

106TH CONGRESS  
1ST SESSION

# S. 173

To amend the Immigration and Nationality Act to revise amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act.

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IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

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

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## A BILL

To amend the Immigration and Nationality Act to revise amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act.

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. AMENDMENTS TO THE IMMIGRATION AND NA-**  
4 **TIONALITY ACT.**

5 (a) CANCELLATION OF REMOVAL.—

6 (1) IN GENERAL.—Section 240A(a)(3) of the  
7 Immigration and Nationality Act (8 U.S.C.  
8 1229b(a)(3)) is amended to read as follows:

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1 “(3) has not been convicted of any aggravated  
 2 felony punishable by imprisonment for a period of  
 3 not less than five years.”.

4 (2) TERMINATION OF CONTINUOUS PERIOD.—  
 5 Section 240A(d)(1) of that Act (8 U.S.C.  
 6 1229b(d)(1)) is amended by striking “or when” and  
 7 all that follows through “earliest”.

8 (b) CUSTODY RULES.—

9 (1) IN GENERAL.—Section 236(c)(2) of the Im-  
 10 migration and Nationality Act (8 U.S.C. 1226(c)(2))  
 11 is amended to read as follows:

12 “(2) RELEASE.—The Attorney General may re-  
 13 lease an alien described in paragraph (1) only if the  
 14 alien is an alien described in subparagraph (A)(ii) or  
 15 (iii) and—

16 “(A) the alien was lawfully admitted to the  
 17 United States and satisfies the Attorney Gen-  
 18 eral that the alien will not pose a danger to the  
 19 safety of other persons or of property and is  
 20 likely to appear for any scheduled proceeding;  
 21 or

22 “(B) the alien was not lawfully admitted to  
 23 the United States, cannot be removed because  
 24 the designated country of removal will not ac-  
 25 cept the alien, and satisfies the Attorney Gen-

1           eral that the alien will not pose a danger to the  
2           safety of other persons or of property and is  
3           likely to appear for any scheduled proceeding.”.

4           (2) REPEAL.—Section 303(b) of the Illegal Im-  
5           migration Reform and Immigrant Responsibility Act  
6           of 1996 is repealed.

7           (c) JUDICIAL REVIEW.—Section 242(a)(2)(C) of the  
8           Immigration and Nationality Act (8 U.S.C.  
9           1252(a)(2)(C)) is amended by striking “no court shall  
10          have jurisdiction to review any” and inserting “a court  
11          of appeals for the judicial circuit in which a final order  
12          of removal was issued shall have jurisdiction to review  
13          the”.

14          (d) RIGHT TO COUNSEL.—Section 292 of the Immi-  
15          gration and Nationality Act (8 U.S.C. 1362) is  
16          amended—

17               (1) by striking “In” and inserting “Except as  
18               provided in paragraph (2), in”; and

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

20               “(2) In any removal proceedings before an im-  
21               migration judge and in any appeal proceedings be-  
22               fore the Attorney General from any such removal  
23               proceedings (in three designated districts), the per-  
24               son concerned shall have the privilege of being rep-  
25               resented by court-appointed counsel who shall be

1       paid by the United States and who are authorized  
2       to practice in such proceedings, as he shall choose.”.

3       (e) REPEALS.—The following provisions of the Immi-  
4       gration and Nationality Act are repealed:

5               (1) Section 203(b)(5) (8 U.S.C. 1153(b)(5)).

6               (2) Section 203(c) (8 U.S.C. 1153(c)).

7               (3) Section 201(a)(3) and 201(e) (8 U.S.C.  
8       1151(a)(3), 1151(e)).

9               (4) Section 204(a)(1)(F) and (G) (8 U.S.C.  
10       1154(a)(1)(F) and (G)).

11              (5) Section 216A (8 U.S.C. 1186b).

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