

# ***In the House of Representatives, U. S.,***

*September 20, 1994.*

*Resolved*, That the House agree 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

## **AMENDMENT:**

In lieu of the matter inserted by said amendment, insert:

**1 SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Immigration and Na-*  
3 *tionality Technical Corrections Act of 1994”.*

**4 SEC. 2. TABLE OF CONTENTS.**

5 *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.

1           **TITLE I—NATIONALITY AND**  
 2                           **NATURALIZATION**

3   **SEC. 101. EQUAL TREATMENT OF WOMEN IN CONFERRING**  
 4                           **CITIZENSHIP TO CHILDREN BORN ABROAD.**

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

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

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

11                   “(h) a person born before noon (Eastern Stand-  
 12 ard Time) May 24, 1934, outside the limits and juris-

1        *dition of the United States of an alien father and a*  
2        *mother who is a citizen of the United States who,*  
3        *prior to the birth of such person, had resided in the*  
4        *United States.”.*

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

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

1 1993 of the Revised Statutes (as in effect before the enact-  
2 ment of the Act of May 24, 1934 (48 Stat. 797)).

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

14 (d) APPLICATION TO TRANSMISSION OF CITIZEN-  
15 SHIP.—This section, the amendments made by this section,  
16 and any retroactive application of such amendments shall  
17 not effect any residency or other retention requirements for  
18 citizenship as in effect before October 10, 1978, with respect  
19 to the transmission of citizenship.

20 **SEC. 102. NATURALIZATION OF CHILDREN ON APPLICATION**  
21 **OF CITIZEN PARENT.**

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

1 *“CHILD BORN OUTSIDE THE UNITED STATES; APPLICATION*  
2 *FOR CERTIFICATE OF CITIZENSHIP REQUIREMENTS*

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

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

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

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

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

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

1           “(A) the child is residing permanently in  
2           the United States with the citizen parent, pursu-  
3           ant to a lawful admission for permanent resi-  
4           dence, or

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

11          “(b) Upon approval of the application (which may be  
12          filed abroad) and, except as provided in the last sentence  
13          of section 337(a), upon taking and subscribing before an  
14          officer of the Service within the United States to the oath  
15          of allegiance required by this Act of an applicant for natu-  
16          ralization, the child shall become a citizen of the United  
17          States and shall be furnished by the Attorney General with  
18          a certificate of citizenship.

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

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

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

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

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

8   **SEC. 103. FORMER CITIZENS OF UNITED STATES REGAIN-**  
9                                   **ING UNITED STATES CITIZENSHIP.**

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

13           “(d)(1) A person who was a citizen of the United  
14 States at birth and lost such citizenship for failure to meet  
15 the physical presence retention requirements under section  
16 301(b) (as in effect before October 10, 1978), shall, from  
17 and after taking the oath of allegiance required by section  
18 337 be a citizen of the United States and have the status  
19 of a citizen of the United States by birth, without filing  
20 an application for naturalization, and notwithstanding  
21 any of the other provisions of this title except the provisions  
22 of section 313. Nothing in this subsection or any other pro-  
23 vision of law shall be construed as conferring United States

1 citizenship retroactively upon such person during any pe-  
2 riod in which such person was not a citizen.

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

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

11 **SEC. 104. INTENT TO RESIDE PERMANENTLY IN THE**  
12 **UNITED STATES AFTER NATURALIZATION.**

13 (a) *IN GENERAL.*—Section 338 of the Immigration  
14 and Nationality Act (8 U.S.C. 1449) is amended by strik-  
15 ing “intends to reside permanently in the United States,  
16 except in cases falling within the provisions of section  
17 324(a) of this title.”.

18 (b) *CONFORMING REPEAL.*—Section 340(d) of such Act  
19 (8 U.S.C. 1451(d)) is repealed.

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

22 (1) by redesignating subsections (e), (f), (g), (h),  
23 and (i) as subsections (d), (e), (f), (g), and (h), re-  
24 spectively; and

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

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

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

10       **SEC. 105. TERMINOLOGY RELATING TO EXPATRIATION.**

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

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

15                   (2) in subsection (a)—

16                           (A) by striking “expatriate himself, or be  
17                           expatriated” and inserting “lose United States  
18                           nationality”, and

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

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

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

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

4   **SEC. 106. ADMINISTRATIVE AND JUDICIAL DETERMINA-**  
 5                                   **TIONS RELATING TO LOSS OF CITIZENSHIP.**

6           Section 358 of the Immigration and Nationality Act  
 7 (8 U.S.C. 1501) is amended by adding at the end the follow-  
 8 ing new sentence: “Approval by the Secretary of State of  
 9 a certificate under this section shall constitute a final ad-  
 10 ministrative determination of loss of United States nation-  
 11 ality under this Act, subject to such procedures for adminis-  
 12 trative appeal as the Secretary may prescribe by regulation,  
 13 and also shall constitute a denial of a right or privilege  
 14 of United States nationality for purposes of section 360.”.

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

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

20           “CANCELLATION OF UNITED STATES PASSPORTS AND  
 21                                   CONSULAR REPORTS OF BIRTH

22           “SEC. 361. (a) The Secretary of State is authorized  
 23 to cancel any United States passport or Consular Report  
 24 of Birth, or certified copy thereof, if it appears that such  
 25 document was illegally, fraudulently, or erroneously ob-

1 *tained from, or was created through illegality or fraud*  
 2 *practiced upon, the Secretary. The person for or to whom*  
 3 *such document has been issued or made shall be given, at*  
 4 *such person's last known address, written notice of the can-*  
 5 *cellation of such document, together with the procedures for*  
 6 *seeking a prompt post-cancellation hearing. The cancella-*  
 7 *tion under this section of any document purporting to show*  
 8 *the citizenship status of the person to whom it was issued*  
 9 *shall affect only the document and not the citizenship status*  
 10 *of the person in whose name the document was issued.*

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

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

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

18 **SEC. 108. EXPANDING WAIVER OF THE GOVERNMENT**  
 19 **KNOWLEDGE, UNITED STATES HISTORY, AND**  
 20 **ENGLISH LANGUAGE REQUIREMENTS FOR**  
 21 **NATURALIZATION.**

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

24 *(1) by inserting “(a)” after “312.”,*

1           (2) by striking “this requirement” and all that  
2 follows through “That”,

3           (3) by striking “this section” and inserting “this  
4 paragraph”, and

5           (4) by adding at the end the following new sub-  
6 section:

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

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

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

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

23           “(3) The Attorney General, pursuant to regulations,  
24 shall provide for special consideration, as determined by the  
25 Attorney General, concerning the requirement of subsection

1 (a)(2) with respect to any person who, on the date of the  
2 filing of the person's application for naturalization as pro-  
3 vided in section 334, is over sixty-five years of age and has  
4 been living in the United States for periods totaling at least  
5 twenty years subsequent to a lawful admission for perma-  
6 nent residence."

7 (b) CONFORMING AMENDMENTS.—Section  
8 245A(b)(1)(D) of such Act (8 U.S.C. 1254a(b)(1)(D)) is  
9 amended by striking "312" each place it appears and in-  
10 serting "312(a)".

11 (c) EFFECTIVE DATE.—The amendments made by sub-  
12 section (a) shall take effect on the date of the enactment  
13 of this Act and shall apply to applications for naturaliza-  
14 tion filed on or after such date and to such applications  
15 pending on such date.

16 (d) REGULATIONS.—Not later than 120 days after the  
17 date of enactment of this Act, the Attorney General shall  
18 promulgate regulations to carry out section 312(b)(3) of the  
19 Immigration and Nationality Act (as amended by sub-  
20 section (a)).

21 **SEC. 109. REPORT ON CITIZENSHIP OF CERTAIN LEGALIZED**  
22 **ALIENS.**

23 Not later than June 30, 1996, the Commissioner of the  
24 Immigration and Naturalization Service shall prepare and  
25 submit to the Congress a report concerning the citizenship

1 *status of aliens legalized under section 245A and section*  
2 *210 of the Immigration and Nationality Act. Such report*  
3 *shall include the following information by district office for*  
4 *each national origin group:*

5 (1) *The number of applications for citizenship*  
6 *filed.*

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

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

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

10 ***TITLE II—TECHNICAL CORREC-***  
11 ***TIONS OF IMMIGRATION***  
12 ***LAWS***

13 ***SEC. 201. AMERICAN INSTITUTE IN TAIWAN.***

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

16 (1) *by inserting “or of the American Institute in*  
17 *Taiwan,” after “of the United States Government*  
18 *abroad,”; and*

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

22 ***SEC. 202. G-4 SPECIAL IMMIGRANTS.***

23 *Section 101(a)(27)(I)(iii) of the Immigration and Na-*  
24 *tionality Act (8 U.S.C. 1101(a)(27)(I)(iii)) is amended by*  
25 *striking “(II)” and all that follows through “; or” and in-*

1 *serting the following: “(II) files a petition for status under*  
2 *this subparagraph no later than six months after the date*  
3 *of such retirement or six months after the date of enactment*  
4 *of the Immigration and Nationality Technical Corrections*  
5 *Act of 1994, whichever is later; or”.*

6 **SEC. 203. CLARIFICATION OF CERTAIN GROUNDS FOR EX-**  
7 **CLUSION AND DEPORTATION.**

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

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

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

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

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

21 (1) *in paragraph (2)(C)—*

22 (A) *by striking “in violation of any law,”*  
23 *and inserting “; or of attempting or conspiring*  
24 *to purchase, sell, offer for sale, exchange, use,*  
25 *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. 204. UNITED STATES CITIZENS ENTERING AND DE-**  
10           **PARTING ON UNITED STATES PASSPORTS.**

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

14           (b) *EFFECTIVE DATE.*—The amendment made by sub-  
15           section (a) shall apply to departures and entries (and at-  
16           tempts thereof) occurring on or after the date of enactment  
17           of this Act.

18           **SEC. 205. APPLICATIONS FOR VISAS.**

19           (a) *IN GENERAL.*—The second sentence of section  
20           222(a) of the Immigration and Nationality Act (8 U.S.C.  
21           1202(a)) is amended—

22           (1) by striking “the immigrant” and inserting  
23           “the alien”, and

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

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

7 **SEC. 206. FAMILY UNITY.**

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

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

17 **SEC. 207. TECHNICAL AMENDMENT REGARDING ONE-**  
18 **HOUSE VETO.**

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

21           (1) by striking the third sentence; and

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

1 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS FOR REFU-**  
2 **GEE ASSISTANCE FOR FISCAL YEARS 1995,**  
3 **1996, AND 1997.**

4 *Section 414(a) of the Immigration and Nationality*  
5 *Act (8 U.S.C. 1524(a)) is amended by striking “fiscal year*  
6 *1993 and fiscal year 1994” and inserting “fiscal year 1995,*  
7 *fiscal year 1996, and fiscal year 1997”.*

8 **SEC. 209. FINES FOR UNLAWFUL BRINGING OF ALIENS INTO**  
9 **THE UNITED STATES.**

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

12 *(1) in subsections (b) and (d) by striking “the*  
13 *sum of \$3000” and inserting “a fine of \$3000” each*  
14 *place it appears;*

15 *(2) in the first sentence of subsection (b) by strik-*  
16 *ing “a sum equal” and inserting “an amount equal”;*

17 *(3) in the second sentence of subsection (d) by*  
18 *striking “a sum sufficient to cover such fine” and in-*  
19 *serting “an amount sufficient to cover such fine”;*

20 *(4) by striking “sum” and “sums” each place ei-*  
21 *ther appears and inserting “fine”;*

22 *(5) in subsection (c) by striking “Such” and in-*  
23 *serting “Except as provided in subsection (e), such”;*  
24 *and*

25 *(6) by adding at the end the following new sub-*  
26 *section:*

1       “(e) A fine under this section may be reduced, re-  
2 funded, or waived under such regulations as the Attorney  
3 General shall prescribe in cases in which—

4               “(1) the carrier demonstrates that it had  
5 screened all passengers on the vessel or aircraft in ac-  
6 cordance with procedures prescribes by the Attorney  
7 General, or

8               “(2) circumstances exist that the Attorney Gen-  
9 eral determines would justify such reduction, refund,  
10 or waiver.”.

11       (b) *EFFECTIVE DATE.*—The amendments made by this  
12 subsection shall apply with respect to aliens brought to the  
13 United States more than 60 days after the date of enact-  
14 ment of this Act.

15       **SEC. 210. EXTENSION OF VISA WAIVER PILOT PROGRAM.**

16       Section 217(f) of the Immigration and Nationality Act  
17 (8 U.S.C. 1187(f)) is amended by striking “ending” and  
18 all that follows through the period and inserting “ending  
19 on September 30, 1996”.

20       **SEC. 211. CREATION OF PROBATIONARY STATUS FOR PAR-**  
21                       **TICIPANT COUNTRIES IN THE VISA WAIVER**  
22                       **PROGRAM.**

23       Section 217 of the Immigration and Nationality Act  
24 (8 U.S.C. 1187) is amended—

1           (1) in subsection (a)(2)(B) by inserting before  
2           the period “or is designated as a pilot program coun-  
3           try with probationary status under subsection (g)”;

4           (2) by adding at the end the following new sub-  
5           section:

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

8           “(1) *IN GENERAL.*—The Attorney General and  
9           the Secretary of State acting jointly may designate  
10          any country as a pilot program country with proba-  
11          tionary status if it meets the requirements of para-  
12          graph (2).

13          “(2) *QUALIFICATIONS.*—A country may not be  
14          designated as a pilot program country with proba-  
15          tionary status unless the following requirements are  
16          met:

17                  “(A) *NONIMMIGRANT VISA REFUSAL RATE*  
18                  *FOR PREVIOUS 2-YEAR PERIOD.*—The average  
19                  number of refusals of nonimmigrant visitor visas  
20                  for nationals of the country during the two pre-  
21                  vious full fiscal years was less than 3.5 percent  
22                  of the total number of nonimmigrant visitor  
23                  visas for nationals of that country which were  
24                  granted or refused during those years.

1           “(B) *NONIMMIGRANT VISA REFUSAL RATE*  
2           *FOR PREVIOUS YEAR.*—*The number of refusals of*  
3           *nonimmigrant visitor visas for nationals of the*  
4           *country during the previous full fiscal year was*  
5           *less than 3 percent of the total number of non-*  
6           *immigrant visitor visas for nationals of that*  
7           *country which were granted or refused during*  
8           *that year.*

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

11                   “(i) *the total number of nationals of*  
12                   *that country who were excluded from ad-*  
13                   *mission or withdrew their application for*  
14                   *admission during the preceding fiscal year*  
15                   *as a nonimmigrant visitor, and*

16                   “(ii) *the total number of nationals of*  
17                   *that country who were admitted as non-*  
18                   *immigrant visitors during the preceding fis-*  
19                   *cal year and who violated the terms of such*  
20                   *admission,*

21                   *was less than 1.5 percent of the total number of*  
22                   *nationals of that country who applied for admis-*  
23                   *sion as nonimmigrant visitors during the preced-*  
24                   *ing fiscal year.*

1           “(D) *MACHINE READABLE PASSPORT PRO-*  
2           *GRAM.—The government of the country certifies*  
3           *that it has or is in the process of developing a*  
4           *program to issue machine-readable passports to*  
5           *its citizens.*

6           “(3) *CONTINUING AND SUBSEQUENT QUALIFICA-*  
7           *TIONS FOR PILOT PROGRAM COUNTRIES WITH PROBA-*  
8           *TIONARY STATUS.—The designation of a country as a*  
9           *pilot program country with probationary status shall*  
10          *terminate if either of the following occurs:*

11           “(A) *The sum of—*

12                   “(i) *the total number of nationals of*  
13                   *that country who were excluded from ad-*  
14                   *mission or withdrew their application for*  
15                   *admission during the preceding fiscal year*  
16                   *as a nonimmigrant visitor, and*

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

21                   *is more than 2.0 percent of the total number of*  
22                   *nationals of that country who applied for admis-*  
23                   *sion as nonimmigrant visitors during the preced-*  
24                   *ing fiscal year.*

1           “(B) *The country is not designated as a*  
2           *pilot program country under subsection (c) with-*  
3           *in 3 fiscal years of its designation as a pilot*  
4           *program country with probationary status under*  
5           *this subsection.*”.

6           “(4) *DESIGNATION OF PILOT PROGRAM COUN-*  
7           *TRIES WITH PROBATIONARY STATUS AS PILOT PRO-*  
8           *GRAM COUNTRIES.—In the case of a country which*  
9           *was a pilot program country with probationary sta-*  
10          *tus in the preceding fiscal year, a country may be*  
11          *designated by the Attorney General and the Secretary*  
12          *of State, acting jointly, as a pilot program country*  
13          *under subsection (c) if—*

14                 “(A) *the total of the number of nationals of*  
15                 *that country who were excluded from admission*  
16                 *or withdrew their application for admission dur-*  
17                 *ing the preceding fiscal year as a nonimmigrant*  
18                 *visitor, and*

19                 “(B) *the total number of nationals of that*  
20                 *country who were admitted as nonimmigrant*  
21                 *visitors during the preceding fiscal year and who*  
22                 *violated the terms of such admission,*  
23                 *was less than 2 percent of the total number of nation-*  
24                 *als of that country who applied for admission as non-*

1 *immigrant visitors during such preceding fiscal*  
2 *year.”; and*

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

6 **SEC. 212. TECHNICAL CHANGES TO NUMERICAL LIMITA-**  
7 **TIONS CONCERNING CERTAIN SPECIAL IMMI-**  
8 **GRANTS.**

9 *(a) PANAMA CANAL SPECIAL IMMIGRANTS.—Section*  
10 *3201 of the Panama Canal Act of 1979 (Public Law 96-*  
11 *70) is amended by striking subsection (c).*

12 *(b) ARMED FORCES SPECIAL IMMIGRANTS.—Section*  
13 *203(b)(6) of the Immigration and Nationality Act (8*  
14 *U.S.C. 1153(b)(6)) is amended by striking subparagraph*  
15 *(C).*

16 **SEC. 213. EXTENSION OF TELEPHONE EMPLOYMENT VER-**  
17 **IFICATION SYSTEM.**

18 *Section 274A(d)(4)(A) of the Immigration and Na-*  
19 *tionalty Act (8 U.S.C. 1324a(d)(4)(A)) is amended in the*  
20 *second sentence by striking “three” and inserting “five”.*

21 **SEC. 214. EXTENSION OF EXPANDED DEFINITION OF SPE-**  
22 **CIAL IMMIGRANT FOR RELIGIOUS WORKERS.**

23 *Section 101(a)(27)(C)(ii) of the Immigration and Na-*  
24 *tionalty Act (8 U.S.C. 1101(a)(27)(C)(ii)) is amended—*

1           (1) in subclause (II) by striking “1994,” and in-  
2           serting “1997,”; and

3           (2) in subclause (III) by striking “1994,” and  
4           inserting “1997,”.

5   **SEC. 215. EXTENSION OF OFF-CAMPUS WORK AUTHORIZA-**  
6                           **TION FOR STUDENTS.**

7           (a) *IN GENERAL.*—Section 221 of the Immigration Act  
8           of 1990 (Pub. Law 101-649; 104 Stat. 4978) as amended  
9           by section 303(b)(1) of the Miscellaneous and Technical Im-  
10          migration and Naturalization Amendments of 1991 (Pub.  
11          Law 102-232; 105 Stat. 1747) is amended—

12           (1) in the heading for subsection (a) by striking  
13           “3-YEAR” and inserting “5-YEAR”;

14           (2) in subsection (a) by striking “3-year” and  
15           inserting “5-year”; and

16           (3) in subsection (b) by striking “1994,” and in-  
17           serting “1996,”.

18   **SEC. 216. ELIMINATING OBLIGATION OF CARRIERS TO DE-**  
19                           **TAIN STOWAWAYS.**

20          The first sentence of section 273(d) of the Immigration  
21          and Nationality Act (8 U.S.C. 1323(d)) is amended to read  
22          as follows: “The owner, charterer, agent, consignee, com-  
23          manding officer, or master of any vessel or aircraft arriving  
24          at the United States from any place outside the United  
25          States who fails to deport any alien stowaway on the vessel

1 *or aircraft on which such stowaway arrived or on another*  
 2 *vessel or aircraft at the expense of the vessel or aircraft on*  
 3 *which such stowaway arrived when required to do so by*  
 4 *an immigration officer, shall pay to the Commissioner the*  
 5 *sum of \$3,000 for each alien stowaway, in respect of whom*  
 6 *any such failure occurs.”.*

7 **SEC. 217. COMPLETING USE OF VISAS PROVIDED UNDER DI-**  
 8 **VERSITY TRANSITION PROGRAM.**

9 (a) *EXTENSION OF DIVERSITY TRANSITION PRO-*  
 10 *GRAM.—Section 132 of the Immigration Act of 1990 (Public*  
 11 *Law 101–649) is amended—*

12 (1) *in subsection (a), by inserting before the pe-*  
 13 *riod at the end of the first sentence the following:*  
 14 *“and in fiscal year 1995 a number of immigrant*  
 15 *visas equal to the number of such visas provided (but*  
 16 *not made available) under this section in previous fis-*  
 17 *cal years”; and*

18 (2) *in the next to last sentence of subsection (c),*  
 19 *by striking “or 1993” and inserting “, 1993, or*  
 20 *1994”.*

21 (b) *ADMINISTRATION OF 1995 DIVERSITY TRANSITION*  
 22 *PROGRAM.—*

23 (1) *ELIGIBILITY.—For the purpose of carrying*  
 24 *out the extension of the diversity transition program*  
 25 *under the amendments made by subsection (a), appli-*

1        *cations for natives of diversity transition countries*  
2        *submitted for fiscal year 1995 for diversity immi-*  
3        *grants under section 203(c) of the Immigration and*  
4        *Nationality Act shall be considered applications for*  
5        *visas made available for fiscal year 1995 for the di-*  
6        *versity transition program under section 132 of the*  
7        *Immigration Act of 1990. No application period for*  
8        *the fiscal year 1995 diversity transition program*  
9        *shall be established and no new applications may be*  
10       *accepted for visas made available under such program*  
11       *for fiscal year 1995. Applications for visas in excess*  
12       *of the minimum available to natives of the country*  
13       *specified in section 132(c) of the Immigration Act of*  
14       *1990 shall be selected for qualified applicants within*  
15       *the several regions defined in section 203(c)(1)(F) of*  
16       *the Immigration and Nationality Act in proportion*  
17       *to the region's share of visas issued in the diversity*  
18       *transition program during fiscal years 1992 and*  
19       *1993.*

20            (2) *NOTIFICATION.*—*Not later than 180 days*  
21        *after the date of enactment of this Act, notification of*  
22        *the extension of the diversity transition program for*  
23        *fiscal year 1995 and the provision of visa numbers*  
24        *shall be made to each eligible applicant under para-*  
25        *graph (1).*

1           (3) *REQUIREMENTS.*—Notwithstanding any  
2 other provision of law, for the purpose of carrying out  
3 the extension of the diversity transition program  
4 under the amendments made by subsection (a), the re-  
5 quirement of section 132(b)(2) of the Immigration Act  
6 of 1990 shall not apply to applicants under such ex-  
7 tension and the requirement of section 203(c)(2) of the  
8 Immigration and Nationality Act shall apply to such  
9 applicants.

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

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

14           (1) by striking “or an application for labor cer-  
15 tification before such date under section 212(a)(14)”;  
16 and

17           (2) in subparagraph (A)—

18                   (A) by striking “or application”; and

19                   (B) by striking “, or 60 days after the date  
20 of certification in the case of labor certifications  
21 filed in support of the petition under section  
22 212(a)(14) of such Act before October 1, 1991,  
23 but not certified until after October 1, 1993”.

1 **SEC. 219. 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 258 of the Immigration and Nationality*  
5 *Act (8 U.S.C. 1288) is amended in subsection (d)(3)(B) by*  
6 *striking “subparagraph (A)” and inserting “subparagraph*  
7 *(A)(iii)”.*

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

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

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

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

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

23                 (2) *by striking “or (3)(E)” and inserting “and*  
24 *(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)(2)(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 *tionality 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 *tionality 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 Account” 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” each place it appears;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21          (6) *section 309(a)(3) of such Act is amended by*  
22 *striking “paragraph (1) and (2)” and inserting*  
23 *“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) Section 204(a)(1)(C) of the Immigration Reform  
4 and Control Act of 1986 is amended by striking “year 1993  
5 the first place it appears” and inserting “years 1993”.

6 (dd) Except as otherwise specifically provided in this  
7 section, the amendments made by this section shall be effec-  
8 tive as if included in the enactment of the Immigration Act  
9 of 1990.

10 (ee)(1) Section 210A of the Immigration and National-  
11 ity Act (8 U.S.C. 1161) is repealed.

12 (2) The table of contents of the Immigration and Na-  
13 tionality Act is amended by striking the item relating to  
14 section 210A.

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

17 (gg) The Copyright Royalty Tribunal Reform Act of  
18 1993 (Public Law 103–198; 107 Stat. 2304) is amended  
19 by striking section 8.

Attest:

Clerk.



103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 783**

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**AMENDMENT**  
**TO**  
**SENATE AMENDMENT**