

H. Res. 533

In the House of Representatives, U. S.,

September 20, 1994.

Resolved, That upon the adoption of this resolution the bill (H.R. 783) to amend title III of the Immigration and Nationality Act to make changes in the laws relating to nationality and naturalization be and is hereby taken from the Speaker's table to the end that the Senate amendment to the text of the bill be and is hereby agreed to with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill H.R. 783, insert the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Immigration and Nationality Technical Corrections Act of 1994’.

“SEC. 2. TABLE OF CONTENTS.

“The table of contents of this Act is as follows:

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—NATIONALITY AND NATURALIZATION

“Sec. 101. Equal treatment of women in conferring citizenship to children born abroad.

“Sec. 102. Naturalization of children on application of citizen parent.

“Sec. 103. Former citizens of United States regaining United States citizenship.

“Sec. 104. Intent to reside permanently in the United States after naturalization.

“Sec. 105. Terminology relating to expatriation.

“Sec. 106. Administrative and judicial determinations relating to loss of citizenship.

“Sec. 107. Cancellation of United States passports and consular reports of birth.

“Sec. 108. Expanding waiver of the Government knowledge, United States history, and English language requirements for naturalization.

“Sec. 109. Report on citizenship of certain legalized aliens.

“TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

“Sec. 201. American Institute in Taiwan.

“Sec. 202. G-4 special immigrants.

“Sec. 203. Clarification of certain grounds for exclusion and deportation.

“Sec. 204. United States citizens entering and departing on United States passports.

“Sec. 205. Applications for visas.

“Sec. 206. Family unity.

“Sec. 207. Technical amendment regarding one-house veto.

“Sec. 208. Authorization of appropriations for refugee assistance for fiscal years 1995, 1996, and 1997.

“Sec. 209. Fines for unlawful bringing of aliens into the United States.

“Sec. 210. Extension of visa waiver pilot program.

“Sec. 211. Creation of probationary status for participant countries in the visa waiver pilot program.

“Sec. 212. Technical changes to numerical limitations concerning certain special immigrants.

“Sec. 213. Extension of telephone employment verification system.

“Sec. 214. Extension of expanded definition of special immigrant for religious workers.

“Sec. 215. Extension of off-campus work authorization for students.

“Sec. 216. Eliminating obligation of carriers to detain stowaways.

“Sec. 217. Completing use of visas provided under diversity transition program.

“Sec. 218. Effect on preference date of application for labor certification.

“Sec. 219. Other miscellaneous and technical corrections to immigration-related provisions.

“TITLE I—NATIONALITY AND NATURALIZATION

“SEC. 101. EQUAL TREATMENT OF WOMEN IN CONFERRING CITIZENSHIP TO CHILDREN BORN ABROAD.

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

“(1) by striking the period at the end of paragraph (g) and inserting ‘; and’, and

“(2) by adding at the end the following new paragraph:

“(h) a person born before noon (Eastern Standard Time) May 24, 1934, outside the limits and jurisdiction of the United States of an alien father and a mother who is a citizen of the United States who, prior to the birth of such person, had resided in the United States.’.

“(b) WAIVER OF RETENTION REQUIREMENTS.—Any provision of law (including section 301(b) of the Immigration and Nationality Act (as in effect before October 10, 1978), and the provisos of section 201(g) of the Nationality Act of 1940) that provided for a person’s loss of citizenship or nationality if the person failed to come to, or reside or be physically present in, the United States shall not apply in the case of a person claiming United States citizenship based on such person’s descent from an individual described in section

301(h) of the Immigration and Nationality Act (as added by subsection (a)).

“(c) RETROACTIVE APPLICATION.—(1) Except as provided in paragraph (2), the immigration and nationality laws of the United States shall be applied (to persons born before, on, or after the date of the enactment of this Act) as though the amendment made by subsection (a), and subsection (b), had been in effect as of the date of their birth, except that the retroactive application of the amendment and that subsection shall not affect the validity of citizenship of anyone who has obtained citizenship under section 1993 of the Revised Statutes (as in effect before the enactment of the Act of May 24, 1934 (48 Stat. 797)).

“(2) The retroactive application of the amendment made by subsection (a), and subsection (b), shall not confer citizenship on, or affect the validity of any denaturalization, deportation, or exclusion action against, any person who is or was excludable from the United States under section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) (or predecessor provision) or who was excluded from, or who would not have been eligible for admission to, the United States under the Displaced Persons Act of 1948 or under section 14 of the Refugee Relief Act of 1953.

“(d) APPLICATION TO TRANSMISSION OF CITIZENSHIP.—This section, the amendments made by this section, and any retroactive application of such amendments shall not affect any residency or other retention requirements for citizenship as in effect before October 10, 1978, with respect to the transmission of citizenship.

“SEC. 102. NATURALIZATION OF CHILDREN ON APPLICATION OF CITIZEN PARENT.

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

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

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

“‘(1) At least one parent is a citizen of the United States, whether by birth or naturalization.

“‘(2) The child is physically present in the United States pursuant to a lawful admission.

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

“(4) If the citizen parent is an adoptive parent of the child, the child was adopted by the citizen parent before the child reached the age of 16 years and the child meets the requirements for being a child under subparagraph (E) or (F) of section 101(b)(1).

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

“(A) the child is residing permanently in the United States with the citizen parent, pursuant to a lawful admission for permanent residence, or

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

“(b) Upon approval of the application (which may be filed abroad) and, except as provided in the last sentence of section 337(a), upon taking and subscribing before an officer of the Service within the United States to the oath of allegiance required by this Act of an applicant for naturalization, the child shall become a citizen of the United States and shall

be furnished by the Attorney General with a certificate of citizenship.

“(c) Subsection (a) of this section shall apply to the adopted child of a United States citizen adoptive parent if the conditions specified in such subsection have been fulfilled.’.

“(b) CONFORMING AMENDMENT.—Subsection (c) of section 341 of such Act (8 U.S.C. 1452) is repealed.

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

“‘Sec. 322. Child born outside the United States; application for certificate of citizenship requirements.’.

“(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

“SEC. 103. FORMER CITIZENS OF UNITED STATES REGAINING UNITED STATES CITIZENSHIP.

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

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

a citizen of the United States and have the status of a citizen of the United States by birth, without filing an application for naturalization, and notwithstanding any of the other provisions of this title except the provisions of section 313. Nothing in this subsection or any other provision of law shall be construed as conferring United States citizenship retroactively upon such person during any period in which such person was not a citizen.

“(2) The provisions of paragraphs (2) and (3) of subsection (c) shall apply to a person regaining citizenship under paragraph (1) in the same manner as they apply under subsection (c)(1).’.

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

“SEC. 104. INTENT TO RESIDE PERMANENTLY IN THE UNITED STATES AFTER NATURALIZATION.

“(a) IN GENERAL.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended by striking ‘intends to reside permanently in the United States, except in cases falling within the provisions of section 324(a) of this title,’.

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

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

“(1) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), and (h), respectively; and

“(2) in subsection (d) (as redesignated), by striking ‘subsections (c) or (d)’ and inserting ‘subsection (c)’.

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

“(e) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons admitted to citizenship on or after the date of enactment of this Act.

“SEC. 105. TERMINOLOGY RELATING TO EXPATRIATION.

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

“(1) in the heading, by striking ‘EXPATRIATION’ and inserting ‘LOSS OF NATIONALITY’;

“(2) in subsection (a)—

“(A) by striking ‘expatriate himself, or be expatriated’ and inserting ‘lose United States nationality’, and

“(B) by striking ‘expatriation’ and inserting ‘loss of nationality’; and

“(3) in subsection (b), by striking ‘expatriated himself’ and inserting ‘lost United States nationality’.

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

“‘Sec. 351. Restrictions on loss of nationality.’.

**“SEC. 106. ADMINISTRATIVE AND JUDICIAL DETERMINATIONS
RELATING TO LOSS OF CITIZENSHIP.**

“Section 358 of the Immigration and Nationality Act (8 U.S.C. 1501) is amended by adding at the end the following new sentence: ‘Approval by the Secretary of State of a certificate under this section shall constitute a final administrative determination of loss of United States nationality under this Act, subject to such procedures for administrative appeal as the Secretary may prescribe by regulation, and also shall constitute a denial of a right or privilege of United States nationality for purposes of section 360.’.

**“SEC. 107. CANCELLATION OF UNITED STATES PASSPORTS AND
CONSULAR REPORTS OF BIRTH.**

“(a) IN GENERAL.—Title III of the Immigration and Nationality Act is amended by adding at the end the following new section:

“‘CANCELLATION OF UNITED STATES PASSPORTS AND
CONSULAR REPORTS OF BIRTH

“‘SEC. 361. (a) The Secretary of State is authorized to cancel any United States passport or Consular Report of

Birth, or certified copy thereof, if it appears that such document was illegally, fraudulently, or erroneously obtained from, or was created through illegality or fraud practiced upon, the Secretary. The person for or to whom such document has been issued or made shall be given, at such person's last known address, written notice of the cancellation of such document, together with the procedures for seeking a prompt post-cancellation hearing. The cancellation under this section of any document purporting to show the citizenship status of the person to whom it was issued shall affect only the document and not the citizenship status of the person in whose name the document was issued.

“(b) For purposes of this section, the term “Consular Report of Birth” refers to the report, designated as a “Report of Birth Abroad of a Citizen of the United States”, issued by a consular officer to document a citizen born abroad.’.

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

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

“SEC. 108. EXPANDING WAIVER OF THE GOVERNMENT KNOWLEDGE, UNITED STATES HISTORY, AND ENGLISH LANGUAGE REQUIREMENTS FOR NATURALIZATION.

“(a) IN GENERAL.—Section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended—

“(1) by inserting ‘(a)’ after ‘312.’,

“(2) by striking ‘this requirement’ and all that follows through ‘That’,

“(3) by striking ‘this section’ and inserting ‘this paragraph’, and

“(4) by adding at the end the following new subsection:

““(b)(1) The requirements of subsection (a) shall not apply to any person who is unable because of physical or developmental disability or mental impairment to comply therewith.

““(2) The requirement of subsection (a)(1) shall not apply to any person who, on the date of the filing of the person’s application for naturalization as provided in section 334, either—

““(A) is over fifty years of age and has been living in the United States for periods totalling at least twenty years subsequent to a lawful admission for permanent residence, or

“(B) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years subsequent to a lawful admission for permanent residence.

“(3) The Attorney General, pursuant to regulations, shall provide for special consideration, as determined by the Attorney General, concerning the requirement of subsection (a)(2) with respect to any person who, on the date of the filing of the person’s application for naturalization as provided in section 334, is over sixty-five years of age and has been living in the United States for periods totaling at least twenty years subsequent to a lawful admission for permanent residence.’.

“(b) CONFORMING AMENDMENTS.—Section 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is amended by striking ‘312’ each place it appears and inserting ‘312(a)’.

“(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to applications for naturalization filed on or after such date and to such applications pending on such date.

“(d) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall promulgate regulations to carry out section 312(b)(3) of the Im-

migration and Nationality Act (as amended by subsection (a)).

“SEC. 109. REPORT ON CITIZENSHIP OF CERTAIN LEGALIZED ALIENS.

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

“(1) The number of applications for citizenship filed.

“(2) The number of applications approved.

“(3) The number of applications denied.

“(4) The number of applications pending.

“TITLE II—TECHNICAL CORRECTIONS OF IMMIGRATION LAWS

“SEC. 201. AMERICAN INSTITUTE IN TAIWAN.

“Section 101(a)(27)(D) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(D)) is amended—

“(1) by inserting ‘or of the American Institute in Taiwan,’ after ‘of the United States Government abroad,’; and

“(2) by inserting ‘(or, in the case of the American Institute in Taiwan, the Director thereof)’ after ‘Foreign Service establishment’.

“SEC. 202. G-4 SPECIAL IMMIGRANTS.

“Section 101(a)(27)(I)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended by striking ‘(II)’ and all that follows through ‘; or’ and inserting the following: ‘(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994, whichever is later; or’.

“SEC. 203. CLARIFICATION OF CERTAIN GROUNDS FOR EXCLUSION AND DEPORTATION.

“(a) EXCLUSION GROUNDS.—Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

“(1) in subsection (a)(2)(A)(i)(I), by inserting ‘or an attempt or conspiracy to commit such a crime’ after ‘offense)’,

“(2) in subsection (a)(2)(A)(i)(II), by inserting ‘or attempt’ after ‘conspiracy’, and

“(3) in the last sentence of subsection (h), by inserting ‘, or an attempt or conspiracy to commit murder or a criminal act involving torture’ after ‘torture’.

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

“(1) in paragraph (2)(C)—

“(A) by striking ‘in violation of any law,’ and inserting ‘, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry,’ and

“(B) by inserting ‘in violation of any law’ after ‘Code’; and

“(2) in paragraph (3)(B), by inserting ‘an attempt or’ before ‘a conspiracy’ each place it appears in clauses (ii) and (iii).

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

“SEC. 204. UNITED STATES CITIZENS ENTERING AND DEPARTING ON UNITED STATES PASSPORTS.

“(a) IN GENERAL.—Section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185(b)) is amended by inserting ‘United States’ after ‘valid’.

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to departures and entries (and attempts thereof) occurring on or after the date of enactment of this Act.

“SEC. 205. APPLICATIONS FOR VISAS.

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

“(1) by striking ‘the immigrant’ and inserting ‘the alien’, and

“(2) by striking ‘present address’ and all that follows through ‘exempt from exclusion under the immigration laws;’.

“(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications made on or after the date of the enactment of this Act.

“SEC. 206. FAMILY UNITY.

“(a) IN GENERAL.—Section 301(a) of the Immigration Act of 1990 is amended by inserting after ‘May 5, 1988’ the following: ‘(in the case of a relationship to a legalized alien described in subsection (b)(2)(B) or (b)(2)(C)) or as of December 1, 1988 (in the case of a relationship to a legalized alien described in subsection (b)(2)(A))’.

“(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of October 1, 1991.

“SEC. 207. TECHNICAL AMENDMENT REGARDING ONE-HOUSE VETO.

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

“(1) by striking the third sentence; and

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

“SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE FOR FISCAL YEARS 1995, 1996, AND 1997.

“Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking ‘fiscal year 1993 and fiscal year 1994’ and inserting ‘fiscal year 1995, fiscal year 1996, and fiscal year 1997’.

“SEC. 209. FINES FOR UNLAWFUL BRINGING OF ALIENS INTO THE UNITED STATES.

“(a) IN GENERAL.—Section 273 of the Immigration and Nationality Act (8 U.S.C. 1323) is amended—

“(1) in subsections (b) and (d) by striking ‘the sum of \$3000’ and inserting ‘a fine of \$3000’ each place it appears;

“(2) in the first sentence of subsection (b) by striking ‘a sum equal’ and inserting ‘an amount equal’;

“(3) in the second sentence of subsection (d) by striking ‘a sum sufficient to cover such fine’ and inserting ‘an amount sufficient to cover such fine’;

“(4) by striking ‘sum’ and ‘sums’ each place either appears and inserting ‘fine’;

“(5) in subsection (c) by striking ‘Such’ and inserting ‘Except as provided in subsection (e), such’; and

“(6) by adding at the end the following new subsection:

“(e) A fine under this section may be reduced, refunded, or waived under such regulations as the Attorney General shall prescribe in cases in which—

“(1) the carrier demonstrates that it had screened all passengers on the vessel or aircraft in accordance with procedures prescribes by the Attorney General, or

“(2) circumstances exist that the Attorney General determines would justify such reduction, refund, or waiver.’.

“(b) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to aliens brought to the United States more than 60 days after the date of enactment of this Act.

“SEC. 210. EXTENSION OF VISA WAIVER PILOT PROGRAM.

“Section 217(f) of the Immigration and Nationality Act (8 U.S.C. 1187(f)) is amended by striking ‘ending’ and all that follows through the period and inserting ‘ending on September 30, 1996’.

“SEC. 211. CREATION OF PROBATIONARY STATUS FOR PARTICIPANT COUNTRIES IN THE VISA WAIVER PROGRAM.

“Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

“(1) in subsection (a)(2)(B) by inserting before the period ‘or is designated as a pilot program country with probationary status under subsection (g)’;

“(2) by adding at the end the following new subsection:

“(g) PILOT PROGRAM COUNTRY WITH PROBATIONARY STATUS.—

“(1) IN GENERAL.—The Attorney General and the Secretary of State acting jointly may designate any country as a pilot program country with probationary status if it meets the requirements of paragraph (2).

“(2) QUALIFICATIONS.—A country may not be designated as a pilot program country with probationary status unless the following requirements are met:

“(A) NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of the country during the two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

“(B) NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS YEAR.—The number of refusals of nonimmigrant visitor visas for nationals of the country during the previous full fiscal year was less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

“(C) LOW EXCLUSIONS AND VIOLATIONS RATE FOR PREVIOUS YEAR.—The sum of—

“(i) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

“(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during the preceding fiscal year and who violated the terms of such admission,

was less than 1.5 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during the preceding fiscal year.

“(D) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies

that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

“(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS FOR PILOT PROGRAM COUNTRIES WITH PROBATIONARY STATUS.—The designation of a country as a pilot program country with probationary status shall terminate if either of the following occurs:

“(A) The sum of—

“(i) the total number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

“(ii) the total number of nationals of that country who were admitted as visitors during the preceding fiscal year and who violated the terms of such admission,

is more than 2.0 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during the preceding fiscal year.

“(B) The country is not designated as a pilot program country under subsection (c) within 3 fis-

cal years of its designation as a pilot program country with probationary status under this subsection.

“(4) DESIGNATION OF PILOT PROGRAM COUNTRIES WITH PROBATIONARY STATUS AS PILOT PROGRAM COUNTRIES.—In the case of a country which was a pilot program country with probationary status in the preceding fiscal year, a country may be designated by the Attorney General and the Secretary of State, acting jointly, as a pilot program country under subsection (c) if—

“(A) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during the preceding fiscal year as a nonimmigrant visitor, and

“(B) the total number of nationals of that country who were admitted as nonimmigrant visitors during the preceding fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such preceding fiscal year.’; and

“(3) in subsection (c)(2) by striking ‘A country’ and inserting ‘Except as provided in subsection (g)(4), a country’.

**“SEC. 212. TECHNICAL CHANGES TO NUMERICAL LIMITATIONS
CONCERNING CERTAIN SPECIAL IMMIGRANTS.**

“(a) PANAMA CANAL SPECIAL IMMIGRANTS.—Section 3201 of the Panama Canal Act of 1979 (Public Law 96–70) is amended by striking subsection (c).

“(b) ARMED FORCES SPECIAL IMMIGRANTS.—Section 203(b)(6) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(6)) is amended by striking subparagraph (C).

**“SEC. 213. EXTENSION OF TELEPHONE EMPLOYMENT VERIFICA-
TION SYSTEM.**

“Section 274A(d)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)(4)(A)) is amended in the second sentence by striking ‘three’ and inserting ‘five’.

**“SEC. 214. EXTENSION OF EXPANDED DEFINITION OF SPECIAL
IMMIGRANT FOR RELIGIOUS WORKERS.**

“Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended—

“(1) in subclause (II) by striking ‘1994,’ and inserting ‘1997,’; and

“(2) in subclause (III) by striking ‘1994,’ and inserting ‘1997,’.

**“SEC. 215. EXTENSION OF OFF-CAMPUS WORK AUTHORIZATION
FOR STUDENTS.**

“(a) IN GENERAL.—Section 221 of the Immigration Act of 1990 (Pub. Law 101–649; 104 Stat. 4978) as amended by section 303(b)(1) of the Miscellaneous and Technical Im-

migration and Naturalization Amendments of 1991 (Pub. Law 102-232; 105 Stat. 1747) is amended—

“(1) in the heading for subsection (a) by striking ‘3-YEAR’ and inserting ‘5-YEAR’;

“(2) in subsection (a) by striking ‘3-year’ and inserting ‘5-year’; and

“(3) in subsection (b) by striking ‘1994,’ and inserting ‘1996.’.

“SEC. 216. ELIMINATING OBLIGATION OF CARRIERS TO DETAIN STOWAWAYS.

“The first sentence of section 273(d) of the Immigration and Nationality Act (8 U.S.C. 1323(d)) is amended to read as follows: ‘The owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States who fails to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer, shall pay to the Commissioner the sum of \$3,000 for each alien stowaway, in respect of whom any such failure occurs.’.

“SEC. 217. COMPLETING USE OF VISAS PROVIDED UNDER DIVERSITY TRANSITION PROGRAM.

“(a) EXTENSION OF DIVERSITY TRANSITION PROGRAM.—Section 132 of the Immigration Act of 1990 (Public Law 101–649) is amended—

“(1) in subsection (a), by inserting before the period at the end of the first sentence the following: ‘and in fiscal year 1995 a number of immigrant visas equal to the number of such visas provided (but not made available) under this section in previous fiscal years’; and

“(2) in the next to last sentence of subsection (c), by striking ‘or 1993’ and inserting ‘, 1993, or 1994’.

“(b) ADMINISTRATION OF 1995 DIVERSITY TRANSITION PROGRAM.—

“(1) ELIGIBILITY.—For the purpose of carrying out the extension of the diversity transition program under the amendments made by subsection (a), applications for natives of diversity transition countries submitted for fiscal year 1995 for diversity immigrants under section 203(c) of the Immigration and Nationality Act shall be considered applications for visas made available for fiscal year 1995 for the diversity transition program under section 132 of the Immigration Act of 1990. No application period for the fiscal year 1995 diversity transition program shall be established and no new applications

may be accepted for visas made available under such program for fiscal year 1995. Applications for visas in excess of the minimum available to natives of the country specified in section 132(c) of the Immigration Act of 1990 shall be selected for qualified applicants within the several regions defined in section 203(c)(1)(F) of the Immigration and Nationality Act in proportion to the region's share of visas issued in the diversity transition program during fiscal years 1992 and 1993.

“(2) NOTIFICATION.—Not later than 180 days after the date of enactment of this Act, notification of the extension of the diversity transition program for fiscal year 1995 and the provision of visa numbers shall be made to each eligible applicant under paragraph (1).

“(3) REQUIREMENTS.—Notwithstanding any other provision of law, for the purpose of carrying out the extension of the diversity transition program under the amendments made by subsection (a), the requirement of section 132(b)(2) of the Immigration Act of 1990 shall not apply to applicants under such extension and the requirement of section 203(c)(2) of the Immigration and Nationality Act shall apply to such applicants.

**“SEC. 218. EFFECT ON PREFERENCE DATE OF APPLICATION
FOR LABOR CERTIFICATION.**

“Section 161(c)(1) of the Immigration Act of 1990 (Public Law 101-649) is amended—

“(1) by striking ‘or an application for labor certification before such date under section 212(a)(14)’; and

“(2) in subparagraph (A)—

“(A) by striking ‘or application’; and

“(B) by striking ‘, or 60 days after the date of certification in the case of labor certifications filed in support of the petition under section 212(a)(14) of such Act before October 1, 1991, but not certified until after October 1, 1993’.

“SEC. 219. OTHER MISCELLANEOUS AND TECHNICAL CORRECTIONS TO IMMIGRATION-RELATED PROVISIONS.

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

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

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

“(A) by inserting ‘spouse’ after ‘alien’, and

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

“(c) Section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)) is amended by striking ‘TARGETTED’, ‘TARGETTED’, and ‘targetted’ each place each appears and inserting ‘TARGETED’, ‘TARGETED’, and ‘targeted’, respectively.

“(d) Section 210(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1160(d)(3)) is amended by inserting ‘the’ before ‘Service’ the first place it appears.

“(e) Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by striking ‘voluntary’ and inserting ‘voluntarily’.

“(f) Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended in subsection (d)(3)(B) by striking ‘subparagraph (A)’ and inserting ‘subparagraph (A)(iii)’.

“(g) Section 241(c) of the Immigration and Nationality Act (8 U.S.C. 1251(c)) is amended by striking ‘or (3)(A) of subsection 241(a)’ and inserting ‘and (3)(A) of subsection (a)’.

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

“(i) Section 242B(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1252b(c)(1)) is amended by striking the comma after ‘that’.

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

“(1) by striking ‘Paragraphs’ and inserting ‘paragraphs’, and

“(2) by striking ‘or (3)(E)’ and inserting ‘and (3)(E)’.

“(k) Section 245(h)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(B)) is amended by striking ‘or (3)(E)’ and inserting ‘and (3)(E)’.

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

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

“(B) by striking ‘subsection (B)’ and inserting ‘subparagraph (B)’.

“(2) Section 610(b) of Public Law 102–140 is amended by striking ‘404(b)(2)(ii)’ and ‘404(b)(2)(iii)’ and inserting ‘404(b)(2)(A)(ii)’ and ‘404(b)(2)(A)(iii)’, respectively.

“(m) Effective as of the date of the enactment of this Act, section 246(a) of the Immigration and Nationality Act

(8 U.S.C. 1256(a)) is amended by striking the first 3 sentences.

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

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

“(p) The first sentence of section 273(b) of the Immigration and Nationality Act (8 U.S.C. 1323(b)) is amended by striking ‘collector of customs’ and inserting ‘Commissioner’.

“(q) Section 274B(g)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(C)) is amended by striking ‘an administrative law judge’ and inserting ‘the Special Counsel’.

“(r) Section 274C(b) of the Immigration and Nationality Act (8 U.S.C. 1324c(b)) is amended by striking ‘title V’ and all that follows through ‘3481’ and inserting ‘chapter 224 of title 18, United States Code’.

“(s) Section 280(b)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1330(b)(1)(C)) is amended by striking ‘maintainance’ and inserting ‘maintenance’.

“(t) Effective as if included in the enactment of Public Law 102–395, subsection (r) of section 286 of the Immigra-

tion and Nationality Act (8 U.S.C. 1356), as added by section 112 of such Public Law, is amended—

“(1) in the subsection heading, by striking ‘Breached Bond/Detention Account’ and inserting ‘BREACHED BOND/DETENTION FUND’;

“(2) in paragraph (1), by striking ‘(hereafter referred to as the Fund)’ and inserting ‘(in this subsection referred to as the “Fund”)’;

“(3) in paragraph (2), by striking ‘the Immigration and Nationality Act of 1952, as amended,’ and inserting ‘this Act’;

“(4) in paragraphs (4) and (6), by striking ‘the Breached Bond/Detention’ each place it appears;

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

“(6) in paragraph (5), by striking ‘account’ and inserting ‘Fund’.

“(u) Section 310(b)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(5)(A)) is amended by striking ‘District Court’ and inserting ‘district court’.

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

“(w) Section 333(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1444(b)(1)) is amended by striking ‘249(a)’ and inserting ‘249’.

“(x) Section 412(e)(7)(D) of the Immigration and Nationality Act (8 U.S.C. 1522(e)(7)(D)) is amended by striking ‘paragraph (1) or (2) of’.

“(y) Section 302(c) of the Immigration Act of 1990 is amended by striking ‘effect’ and inserting ‘affect’.

“(z) Effective as if included in the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991—

“(1) section 303(a)(7)(B)(i) of such Act is amended by striking ‘paragraph (1)(A)’ and inserting ‘paragraph (1)(A)(i)’;

“(2) section 304(b)(2) of such Act is amended by striking ‘paragraph (1)(B)’ and inserting ‘subsection (c)(1)(B)’;

“(3) paragraph (1) of section 305(j) of such Act is repealed (and section 407(d)(16)(C) of the Immigration Act of 1990 shall read as if such paragraph had not been enacted);

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

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

“(5) section 307(a)(6) of such Act is amended by striking ‘immigrants’ the first place it appears and inserting ‘immigrant aliens’;

“(6) section 309(a)(3) of such Act is amended by striking ‘paragraph (1) and (2)’ and inserting ‘paragraphs (1)(A) and (1)(B)’;

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

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

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

“(A) by adding ‘and’ at the end of paragraph (1);

“(B) by striking paragraph (2); and

“(C) by redesignating paragraph (3) as paragraph (2) and by striking ‘309(c)’ and inserting ‘309(b)’.

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

“(1) by striking ‘alien described in section 203(a)(3) or 203(a)(6) of such Act’ and inserting ‘alien admitted for permanent residence as a preference immi-

grant under section 203(a)(3) or 203(a)(6) of such Act (as in effect before such date)'; and

“(2) by striking ‘this section’ and inserting ‘this title’.

“(bb) Section 599E(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended by striking ‘and subparagraphs’ and inserting ‘or subparagraph’.

“(cc) Section 204(a)(1)(C) of the Immigration Reform and Control Act of 1986 is amended by striking ‘year 1993’ the first place it appears and inserting ‘years 1993’.

“(dd) Except as otherwise specifically provided in this section, the amendments made by this section shall be effective as if included in the enactment of the Immigration Act of 1990.

“(ee)(1) Section 210A of the Immigration and Nationality Act (8 U.S.C. 1161) is repealed.

“(2) The table of contents of the Immigration and Nationality Act is amended by striking the item relating to section 210A.

“(ff) Section 122 of the Immigration Act of 1990 is amended by striking subsection (a).

“(gg) The Copyright Royalty Tribunal Reform Act of 1993 (Public Law 103–198; 107 Stat. 2304) is amended by striking section 8.”.

Attest:

Clerk.