

105TH CONGRESS
1ST SESSION

H. R. 2413

To amend the Immigration and Nationality Act; title 18, United States Code; the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and the Immigration Act of 1990 to make technical corrections to such statutes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 1997

Mr. SMITH of Texas introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act; title 18, United States Code; the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; and the Immigration Act of 1990 to make technical corrections to such statutes.

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 “Immigration Technical
5 Corrections Act of 1997”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act:

1 (1) The term “INA” means the Immigration
2 and Nationality Act.

3 (2) The term “IIRIRA” means the Illegal Im-
4 migration Reform and Immigrant Responsibility Act
5 of 1996 (Public Law 104–208, division C).

6 **SEC. 3. GENERAL EFFECTIVE DATE.**

7 Except as otherwise specifically provided in this Act,
8 the amendments made by this Act to a provision shall take
9 effect as if included in the provision at the time the provi-
10 sion was first enacted, or, if the provision has been amend-
11 ed since enactment, as if included in its most recent
12 amendment.

13 **SEC. 4. AMENDMENTS TO INA AND IIRIRA RELATING TO IN-**
14 **ADMISSIBILITY AND REMOVAL OF ALIENS.**

15 (a) DEFINITIONS.—Section 101(a) of the INA is
16 amended—

17 (1) in paragraph (13), by adding at the end the
18 following:

19 “(D) In the case of an alien adjusted to the status
20 of an alien lawfully admitted for permanent residence,
21 such alien shall be regarded as having been admitted on
22 the date of such adjustment.”;

23 (2) in paragraph (43)(F), by inserting “is”
24 after “imprisonment”; and

1 (3) in paragraph (43)(G), by inserting “is”
 2 after “imprisonment”).

3 (b) AMENDED DEFINITION OF AGGRAVATED FEL-
 4 ONY.—Section 321(a)(3) of IIRIRA is amended by strik-
 5 ing “(F), (G), (N), and (P),” and inserting “(F) and (G)”.

6 (c) GENERAL CLASSES OF ALIENS INELIGIBLE TO
 7 RECEIVE VISAS.—Section 212 of the INA is amended—
 8 (1) in subsection (a)(2), by adding at the end
 9 the following:

10 “(G) CERTAIN FIREARM OFFENSES.—Any
 11 alien who at any time has been convicted under
 12 any law of purchasing, selling, offering for sale,
 13 exchanging, using, owning, possessing, or carry-
 14 ing, or of attempting or conspiring to purchase,
 15 sell, offer for sale, exchange, use, own, possess,
 16 or carry, any weapon, part, or accessory which
 17 is a firearm or destructive device (as defined in
 18 section 921(a) of title 18, United States Code)
 19 in violation of any law is inadmissible.

20 “(H) AGGRAVATED FELONS.—Any alien
 21 who has been at any time convicted of an ag-
 22 gravated felony is inadmissible.”;

23 (2) in subsection (a)(9)(A)—

24 (A) by redesignating clauses (ii) and (iii)
 25 as clauses (iii) and (iv), respectively;

1 (B) in clause (iii), as so redesignated, by
2 inserting “or (ii)” after “clause (i)”;

3 (C) in clause (iv), as so redesignated, by
4 striking “Clauses (i) and (ii)” and inserting
5 “Clauses (i), (ii), and (iii)”;

6 (D) by inserting after clause (i) the follow-
7 ing:

8 “(ii) EXCLUDED ALIENS.—Any alien
9 who has been ordered excluded from ad-
10 mission and deported under section 236, as
11 that section existed prior to its amendment
12 by the Illegal Immigration Reform and Im-
13 migrant Responsibility Act of 1996, and
14 who again seeks admission within 1 year of
15 the date of such deportation is inadmis-
16 sible.”;

17 (3) in subsection (a)(9)(B)(iii), by adding at the
18 end the following:

19 “(V) TEMPORARY PROTECTED STATUS.—
20 No period of time in which an alien is in tem-
21 porary protected status pursuant to section
22 244A shall be taken into account in determin-
23 ing the period of unlawful presence in the Unit-
24 ed States under clause (i).”;

1 (4) in subsection (d)(12)(B), by inserting “an
2 individual who at the time of such action was” after
3 “aid, or support”; and

4 (5) in subsection (h)—

5 (A) by striking the third sentence; and

6 (B) by striking the period at the end of the
7 second sentence and inserting “, or in the case
8 of an alien who has been convicted of an aggra-
9 vated felony within 15 years before the date of
10 the alien’s application for such waiver or appli-
11 cation for a visa or adjustment of status.”.

12 (d) INSPECTION BY IMMIGRATION OFFICERS.—Sec-
13 tion 235(a)(3) of the INA is amended by striking “admis-
14 sion or readmission” and inserting “admission, readmis-
15 sion, or entry”.

16 (e) GENERAL CLASSES OF DEPORTABLE ALIENS.—
17 Section 237 of the INA is amended—

18 (1) in subsection (a), in the first sentence, by
19 striking “(including an alien crewman)”; and

20 (2) in subsection (a)(2)(E)(i), by striking “For
21 purposes of this clause” through and including the
22 period at the end of the sentence, and inserting
23 “‘For purposes of this clause, the term ‘protection
24 order’ includes an injunction or any other order is-
25 sued for the purpose of preventing violent or threat-

1 ening acts or harassment against, or contact or com-
2 munication with or physical proximity to, another
3 person, including temporary and final orders issued
4 by civil or criminal courts (other than support or
5 child custody orders), whether obtained by filing an
6 independent action or as a pendente lite order in an-
7 other proceeding, so long as any civil order was is-
8 sued in response to a complaint, petition, or motion
9 filed by or on behalf of a person seeking protec-
10 tion.”.

11 (f) EXPEDITED REMOVAL OF ALIENS CONVICTED OF
12 COMMITTING AGGRAVATED FELONIES.—Section 238 of
13 the INA is amended—

14 (1) in subsection (a), by striking “241” and in-
15 sserting “237”;

16 (2) in subsection (a)(2), by striking the first
17 sentence and inserting “With respect to an alien
18 convicted of any criminal offense covered in section
19 212(a)(2), section 237(a)(2)(A)(iii), subparagraphs
20 (B), (C), or (D) of section 237(a)(2), or any offense
21 covered by section 237(a)(2)(A)(ii) for which both
22 predicate offenses are covered by section
23 237(a)(2)(A)(i), who is taken into custody by the
24 Attorney General pursuant to section 236(c), the At-
25 torney General shall, to the maximum extent prac-

1 ticable, detain any such felon at a facility at which
2 other such aliens are detained.”;

3 (3) in subsection (b)(1)—

4 (A) by striking “determine the deportabil-
5 ity of such alien under section 237(a)(2)(A)(iii)
6 (relating to conviction of an aggravated felony)”
7 and inserting “order the removal of an alien
8 convicted of an aggravated felony,”; and

9 (B) by striking “and issue an order of re-
10 moval”;

11 (4) in the subsection heading for the first sub-
12 section (c), by striking “PRESUMPTION OF DEPORT-
13 ABILITY.—” and inserting “PRESUMPTION OF RE-
14 MOVABILITY.—”;

15 (5) in the first subsection (c), by striking “de-
16 portable” and inserting “removable”;

17 (6) by redesignating the second subsection (c)
18 (as redesignated by section 671(b)(13) of IIRIRA)
19 as subsection (d); and

20 (7) in subsection (d), as redesignated by para-
21 graph (6)—

22 (A) by striking “deportable” in each of
23 paragraphs (1) and (2)(D)(iv) and inserting
24 “removable”; and

25 (B) in paragraph (2)(B)—

1 (i) by striking “242B” and inserting
2 “239”; and

3 (ii) by striking “identifying the crime
4 or crimes which make the defendant de-
5 portable under section 241(a)(2)(A).” and
6 inserting “identifying the section or sec-
7 tions of law under which the defendant is
8 removable.”.

9 (g) DETENTION AND REMOVAL OF ALIENS ORDERED
10 REMOVED.—Section 241 of the INA is amended—

11 (1) in subsection (b)(1)(A), by striking the pe-
12 riod at the end and inserting “or, in the case of an
13 alien arriving at a land border, to the country from
14 which the alien arrived.”;

15 (2) in subsection (b)(1)(C), by striking “If” at
16 the beginning of the sentence and inserting “If the
17 Attorney General decides that removing the alien to
18 the country specified in subparagraph (A) or (B) is
19 prejudicial to the United States or if”;

20 (3) in subsection (c)(1)(B)(i), by striking
21 “235(a)(1)” and inserting “235(a)(2), 235(b)(1),”;

22 (4) in subsection (c)(3)(B)—

23 (A) in clause (v), by striking “or” at the
24 end;

1 (B) in clause (vi), by striking the period at
 2 the end and inserting “; or”; and

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

4 “(vii) the alien arrives upon a vessel
 5 at a United States port of entry when such
 6 arrival has been authorized by appropriate
 7 Federal authority.”; and

8 (5) in subsection (e)(1), by striking
 9 “235(a)(1)” and inserting “235(b)(1)”.

10 (h) REENTRY OF REMOVED ALIENS.—Section 276(b)
 11 of the INA is amended—

12 (1) in the matter preceding paragraph (1), by
 13 striking “subsection—” and inserting “subsection
 14 whose denial of admission, exclusion, deportation, re-
 15 moval, or departure from the United States while an
 16 order of exclusion, deportation, or removal was out-
 17 standing—”; and

18 (2) in each of paragraphs (1) and (2), by strik-
 19 ing “whose removal”.

20 **SEC. 5. AMENDMENTS TO TITLE 18 RELATING TO CRIMINAL**
 21 **ALIENS.**

22 (a) IN GENERAL.—Sections 1425(b), 1426(h), 1427,
 23 1541, 1542, 1543, 1544, and 1546(a) of title 18, United
 24 States Code, are each amended by striking “facility” in

1 the last sentence of each such section and inserting “facili-
2 tate”.

3 (b) CRIMINAL FORFEITURE.—Section 982(a) of title
4 18, United States Code, is amended—

5 (1) by redesignating the second paragraph (6)
6 as paragraph (7); and

7 (2) in paragraph (7), as so redesignated—

8 (A) in subparagraph (A)(i), by striking
9 “subsection (a)” and inserting “such laws”; and

10 (B) in subparagraph (A)(ii)(I), by striking
11 “subsection (a)” through “of this title” and in-
12 serting “such laws”.

13 (c) AUTHORIZATION FOR INTERCEPTION OF WIRE,
14 ORAL, OR ELECTRONIC COMMUNICATIONS.—Section
15 2516(1) of title 18, United States Code, is amended by
16 striking the first paragraph (p) (added as paragraph (o)
17 by section 434 of the Antiterrorism and Effective Death
18 Penalty Act of 1996).

19 **SEC. 6. MISCELLANEOUS AMENDMENTS TO INA.**

20 (a) DEFINITIONS RELATING TO ALIEN TERRORIST
21 REMOVAL PROCEEDINGS.—Section 501(1) of the INA is
22 amended by striking “241(a)(4)(B)” and inserting
23 “237(a)(4)(B) or 212(a)(3)(B)”.

24 (b) REQUIREMENTS FOR SPONSOR’S AFFIDAVIT OF
25 SUPPORT.—Section 213A of the INA is amended—

1 (1) by redesignating the subsection (h) added
2 by section 551 of IIRIRA as subsection (g); and

3 (2) by redesignating subsection (i) as subsection
4 (h).

5 (c) APPREHENSION AND DETENTION OF ALIENS
6 NOT LAWFULLY IN UNITED STATES.—Section
7 236(c)(1)(C) of the INA is amended by striking “sen-
8 tence” and inserting “sentenced”.

9 (d) REMOVAL HEARING.—Section 504(e)(1)(A) of
10 the INA is amended by striking “a removal” and inserting
11 “removal”.

12 (e) VOLUNTARY DEPARTURE.—Section 240B(a)(1)
13 of the INA is amended by striking “237(a)(2)(A)(iii) or
14 section 237(a)(4)(B).” and inserting “237(a)(2)(A)(iii) or
15 subparagraph (B) or (D) of section 237(a)(4).”.

16 (f) WORLDWIDE LEVEL OF IMMIGRATION.—Section
17 201(b)(1)(D) of the INA is amended by striking
18 “240A(a)” and inserting “240A(b)”.

19 (g) TEMPORARY PROTECTED STATUS.—Section
20 244(e) of the INA is amended by striking “240A(a)” and
21 inserting “240A(b)”.

22 (h) INADMISSIBILITY.—The following provisions of
23 the INA are amended by striking the term “excludable”
24 each place it appears and inserting “inadmissible”:

1 (1) Clauses (ii) and (iii) of section
2 212(a)(3)(C).

3 (2) Section 213A(a)(1).

4 (i) PUBLIC VESSEL EXCEPTION.—Sections 235(d)(2)
5 and 241(d)(3) of the INA are amended by inserting “(ex-
6 cept for the commanding officer of a public vessel)” after
7 “commanding officer”.

8 (j) DETENTION AND REMOVAL OF ALIENS ORDERED
9 REMOVED.—Section 241(a)(4)(B)(i) of the INA, as added
10 by section 305(a) of IIRIRA, is amended by inserting “)”
11 immediately after “or (L)”.

12 (k) UNLAWFUL EMPLOYMENT OF ALIENS.—Section
13 274A(e)(2)(C) of the INA is amended by striking “para-
14 graph (2)” and inserting “paragraph (3)”.

15 (l) ADMISSION OF NONIMMIGRANTS.—Section
16 214(l)(1)(D) of the INA, as redesignated by section
17 622(c) of IIRIRA, is amended by striking “paragraph
18 (2)” and inserting “subparagraph (C)”.

19 (m) FOREIGN STUDENTS.—

20 (1) IN GENERAL.—Section 214 of the INA is
21 amended by redesignating the subsection (l) added
22 by section 625 of IIRIRA as subsection (m).

23 (2) CONFORMING AMENDMENT.—Section
24 212(a)(6)(G) of the INA is amended by striking
25 “214(l)” and inserting “214(m)”.

1 (n) TRANSPORT BY AIRLINE.—Section 212 of the
2 INA is amended—

3 (1) in subsection (f), by striking “Whenever the
4 Attorney General finds that a commercial airline has
5 failed to comply with regulations of the Attorney
6 General relating to requirements of airlines for the
7 detection of fraudulent documents used by pas-
8 sengers traveling to the United States (including the
9 training of personnel in such detection), the Attor-
10 ney General may suspend the entry of some or all
11 aliens transported to the United States by such air-
12 line.”; and

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

14 “(p) Whenever the Attorney General finds that a
15 commercial airline has failed to comply with regulations
16 of the Attorney General relating to requirements of air-
17 lines for the detection of fraudulent documents used by
18 passengers traveling to the United States (including the
19 training of personnel in such detection), the Attorney Gen-
20 eral may suspend the entry of some or all aliens trans-
21 ported to the United States by such airline.”.

22 (o) GOOD MORAL CHARACTER.—Section 101(f) of
23 the INA is amended by striking “(9)(A)” and inserting
24 “(10)(A)”.

1 (p) INITIATION OF REMOVAL PROCEEDINGS.—Sec-
2 tion 239(c) of the INA is amended by inserting “at the
3 time of arrest or” after “alien”.

4 (q) ALIENS PREVIOUSLY REMOVED.—Section
5 212(a)(9)(C) of the INA is amended by striking “enters
6 or attempts to reenter” and inserting “subsequently has
7 entered or attempted to reenter”.

8 **SEC. 7. MISCELLANEOUS AMENDMENTS TO IIRIRA.**

9 (a) NEW DOCUMENT FRAUD OFFENSES.—Section
10 212(e) of IIRIRA is amended by inserting “or documents”
11 after “applications”.

12 (b) PILOT PROGRAM ON LIMITING ISSUANCE OF
13 DRIVER’S LICENSES TO ILLEGAL ALIENS.—Section 502
14 of IIRIRA is amended by adding at the end the following:

15 “(c) CURRENT STATE AUTHORITY.—The denial of
16 driver’s licenses under operation of state law in effect on
17 the date of enactment of this Act to aliens not lawfully
18 present in the United States is unaffected by this sec-
19 tion.”.

20 (c) ADJUSTMENT OF STATUS FOR CERTAIN POLISH
21 AND HUNGARIAN PAROLEES.—Section 646(a)(1) of
22 IIRIRA is amended by striking “applies for such adjust-
23 ment” and inserting “files a completed application for
24 such adjustment prior to September 30, 1998.”.

1 (d) TECHNICAL CORRECTIONS.—Section 671(b)(5)
2 of IIRIRA is amended by striking “(K)(ii)” and inserting
3 “(K)(iii)”.

4 (e) AUTHORIZATION OF APPROPRIATIONS FOR IN-
5 CREASE IN NUMBER OF CERTAIN INVESTIGATORS.—Sec-
6 tion 131(c) of IIRIRA is amended—

7 (1) by striking “\$25,000” and inserting
8 “\$30,000”; and

9 (2) by striking “fiscal” and inserting “cal-
10 endar”.

11 (f) REDESIGNATION AND REORGANIZATION OF PRO-
12 VISIONS.—Section 308(g) of IIRIRA is amended—

13 (1) in paragraph (2), by striking “(as in effect
14 before October 1, 1996)” and inserting “(as in effect
15 before October 31, 1996, except that in such cases
16 review may be had only by petition for review to the
17 circuit court of appeals)”; and

18 (2) in paragraph (8)(A)(i), by striking
19 “240A(a)” and inserting “240A(b)”.

20 (g) EFFECTIVE DATES; TRANSITION.—Section 309
21 of IIRIRA is amended—

22 (1) in subsection (c)(4)(F), by inserting “, and,
23 notwithstanding the provisions of section 106(c), the
24 departure of the alien from the United States shall

1 not deprive the court of review of jurisdiction” after
2 “otherwise”; and

3 (2) by striking subsection (e).

4 (h) PROGRAM TO COLLECT INFORMATION RELATING
5 TO NONIMMIGRANT FOREIGN STUDENTS AND OTHER EX-
6 CHANGE PROGRAM PARTICIPANTS.—Section 641(c)(1)(B)
7 of IIRIRA is amended by striking “the date on which a
8 visa under the classification was issued or extended” and
9 inserting “the date on which the alien was admitted to
10 the United States under the classification or otherwise ac-
11 quired or extended that status”.

12 (i) PENALTIES FOR DISCLOSURE OF INFORMA-
13 TION.—Section 384 of IIRIRA is amended—

14 (1) in subsection (a)(2)—

15 (A) by striking “or” after “216(c)(4)(C),”;

16 and

17 (B) by inserting “(as in effect prior to
18 April 1, 1997), or section 240A(b)(2)” after

19 “244(a)(3)”; and

20 (2) in subsection (b), by adding at the end the
21 following:

22 “(6) Pursuant to section 431(c) of the Personal
23 Responsibility and Work Opportunity Reconciliation
24 Act of 1996, the Department of Justice is author-
25 ized to disclose information to Federal, State, local

1 or private benefit-granting agencies for use solely in
2 determining eligibility or continued eligibility for
3 benefits.”.

4 **SEC. 8. AMENDMENTS TO OTHER PROVISIONS.**

5 (a) GOOD MORAL CHARACTER.—Section 509(b) of
6 the Immigration Act of 1990 is amended by striking “on
7 or after” through the period at the end and inserting “be-
8 fore, on, or after such date.”

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect as if included in the enact-
11 ment of the Illegal Immigration Reform and Immigrant
12 Responsibility Act of 1996.

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