

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

**S.** \_\_\_\_\_

To promote enforcement of immigration laws and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. HATCH introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

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## **A BILL**

To promote enforcement of immigration laws 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 “Strengthening Our  
5       Commitment to Legal Immigration and America’s Secu-  
6       rity Act”.

7       **SEC. 2. DEFERRED ACTION AND PAROLE.**

8       Section 212(d)(5) of the Immigration and Nationality  
9       Act (8 U.S.C. 1182(d)(5)) is amended by adding at the  
10      end the following:

1 “(C) Notwithstanding any other provision of law, an  
2 alien may only be paroled into the United States or grant-  
3 ed deferred action of a final order of removal on a case-  
4 by-case basis for urgent humanitarian reasons or signifi-  
5 cant public benefit.”.

6 **SEC. 3. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.**

7 Section 241(i) of the Immigration and Nationality  
8 Act (8 U.S.C. 1231(i)) is amended—

9 (1) by redesignating paragraphs (5) and (6) as  
10 paragraphs (6) and (7);

11 (2) in paragraph (7), as so redesignated, by  
12 striking “paragraph (5)” and inserting “paragraph  
13 (6)”; and

14 (3) by inserting after paragraph (4) the fol-  
15 lowing:

16 “(5) A State, county, city, or township that is  
17 eligible to participate in Secure Communities or to  
18 cross-designate local law enforcement officers to per-  
19 form immigration law enforcement functions under  
20 section 287(g) and does not participate in such pro-  
21 grams may not receive compensation for incarcer-  
22 ation expenses under this subsection.”.

23 **SEC. 4. VISA REFORM.**

24 (a) VISA INELIGIBILITY FOR ORGANIZED CRIME  
25 MEMBERS.—Section 212(a)(2) of the Immigration and

1 Nationality Act (8 U.S.C. 1182(a)(2)) is amended by add-  
2 ing at the end the following:

3           “(J) ALIENS ENGAGED IN ORGANIZED  
4           CRIME.—Any alien who the consular officer or  
5           the Attorney General knows or has reason to  
6           believe is a member of a known criminal organi-  
7           zation that regularly engages in transnational  
8           criminal activity, is inadmissible.”.

9           (b) EXIT PROCEDURES FOR FOREIGN VISITORS.—  
10 Not later than 120 days after the date of the enactment  
11 of this Act, the Secretary of Homeland Security, in coordi-  
12 nation with the Secretary of State and the aviation indus-  
13 try, as appropriate, shall create a mandatory exit proce-  
14 dure for foreign visitors, based upon—

15           (1) the results of the programs piloted by  
16           United States Customs and Border Protection to  
17           track the departure of foreign visitors, including  
18           US-VISIT; and

19           (2) the feasibility and benefits of the departure  
20           confirmation systems tested under such exit pilot  
21           programs.

22           (c) ELIMINATION OF THE DIVERSITY VISA PRO-  
23           GRAM.—

1           (1) IN GENERAL.—Section 203 of the Immigra-  
2           tion and Nationality Act (8 U.S.C. 1153) is amend-  
3           ed by striking subsection (c).

4           (2) TECHNICAL AND CONFORMING AMEND-  
5           MENTS.—Title II of the Immigration and Nation-  
6           ality Act (8 U.S.C. 1151) is amended as follows:

7                   (A) In section 201 (8 U.S.C. 1151)—

8                           (i) in subsection (a)—

9                                   (I) in paragraph (1), by adding  
10                                   “and” at the end; and

11                                   (II) in paragraph (2), by striking  
12                                   “; and” at the end and inserting a pe-  
13                                   riod; and

14                           (ii) by striking subsection (e).

15                   (B) In section 203 (8 U.S.C. 1153)—

16                           (i) in subsection (d), by striking “sub-  
17                           section (a), (b), or (c)” and inserting “sub-  
18                           section (a) or (b)”;

19                           (ii) in subsection (g), by striking  
20                           “subsection (a), (b), or (c)” and inserting  
21                           “subsection (a) or (b)”; and

22                           (iii) in subsection (h)(2)(B), by strik-  
23                           ing “subsection (a), (b), or (c)” and insert-  
24                           ing “subsection (a) or (b)”.

1                   (C) Section 204(a)(1) (8 U.S.C.  
2                   1154(a)(1)) is amended by striking subpara-  
3                   graph (I).

4                   (3) EFFECTIVE DATE.—The amendments made  
5                   by this subsection shall become effective on the first  
6                   day of the fiscal year beginning after the date of the  
7                   enactment of this Act, unless Congress reviews the  
8                   recommendations from the Secretary of State on  
9                   how to combat fraud and eliminate abuse in the Di-  
10                  versity Visa Program and legislation is enacted to  
11                  maintain the Diversity Visa Program that addresses  
12                  such recommendations, with appropriate changes in  
13                  the eligibility requirements.

14 **SEC. 5. ANNUAL ACCOUNTABILITY OF FEDERAL WELFARE**  
15                   **BENEFITS RECEIVED BY ALIENS UNLAW-**  
16                   **FULLY PRESENT IN THE UNITED STATES.**

17                  The Secretary of Health and Human Services, in con-  
18                  sultation with the Secretary of Homeland Security and the  
19                  head of any other appropriate Federal agency, shall sub-  
20                  mit to Congress an annual report that includes, for each  
21                  State (and including the District of Columbia)—

22                   (1) the total amount of Federal welfare benefits  
23                   provided to such State during the most recent fiscal  
24                   year, disaggregated by State; and

1           (2) the total amount of Federal welfare benefits  
2           provided to households with any persons who resided  
3           in the United States illegally during the most recent  
4           fiscal year.

5 **SEC. 6. LIMITATION ON STATE OPTION TO EXPAND CHIP**  
6                           **COVERAGE TO NONCITIZEN CHILDREN OR**  
7                           **NONCITIZEN PREGNANT WOMEN.**

8           Section 2107 of the Social Security Act (42 U.S.C.  
9 1397gg) is amended—

10           (1) in subsection (e)(1)(J), by inserting “and  
11           only if the State satisfies the requirements described  
12           in subsection (g)” before the period at the end; and

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

14           “(g) **DEMONSTRATION OF COVERAGE AND MAINTENANCE OF EFFORT.**—For purposes of subsection  
15 **NANCE OF EFFORT.**—For purposes of subsection  
16 (e)(1)(J), the requirements described in this subsection  
17 are the following:

18           “(1) The State demonstrates to the Secretary  
19           (on the basis of the best data reasonably available  
20           to the Secretary and in accordance with such tech-  
21           niques for sampling and estimating as the Secretary  
22           determines appropriate) that the State has enrolled  
23           in the State plan under title XIX, the State child  
24           health plan under this title, or under a waiver of ei-  
25           ther such plan, at least 90 percent of the children

1       residing in the State who are citizens or nationals of  
2       the United States, whose family income does not ex-  
3       ceed 200 percent of the poverty line (as determined  
4       before January 1, 2014, without regard to the appli-  
5       cation of any general exclusion or disregard of a  
6       block of income that is not determined by type of ex-  
7       pense or type of income, and as determined on or  
8       after January 1, 2014, in accordance with section  
9       1902(e)(14)), and who are eligible for medical as-  
10      sistance under the State plan under title XIX or  
11      child health assistance under the State child health  
12      plan under this title.

13           “(2) The State provides assurances that the  
14      amount of State or other non-Federal funds ex-  
15      pended annually by the State to provide medical as-  
16      sistance, child health assistance, or other health ben-  
17      efits coverage to lawfully residing immigrant chil-  
18      dren or lawfully residing immigrant pregnant women  
19      will not be less than the amount of such funds ex-  
20      pended for such purposes for fiscal year 2009.”.

21      **SEC. 7. IDENTITY THEFT.**

22           (a) AMENDMENTS TO THE CRIMINAL CODE.—Chapter  
23      ter 47 of title 18, United States Code, is amended—

24           (1) in section 1028—

1 (A) in subsection (a)(7), by striking “of  
2 another person” and inserting “other than his  
3 or her own”; and

4 (B) in subsection (b)(3)—

5 (i) in subparagraph (B), by striking  
6 “or” at the end;

7 (ii) in subparagraph (C), by adding  
8 “or” at the end; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(C) to facilitate or assist in harboring or  
12 hiring unauthorized workers in violation of sec-  
13 tion 274, 274A or 274C of the Immigration  
14 and Nationality Act (8 U.S.C. 1324, 1324a,  
15 and 1324e)”.

16 (b) IRS NOTIFICATION REQUIREMENT.—

17 (1) REQUIREMENT TO NOTIFY SOCIAL SECU-  
18 RITY ACCOUNT NUMBER HOLDERS.—If the Commis-  
19 sioner of Internal Revenue sends a notice to an em-  
20 ployer that an inaccurate social security account  
21 number has been discovered for an employee and the  
22 employer does not respond to the notice within 60  
23 days to correct such account number, the Commis-  
24 sioner shall send such a notice—

1 (A) to the individual who was originally  
2 issued such social security account number; or

3 (B) if such individual is a minor, to the in-  
4 dividual's legal guardian.

5 (2) CONTENT OF NOTICE.—A notice sent to an  
6 individual under paragraph (1) shall include the fol-  
7 lowing:

8 (A) A request that the individual respond  
9 to such notice within 60 days to correct the in-  
10 formation associated with the social security ac-  
11 count number.

12 (B) Information on how to respond to the  
13 notice.

14 (C) Notification that if a response is not  
15 received by the Commissioner within 60 days,  
16 the Commissioner shall provide notice of the in-  
17 accurate social security account number to the  
18 appropriate agencies for possible investigation,  
19 including the Department of Homeland Secu-  
20 rity, the Department of Justice, and the Fed-  
21 eral Trade Commission.

22 (D) Notification—

23 (i) that if the individual suspects that  
24 the individual's social security account  
25 number may have been used fraudulently,

1           the individual should notify the Federal  
2           Trade Commission and the various credit  
3           bureaus; and

4                   (ii) information on how to provide the  
5           notifications described in clause (i).

6           (c) STUDY AND REPORT.—

7                   (1) IN GENERAL.—The Secretary of the Treas-  
8           ury, the Chairman of the Federal Trade Commis-  
9           sion, and the Commissioner of Social Security, in  
10          consultation with the Secretary of Commerce and  
11          other appropriate Federal officials, shall conduct a  
12          study to determine the most feasible and cost effec-  
13          tive ways to protect the credit worthiness of individ-  
14          uals, especially children.

15                  (2) ISSUES TO BE STUDIED.—The study con-  
16          ducted under paragraph (1) shall—

17                   (A) assess the types of data held by the  
18                  Federal Government and the private sector that  
19                  could prove beneficial in protecting and  
20                  verifying identity;

21                   (B) assess current government and indus-  
22                  try practices designed to protect personal pri-  
23                  vacy and determine how such practices could be  
24                  improved to protect and verify individuals' cred-  
25                  it worthiness;

1 (C) analyze the estimated impact of alter-  
2 native systems of achieving effective protection  
3 of credit on the financial industry (including  
4 small banks, rural financial institutions, and  
5 credit unions), consumers, and the government  
6 with respect to—

7 (i) costs;

8 (ii) credit availability;

9 (iii) convenience;

10 (iv) privacy; and

11 (v) other nonfinancial burdens, includ-  
12 ing any effects on personal privacy; and

13 (D) determine the most effective ways to  
14 protect and verify credit information.

15 (3) PARTICIPATION.—Representatives of the fi-  
16 nancial industry, members of the public, government  
17 agencies, and other interested groups shall be given  
18 opportunities to provide information for the study  
19 conducted under paragraph (1).

20 (4) REPORT.—Not later than 1 year after the  
21 date of the enactment of this Act, the Secretary of  
22 the Treasury shall submit a report containing the  
23 results of the study conducted under paragraph (1),  
24 including any recommendations for legislative or ad-  
25 ministrative actions, to the Committee on Finance of

1 the Senate and the Committee on Ways and Means  
2 of the House of Representatives.

3 **SEC. 8. ENHANCED PENALTIES FOR CERTAIN DRUG OF-**  
4 **FENSES ON FEDERAL LANDS.**

5 (a) CULTIVATING OR MANUFACTURING CONTROLLED  
6 SUBSTANCES ON FEDERAL PROPERTY.—Section  
7 401(b)(5) of the Controlled Substances Act (21 U.S.C.  
8 841(b)(5)) is amended by striking “as provided in this  
9 subsection” and inserting “for not more than 10 years,  
10 in addition to any other term of imprisonment imposed  
11 under this subsection,”.

12 (b) USE OF HAZARDOUS SUBSTANCES.—Pursuant to  
13 its authority under section 994 of title 28, United States  
14 Code, the United States Sentencing Commission shall  
15 amend the Federal Sentencing Guidelines and policy state-  
16 ments to ensure that the guidelines provide an additional  
17 penalty increase of 2 offense levels above the sentence oth-  
18 erwise applicable for a violation of section 401(a) of the  
19 Controlled Substances Act (21 U.S.C. 841(a)) if the of-  
20 fense—

21 (1) includes the use of a poison, chemical, or  
22 other hazardous substance to cultivate or manufac-  
23 ture controlled substances on Federal property;

24 (2) creates a hazard to humans, wildlife, or do-  
25 mestic animals;

1           (3) degrades or harms the environment or nat-  
2           ural resources; or

3           (4) pollutes an aquifer, spring, stream, river, or  
4           body of water.

5           (c) STREAM DIVERSION OR CLEAR CUTTING ON  
6 FEDERAL PROPERTY.—

7           (1) PROHIBITION ON STREAM DIVERSION OR  
8           CLEAR CUTTING ON FEDERAL PROPERTY.—Section  
9           401(b) of the Controlled Substances Act is amended  
10          by adding at the end the following:

11           “(8) DESTRUCTION OF BODIES OF WATER.—  
12          Any person who violates subsection (a) in a manner  
13          that diverts, redirects, obstructs, or drains an aqui-  
14          fer, spring, stream, river, or body of water or clear  
15          cuts timber while cultivating or manufacturing a  
16          controlled substance on Federal property shall be  
17          fined in accordance with title 18, United States  
18          Code.”.

19           (2) FEDERAL SENTENCING GUIDELINES EN-  
20          HANCEMENT.—Pursuant to its authority under sec-  
21          tion 994 of title 28, United States Code, the United  
22          States Sentencing Commission shall amend the Fed-  
23          eral Sentencing Guidelines and policy statements to  
24          ensure that the guidelines provide an additional pen-  
25          alty increase of 2 offense levels for above the sen-

1           tence otherwise applicable for a violation of section  
2           401(a) of the Controlled Substances Act (21 U.S.C.  
3           841(a)) if the offense involves the diversion, redirec-  
4           tion, obstruction, or draining of an aquifer, spring,  
5           stream, river, or body of water or the clear cut of  
6           timber while cultivating or manufacturing a con-  
7           trolled substance on Federal property.

8           (d) BOOBY TRAPS ON FEDERAL LAND.—Section  
9           401(d)(1) of the Controlled Substances Act (21 U.S.C.  
10          841(d)(1)) is amended by inserting “cultivated,” after “is  
11          being”.

12          (e) USE OR POSSESSION OF FIREARMS IN CONNec-  
13          TION WITH DRUG OFFENSES ON FEDERAL LANDS.—Pur-  
14          suant to its authority under section 994 of title 28, United  
15          States Code, the United States Sentencing Commission  
16          shall amend the Federal Sentencing Guidelines and policy  
17          statements to ensure that the guidelines provide an addi-  
18          tional penalty increase of 2 offense levels above the sen-  
19          tence otherwise applicable for a violation of section 401(a)  
20          of the Controlled Substances Act (21 U.S.C. 841(a)) if  
21          the offense involves the possession of a firearm while culti-  
22          vating or manufacturing controlled substances on Federal  
23          lands.

24          **SEC. 9. FEDERAL LANDS COUNTERDRUG ACTION PLAN.**

25          (a) DEFINITIONS.—In this section:

1           (1) CONTROLLED SUBSTANCE.—The term  
2           “controlled substance” has the meaning given the  
3           term in section 102 of the Controlled Substances  
4           Act (21 U.S.C. 802).

5           (2) COVERED LANDS.—The term “covered  
6           lands” means—

7                   (A) units of the National Park System;

8                   (B) National Forest System land;

9                   (C) public lands (as defined by section  
10           103(e) of the Federal Land Policy and Manage-  
11           ment Act of 1976 (43 U.S.C. 1702(e)); and

12                   (D) all land administered by the Bureau of  
13           Land Management.

14           (b) IMPLEMENTATION OF FEDERAL LANDS  
15           COUNTERDRUG ACTION PLAN.—

16           (1) IN GENERAL.—

17                   (A) REQUIREMENT FOR ACTION PLAN.—

18           Not later than 90 days after the date of the en-  
19           actment of this Act, the Director of National  
20           Drug Control Policy shall implement an action  
21           plan for keeping controlled substances off of  
22           Federal lands (referred to in this section as the  
23           “Federal Lands Counterdrug Action Plan”).

24                   (B) REPORT TO CONGRESS.—Not later  
25           than 2 years after the implementation of the

1 Federal Lands Counterdrug Action Plan, the  
2 Director shall submit to Congress a report that  
3 describes the progress made in carrying out  
4 such Action Plan.

5 (2) CONSULTATION REQUIREMENT.—In imple-  
6 menting the Federal Lands Counterdrug Action  
7 Plan, the Director of National Drug Control Policy  
8 shall consult with the heads of relevant Federal  
9 agencies, including the Drug Enforcement Adminis-  
10 tration, the Forest Service, the National Park Serv-  
11 ice, the Bureau of Land Management, and any rel-  
12 evant State, local, and tribal law enforcement agen-  
13 cies.

14 (c) CONTENTS.—The Federal Lands Counterdrug  
15 Action Plan shall include—

16 (1) the Federal Government’s action plan for  
17 preventing the illegal production, cultivation, manu-  
18 facture, and trafficking of controlled substances on  
19 covered lands;

20 (2) the specific roles of relevant Federal agen-  
21 cies, including the Drug Enforcement Administra-  
22 tion and relevant agencies within the Department of  
23 the Interior for implementing such an action plan;

1           (3) the specific resources required to enable the  
2 agencies referred to in paragraph (2) to implement  
3 that strategy;

4           (4) a strategy to reduce the cultivation and  
5 trafficking of marijuana on covered lands by Mexi-  
6 can drug trafficking organizations;

7           (5) the use of available technology to reduce the  
8 cultivation and trafficking of marijuana on covered  
9 lands;

10          (6) the impact of Federal land management  
11 statutes on law enforcement efforts; and

12          (7) the costs associated with marijuana eradi-  
13 cation programs through high intensity drug traf-  
14 ficking areas.

15          (d) EFFECT ON EXISTING LAW.—The Federal Lands  
16 Counterdrug Action Plan—

17           (1) may not change existing agency authorities  
18 or laws governing interagency relationships; and

19           (2) may provide recommendations for changes  
20 to such authorities or laws.

21          (e) DISTRIBUTION.—

22           (1) IN GENERAL.—The Director of the Office of  
23 National Drug Control Policy shall provide a copy of  
24 the Federal Lands Counterdrug Action Plan to—

1 (A) the Committee on the Judiciary of the  
2 Senate;

3 (B) the Committee on Appropriations of  
4 the Senate;

5 (C) the Committee on Homeland Security  
6 and Governmental Affairs of the Senate;

7 (D) the United States Senate Caucus on  
8 International Narcotics Control;

9 (E) the Committee on the Judiciary of the  
10 House of Representatives;

11 (F) the Committee on Appropriations of  
12 the House of Representatives;

13 (G) the Committee on Homeland Security  
14 of the House of Representatives;

15 (2) CLASSIFIED INFORMATION.—Any classified  
16 or law enforcement sensitive information contained  
17 in the Federal Lands Counterdrug Action Plan may  
18 be submitted in a classified annex to accompany the  
19 Action Plan.