

1615. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
GONZALEZ OF TEXAS, OR HIS  
DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES:

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**AMENDMENT TO H.R. 4437, AS REPORTED  
OFFERED BY MR. GONZALEZ OF TEXAS**

Strike section 706(1).

At the end of the title VII of the bill, add the following:

1 **SEC. 709. COMPLIANCE WITH RESPECT TO THE UNLAWFUL**  
2 **EMPLOYMENT OF ALIENS.**

3 (a) CIVIL PENALTY.—Paragraph (4) of subsection  
4 (e) of section 274A of the Immigration and Nationality  
5 Act (8 U.S.C. 1324a) is amended to read as follows:

6 “(4) CEASE AND DESIST ORDER WITH CIVIL  
7 MONEY PENALTY FOR HIRING, RECRUITING, AND RE-  
8 FERRAL VIOLATIONS.—

9 “(A) IN GENERAL.—With respect to a vio-  
10 lation by any person or other entity of sub-  
11 section (a)(1)(A) or (a)(2), the Secretary of  
12 Homeland Security shall require the person or  
13 entity to cease and desist from such violations  
14 and to pay a civil penalty in the amount speci-  
15 fied in subparagraph (B).

16 “(B) AMOUNT OF CIVIL PENALTY.—A civil  
17 penalty under this paragraph shall not be less



1 than \$50,000 for each occurrence of a violation  
 2 described in subsection (a)(1)(A) or (a)(2) with  
 3 respect to the alien referred to in such sub-  
 4 section, plus, in the event of the removal of  
 5 such alien from the United States based on  
 6 findings developed in connection with the as-  
 7 sessment or collection of such penalty, the costs  
 8 incurred by the Federal Government, cooper-  
 9 ating State and local governments, and State  
 10 and local law enforcement agencies, in connec-  
 11 tion with such removal.

12 “(C) DISTRIBUTION OF PENALTIES TO  
 13 STATE AND LOCAL GOVERNMENTS.—

14 “(i) IN GENERAL.—Penalties collected  
 15 under this paragraph from a person or en-  
 16 tity shall be distributed as follows:

17 “(I) 25 percent of such amount  
 18 shall be distributed to the State in  
 19 which the person or entity is located.

20 “(II) 25 percent of such amount  
 21 shall be distributed to the county in  
 22 which the person or entity is located.

23 “(III) 25 percent of such amount  
 24 shall be distributed to the munici-  
 25 pality, if any, in which the person or



1                   entity is located, or, in the absence of  
2                   such a municipality, to the county de-  
3                   scribed in subclause (II).

4                   “(D) LIMITATION ON USE OF FUNDS.—  
5                   Amounts paid to a State, county, or munici-  
6                   pality under subparagraph (C) may only be  
7                   used for costs incurred by such State, county,  
8                   or municipality in providing public services to  
9                   aliens not lawfully present in the United States.

10                  “(E) DISTINCT, PHYSICALLY SEPARATE  
11                  SUBDIVISIONS.—In applying this subsection in  
12                  the case of a person or other entity composed  
13                  of distinct, physically separate subdivisions each  
14                  of which provides separately for the hiring, re-  
15                  cruiting, or referring for employment, without  
16                  reference to the practices of, and not under the  
17                  control of or common control with, another sub-  
18                  division, each such subdivision shall be consid-  
19                  ered a separate person or other entity.”.

