in force and effect.

5 SEC. 8. This Act shall become effective on the first day
6 of the first month after the expiration of ninety days follow-
7 ing the date of its enactment.

8 SEC. 9. No appropriation shall be made to the Depart-
9 ment of Justice to carry out any functions under the Immi-
10 gration and Nationality Act for any fiscal year beginning
11 after September 30, 1976, unless such appropriation is spe-
12 cifically authorized by an Act of Congress which is approved
13 after the date of enactment of this Act.

14 SEC. 10. Section 241(a)(8) of the Immigration and
15 Nationality Act is amended to read as follows:


16 “(8) in the opinion of the Attorney General, has
17 within five years after entry become a public charge from
18 causes not affirmatively shown to have arisen after entry,
19 regardless of whether such person is legally liable to
20 repay any public support received, or whether any
21 demand has been made for any such repayment;”.

THE WHITE HOUSE

WASHINGTON

June 20, 1975

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: JIM CANNON
FROM: JIM CONNOR 
SUBJECT: Domestic Council Committee on
Illegal Aliens

The President has reviewed your memorandum of June 16th on the above subject and the following recommendations were approved:

Option 2 - Immediate Comprehensive Approach

Option 3 - Review of Immigration and Work Entry
Laws

Please follow-up with appropriate action.


cc: Don Rumsfeld

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THE WHITE HOUSE

ACTION

WASHINGTON

June 16, 1975

MEMORANDUM FOR:

THE PRESIDENT

FROM:

JIM CANNON *Jue*

SUBJECT:

Domestic Council Committee on Illegal AliensBACKGROUND:

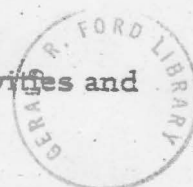
On January 6, 1975, you established the Domestic Council Committee on Illegal Aliens to develop, coordinate and present policy issues that cut across agency lines to provide better programs for dealing with the national problem of illegal aliens. The meetings of the Committee have revealed the current total lack of solid data on the problem and the difficulty in obtaining it. The Committee is divided on its future course -- whether it should adopt a limited, methodical approach which would take several years to carry out or attempt a quicker resolution with several attendant risks. Your guidance is necessary to resolve this impasse.

OPTIONS:

There are two competing alternatives for the Committee's future activities and a non exclusive third option.

1. Limited Step by Step Approach:

A limited option would be to establish a legislative strategy for the passage of the Rodino Bill, which establishes penalties for the employment of illegal aliens, and determine a position on the Kennedy Bill, which would confer legal status on illegals who have resided in the United States for more than three years. The Committee would also monitor an Immigration and Naturalization study, currently awaiting Congressional appropriations approval, which would identify the number, location and employment patterns of illegals in the United States. Following completion of this preliminary study and building on the data it provides, a series of impact studies could then be devised, if considered necessary, to examine the effect of illegal aliens in areas like jobs, schools, social welfare, etc.



Pro - This option would permit a positive step by step approach without incurring great additional costs or creating mandates for further action. It would furnish data necessary to establishing the parameters of the problem and for the formulation of a logical sequence of studies leading to solutions.

Con - It is a limited approach to the problem and would not do much before the election to solve the larger accompanying economic and social impact of the pressure of illegal aliens apart from establishing sanctions against employment.

2. Immediate Comprehensive Approach:

An alternative approach would encompass the legislative and monitoring activities outlined above plus the immediate commencement of long-range impact studies to examine such problems as:

- a. What are the cost effects of illegal aliens on social services like welfare, unemployment insurance, health delivery and education?
- b. What is the cultural and social impact of illegal aliens on areas in which they settle? Do they make contributions to the communities in which they concentrate or are they parasites?
- c. What is the effect of the illegal aliens influx on our foreign policy and international relations? (This question would be examined in concert with the Secretary of State's Interagency Committee for Study of Problems Related to Illegal Mexican Migration into the United States.)
- d. How many and what type of jobs do the illegals take away and in what industries? Can these jobs be filled by Americans and is the U.S. labor force adequate and willing to work in jobs now occupied by illegal aliens?

Pro - It would provide a large body of background data and accelerate your Administration's efforts to deal with the problem.

Con - This proposal would take time, money and the commitment of a full time staff of agency personnel or consultants. The impact studies could heighten tensions among Spanish speaking groups and the results, particularly in the social services area, could produce evidence of the inordinate cost of illegal aliens on state and local governments. This could create pressures for Federal subsidies to ease the problem.

3. Review of Immigration and Work Entry Laws:

An option, not excluded by adoption of either of the preceding two, would be an examination of current laws covering immigration and admission of aliens for employment. This study would seek to determine whether or not liberalizing these laws would remove the influx of illegals and their impact on the economy. It could review the policies of other countries in this regard, notably Europe, and evaluate the old Federal "Bracero" employment program, in which Mexican citizens were allowed entry for employment under a quota system.

Pro - Would provide the data for a "legalistic" solution to the problem by examining the feasibility of admitting more aliens as immigrants and legal workers.

Con - The study could incur the opposition of organized labor to whom the "Bracero" program was an anathema.

RECOMMENDATIONS

Option 1 (Limited Step by Step Approach)

- Levi, Buchen, Marsh
Seidman

Option 2 (Immediate Comprehensive Approach)

- Dunlop, Lynn, Cannon

Option 3 (Review of Immigration and Work Entry Laws) - Levi, Buchen, Marsh,
Lynn, Cannon

DECISION:

Option 1 _____ or Option 2 _____

.....

Option 3 Yes _____ No _____



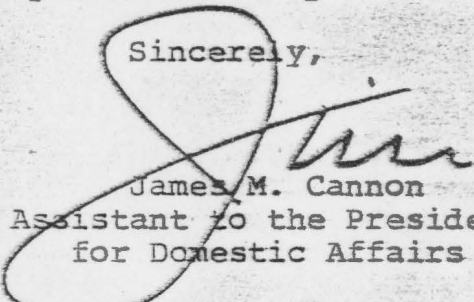
July 15, 1975

Dear Senator Packwood:

This is in further response to your recent letter to Bill Kendall requesting a meeting to discuss S. 1928, the Alien Employment Act.

As you know, the Domestic Council Committee on Illegal Aliens, which is being chaired by Deputy Attorney General Harold Tyler, is in the process of assessing the impact of illegal aliens in this country and developing recommendations for dealing with this problem. I have asked Dick Parsons of my staff, who is the White House liaison to the Committee, to contact your office to arrange a meeting to discuss the provisions of your bill.

Sincerely,


James M. Cannon
Assistant to the President
for Domestic Affairs

The Honorable Bob Packwood
United States Senate
Washington, D. C. 20510



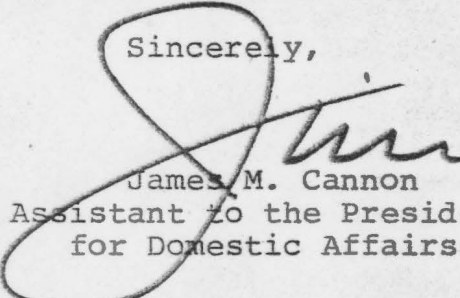
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Assistant to the President
for Domestic Affairs

The Honorable Bob Packwood
United States Senate
Washington, D. C. 20510



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LEGISLATIVE & LEGAL SECTION

94TH CONGRESS
1ST SESSION

S. 1928

IN THE SENATE OF THE UNITED STATES

JUNE 12 (legislative day, JUNE 6), 1975

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

A BILL

To prohibit the employment while in the United States of aliens who are in the United States unlawfully or lawfully in the United States but not entitled to employment.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Alien Employment Act".

4 DECLARATION OF POLICY

5 SEC. 2. (a) FINDINGS.—The Congress finds and de-
6 clares that—

7 (1) Employment in the United States is our single most
8 important economic resource.

9 (2) We have been fortunate enough to be able to ex-
10 tend to those employed in this country some of the highest

1 wages and fringe benefits received by the workers in this
2 world.

3 (3) Because of our economic prosperity, other workers
4 in less fortunate countries have in the past and will continue
5 in the future to legally or illegally seek employment in this
6 country.

7 (4) There are many such persons illegally employed in
8 this country at a time when our unemployment is the high-
9 est since the depression.

10 (5) Both the Government and employers of this country
11 have an interest in and responsibility toward preserving jobs
12 for those legally entitled to them.

13 (b) PURPOSE.—It is therefore declared to be the pur-
14 pose of this Act to enlist the aid of Federal agencies con-
15 cerned with employment and immigration and to solicit the
16 support of employers toward location and removal from
17 employment of those persons illegally employed and to
18 check future employees prior to employment so as to ascer-
19 tain their legal right thereto.

20 RESTRICTION OF EMPLOYMENT OF ALIENS

21 SEC. 3. (a) Section 274 of the Immigration and Nation-
22 ality Act is amended—

23 (1) by striking out in subsection (a) the colon and
24 all that follows before the period;

-1 (2) by redesignating subsection (b) as subsection
2 (c); and

3 (3) by inserting after subsection (a) the following
4 new subsection:

5 “(b) (1) Any person who willfully or knowingly, or
6 who in the exercise of due diligence should know, employs,
7 whether as an agent or as an employer, or refers, for a fee,
8 an alien for employment by an employer, or refers for em-
9 ployment, any alien in the United States who is not lawfully
10 admitted to the United States for permanent residence,
11 unless the employment of such alien is authorized by the
12 Attorney General, shall be guilty of misdemeanor and shall
13 be punished for a first offense by a fine not in excess of
14 \$1,000 for each alien with respect to whom a violation of
15 this subsection occurs, and for any subsequent offense such
16 person shall be fined not exceeding \$1,000 or imprisoned for
17 not exceeding one year, or both, for each such alien with
18 respect to whom such a violation occurs. ?

19 “(2) The requirement of due diligence imposed under
20 paragraph (1) of this subsection shall be considered to have
21 been met if the employer or person who refers an alien for
22 employment complies with the requirements imposed by the
23 Attorney General under section 5 of the Alien Employment
24 Act.”

1 (b) Section 274 (a) of such Act, ~~as~~ amended by subsec-
2 tion (a) of this section is further amended by striking out
3 "\$2,000" in paragraph (4) and inserting in lieu thereof
4 "\$5,000".

5 RESPONSIBILITIES OF SOCIAL SECURITY ADMINISTRATION

6 SEC. 4. (a) Section 205 (c) (2) ~~of~~ the Social Security
7 Act is amended by adding at the end thereof the following
8 new subparagraph:

9 "(C) (i) Notwithstanding any other provision of law,
10 the Secretary shall not assign to any individual a social
11 security account number unless the Secretary is satisfied that
12 such individual is, either a citizen of the United States, or,
13 an alien lawfully admitted to the United States for permanent
14 residence, or, under other authority of law permitting such
15 alien to engage in employment in the United States.

16 "(ii) The Secretary shall, at the request of the Attorney
17 General, conduct a review of appropriate records and other
18 reports, with a view to determining, and reporting to the
19 Attorney General, each instance in which (I) an individual
20 referred to in any such report is not identified therein by a
21 social security account number assigned to such individual by
22 the Secretary and whether such an individual is entitled to be
23 issued a social security account number and (II) an indi-
24 vidual who is identified by a social security account number
25 is in fact the individual to whom such account number has

1 been issued by the Secretary and whether the number was
2 properly issued.

3 “(iii) The Secretary shall, beginning not later than five
4 years after the date of enactment of the Alien Employment
5 Act, conduct a continuing review of appropriate records and
6 other reports to determine and report to the Attorney Gen-
7 eral, each instance in which (I) and individual referred to in
8 any such report is not identified therein by a social security
9 account number assigned to such individual by the Secretary
10 and whether such an individual is entitled to be issued a social
11 security account number, and (II) an individual who is
12 identified by a social security account number is in fact the
13 individual to whom such account number has been issued by
14 the Secretary and whether the number was properly issued.

15 “(iv) The Secretary shall take appropriate action to
16 encourage individuals referred to in clauses (ii) (I) and
17 (iii) (I) who do not have a social security account number
18 to apply for such an account number.

19 “(v) The Secretary shall, to the extent permitted by
20 law, cooperate with the Attorney General in the administra-
21 tion of the Alien Employment Act.”

22 RESPONSIBILITIES OF ATTORNEY GENERAL

23 SEC. 5. (a) The Attorney General shall—

24 (1) conduct an initial survey of all employers
25 within the United States, in accordance with the pro-

visions of this section, to insure that each individual employed by each such employer is legally entitled to be employed in the United States; and

(2) on a continuing basis, survey such employers to determine whether new employees are legally entitled to be employed in the United States.

(b) In accordance with such regulations as the Attorney General shall prescribe, he shall prepare and cause to be distributed to each employer in the United States forms requiring the submission of such information as may be necessary to carry out the requirements of subsection (a). The form shall be prepared in such manner as will enable the employer to transmit such form, upon completion, to the Attorney General. Each such form shall provide for certification by the employee on such form that such employee's social security account number is the account number assigned to him under the provisions of section 205 of the Social Security Act, that the supporting documentation furnished has been issued to such employee and is otherwise valid, and that such employee is lawfully entitled to employment in the United States. Any individual not entitled to be issued a social security account number shall indicate that fact on such affidavit. Each employer required to transmit such form on behalf of the employee shall certify on such form that he has seen the employee's social security card and such sup-

1 porting documentation as the Attorney General may by reg-
 2 ulation require to verify the identity of such employee. In
 3 any case in which a social security card or other documen-
 4 tation is not available or is not presented to the employer,
 5 the employer shall certify that fact together with such in-
 6 formation as the Attorney General may require to establish
 7 the identity of such employee.

8 (c) The Attorney General shall commence the surveys
 9 required under this section not later than ninety days after
 10 the date on which this section becomes effective and complete
 11 the initial survey as soon as practicable thereafter.

12 EXEMPTION FOR CERTAIN AGRICULTURAL EMPLOYMENT

13 SEC. 6. (a) The amendments made by section 4 of this
 14 Act and the provisions of section 5 of this Act shall not
 15 apply to nonimmigrant aliens who lawfully enter the United
 16 States, during the period beginning on the date on which
 17 this section becomes effective and ending five years there-
 18 after, to perform authorized agricultural labor in compliance
 19 with the provisions of this section.

20 (b) (1) Upon receipt of a petition from the Governor
 21 of a State certifying a shortage of agricultural labor within
 22 such State, the Attorney General shall grant such petition
 23 to permit the temporary admission of nonimmigrant aliens
 24 in sufficient numbers to satisfy the agricultural labor require-

1 ments of any employers approved by a State agency desig-
2 nated by the Governor of such State.

3 (2) Upon petition by an employer, the State agency
4 shall investigate to determine whether the employer is able
5 to obtain, in the locale of the employer, sufficient employees
6 legally entitled to employment in the United States who are
7 qualified to perform the type of agricultural labor sought to
8 be exempted. At least thirty days prior to the date requested
9 by the employer for such agricultural labor, the State agency
10 shall determine whether the employer is entitled to such
11 agricultural labor. Upon an affirmative determination, the
12 State agency shall certify both the number of such aliens and
13 their destination and places of employment. If such aliens
14 are to be employed at more than one location in one or more
15 States, or by more than one employer, or both, such certifica-
16 tion shall include a detailed description of their itinerary.
17 Such movement must be approved by the Attorney General
18 at least thirty days prior to any such proposed transfer unless
19 a shorter period of time is requested by the employer. Such
20 certification shall also include such evidence as the Attorney
21 General may require to insure that the prospective employer
22 or employers, or their agents, have made arrangements satis-
23 factory to the Attorney General to (A) meet and transport
24 such aliens from their point of entry into the United States
25 to their place of employment, (B) transport such aliens to

1 any other place of employment in that State or in another
 2 State, and (C) return such aliens to their point of departure
 3 from the United States.

4 (c) The special regulations prescribed by the Attorney
 5 General under subsection (b) may include, but not be limited
 6 to, a requirement that a fee be paid by the employers who
 7 participate in the agricultural exemption process, to assist
 8 in defraying the expense of administering the program and
 9 that a bond be furnished by any such employer to insure
 10 the prompt departure of such nonimmigrant aliens to the
 11 next point of permitted employment or, from the United
 12 States as the case may be, at the expiration of the time
 13 such nonimmigrant aliens are authorized to be employed
 14 to satisfy the agricultural labor requirements of any such
 15 employer.

16 (d) For the purposes of this section the term "agricul-
 17 tural labor" means the production, principally by hand and
 18 upon the premises of the employer, of agricultural or horti-
 19 cultural commodities including vegetables, fruits, and nuts
 20 in their raw or natural state.

21 AMENDMENTS TO CRIMINAL CODE

22 SEC. 7. (a) The first paragraph of section 1546 of title
 23 18, United States Code, is amended to read as follows:

24 "Whoever forges, counterfeits, alters, or falsely makes
 25 any immigrant or nonimmigrant visa, permit, border cross-

1 ing card, alien registration receipt ~~and~~, or other document
 2 prescribed by law or regulation ~~promulgated~~ thereto for
 3 entry into or as evidence of authorized stay in the United
 4 States knowing it to be forged, ~~counterfeited~~, altered, or
 5 falsely made, or to have been procured by means of any false
 6 claim or statement, or to have been otherwise procured by
 7 fraud or unlawfully obtained; or”.

8 (b) (1) Chapter 25 of title 18, United States Code,
 9 is amended by adding at the end thereof the following new
 10 section:

11 “§ 510. Social security card

12 “Whoever, with intent to defraud, falsely makes, forges,
 13 counterfeits, or alters any document issued or purported to
 14 be issued by the Social Security Administration to an in-
 15 dividual for purposes of identifying that individual's social
 16 security account number shall be fined not more than \$5,000
 17 or imprisoned not more than five years, or both.”.

18 (2) The analysis of such chapter 25 is amended by
 19 adding at the end thereof the following new item:

“510. Social security card.”.

20 LIMITATION ON CONSTRUCTION

21 SEC. 8. (a) Nothing in this Act shall be construed as au-
 22 thority for the dismissal of any individual from employment
 23 because of refusal to present documents or any irregularity
 24 in the documents required to be produced by that individual

1 during the initial or continuing surveys conducted under sec-
2 tion 5 of this Act.

3 (b) Nothing in this Act authorizes the Attorney Gen-
4 eral to require the issuance or presentation of any form of
5 universal identification not already in existence.

6 EFFECTIVE DATE

7 SEC. 9. The provisions of this Act shall become effective
8 upon enactment, except that the amendments made by sec-
9 tions 3, 4, and 7 of this Act shall become effective ninety
10 days after such date and the provisions of section 5 of this
11 Act shall become effective one hundred and eighty days after
12 the date of enactment.

Committee on the Judiciary
House of Representatives

Referred to Sub. on Immigration,
Citizenship, and International Law
Chairman, Hon. Joshua Eilberg
Counsel, Mr. Garner J. Cline ✓

Date - 1/27/75

94TH CONGRESS
1ST SESSION

H. R. 981

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. RODINO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL



To amend the Immigration and Nationality Act, 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 / *That this Act may be cited as the "Immigration and Nation-*
4 *ality Act Amendments of 1973". /*

5 SEC. 2. Section 101 (a) (15) (H) (ii) of the ~~Immigra-~~
6 tion and Nationality Act (8 U.S.C. 1101 (a) (15) (H) (ii))
7 is amended to read as follows: "(ii) who is coming tempo-
8 rarily to the United States for a period not in excess of one
9 year to perform other services or labor if the Secretary of
10 Labor has determined that there are not sufficient workers at
11 the place to which the alien is destined to perform such serv-

1 ices or labor who are able, willing, qualified, and available,
2 and the employment of such aliens will not adversely affect
3 the wages and working conditions of workers similarly em-
4 ployed: *Provided*, That the Attorney General may, in his
5 discretion, extend the terms of such alien's admission for a
6 period or periods not exceeding one year;".

7 SEC. 3. Section 201 of such Act (8 U.S.C. 1151) is
8 amended—

9 (1) by striking out subsection (a) and inserting in
10 lieu thereof the following:

11 "(a) Exclusive of special immigrants defined in section
12 101 (a) (27), and immediate relatives of United States citi-
13 zens as specified in subsection (b) of this section, (1) the
14 number of aliens born in any foreign state or dependent area
15 located in the Eastern Hemisphere who may be issued immi-
16 grant visas or who may otherwise acquire the status of an
17 alien lawfully admitted to the United States for permanent
18 residence, or who may pursuant to section 203 (a) (7), enter
19 conditionally, shall not in any of the first three quarters of
20 any fiscal year exceed a total of forty-five thousand and shall
21 not in any fiscal year exceed a total of one hundred and sev-
22 enty thousand; and (2) the number of aliens born in any
23 foreign state of the Western Hemisphere or in the Canal
24 Zone, or in a dependent area located in the Western Hemi-
25 sphere, who may be issued immigrant visas or who may other-

1 wise acquire the status of an alien lawfully admitted to the
 2 United States for permanent residence, or who ~~may~~, pur-
 3 suant to section 203 (a) (7), enter conditionally shall not in
 4 any of the first three quarters of any fiscal year ~~exceed~~ a
 5 total of thirty-two thousand and shall not in any fiscal year
 6 exceed a total of one hundred and twenty thousand"; and

7 (2) by striking subsections (c), (d), and (e).

8 SEC. 4. Section 202 of such Act (8 U.S.C. 1152) is
 9 amended—

10 (1) by striking out both provisos contained in sub-
 11 section (a) and inserting in lieu thereof the following:
 12 "": *Provided*, That the total number of immigrant visas
 13 and conditional entries made available to natives of any
 14 single foreign state under paragraphs (1) through (8)
 15 of section 203 (a) in any fiscal year shall not exceed
 16 thirty-five thousand in the case of any contiguous for-
 17 eign state and shall not exceed twenty thousand in the
 18 case of any other foreign state"; and

19 (2) by striking out subsection (c) and inserting
 20 in lieu thereof the following:

21 "(c) Any immigrant born in a colony or other com-
 22 ponent or dependent area of a foreign state overseas from
 23 the foreign state unless a special immigrant as provided in
 24 section 101 (a) (27) or an immediate relative of a United
 25 States citizen, as specified in section 201 (b), shall be charge-

1 able for the purpose of the limitation set forth in section 201
2 (a), to the hemisphere in which such colony or other com-
3 ponent or dependent area is located, and the number of
4 immigrant visas available to each such colony or other com-
5 ponent or dependent area shall not exceed six hundred in
6 any one fiscal year.”.

7 SEC. 5. Section 203 of such Act (8 U.S.C. 1153) is
8 amended—

9 (1) by striking out “201 (a) (ii)” each place it
10 appears in paragraphs (1) through (6) of subsection
11 (a) and inserting in lieu thereof in each such place
12 “201 (a) (1) or (2)”;

13 (2) by striking out paragraph (7) of such sub-
14 section (a) and inserting in lieu thereof the following:

15 “(7) Conditional entries shall next be made available
16 by the Attorney General, pursuant to such regulations as he
17 may prescribe and in an amount not to exceed 6 per centum
18 of the limitation applicable under section 201 (a) (1) or (2),
19 to aliens who are outside the country of which they are
20 nationals, or in the case of persons having no nationality, are
21 outside the country in which they last habitually resided, who
22 satisfy an Immigration and Naturalization Service officer at
23 an examination in any non-Communist or non-Communist-
24 dominated country that they (A) are unable or unwilling to
25 return to the country of their nationality or last habitual

1 residence because of persecution or well-founded fear of per-
 2 secution on account of race, religion, nationality, member-
 3 ship of a particular social group or political opinion, (B)
 4 are not nationals of the countries in which their application
 5 for conditional entry is made, and (C) are not firmly
 6 resettled in any country: *Provided*, That not more than
 7 one-half of the visa numbers made available pursuant to this
 8 paragraph may be made available for use in connection with
 9 the adjustment of status to permanent residence of aliens who
 10 were inspected and admitted or paroled into the United
 11 States, who satisfy the Attorney General that they meet the
 12 qualifications set forth herein for conditional entrants, and
 13 who have been continuously physically present in the United
 14 States for a period of at least two years prior to application
 15 for adjustment of status.”

16 (3) by striking out the second sentence of subsection
 17 (c) and inserting in lieu thereof the following: “The
 18 Secretary of State shall terminate the registration of any
 19 alien who fails to apply for an immigrant visa within one
 20 year following notification to him of the availability of
 21 such visa, unless the alien establishes within two years
 22 following notification of the availability of such visa that
 23 such failure to apply was due to circumstances beyond
 24 his control. Upon such termination the approval of any



1 petition approved pursuant to section 204 (b) shall be
2 automatically revoked.”.

3 SEC. 6. Section 212 of such Act (8 U.S.C. 1182) is
4 amended as follows:

5 (1) Paragraph 14 of subsection (a) is amended to read:

6 “(14) Aliens seeking to enter the United States,
7 for the purpose of performing skilled or unskilled labor,
8 unless the Secretary of Labor has determined and certi-
9 fied to the Secretary of State and to the Attorney Gen-
10 eral that (A) there are not sufficient workers who are
11 able, willing, qualified, and available at the time of ap-
12 plication for a visa and admission to the United States
13 and at the place where the alien is to perform such
14 skilled or unskilled labor, and (B) the employment of
15 such aliens will not adversely affect the wages and work-
16 ing conditions of the workers in the United States simi-
17 larly employed. The exclusion of aliens under this para-
18 graph shall apply to preference immigrant aliens de-
19 scribed in section 203 (a) (3) and (6), and to nonpref-
20 erence immigrant aliens described in section 203 (a)
21 (8). The Secretary of Labor shall submit quarterly to
22 the Congress a report containing complete and detailed
23 statements of facts pertinent to the labor certification
24 procedures including, but not limited to, lists of occupa-
25 tions in short supply or oversupply, regionally projected

1 manpower needs, as well as up-to-date statistics on the
2 number of labor certifications approved or denied;”.

3 (2) A new paragraph (9) is added to subsection (d)
4 to read as follows:

5 “(9) (A) If the Secretary of State shall find that it is
6 in the national interest that all, or any portion, of the mem-
7 bers of a group or class of persons who meet the qualifications
8 set forth in section 203 (a) (7) be paroled into the United
9 States, he may recommend to the Attorney General that such
10 aliens be so paroled.

11 “(B) Upon receipt of a recommendation pursuant to
12 subparagraph (A) of this paragraph and after appropriate
13 consultation with the Congress, the Attorney General may
14 parole into the United States any alien who establishes to his
15 satisfaction, in accordance with such regulations as he may
16 prescribe, that he is a member of the group or class of
17 persons with respect to whom the Secretary of State has
18 made such recommendation and that he is not firmly resettled
19 in any country. The conditions of such parole shall be the
20 same as those which the Attorney General shall prescribe for
21 the parole of aliens under paragraph (5) of this subsection.

22 “(C) Any alien paroled into the United States pursuant
23 to this paragraph whose parole has not theretofore been ter-
24 minated by the Attorney General and who has not otherwise
25 acquired the status of an alien lawfully admitted for perma-

1 nent residence shall, two years following the date of his pa-
2 role into the United States, return or be returned to the
3 custody of the Immigration and Naturalization Service and
4 shall thereupon be inspected and examined for admission
5 into the United States in accordance with the provisions of
6 sections 235, 236, and 237 of this Act.

7 “(D) Notwithstanding the numerous limitations speci-
8 fied in this Act, any alien who, upon inspection and exami-
9 nation as provided in subparagraph (C) of this paragraph
10 or after a hearing before a special inquiry officer, is found
11 to be admissible as an immigrant as of the time of his inspec-
12 tion and examination except for the fact that he was not and
13 is not in possession of the documents required by section
14 212 (a) (20) shall be regarded as lawfully admitted to the
15 United States for permanent residence as of the date of his
16 arrival in the United States.”.

17 SEC. 7. (a) Notwithstanding the provisions of section
18 245 of the Immigration and Nationality Act and without
19 regard to the numerical limitations specified in that Act,
20 any alien who, on or before the effective date of this Act (1)
21 has been granted by the Secretary of Labor an indefinite
22 certification for employment in the Virgin Islands of the
23 United States which has not subsequently become invalid,
24 (2) has been inspected and admitted to the Virgin Islands

1 of the United States, and (3) has continuously resided in
2 the Virgin Islands of the United States for a period of at
3 least five years as of the date of enactment of this Act, and
4 the spouse and minor unmarried children of any such alien,
5 may have his status adjusted by the Attorney General, in his
6 discretion and under such regulations as he may prescribe,
7 to that of an alien lawfully admitted for permanent residence,
8 or may be issued an immigrant visa, if the alien (i) makes
9 application for such adjustment of status or immigrant visa,
10 (ii) is eligible to receive an immigrant visa, and (iii) is ad-
11 missible to the United States.

12 (b) Upon approval of an application for adjustment of
13 status under subsection (a) of this section, the Attorney
14 General shall record the alien's lawful admission for perma-
15 nent residence as of the date of the order of the Attorney
16 General approving the application for adjustment of status.

17 (c) Applications for adjustment of status or for immi-
18 grant visas pursuant to the provisions of subsection (a) of
19 this section may be initiated on or after the effective date of
20 this Act, but not later than the last day of the third fiscal
21 year beginning on or after the date of enactment of this Act.
22 Applications for immigrant visas pursuant to the provisions
23 of this section shall be considered in such order as the Sec-
24 retary of State shall by regulations prescribe, except that not

1 more than three thousand visas shall be issued in any one
2 fiscal year.

3 (d) Except as otherwise provided herein, the definitions
4 set forth in section 101 of the Immigration and Nationality
5 Act shall be applicable.

6 SEC. 8. The Act entitled "An Act to adjust the status
7 of Cuban refugees to that of lawful permanent residents of
8 the United States, and for other purposes", approved No-
9 vember 2, 1966 (8 U.S.C. 1255, note), is amended by
10 adding at the end thereof the following new section:

11 "SEC. 5. The approval of an application for adjustment of
12 status to that of lawful permanent resident of the United
13 States pursuant to the provisions of section 1 of this Act shall
14 not require the Secretary of State to reduce the number of
15 visas authorized to be issued in any class in the case of any
16 alien who is physically present in the United States on or be-
17 fore the effective date of the Immigration and Nationality Act
18 Amendments of 1973."

19 SEC. 9. (a) Section 101 (a) (27) of such Act (8 U.S.C.
20 1101 (a) (27)) is amended by striking out subparagraph
21 (A) and by redesignating subparagraphs (B) through (E)
22 as subparagraphs (A) through (D), respectively;

23 (b) Section 211 (b) of such Act (8 U.S.C. 1181 (b))
24 is amended by striking out "section 101 (a) (27) (B)" and
25 inserting in lieu thereof "section 101 (a) (27) (A)".

1 (c) Section 212 (a) (24) of such Act (8 U.S.C. 1182
2 (a) (24)) is amended by striking out the language: "101
3 (a) (27) (A) and (B)" and inserting in lieu thereof: "101
4 (a) (27) (A) and aliens subject to the numerical limitation
5 specified in section 201 (a) (2)";

6 (d) Section 241 (a) (10) of such Act (8 U.S.C. 1251
7 (a) (10)) is amended by striking out the language in the
8 parenthesis and inserting in lieu thereof the following: "other
9 than an alien described in section 101 (a) (27) (A) and
10 aliens subject to the numerical limitation specified in section
11 201 (a) (2)";

12 (e) Section 244 (d) of such Act (8 U.S.C. 1254 (d)) is
13 amended by striking out the following language: "is entitled
14 to special immigrant classification under section 101 (a) (27)
15 (A), or";

16 (f) Section 349 (1) of such Act (8 U.S.C. 1481 (a)
17 (1)) is amended by striking out "section 101 (a) (27)
18 (E)" and inserting in lieu thereof: "section 101 (a) (27)
19 (D)"; and

20 (g) Section 21 (e) of the Act of October 3, 1965
21 (Public Law 89-236; 79 Stat. 921), is repealed.

22 SEC. 10. (a) The amendments made by this Act shall
23 not operate to affect the entitlement to immigrant status
24 or the order of consideration for issuance of an immigrant
25 visa of an alien entitled to a preference status, under section

✓ 1 203 (a) of the Immigration and Nationality Act, as in effect
2 on the day before the effective date of this Act, on the basis
3 of a petition filed with the Attorney General prior to such
4 effective date.

5 (b) An alien chargeable to the numerical limitation con-
6 tained in section 21 (e) of the Act of October 3, 1965 (79
7 Stat. 921), who established a priority date at a consular office
8 on the basis of entitlement to immigrant status under statutory
9 or regulatory provisions in existence on the day before the
10 effective date of this Act shall be deemed to be entitled to
11 immigrant status under section 203 (a) (8) of the Immigra-
12 tion and Nationality Act and shall be accorded the priority
13 date previously established by him. Nothing in this section
14 shall be construed to preclude the acquisition by such an alien
15 of a preference status under section 203 (a) of the Immigra-
16 tion and Nationality Act, as amended by section 5 of this
17 Act. The numerical limitation to which such an alien shall
18 be chargeable shall be determined as provided in sections 201
19 and 202 of the Immigration and Nationality Act, as amended
20 by this Act.

21 SEC. 11. The foregoing provisions of this Act, including
22 the amendments made by such provisions, shall become effec-
23 tive on the first day of the first month which begins more than
24 sixty days after the date of enactment of this Act.



94TH CONGRESS
1ST SESSION

H. R. 981

A BILL

To amend the Immigration and Nationality
Act, and for other purposes.

By Mr. ROBINO

JANUARY 14, 1975

Referred to the Committee on the Judiciary