84TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1842

JANE EDITH THOMAS

MARCH 1, 1956.—Ordered to be printed

Mr. FEIGHAN, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H. R. 7588]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7588) for the relief of Jane Edith Thomas, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *That section 301 (a) (7) of the Immigration and Nationality Act shall be considered to have been and to be applicable to a child born outside of the United States and its outlying possessions after January 12, 1941, and before December 24, 1952, of parents one of whom is a citizen of the United States who has served in the Armed Forces of the United States after December 31, 1946, and before December 24, 1952, and whose case does not come within the provisions of section 201 (g) or (i) of the Nationality Act of 1940.*

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same with an amendment as follows:

Amend the title so as to read: "Granting the benefits of section 301 (a) (7) of the Immigration and Nationality Act to certain childreh of United States Citizens"; and the Senate agree to the same.

MICHAEL A. FEIGHAN,
FRANK CHELF,
RUTH THOMPSON,
Managers on the Part of the House.

H. M. KILGORE,
JAMES O. EASTLAND,
ARTHUR V. WATKINS,
Managers on the Part of the Senate.

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STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7588) for the relief of Jane Edith Thomas, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The bill as passed by the House would make the nationality laws presently in effect applicable in the case of Jane Edith Thomas, a 4-year-old child born in Italy in 1951. Her father, a native-born United States citizen, was then stationed abroad in the service of the United States Armed Forces, having entered on duty in January 1948. Her mother was a national of Italy. The child would not acquire United States citizenship at birth because she was born in 1951, when the now repealed Nationality Act of 1940, as amended, was still in effect.

Under the Immigration and Nationality Act enacted in 1952, and commonly referred to as the McCarran-Walter Act, Jane Edith Thomas would have acquired United States citizenship at birth because that law, taking into account the fact that this country has been drafting and sending overseas younger men, has changed requirements pertaining to the bestowing of United States citizenship upon children born abroad of one alien parent where the other parent is a United States citizen.

The Senate amended the bill by striking out all after the enacting clause and substituting language which would grant the benefit of the law presently in effect, to wit section 301 (a) (7) of the McCarran-Walter Act, not only to Jane Edith Thomas but to all children born abroad of one American citizen parent who served in the Armed Forces between December 31, 1946, and December 24, 1952. The full effect of the Senate amendment is set forth in the following report:

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, January 19, 1956.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in response to your request for the further views of the Department of Justice concerning the bill (H. R. 7588) for the relief of Jane Edith Thomas, in the form in which the measure was passed by the Senate.

As passed by the Senate the bill reads as follows: "That section 301 (a) (7) of the Immigration and Nationality Act shall be held and considered to be applicable to Jane Edith Thomas, the daughter of Leslie F. Thomas, a United States citizen, and provided that section 301 (a) (7) of said act shall be considered to have been and to be applicable to a child born outside the United States and its outlying possessions of parents one of whom is a citizen of the United States who has served in the Armed Forces of the United States after December 31, 1946, and before December 24, 1952, and whose case does not come within the provisions of section 201 (g) or (i) of the Nationality Act of 1940."

The apparent purpose of the bill is not only to confer United States citizenship upon Jane Edith Thomas as of the date of her birth by making applicable to her

case the provisions of section 301 (a) (7) of the Immigration and Nationality Act, but also to extend the provisions of that section to all cases involving children born to an alien parent and to a parent who is a citizen of this country who served in the Armed Forces after December 31, 1946, and before December 24, 1952, under circumstances which did not confer citizenship upon the child at birth by reason of the provisions of either subsections (g) or (i) of the Nationality Act of 1940. The latter act took effect on January 13, 1941, and remained in effect until December 24, 1952.

Under date of July 28, 1955, the Commissioner of Immigration and Naturalization transmitted to your committee the report of the Immigration and Naturalization Service concerning an earlier form of the bill which merely proposed to grant to the beneficiary the status of a lawful permanent resident of the United States as of the date of enactment, upon payment of the required visa fee. From the facts as related in that report you will note that at the time of her birth in Italy on February 7, 1951, the beneficiary did not acquire citizenship under either of the subsections of the 1940 act mentioned above. Subsection (g) did not apply because her citizen father (who was less than 20 years old at the time of her birth) had not resided in the United States for at least 5 years after attaining the age of 16 years. Subsection (i) did not apply because the father's service in the Armed Forces did not take place between December 7, 1941, and December 31, 1946. Had the child been born after December 24, 1952, however, she would have been a citizen at birth under section 301 (a) (7) of the Immigration and Nationality Act. The bill here under consideration would confer that status upon her. It would likewise extend similar benefits to all other children of members of our Armed Forces who may have been born abroad during the time that the Nationality Act of 1940 was in effect.

The bill as amended by the Senate does not specify that its provisions are to apply only to children who were born during the period when the Nationality Act of 1940 was in effect. It is suggested, therefore, that the bill be amended by adding after the words "outlying possessions" the language "after January 12, 1941, and before December 24, 1952." If the bill is amended as suggested the Department of Justice would have no objection to its enactment.

The Bureau of the Budget has advised that there is no objection to the submission of this report.

Sincerely,

WILLIAM P. ROGERS,
Deputy Attorney General.

In the opinion of the conferees there is no need for the enactment of private legislation for the relief of one child, Jane Edith Thomas, if the enactment of the second part of the bill as amended by the Senate would apply to her.

Pertinent parts of section 301 of the Immigration and Nationality Act read as follows:

SEC. 301. (a) The following shall be nationals and citizens of the United States at birth:

* * * * * * *

(7) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States, who prior to the birth of such person, was physically present in the United States or its outlying possessions for a period or periods totaling not less than ten years, at least five of which were after attaining the age of fourteen years: *Provided*, That any periods of honorable service in the Armed Forces of the United States by such citizen parent may be included in computing the physical presence requirements of this paragraph.

MICHAEL A. FEIGHAN,
FRANK CHELF,
RUTH THOMPSON,
Managers on the Part of the House.

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