

103D CONGRESS  
2D SESSION

**H.R. 783**

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**SENATE  
AMENDMENTS TO  
HOUSE AMENDMENT  
TO SENATE  
AMENDMENT**

***In the Senate of the United States,***

*October 6 (legislative day, September 12), 1994.*

*Resolved,* That the Senate agree to the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 783) entitled “An Act to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization” with the following

**SENATE AMENDMENTS TO  
HOUSE AMENDMENT TO  
SENATE AMENDMENT:**

1 **(1)**Page 36, after line 19 of the House engrossed  
2 amendment, insert:

3 ***SEC. 220. WAIVER OF FOREIGN COUNTRY RESIDENCE RE-***  
4 ***QUIREMENT WITH RESPECT TO INTER-***  
5 ***NATIONAL MEDICAL GRADUATES.***

6 *(a) WAIVER.—Section 212(e) of the Immigration and*  
7 *Nationality Act (8 U.S.C. 1182(e)) is amended—*

8 *(1) in the first proviso by inserting “(or, in the*  
9 *case of an alien described in clause (iii), pursuant to*  
10 *the request of a State Department of Public Health,*  
11 *or its equivalent)” after “interested United States*  
12 *Government agency”; and*

1           (2) by inserting after “public interest” the fol-  
2           lowing: “except that in the case of a waiver requested  
3           by a State Department of Public Health, or its equiv-  
4           alent the waiver shall be subject to the requirements  
5           of section 214(k)”.

6           (b) *RESTRICTIONS ON WAIVER.*—Section 214 of such  
7           Act (8 U.S.C. 1184) is amended by adding at the end the  
8           following:

9           “(k)(1) In the case of a request by an interested State  
10          agency for a waiver of the two-year foreign residence re-  
11          quirement under section 212(e) with respect to an alien de-  
12          scribed in clause (iii) of that section, the Attorney General  
13          shall not grant such waiver unless—

14                 “(A) in the case of an alien who is otherwise  
15                 contractually obligated to return to a foreign country,  
16                 the government of such country furnishes the Director  
17                 of the United States Information Agency with a state-  
18                 ment in writing that it has no objection to such waiv-  
19                 er;

20                 “(B) the alien demonstrates a bona fide offer of  
21                 full-time employment at a health facility and agrees  
22                 to begin employment at such facility within 90 days  
23                 of receiving such waiver and agrees to continue to  
24                 work in accordance with paragraph (2) at the health  
25                 care facility in which the alien is employed for a total

1       *of not less than 3 years (unless the Attorney General*  
2       *determines that extenuating circumstances such as the*  
3       *closure of the facility or hardship to the alien would*  
4       *justify a lesser period of time);*

5               *“(C) the alien agrees to practice medicine in ac-*  
6       *cordance with paragraph (2) for a total of not less*  
7       *than 3 years only in the geographic area or areas*  
8       *which are designated by the Secretary of Health and*  
9       *Human Services as having a shortage of health care*  
10       *professionals; and*

11               *“(D) the grant of such waiver would not cause*  
12       *the number of waivers allotted for that State for that*  
13       *fiscal year to exceed twenty.*

14               *“(2)(A) Notwithstanding section 248(2) the Attorney*  
15       *General may change the status of an alien that qualifies*  
16       *under this subsection and section 212(e) to that of an alien*  
17       *described in section 101(a)(15)(H)(i)(b).*

18               *“(B) No person who has obtained a change of status*  
19       *under subparagraph (A) and who has failed to fulfill the*  
20       *terms of a contract with a health facility shall be eligible*  
21       *to apply for an immigrant visa, for permanent residence,*  
22       *or for any other change of nonimmigrant status until it*  
23       *is established that such person has resided and been phys-*  
24       *ically present in the country of his nationality or his last*

1 residence for an aggregate of at least two years following  
2 departure from the United States.

3 “(3) Notwithstanding any other provision of this sub-  
4 section, the two-year foreign residence requirement under  
5 section 212(e) shall apply with respect to an alien described  
6 in clause (iii) of that section, who has not otherwise been  
7 accorded status under section 101(a)(27)(H), if at any time  
8 the alien practices medicine in an area other than an area  
9 described in paragraph (1)(C).”.

10 (c) *EFFECTIVE DATE.*—The amendments made by this  
11 section shall apply to aliens admitted to the United States  
12 under section 101(a)(15)(J) of the Immigration and Na-  
13 tionality Act, or acquiring such status after admission to  
14 the United States, before, on, or after the date of enactment  
15 of this Act and before June 1, 1996.

16 **(2)**Page 36, after line 19 of the House engrossed  
17 amendment, insert:

18 **SEC. 221. VISAS FOR OFFICIALS OF TAIWAN.**

19 *Whenever the president of Taiwan or any other high-*  
20 *level official of Taiwan shall apply to visit the United*  
21 *States for the purposes of discussions with United States*  
22 *federal or state government officials concerning:*

23 (i) *Trade or business with Taiwan that will re-*  
24 *duce the U.S.-Taiwan trade deficit;*

25 (ii) *Prevention of nuclear proliferation;*

1           (iii) *Threats to the national security of the United States;*

2           (iv) *The protection of the global environment;*

3           (v) *The protection of endangered species; or*

4           (iv) *Regional humanitarian disasters.*

5           *The official shall be admitted to the United States, unless*  
6 *the official is otherwise excludable under the immigration*  
7 *laws of the United States.*

8  
9   **(3)**Page 36, after line 19 of the House engrossed  
10 amendment, insert:

11 **SEC. 222. EXPANSION OF DEFINITION OF AGGRAVATED FEL-**  
12 **ONY.**

13       (a) *EXPANSION OF DEFINITION.—Section 101(a)(43)*  
14 *of the Immigration and Nationality Act (8 U.S.C.*  
15 *1101(a)(43)) is amended to read as follows:*

16           “(43) *The term ‘aggravated felony’ means—*

17                   “(A) *murder;*

18                   “(B) *illicit trafficking in a controlled sub-*  
19 *stance (as defined in section 102 of the Con-*  
20 *trolled Substances Act), including a drug traf-*  
21 *ficking crime (as defined in section 924(c) of*  
22 *title 18, United States Code);*

23                   “(C) *illicit trafficking in firearms or de-*  
24 *structive devices (as defined in section 921 of*

1 title 18, United States Code) or in explosive ma-  
2 terials (as defined in section 841(c) of that title);

3 “(D) an offense described in section 1956 of  
4 title 18, United States Code (relating to launder-  
5 ing of monetary instruments) or section 1957 of  
6 that title (relating to engaging in monetary  
7 transactions in property derived from specific  
8 unlawful activity) if the amount of the funds ex-  
9 ceeded \$100,000;

10 “(E) an offense described in—

11 “(i) section 842 (h) or (i) of title 18,  
12 United States Code, or section 844 (d), (e),  
13 (f), (g), (h), or (i) of that title (relating to  
14 explosive materials offenses);

15 “(ii) section 922(g) (1), (2), (3), (4), or  
16 (5), (j), (n), (o), (p), or (r) or 924 (b) or (h)  
17 of title 18, United States Code (relating to  
18 firearms offenses); or

19 “(iii) section 5861 of the Internal Rev-  
20 enue Code of 1986 (relating to firearms of-  
21 fenses);

22 “(F) a crime of violence (as defined in sec-  
23 tion 16 of title 18, United States Code, but not  
24 including a purely political offense) for which  
25 the term of imprisonment imposed (regardless of

1           *any suspension of imprisonment) is at least 5*  
2           *years;*

3           “(G) *a theft offense (including receipt of sto-*  
4           *len property) or burglary offense for which the*  
5           *term of imprisonment imposed (regardless of any*  
6           *suspension of such imprisonment) is at least 5*  
7           *years;*

8           “(H) *an offense described in section 875,*  
9           *876, 877, or 1202 of title 18, United States Code*  
10          *(relating to the demand for or receipt of ran-*  
11          *som);*

12          “(I) *an offense described in section 2251,*  
13          *2251A, or 2252 of title 18, United States Code*  
14          *(relating to child pornography);*

15          “(J) *an offense described in section 1962 of*  
16          *title 18, United States Code (relating to racketeer*  
17          *influenced corrupt organizations) for which a*  
18          *sentence of 5 years’ imprisonment or more may*  
19          *be imposed;*

20          “(K) *an offense that—*

21                  “(i) *relates to the owning, controlling,*  
22                  *managing, or supervising of a prostitution*  
23                  *business; or*

24                  “(ii) *is described in section 1581, 1582,*  
25                  *1583, 1584, 1585, or 1588, of title 18, Unit-*

1 *ed States Code (relating to peonage, slavery,*  
2 *and involuntary servitude);*

3 *“(L) an offense described in—*

4 *“(i) section 793 (relating to gathering*  
5 *or transmitting national defense informa-*  
6 *tion), 798 (relating to disclosure of classi-*  
7 *fied information), 2153 (relating to sabo-*  
8 *tage) or 2381 or 2382 (relating to treason)*  
9 *of title 18, United States Code; or*

10 *“(ii) section 601 of the National Secu-*  
11 *rity Act of 1947 (50 U.S.C. 421) (relating*  
12 *to protecting the identity of undercover in-*  
13 *telligence agents);*

14 *“(M) an offense that—*

15 *“(i) involves fraud or deceit in which*  
16 *the loss to the victim or victims exceeds*  
17 *\$200,000; or*

18 *“(ii) is described in section 7201 of the*  
19 *Internal Revenue Code of 1986 (relating to*  
20 *tax evasion) in which the revenue loss to the*  
21 *Government exceeds \$200,000;*

22 *“(N) an offense described in section*  
23 *274(a)(1) of title 18, United States Code (relat-*  
24 *ing to alien smuggling) for the purpose of com-*  
25 *mmercial advantage;*

1           “(O) an offense described in section 1546(a)  
2 of title 18, United States Code (relating to docu-  
3 ment fraud) which constitutes trafficking in the  
4 documents described in such section for which the  
5 term of imprisonment imposed (regardless of any  
6 suspension of such imprisonment) is at least 5  
7 years;

8           “(P) an offense relating to a failure to ap-  
9 pear by a defendant for service of sentence if the  
10 underlying offense is punishable by imprison-  
11 ment for a term of 15 years or more; and

12           “(Q) an attempt or conspiracy to commit  
13 an offense described in this paragraph.

14           *The term applies to an offense described in this para-*  
15 *graph whether in violation of Federal or State law*  
16 *and applies to such an offense in violation of the law*  
17 *of a foreign country for which the term of imprison-*  
18 *ment was completed within the previous 15 years.”.*

19           (b) *EFFECTIVE DATE.*—*The amendments made by this*  
20 *section shall apply to convictions entered on or after the*  
21 *date of enactment of this Act.*

22           **SEC. 223. SUMMARY DEPORTATION.**

23           (a) *EXPEDITED PROCEDURES.*—*Section 242A of the*  
24 *Immigration and Nationality Act (8 U.S.C. 1252a) is*  
25 *amended—*

1           (1) in subsection (b)(4)(D), by striking “the de-  
2           termination of deportability is supported by clear,  
3           convincing, and unequivocal evidence and”; and

4           (2) in subsection (b)(4)(E), by striking “entered”  
5           and inserting “adjudicated”.

6           (b) *TECHNICAL CORRECTION.*—Section 106(d)(1)(D) of  
7           the Immigration and Nationality Act (8 U.S.C. 1105a) is  
8           amended by striking “242A(b)(5)” and inserting  
9           “242A(b)(4)”.

10       **SEC. 224. JUDICIAL DEPORTATION.**

11           (a) *JUDICIAL DEPORTATION.*—Section 242A of the Im-  
12           migration and Nationality Act (8 U.S.C. 1252a) is amend-  
13           ed by adding at the end the following new subsection:

14           “(d) *JUDICIAL DEPORTATION.*—

15                   “(1) *AUTHORITY.*—Notwithstanding any other  
16                   provision of this Act, a United States district court  
17                   shall have jurisdiction to enter a judicial order of de-  
18                   portation at the time of sentencing against an alien  
19                   whose criminal conviction causes such alien to be de-  
20                   portable under section 241(a)(2)(A), if such an order  
21                   has been requested by the United States Attorney with  
22                   the concurrence of the Commissioner and if the court  
23                   chooses to exercise such jurisdiction.

24                   “(2) *PROCEDURE.*—

1           “(A) *The United States Attorney shall file*  
2 *with the United States district court, and serve*  
3 *upon the defendant and the Service, prior to*  
4 *commencement of the trial or entry of a guilty*  
5 *plea a notice of intent to request judicial depor-*  
6 *tation.*

7           “(B) *Notwithstanding section 242B, the*  
8 *United States Attorney, with the concurrence of*  
9 *the Commissioner, shall file at least 30 days*  
10 *prior to the date set for sentencing a charge con-*  
11 *taining factual allegations regarding the*  
12 *alienage of the defendant and identifying the*  
13 *crime or crimes which make the defendant de-*  
14 *portable under section 241(a)(2)(A).*

15           “(C) *If the court determines that the defend-*  
16 *ant has presented substantial evidence to estab-*  
17 *lish prima facie eligibility for relief from depor-*  
18 *tation under this Act, the Commissioner shall*  
19 *provide the court with a recommendation and re-*  
20 *port regarding the alien’s eligibility for relief.*  
21 *The court shall either grant or deny the relief*  
22 *sought.*

23           “(D)(i) *The alien shall have a reasonable*  
24 *opportunity to examine the evidence against him*  
25 *or her, to present evidence on his or her own be-*

1           *half, and to cross-examine witnesses presented by*  
2           *the Government.*

3           “(ii) *The court, for the purposes of deter-*  
4           *mining whether to enter an order described in*  
5           *paragraph (1), shall only consider evidence that*  
6           *would be admissible in proceedings conducted*  
7           *pursuant to section 242(b).*

8           “(iii) *Nothing in this subsection shall limit*  
9           *the information a court of the United States*  
10          *may receive or consider for the purposes of im-*  
11          *posing an appropriate sentence.*

12          “(iv) *The court may order the alien de-*  
13          *ported if the Attorney General demonstrates that*  
14          *the alien is deportable under this Act.*

15          “(3) *NOTICE, APPEAL, AND EXECUTION OF JUDI-*  
16          *CIAL ORDER OF DEPORTATION.—*

17          “(A)(i) *A judicial order of deportation or*  
18          *denial of such order may be appealed by either*  
19          *party to the court of appeals for the circuit in*  
20          *which the district court is located.*

21          “(ii) *Except as provided in clause (iii),*  
22          *such appeal shall be considered consistent with*  
23          *the requirements described in section 106.*

24          “(iii) *Upon execution by the defendant of a*  
25          *valid waiver of the right to appeal the conviction*

1           *on which the order of deportation is based, the*  
2           *expiration of the period described in section*  
3           *106(a)(1), or the final dismissal of an appeal*  
4           *from such conviction, the order of deportation*  
5           *shall become final and shall be executed at the*  
6           *end of the prison term in accordance with the*  
7           *terms of the order. If the conviction is reversed*  
8           *on direct appeal, the order entered pursuant to*  
9           *this section shall be void.*

10           *“(B) As soon as is practicable after entry of*  
11           *a judicial order of deportation, the Commis-*  
12           *sioner shall provide the defendant with written*  
13           *notice of the order of deportation, which shall*  
14           *designate the defendant’s country of choice for*  
15           *deportation and any alternate country pursuant*  
16           *to section 243(a).*

17           *“(4) DENIAL OF JUDICIAL ORDER.—Denial with-*  
18           *out a decision on the merits of a request for a judicial*  
19           *order of deportation shall not preclude the Attorney*  
20           *General from initiating deportation proceedings pur-*  
21           *suant to section 242 upon the same ground of deport-*  
22           *ability or upon any other ground of deportability*  
23           *provided under section 241(a).”.*

24           *(b) TECHNICAL AMENDMENT.—The ninth sentence of*  
25           *section 242(b) of the Immigration and Nationality Act (8*

1 *U.S.C. 1252(b)* is amended by striking “The” and insert-  
2 ing “Except as provided in section 242A(d), the”.

3 (c) *EFFECTIVE DATE.*—The amendments made by this  
4 section shall apply to all aliens whose adjudication of guilt  
5 or guilty plea is entered in the record after the date of enact-  
6 ment of this Act.

7 ***SEC. 225. CONSTRUCTION OF EXPEDITED DEPORTATION***  
8 ***REQUIREMENTS.***

9 *No amendment made by this Act and nothing in sec-*  
10 *tion 242(i) of the Immigration and Nationality Act (8*  
11 *U.S.C. 1252(i)) shall be construed to create any substantive*  
12 *or procedural right or benefit that is legally enforceable by*  
13 *any party against the United States or its agencies or offi-*  
14 *cers or any other person.*

Attest:

*Secretary.*

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