

103^D CONGRESS
1ST SESSION

H. R. 783

AMENDMENT

In the Senate of the United States,

November 20 (legislative day, November 2), 1993.

Resolved, That the bill from the House of Representatives (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”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *Titles I and III of this Act may be cited as the “Immi-*
3 *gration and Nationality Technical Corrections Act of*
4 *1993”.*

1 **SEC. 2. TABLE OF CONTENTS.**

2 *The table of contents of this Act is as follows:*

- Sec. 1. Short title.*
Sec. 2. Table of contents.

TITLE I—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

- Sec. 101. American Institute in Taiwan.*
Sec. 102. Special immigrant status of retired officers and employees of international organizations.
Sec. 103. Treatment of Tibet under per country levels.
Sec. 104. Authority for Secretary of State to make refugee determinations.
Sec. 105. Clarification of certain grounds for exclusion and deportation.
Sec. 106. Labor market information pilot program for employment-based immigrants.
Sec. 107. United States citizens entering and departing on United States passports.
Sec. 108. Applications for visas.
Sec. 109. Limitations on performance of longshore work by alien crewmembers—Alaska exception.
Sec. 110. Family unity and temporary protected status.
Sec. 111. Adjustment of status of certain representatives of foreign governments and international organizations.
Sec. 112. Priority dates for aliens registered on the Western Hemisphere waiting list.
Sec. 113. Other miscellaneous and technical corrections to immigration-related provisions.

*TITLE II—NATIONALITY AND NATURALIZATION AMENDMENTS OF
 1993*

- Sec. 201. Short title.*
Sec. 202. Equal treatment of women in conferring citizenship for children born abroad.
Sec. 203. Nationals, but not citizens, at birth based on use of physical presence instead of residence.
Sec. 204. Children born out of wedlock.
Sec. 205. Child born outside of the United States of an alien parent; conditions for automatic citizenship.
Sec. 206. Naturalization of children on application of citizen parent.
Sec. 207. Former citizens of United States regaining United States citizenship.
Sec. 208. Intent to reside permanently in the United States after naturalization.
Sec. 209. Terminology relating to expatriation.
Sec. 210. Administrative and judicial determinations relating to loss of citizenship.
Sec. 211. Cancellation of United States passports and consular reports of birth.
Sec. 212. Report on citizenship of certain legalized aliens.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Secretary of State to issue United States passports to United States citizens and nationals only.*
Sec. 302. Fraud and misuse of travel documents.
Sec. 303. Border Patrol Museum and Memorial Library Foundation.

Sec. 304. Special immigrant status for certain aliens employed abroad.

1 **TITLE I—TECHNICAL CORREC-**
2 **TIONS OF IMMIGRATION**
3 **LAWS**

4 **SEC. 101. AMERICAN INSTITUTE IN TAIWAN.**

5 *Section 101(a)(27)(D) of the Immigration and Nation-*
6 *ality Act (8 U.S.C. 1101(a)(27)(D)) is amended—*

7 *(1) by inserting “or of the American Institute in*
8 *Taiwan,” after “of the United States Government*
9 *abroad,”; and*

10 *(2) by inserting “(or, in the case of the American*
11 *Institute in Taiwan, the Director thereof)” after*
12 *“Foreign Service establishment”.*

13 **SEC. 102. SPECIAL IMMIGRANT STATUS OF RETIRED OFFI-**
14 **CERS AND EMPLOYEES OF INTERNATIONAL**
15 **ORGANIZATIONS.**

16 *Section 101(a)(27)(I)(iii) of the Immigration and Na-*
17 *tionality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended by*
18 *striking subclause (II) and inserting in lieu thereof the fol-*
19 *lowing: “(II) files a petition for status under this subpara-*
20 *graph no later than six months after the date of such retire-*
21 *ment or six months after the date of enactment of the Immi-*
22 *gration and Nationality Technical Corrections Act of 1993,*
23 *whichever is later.”.*

1 **SEC. 103. TREATMENT OF TIBET UNDER PER COUNTRY**
2 **LEVELS.**

3 (a) *APPLICATION OF IMMIGRATION AND NATIONALITY*
4 *ACT.*—*The approval referred to in the first sentence of sec-*
5 *tion 202(b) of the Immigration and Nationality Act shall*
6 *be considered to have been granted, effective beginning with*
7 *fiscal year 1994, with respect to Tibet as a separate foreign*
8 *state, and not as a component or dependent area of another*
9 *foreign state.*

10 (b) *DEFINITION.*—*For purposes of this section, the*
11 *term “Tibet” refers to the territory encompassed by Tibet*
12 *as of October 1, 1949.*

13 **SEC. 104. AUTHORITY FOR SECRETARY OF STATE TO MAKE**
14 **REFUGEE DETERMINATIONS.**

15 *Section 207(c)(1) of the Immigration and Nationality*
16 *Act (8 U.S.C. 1157(c)(1)) is amended—*

17 (1) *by inserting “(A)” immediately after “(1)”;*

18 (2) *by inserting “and subject to subparagraph*
19 *(B),” after “subsections (a) and (b),”;* and

20 (3) *by adding at the end thereof the following:*

21 *“(B) The Secretary of State, together with the Attorney*
22 *General, shall develop procedures under which the Secretary*
23 *may determine individuals to be qualified for admission to*
24 *the United States as refugees. Such determinations may be*
25 *made by the Secretary of State in situations (defined by*
26 *the Attorney General together with the Secretary of State)*

1 *in which the Attorney General does not have immediate ac-*
2 *cess to the individual under consideration for admission as*
3 *a refugee and cannot expeditiously determine whether such*
4 *individual is qualified for refugee admission.”.*

5 **SEC. 105. CLARIFICATION OF CERTAIN GROUNDS FOR EX-**
6 **CLUSION AND DEPORTATION.**

7 (a) *EXCLUSION GROUNDS.*—Section 212 of the *Immi-*
8 *gration and Nationality Act (8 U.S.C. 1182)* is amended—

9 (1) *in subsection (a)(2)(A)(i)(I), by inserting “or*
10 *an attempt or conspiracy to commit that crime” after*
11 *“offense”),*

12 (2) *in subsection (a)(2)(A)(i)(II), by inserting*
13 *“or attempt” after “conspiracy”, and*

14 (3) *in the last sentence of subsection (h), by in-*
15 *serting “; or an attempt or conspiracy to commit*
16 *murder or a criminal act involving torture” after*
17 *“torture”.*

18 (b) *DEPORTATION GROUNDS.*—Section 241(a) of such
19 *Act (8 U.S.C. 1251(a))* is amended—

20 (1) *in paragraph (2)(C)—*

21 (A) *by striking “in violation of any law,”*
22 *and inserting “; or of attempting or conspiring*
23 *to purchase, sell, offer for sale, exchange, use*
24 *own, possess, or carry,” and*

1 (B) by inserting “in violation of any law”
2 after “Code)”; and

3 (2) in paragraph (3)(B), by inserting “an at-
4 tempt or” before “a conspiracy” each place it appears
5 in clauses (ii) and (iii).

6 (c) *EFFECTIVE DATE.*—The amendments made by this
7 section shall apply to convictions occurring before, on, or
8 after the date of the enactment of this Act.

9 **SEC. 106. LABOR MARKET INFORMATION PILOT PROGRAM**
10 **FOR EMPLOYMENT-BASED IMMIGRANTS.**

11 (a) *PROGRAM MADE DISCRETIONARY.*—Section
12 122(a)(1) of the Immigration Act of 1990 is amended by
13 striking from the first sentence “shall” and inserting
14 “may”.

15 (b) *CONFORMING AMENDMENT.*—Section 122(a)(4) of
16 such Act is amended by striking “By” and inserting “In
17 the event a pilot program is established pursuant to this
18 subsection, by”.

19 **SEC. 107. UNITED STATES CITIZENS ENTERING AND DE-**
20 **PARTING ON UNITED STATES PASSPORTS.**

21 (a) *IN GENERAL.*—Section 215(b) of the Immigration
22 and Nationality Act (8 U.S.C. 1185(b)) is amended by in-
23 serting “United States” after “valid”.

24 (b) *EFFECTIVE DATE.*—The amendment made by sub-
25 section (a) shall apply to departures and entries (and at-

1 *tempts thereof) occurring on or after the date of enactment*
2 *of this Act.*

3 **SEC. 108. APPLICATIONS FOR VISAS.**

4 *(a) IN GENERAL.—The second sentence of section*
5 *222(a) of the Immigration and Nationality Act (8 U.S.C.*
6 *1202(a)) is amended—*

7 *(1) by striking “the immigrant” and inserting*
8 *“the alien”, and*

9 *(2) by striking “present address” and all that*
10 *follows through “exempt from exclusion under the im-*
11 *migration laws;”.*

12 *(b) EFFECTIVE DATE.—The amendments made by sub-*
13 *section (a) shall apply to applications made on or after the*
14 *date of the enactment of this Act.*

15 **SEC. 109. LIMITATIONS ON PERFORMANCE OF LONGSHORE**
16 **WORK BY ALIEN CREWMEMBERS—ALASKA EX-**
17 **CEPTION.**

18 *(a) ALASKA EXCEPTION.—Section 258 of the Immigra-*
19 *tion and Nationality Act (8 U.S.C. 1288) is amended—*

20 *(1) by redesignating subsection (d) as subsection*
21 *(e); and*

22 *(2) by inserting after subsection (c) the following*
23 *new subsection:*

24 *“(d) STATE OF ALASKA EXCEPTION.—(1) Subsection*
25 *(a) shall not apply to a particular activity of longshore*

1 *work at a particular location in the State of Alaska if an*
2 *employer of alien crewmen has filed an attestation with the*
3 *Secretary of Labor at least 30 days before the date of the*
4 *first performance of the activity (or anytime up to 24 hours*
5 *before the first performance of the activity, upon a showing*
6 *that the employer could not have reasonably anticipated the*
7 *need to file an attestation for that location at that time)*
8 *setting forth facts and evidence to show that—*

9 “(A) *the employer will make a bona fide request*
10 *for United States longshore workers who are qualified*
11 *and available in sufficient numbers to perform the ac-*
12 *tivity at the particular time and location from the*
13 *parties to whom notice has been provided under*
14 *clauses (ii) and (iii) of subparagraph (D), except*
15 *that—*

16 “(i) *wherever two or more contract stevedor-*
17 *ing companies have signed a joint collective bar-*
18 *gaining agreement with a single labor organiza-*
19 *tion described in subparagraph (D)(i), the em-*
20 *ployer may request longshore workers from only*
21 *one of such contract stevedoring companies, and*

22 “(ii) *a request for longshore workers to an*
23 *operator of a private dock may be made only for*
24 *longshore work to be performed at that dock and*
25 *only if the operator meets the requirements of*

1 *section 32 of the Longshoremen's and Harbor*
2 *Workers' Compensation Act (33 U.S.C. 932);*

3 *“(B) the employer will employ all those United*
4 *States longshore workers made available in response*
5 *to the request made pursuant to subparagraph (A)*
6 *who are qualified and available in sufficient numbers*
7 *and who are needed to perform the longshore activity*
8 *at the particular time and location;*

9 *“(C) the use of alien crewmembers for such activ-*
10 *ity is not intended or designed to influence an elec-*
11 *tion of a bargaining representative for workers in the*
12 *State of Alaska; and*

13 *“(D) notice of the attestation has been provided*
14 *by the employer to—*

15 *“(i) labor organizations which have been*
16 *recognized as exclusive bargaining representa-*
17 *tives of United States longshore workers within*
18 *the meaning of the National Labor Relations Act*
19 *and which make available or intend to make*
20 *available workers to the particular location*
21 *where the longshore work is to be performed,*

22 *“(ii) contract stevedoring companies which*
23 *employ or intend to employ United States*
24 *longshore workers at that location, and*

1 “(iii) operators of private docks at which
2 the employer will use longshore workers.

3 “(2)(A) An employer filing an attestation under para-
4 graph (1) who seeks to use alien crewmen to perform
5 longshore work shall be responsible while the attestation is
6 valid to make bona fide requests for United States longshore
7 workers under paragraph (1)(A) and to employ United
8 States longshore workers, as provided in paragraph (1)(B),
9 before using alien crewmen to perform the activity or activi-
10 ties specified in the attestation, except that an employer
11 shall not be required to request longshore workers from a
12 party if that party has notified the employer in writing
13 that it does not intend to make available United States
14 longshore workers to the location at which the longshore
15 work is to be performed.

16 “(B) If a party that has provided such notice subse-
17 quently notifies the employer in writing that it is prepared
18 to make available United States longshore workers who are
19 qualified and available in sufficient numbers to perform the
20 longshore activity to the location at which the longshore
21 work is to be performed, then the employer’s obligations to
22 that party under subparagraphs (A) and (B) of paragraph
23 (1) shall begin 60 days following the issuance of such notice.

24 “(3)(A) In no case shall an employer filing an attesta-
25 tion be required—

1 “(i) to hire less than a full work unit of United
2 States longshore workers needed to perform the
3 longshore activity;

4 “(ii) to provide overnight accommodations for
5 the longshore workers while employed; or

6 “(iii) to provide transportation to the place of
7 work, except where—

8 “(I) surface transportation is available;

9 “(II) such transportation may be safely ac-
10 complished;

11 “(III) travel time to the vessel does not ex-
12 ceed one-half hour each way; and

13 “(IV) travel distance to the vessel from the
14 point of embarkation does not exceed 5 miles.

15 “(B) In the cases of Wide Bay, Alaska, and Klawock/
16 Craig, Alaska, the travel times and travel distances speci-
17 fied in subclauses (III) and (IV) of subparagraph (A) shall
18 be extended to 45 minutes and 7½ miles, respectively, un-
19 less the party responding to the request for longshore work-
20 ers agrees to the lesser time and distance limitations speci-
21 fied in those subclauses.

22 “(4) Subject to subparagraphs (A) through (D) of sub-
23 section (c)(4), attestations filed under paragraph (1) of this
24 subsection shall—

1 “(A) expire at the end of the 1-year period begin-
2 ning on the date the employer anticipates the
3 longshore work to begin, as specified in the attestation
4 filed with the Secretary of Labor, and

5 “(B) apply to aliens arriving in the United
6 States during such 1-year period if the owner, agent,
7 consignee, master, or commanding officer states in
8 each list under section 251 that it continues to com-
9 ply with the conditions in the attestation.

10 “(5)(A) Except as otherwise provided by subparagraph
11 (B), subsection (c)(3) and subparagraphs (A) through (E)
12 of subsection (c)(4) shall apply to attestations filed under
13 this subsection.

14 “(B) The use of alien crewmen to perform longshore
15 work in Alaska consisting of the use of an automated self-
16 unloading conveyor belt or vacuum-actuated system on a
17 vessel shall be governed by the provisions of subsection (c).

18 “(6) For purposes of this subsection—

19 “(A) the term ‘contract stevedoring companies’
20 means those stevedoring companies licensed to do
21 business in the State of Alaska that meet the require-
22 ments of section 32 of the Longshoremen’s and Harbor
23 Workers’ Compensation Act (33 U.S.C. 932); and

24 “(B) the term ‘employer’ includes any agent or
25 representative designated by the employer; and

1 “(C) the terms ‘qualified’ and ‘available in suffi-
2 cient numbers’ shall be defined by reference to indus-
3 try standards in the State of Alaska, including safety
4 considerations.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 258(a) (8 U.S.C. 1288(a)) is amend-
7 ed by striking “subsection (c) or subsection (d)” and
8 inserting “subsection (c), (d), or (e)”.

9 (2) Section 258(c)(4)(A) (8 U.S.C.
10 1288(c)(4)(A)) is amended by inserting “or subsection
11 (d)(1)” after “paragraph (1)” each of the two places
12 it appears.

13 (3) Section 258(c) (8 U.S.C. 1288(c)) is amended
14 by adding at the end the following new paragraph:

15 “(5) Except as provided in paragraph (5) of subsection
16 (d), this subsection shall not apply to longshore work per-
17 formed in the State of Alaska.”.

18 (c) IMPLEMENTATION.—(1) The Secretary of Labor
19 shall prescribe such regulations as may be necessary to
20 carry out this section.

21 (2) Attestations filed pursuant to section 258(c) (8
22 U.S.C. 1288(c)) with the Secretary of Labor before the date
23 of enactment of this Act shall remain valid until 60 days
24 after the date of issuance of final regulations by the Sec-
25 retary under this section.

1 **SEC. 110. FAMILY UNITY AND TEMPORARY PROTECTED STA-**
2 **TUS.**

3 (a) *IN GENERAL.*—Section 301(a) of the Immigration
4 Act of 1990 is amended by inserting after “May 5, 1988”
5 the following: “(in the case of a relationship to a legalized
6 alien described in subsection (b)(2)(B) or (b)(2)(C)) or as
7 of December 1, 1988 (in the case of a relationship to a legal-
8 ized alien described in subsection (b)(2)(A))”.

9 (b) *EFFECTIVE DATE.*—The amendment made by sub-
10 section (a) shall be deemed to have become effective as of
11 October 1, 1991.

12 **SEC. 111. ADJUSTMENT OF STATUS OF CERTAIN REP-**
13 **RESENTATIVES OF FOREIGN GOVERNMENTS**
14 **AND INTERNATIONAL ORGANIZATIONS.**

15 Section 13(c) of the Act of September 11, 1957 (8
16 U.S.C. 1255b(c)) is amended—

17 (1) by striking the third sentence; and

18 (2) in the fourth sentence, by striking “If neither
19 the Senate nor the House of Representatives passes
20 such a resolution within the time above specified the”
21 and inserting “The”.

22 **SEC. 112. PRIORITY DATES FOR ALIENS REGISTERED ON**
23 **THE WESTERN HEMISPHERE WAITING LIST.**

24 Section 9(b) of the Immigration and Nationality Act
25 Amendments of 1976 (Public Law 94–571) is hereby re-
26 pealed.

1 **SEC. 113. OTHER MISCELLANEOUS AND TECHNICAL COR-**
2 **RECTIONS TO IMMIGRATION-RELATED PROVI-**
3 **SIONS.**

4 (a) Section 101(a)(27)(J)(i) of the Immigration and
5 Nationality Act (8 U.S.C. 1101(a)(27)(J)(i)) is amended by
6 striking “and has” and inserting “or whom such a court
7 has legally committed to, or placed under the custody of,
8 an agency or department of a State and who has”.

9 (b)(1) The second sentence of section 201(b)(2)(A)(i)
10 of the Immigration and Nationality Act (8 U.S.C.
11 1151(b)(2)(A)(i)) is amended by inserting “(and each child
12 of the alien)” after “the alien”.

13 (2) The second sentence of section 204(a)(1)(A) of such
14 Act (8 U.S.C. 1154(a)(1)(A)) is amended—

15 (A) by inserting “spouse” after “alien”, and

16 (B) by inserting “of the alien (and the alien’s
17 children)” after “for classification”.

18 (c) Section 203(b)(5) of the Immigration and Nation-
19 ality Act (8 U.S.C. 1153(b)(5)) is amended by striking
20 “TARGETTED”, “TARGETTED”, and “targetted” each place
21 each appears and inserting “TARGETED”, “TARGETED”,
22 and “targeted”, respectively.

23 (d) Section 210(d)(3) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1160(d)(3)) is amended by inserting
25 “the” before “Service” the first place it appears.

1 (e) Section 212(d)(11) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1182(d)(11)) is amended by striking
3 “voluntary” and inserting “voluntarily”.

4 (f) Section 217(e)(1)(A) of the Immigration and Na-
5 tionality Act (8 U.S.C. 1187(e)(1)(A)) is amended by strik-
6 ing “(a)(1)(A)” and inserting “(a)(1)”.

7 (g) Section 241(c) of the Immigration and Nationality
8 Act (8 U.S.C. 1251(c)) is amended by striking “or (3)(A)
9 of subsection 241(a)” and inserting “and (3)(A) of sub-
10 section (a)”.

11 (h) Section 242(h) of the Immigration and Nationality
12 Act (8 U.S.C. 1252(h)) is amended by striking “Parole,,”
13 and inserting “Parole,”.

14 (i) Section 242B(c)(1) of the Immigration and Nation-
15 ality Act (8 U.S.C. 1252b(c)(1)) is amended by striking the
16 comma after “that”.

17 (j) Section 244A(c)(2)(A)(iii)(III) of the Immigration
18 and Nationality Act (8 U.S.C. 1254a(c)(2)(A)(iii)(III)) is
19 amended—

20 (1) by striking “Paragraphs” and inserting
21 “paragraphs”, and

22 (2) by striking “or (3)(E)” and inserting “and
23 (3)(E)”.

1 (k) Section 245(h)(2)(B) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1255(h)(2)(B)) is amended by strik-
3 ing “or (3)(E)” and inserting “and (3)(E)”.

4 (l)(1) Subparagraph (C) of section 245A(c)(7) of the
5 Immigration and Nationality Act (8 U.S.C. 1255a(c)(7)),
6 as added by Public Law 102–140, is amended—

7 (A) by indenting it 2 additional ems to the
8 right; and

9 (B) by striking “subsection (B)” and inserting
10 “subparagraph (B)”.

11 (2) Section 610(b) of Public Law 102–140 is amended
12 by striking “404(b)(2)(ii)” and “404(b)(2)(iii)” and insert-
13 ing “404(b)(1)(A)(ii)” and “404(b)(2)(A)(iii)”, respec-
14 tively.

15 (m) Effective as of the date of the enactment of this
16 Act, section 246(a) of the Immigration and Nationality Act
17 (8 U.S.C. 1256(a)) is amended by striking the first 3 sen-
18 tences.

19 (n) Section 262(c) of the Immigration and Nationality
20 Act (8 U.S.C. 1302(c)) is amended by striking “subsection
21 (a) and (b)” and inserting “subsections (a) and (b)”.

22 (o) Section 272(a) of the Immigration and Nationality
23 Act (8 U.S.C. 1322(a)) is amended by striking the comma
24 after “so afflicted”.

1 (p) *The first sentence of section 273(b) of the Immigra-*
2 *tion and Nationality Act (8 U.S.C. 1323(b)) is amended*
3 *by striking “collector of customs” and inserting “Commis-*
4 *sioner”.*

5 (q) *Section 274B(g)(2)(C) of the Immigration and Na-*
6 *tionalty Act (8 U.S.C. 1324b(g)(2)(C)) is amended by*
7 *striking “an administrative law judge” and inserting “the*
8 *Special Counsel”.*

9 (r) *Section 274C(b) of the Immigration and National-*
10 *ity Act (8 U.S.C. 1324c(b)) is amended by striking “title*
11 *V” and all that follows through “3481)” and inserting*
12 *“chapter 224 of title 18, United States Code”.*

13 (s) *Section 280(b)(1)(C) of the Immigration and Na-*
14 *tionalty Act (8 U.S.C. 1330(b)(1)(C)) is amended by strik-*
15 *ing “maintainance” and inserting “maintenance”.*

16 (t) *Effective as if included in the enactment of Public*
17 *Law 102–395, subsection (r) of section 286 of the Immigra-*
18 *tion and Nationality Act (8 U.S.C. 1356), as added by sec-*
19 *tion 112 of such Public Law, is amended—*

20 (1) *in the subsection heading, by striking*
21 *“Breached Bond/Detention Fund” and inserting*
22 *“BREACHED BOND/DETENTION FUND”;*

23 (2) *in paragraph (1), by striking “(hereafter re-*
24 *ferred to as the Fund)” and inserting “(in this sub-*
25 *section referred to as the ‘Fund’)”;*

1 (3) in paragraph (2), by striking “the Immigra-
2 tion and Nationality Act of 1952, as amended,” and
3 inserting “this Act”;

4 (4) in paragraphs (4) and (6), by striking “the
5 Breached Bond/Detention”;

6 (5) in paragraph (4), by striking “of this Act”
7 and inserting “of Public Law 102–395”;

8 (6) in paragraph (5), by striking “account” and
9 inserting “Fund”; and

10 (7) in paragraph (6), by striking “Breached
11 Bond/Detention” each of the two places it appears.

12 (u) Section 310(b)(5)(A) of the Immigration and Na-
13 tionality Act (8 U.S.C. 1421(b)(5)(A)) is amended by strik-
14 ing “District Court” and inserting “district court”.

15 (v) Effective December 12, 1991, section 313(a)(2) of
16 the Immigration and Nationality Act (8 U.S.C. 1424(a)(2))
17 is amended by striking “and” before “(F)” and inserting
18 “or”.

19 (w) Section 333(b)(1) of the Immigration and Nation-
20 ality Act (8 U.S.C. 1444(b)(1)) is amended by striking
21 “249(a)” and inserting “249”.

22 (x) Section 412(e)(7)(D) of the Immigration and Na-
23 tionality Act (8 U.S.C. 1522(e)(7)(D)) is amended by strik-
24 ing “paragraph (1) or (2) of”.

1 (y) *Section 302(c) of the Immigration Act of 1990 is*
2 *amended by striking “effect” and inserting “affect”.*

3 (z) *Effective as if included in the Miscellaneous and*
4 *Technical Immigration and Naturalization Amendments of*
5 *1991—*

6 (1) *section 303(a)(7)(B)(i) of such Act is amend-*
7 *ed by striking “paragraph (1)(A)” and inserting*
8 *“paragraph (1)(A)(i)”;*

9 (2) *section 304(b)(2) of such Act is amended by*
10 *striking “paragraph (1)(B)” and inserting “sub-*
11 *section (c)(1)(B)”;*

12 (3) *paragraph (1) of section 305(j) of such Act*
13 *is repealed (and section 407(d)(16)(C) of the Immi-*
14 *gration Act of 1990 shall read as if such paragraph*
15 *had not been enacted);*

16 (4) *paragraph (2) of section 306(b) of such Act*
17 *is amended to read as follows:*

18 “(2) *Section 538(a) of the Immigration Act of 1990*
19 *is amended by striking the comma after ‘Service’.*”;

20 (5) *section 307(a)(6) of such Act is amended by*
21 *striking “immigrants” the first place it appears and*
22 *inserting “immigrant aliens”;*

23 (6) *section 309(a)(3) of such Act is amended by*
24 *striking “paragraph (1) and (2)” and inserting*
25 *“paragraphs (1)(A) and (1)(B)”;*

1 (7) section 309(b)(6)(F) of such Act is amended
2 by striking “210(a)(1)(B)(1)(B)” and inserting
3 “210(a)(B)(1)(B)”;

4 (8) section 309(b)(8) of such Act is amended by
5 striking “274A(g)” and inserting “274A(h)”;

6 (9) section 310 of such Act is amended—

7 (A) by adding “and” at the end of para-
8 graph (1);

9 (B) by striking paragraph (2); and

10 (C) by redesignating paragraph (3) as
11 paragraph (2) and by striking “309(c)” and in-
12 serting “309(b)”.

13 (aa) Effective as if included in section 4 of Public Law
14 102–110, section 161(c)(3) of the Immigration Act of 1990
15 is amended—

16 (1) by striking “alien described in section
17 203(a)(3) or 203(a)(6) of such Act” and inserting
18 “alien admitted for permanent residence as a pref-
19 erence immigrant under section 203(a)(3) or
20 203(a)(6) of such Act (as in effect before such date)”;
21 and

22 (2) by striking “this section” and inserting “this
23 title”.

24 (bb) Section 599E(c) of the Foreign Operations, Ex-
25 port Financing, and Related Programs Appropriations Act,

1 1990 (Public Law 101–167) is amended by striking “and
2 subparagraphs” and inserting “or subparagraph”.

3 (cc) Except as otherwise specifically provided in this
4 section, the amendments made by this section shall be effec-
5 tive as if included in the enactment of the Immigration Act
6 of 1990.

7 **TITLE II—NATIONALITY AND**
8 **NATURALIZATION AMEND-**
9 **MENTS OF 1993**

10 **SEC. 201. SHORT TITLE.**

11 This title may be cited as the “Nationality and Natu-
12 ralization Amendments of 1993”.

13 **SEC. 202. EQUAL TREATMENT OF WOMEN IN CONFERRING**
14 **CITIZENSHIP FOR CHILDREN BORN ABROAD.**

15 (a) *IN GENERAL.*—Section 301 of the Immigration
16 and Nationality Act (8 U.S.C. 1401) is amended—

17 (1) by striking the period at the end of para-
18 graph (g) and inserting “; and”, and

19 (2) by adding at the end the following new para-
20 graph:

21 “(h) a person born before noon (Eastern Stand-
22 ard Time) May 24, 1934, outside the limits and juris-
23 diction of the United States of an alien father and a
24 mother who is a citizen of the United States who,

1 *prior to the birth of such person, had resided in the*
2 *United States.”.*

3 (b) *WAIVER OF RETENTION REQUIREMENTS.*—Any
4 *provision of law (including section 301(b) of the Immigra-*
5 *tion and Nationality Act (as in effect before October 10,*
6 *1978), and the provisos of section 201(g) of the Nationality*
7 *Act of 1940) that provided for a person’s loss of citizenship*
8 *or nationality if the person failed to come to, or reside or*
9 *be physically present in, the United States shall not apply*
10 *in the case of a person claiming United States citizenship*
11 *based on section 301(h) of the Immigration and Nationality*
12 *Act (as added by subsection (a)).*

13 (c) *RETROACTIVE APPLICATION.*—(1) *Except as pro-*
14 *vided in paragraph (2), the immigration and nationality*
15 *laws of the United States shall be applied (to persons born*
16 *before, on, or after the date of the enactment of this Act)*
17 *as though the amendment made by subsection (a), and sub-*
18 *section (b), had been in effect as of the date of their birth,*
19 *except that the retroactive application of the amendment*
20 *and that subsection shall not affect the validity of citizen-*
21 *ship of anyone who has obtained citizenship under section*
22 *1993 of the Revised Statutes (as in effect before the enact-*
23 *ment of the Act of May 24, 1934 (48 Stat. 797)).*

24 (2) *The retroactive application of the amendment*
25 *made by subsection (a), and subsection (b), shall not confer*

1 citizenship on, or affect the validity of any
2 denaturalization, deportation, or exclusion action against,
3 any person who is or was excludable from the United States
4 under section 212(a)(3)(E) of the Immigration and Nation-
5 ality Act (8 U.S.C. 1182(a)(3)(E)) (or predecessor provi-
6 sion) or who was excluded from, or who would not have
7 been eligible for admission to, the United States under the
8 Displaced Persons Act of 1948 or under section 14 of the
9 Refugee Relief Act of 1953.

10 **SEC. 203. NATIONALS, BUT NOT CITIZENS, AT BIRTH BASED**

11 **ON USE OF PHYSICAL PRESENCE INSTEAD OF**

12 **RESIDENCE.**

13 (a) *IN GENERAL.*—Section 308(2) of the Immigration
14 and Nationality Act (8 U.S.C. 1408(2)) is amended by
15 striking “have had a residence” and inserting “were phys-
16 ically present”.

17 (b) *EFFECTIVE DATE.*—The amendment made by sub-
18 section (a) shall apply to persons born on or after the date
19 of the enactment of this Act.

20 **SEC. 204. CHILDREN BORN OUT OF WEDLOCK.**

21 (a) *IN GENERAL.*—Section 309(c) of the Immigration
22 and Nationality Act (8 U.S.C. 1409(c)) is amended—

23 (1) by inserting “(1)” immediately after “(c)”;

24 and

1 (2) by adding at the end the following new para-
2 graph:

3 “(2) For the purpose of satisfying the physical presence
4 requirements of this subsection, the mother may include any
5 period during which she is physically present abroad as the
6 dependent unmarried daughter and a member of the house-
7 hold of a person—

8 “(A) honorably serving with the Armed Forces of
9 the United States; or

10 “(B) employed by the United States Government
11 or an international organization, as defined in sec-
12 tion 1 of the International Organizations Immunities
13 Act (59 Stat. 669; 22 U.S.C. 288).”

14 (b) *EFFECTIVE DATE.*—The amendment made by sub-
15 section (a)(2) shall apply to mothers of persons born on or
16 after the date of the enactment of this Act.

17 **SEC. 205. CHILD BORN OUTSIDE OF THE UNITED STATES OF**

18 **AN ALIEN PARENT; CONDITIONS FOR AUTO-**

19 **MATIC CITIZENSHIP.**

20 (a) *IN GENERAL.*—Section 321(a)(3) of the Immigra-
21 tion and Nationality Act (8 U.S.C. 1432(a)(3)) is amended
22 by inserting “sole or joint” before “legal custody of the
23 child”.

1 (b) *EFFECTIVE DATE.*—The amendment made by sub-
2 section (a) shall apply to the awarding of custody before,
3 on, or after the date of enactment of this Act.

4 **SEC. 206. NATURALIZATION OF CHILDREN ON APPLICATION**
5 **OF CITIZEN PARENT.**

6 (a) *IN GENERAL.*—Section 322 of the Immigration
7 and Nationality Act (8 U.S.C. 1433) is amended to read
8 as follows:

9 “CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION
10 FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS

11 “SEC. 322. (a) A parent who is a citizen of the United
12 States may apply to the Attorney General for a certificate
13 of citizenship on behalf of a child born outside the United
14 States. The Attorney General shall issue such a certificate
15 of citizenship upon proof to the satisfaction of the Attorney
16 General that the following conditions have been fulfilled:

17 “(1) At least one parent is a citizen of the Unit-
18 ed States, whether by birth or naturalization.

19 “(2) The child is physically present in the Unit-
20 ed States pursuant to a lawful admission.

21 “(3) The child is under the age of 18 years and
22 in the legal custody of the citizen parent.

23 “(4) If the citizen parent is an adoptive parent
24 of the child, the child was adopted by the citizen par-
25 ent before the child reached the age of 16 years and

1 *the child meets the requirements for being a child*
2 *under subparagraph (E) or (F) of section 101(b)(1).*

3 *“(5) If the citizen parent has not been physically*
4 *present in the United States or its outlying posses-*
5 *sions for a period or periods totaling not less than*
6 *five years, at least two of which were after attaining*
7 *the age of fourteen years—*

8 *“(A) the child is residing permanently in*
9 *the United States with the citizen parent, pursu-*
10 *ant to a lawful admission for permanent resi-*
11 *dence, or*

12 *“(B) a citizen parent of the citizen parent*
13 *has been physically present in the United States*
14 *or its outlying possessions for a period or periods*
15 *totaling not less than five years, at least two of*
16 *which were after attaining the age of fourteen*
17 *years.*

18 *“(b) Upon approval of the application (which may be*
19 *filed abroad) and, except as provided in the last sentence*
20 *of section 337(a), upon taking and subscribing before an*
21 *officer of the Service within the United States to the oath*
22 *of allegiance required by this Act of an applicant for natu-*
23 *ralization, the child shall become a citizen of the United*
24 *States and shall be furnished by the Attorney General with*
25 *a certificate of citizenship.*

1 “(c) Subsection (a) of this section shall apply to the
2 adopted child of a United States citizen adoptive parent
3 if the conditions specified in such subsection have been ful-
4 filled.”

5 (b) *CONFORMING AMENDMENT.*—Subsection (c) of sec-
6 tion 341 of such Act (8 U.S.C. 1452) is repealed.

7 (c) *CLERICAL AMENDMENT.*—The item in the table of
8 contents of such Act relating to section 322 is amended to
9 read as follows:

“Sec. 322. Child born outside the United States; application for certificate of citi-
zenship requirements.”

10 (d) *EFFECTIVE DATE.*—The amendments made by this
11 section shall take effect on the first day of the first month
12 beginning more than 120 days after the date of the enact-
13 ment of this Act.

14 **SEC. 207. FORMER CITIZENS OF UNITED STATES REGAIN-**
15 **ING UNITED STATES CITIZENSHIP.**

16 (a) *IN GENERAL.*—Section 324 of the Immigration
17 and Nationality Act (8 U.S.C. 1435) is amended by adding
18 at the end the following new subsection:

19 “(d)(1) A person who was a citizen of the United
20 States at birth and lost such citizenship for failure to meet
21 the physical presence retention requirements under section
22 301(b) (as in effect before October 10, 1978), shall, from
23 and after taking the oath of allegiance required by section
24 337 be a citizen of the United States and have the status

1 *of a citizen of the United States by birth, without filing*
2 *an application for naturalization, and notwithstanding*
3 *any of the other provisions of this title except the provisions*
4 *of section 313. Nothing in this subsection or any other pro-*
5 *vision of law shall be construed as conferring United States*
6 *citizenship retroactively upon such person during any pe-*
7 *riod in which such person was not a citizen.*

8 “(2) *The provisions of paragraphs (2) and (3) of sub-*
9 *section (c) shall apply to a person regaining citizenship*
10 *under paragraph (1) in the same manner as they apply*
11 *under subsection (c)(1).”.*

12 **(b) EFFECTIVE DATE.**—*The amendment made by sub-*
13 *section (a) shall take effect on the first day of the first*
14 *month beginning more than 120 days after the date of the*
15 *enactment of this Act.*

16 **SEC. 208. INTENT TO RESIDE PERMANENTLY IN THE UNIT-**
17 **ED STATES AFTER NATURALIZATION.**

18 **(a) IN GENERAL.**—*Section 338 of the Immigration*
19 *and Nationality Act (8 U.S.C. 1449) is amended by strik-*
20 *ing “intends to reside permanently in the United States,*
21 *except in cases falling within the provisions of section*
22 *324(a) of this title.”.*

23 **(b) CONFORMING REPEAL.**—*Section 340(d) of such Act*
24 *(8 U.S.C. 1451(d)) is repealed.*

1 (c) *CONFORMING REDESIGNATION.*—Section 340 of
2 such Act (8 U.S.C. 1451) is amended—

3 (1) by redesignating subsections (e), (f), (g), (h),
4 and (i) as subsections (d), (e), (f), (g), and (h), re-
5 spectively; and

6 (2) in subsection (d) (as redesignated), by strik-
7 ing “subsections (c) or (d)” and inserting “subsection
8 (c)”.

9 (d) *CONFORMING AMENDMENT.*—Section 405 of the
10 Immigration Act of 1990 is amended by striking subsection
11 (b).

12 (e) *EFFECTIVE DATE.*—The amendment made by sub-
13 section (a) shall apply to persons admitted to citizenship
14 on or after the date of enactment of this Act.

15 **SEC. 209. TERMINOLOGY RELATING TO EXPATRIATION.**

16 (a) *IN GENERAL.*—Section 351 of the Immigration
17 and Nationality Act (8 U.S.C. 1483) is amended—

18 (1) in the heading, by striking “EXPATRIATION”
19 and inserting “LOSS OF NATIONALITY”;

20 (2) in subsection (a)—

21 (A) by striking “expatriate himself, or be
22 expatriated” and inserting “can lose United
23 States nationality”, and

24 (B) by striking “expatriation” and insert-
25 ing “loss of nationality”; and

1 (3) in subsection (b), by striking “expatriated
2 himself” and inserting “lost United States national-
3 ity”.

4 (b) *CLERICAL AMENDMENT.*—The item in the table of
5 contents of such Act relating to section 351 is amended to
6 read as follows:

“Sec. 351. Restrictions on loss of nationality.”.

7 **SEC. 210. ADMINISTRATIVE AND JUDICIAL DETERMINA-**
8 **TIONS RELATING TO LOSS OF CITIZENSHIP.**

9 (a) *FINAL ADMINISTRATIVE DETERMINATIONS.*—Sec-
10 tion 358 of the Immigration and Nationality Act (8 U.S.C.
11 1501) is amended by adding at the end the following new
12 sentence: “Approval by the Secretary of State of a certificate
13 under this section shall constitute a final administrative
14 determination of loss of United States nationality under
15 this Act, subject to such procedures for administrative ap-
16 peal as the Secretary may prescribe by regulation, and also
17 shall constitute a denial of a right or privilege of United
18 States nationality for purposes of section 360.”.

19 (b) *JUDICIAL PROCEEDINGS.*—Subsections (a) and (b)
20 of section 360 of such Act (8 U.S.C. 1503) are each amended
21 by inserting “, including approval of a certificate in ac-
22 cordance with section 358,” after “official thereof,”.

1 **SEC. 211. CANCELLATION OF UNITED STATES PASSPORTS**
2 **AND CONSULAR REPORTS OF BIRTH.**

3 (a) *IN GENERAL.*—Title III of the Immigration and
4 Nationality Act is amended by adding at the end the follow-
5 ing new section:

6 “CANCELLATION OF UNITED STATES PASSPORTS AND
7 CONSULAR REPORTS OF BIRTH

8 “SEC. 361. (a) *The Secretary of State is authorized*
9 *to cancel any United States passport or Consular Report*
10 *of Birth, or certified copy thereof, if it appears that such*
11 *document was illegally, fraudulently, or erroneously ob-*
12 *tained from, or was created through illegality or fraud*
13 *practiced upon, the Secretary. The person for or to whom*
14 *such document has been issued or made shall be given at*
15 *such person’s last known address written notice of the inten-*
16 *tion to cancel such document, together with the reasons*
17 *therefor, and shall be given at least 60 days in which to*
18 *show, pursuant to such regulation as the Secretary may*
19 *prescribe, why such document should not be canceled. The*
20 *cancellation under this section of any document purporting*
21 *to show the citizenship status of the person to whom it was*
22 *issued shall affect only the document and not the citizenship*
23 *status of the person in whose name the document was is-*
24 *sued.*

25 “(b) *For purposes of this section, the term ‘Consular*
26 *Report of Birth’ refers to the report, designated as a ‘Report*

1 *of Birth Abroad of a Citizen of the United States', issued*
2 *by a consular officer to document a citizen born abroad.'.*

3 (b) *CLERICAL AMENDMENT.—The table of contents is*
4 *amended by inserting after the item relating to section 360*
5 *the following new item:*

“Sec. 361. Cancellation of United States passports and Consular Reports of Birth.”.

6 ***SEC. 213. REPORT ON CITIZENSHIP OF CERTAIN LEGALIZED***
7 ***ALIENS.***

8 *Not later than June 30, 1996, the Commissioner of the*
9 *Immigration and Naturalization Service shall prepare and*
10 *submit to the Congress a report concerning the citizenship*
11 *status of aliens legalized under section 245A and section*
12 *210 of the Immigration and Nationality Act. Such report*
13 *shall include the following information by district office for*
14 *each national origin group:*

15 (1) *The number of applications for citizenship*
16 *filed.*

17 (2) *The number of applications approved.*

18 (3) *The number of applications denied.*

19 (4) *The number of applications pending.*

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. SECRETARY OF STATE TO ISSUE UNITED STATES**
4 **PASSPORTS TO UNITED STATES CITIZENS**
5 **AND NATIONALS ONLY.**

6 *Section 2 of the Act of June 14, 1902 (32 Stat. 386;*
7 *22 U.S.C. 212) is amended by striking “for any other per-*
8 *sons than those owing allegiance, whether citizens or not,*
9 *to the United States” and inserting “for any person other*
10 *than a citizen or national of the United States.”.*

11 **SEC. 302. FRAUD AND MISUSE OF TRAVEL DOCUMENTS.**

12 *(a) IN GENERAL.—Title 18 of the United States Code*
13 *is amended—*

14 *(1) in section 911—*

15 *(A) by striking “not more than \$1,000” and*
16 *inserting “under this title”; and*

17 *(B) by striking “three years” and inserting*
18 *“six years”;*

19 *(2) in section 1001—*

20 *(A) by striking “not more than \$10,000”*
21 *and inserting “under this title”; and*

22 *(B) by striking “five years” and inserting*
23 *“ten years”;*

24 *(3) in section 1541—*

1 (A) by striking “not more than \$500” and
2 inserting “under this title”; and

3 (B) by striking “one year” and inserting
4 “ten years”;

5 (4) in section 1542—

6 (A) by striking “not more than \$2,000” and
7 inserting “under this title”; and

8 (B) by striking “five years” and inserting
9 “ten years”;

10 (5) in section 1543—

11 (A) by striking “not more than \$2,000” and
12 inserting “under this title”; and

13 (B) by striking “five years” and inserting
14 “ten years”;

15 (6) in section 1544—

16 (A) by striking “not more than \$2,000” and
17 inserting “under this title”; and

18 (B) by striking “five years” and inserting
19 “ten years”; and

20 (7) in section 1545—

21 (A) by striking “not more than \$2,000” and
22 inserting “under this title”; and

23 (B) by striking “three years” and inserting
24 “five years”.

1 **SEC. 304. SPECIAL IMMIGRANT STATUS FOR CERTAIN**
2 **ALIENS EMPLOYED ABROAD.**

3 (a) *IN GENERAL.*—An alien lawfully admitted to the
4 United States for permanent residence shall be considered,
5 for purposes of section 101(a)(27)(A) of the Immigration
6 and Nationality Act (8 U.S.C. 1101(a)(27)(A)), to be tem-
7 porarily visiting abroad during any period before, on, or
8 after the date of enactment of this Act in which the alien
9 is employed by the American University of Beirut or by
10 Beirut University College.

11 (b) *REPEAL.*—Private Law 98–53 (8 U.S.C. 1101
12 note) is hereby repealed.

Attest:

Secretary.

HR 783 EAS—2

HR 783 EAS—3

HR 783 EAS—4

HR 783 EAS—5

HR 783 EAS—6

HR 783 EAS—7