

Rules of the House of Representatives, that I, Ryan Ethington, have been served with a subpoena for testimony and documents issued by the United States District Court for the Southern District of New York.

After consultation with the Office of the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

RYAN ETHINGTON,  
Legislative Director,  
Office of Congressman Lance Gooden.

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**APPOINTMENT OF INDIVIDUAL TO BOARD OF TRUSTEES OF THE AMERICAN FOLKLIFE CENTER IN THE LIBRARY OF CONGRESS**

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 20 U.S.C. 2103(b), and the order of the House of January 3, 2019, of the following individual to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House for a term of 6 years:

Mr. Robert Anacletus Underwood, Hagatna, Guam

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**RECESS**

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:45 p.m. today.

Accordingly (at 2 o'clock and 6 minutes p.m.), the House stood in recess.

1545

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**AFTER RECESS**

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CLAY) at 3 o'clock and 45 minutes p.m.

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**ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

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**CITIZENSHIP FOR CHILDREN OF MILITARY MEMBERS AND CIVIL SERVANTS ACT**

Mr. NADLER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4803) to facilitate the automatic acquisition of citizenship for lawful permanent resident children of military and Federal Government personnel residing abroad, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4803

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Citizenship for Children of Military Members and Civil Servants Act".

**SEC. 2. FACILITATING THE AUTOMATIC ACQUISITION OF CITIZENSHIP FOR LAWFUL PERMANENT RESIDENT CHILDREN OF MILITARY AND FEDERAL GOVERNMENT PERSONNEL RESIDING ABROAD.**

(a) IN GENERAL.—Section 320 of the Immigration and Nationality Act (8 U.S.C. 1431) is amended—

(1) by striking the section header and inserting "CHILDREN BORN OUTSIDE THE UNITED STATES AND LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; CONDITIONS UNDER WHICH CITIZENSHIP AUTOMATICALLY ACQUIRED";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) Subsection (a)(3) is deemed satisfied in the case of a child who is lawfully admitted for permanent residence in the United States if—

"(1) the child is residing in the legal and physical custody of a citizen parent who is—

"(A) stationed and residing abroad as an employee of the Government of the United States; or

"(B) residing abroad in marital union with an employee of the Government of the United States who is stationed abroad; or

"(2) the child is—

"(A) residing in the legal and physical custody of a citizen parent who is—

"(i) stationed and residing abroad as a member of the Armed Forces of the United States; or

"(ii) authorized to accompany and reside abroad with a member of the Armed Forces of the United States pursuant to the member's official orders, and is so accompanying and residing abroad with the member in marital union; and

"(B) authorized to accompany such member and reside abroad with the member pursuant to the member's official orders, and is so accompanying and residing with the member.".

(b) CONFORMING AMENDMENT.—The table of contents for the Immigration and Nationality Act is amended by striking the item relating to section 320 and inserting the following:

"Sec. 320. Children born outside the United States and lawfully admitted for permanent residence; conditions under which citizenship automatically acquired."

**SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. NADLER) and the gentleman from Virginia (Mr. CLINE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

**GENERAL LEAVE**

Mr. NADLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues on both sides of the aisle to support H.R. 4803, the Citizenship for Children of Military Members and Civil Servants Act. This bipartisan legislation provides a simple solution to ease the burdens imposed by our current citizenship laws on those who have chosen to serve our Nation abroad, and their children.

Most children who are born outside the United States to U.S. citizen parents are deemed U.S. citizens at birth. But under our current citizenship laws, this process can be more complicated for children whose parents don't meet certain bureaucratic requirements related to residency, a concept that is generally defined according to where one physically resides.

This often affects military families and certain other Federal employees serving abroad. As a result, when establishing U.S. residency is not possible because of a parent's overseas service to the Nation, these families, who make great sacrifices for our country, are at a disadvantage.

Without access to a streamlined citizenship process, parents must either guide their children through a lengthy and expensive naturalization process or find some alternative way to establish U.S. residency, which may even require them to cut short their overseas service commitment to the armed services.

In August, Members on both sides of the aisle were taken aback by the administration's reversal of a 15-year-old policy that allowed families of military servicemembers and Federal Government employees to meet the residency requirement for acquisition of citizenship purposes while serving abroad.

H.R. 4803 will implement a small but important fix to our citizenship laws by restoring and codifying the previous policy and bringing consistency to what were once differing policy provisions between the Department of Homeland Security and the Department of State.

H.R. 4803 will provide greater flexibility to individuals who have dedicated their lives and careers to serving our Nation by treating their children like other children of U.S. citizens who were born overseas, allowing them to be automatically recognized as U.S. citizens once certain conditions are met.

H.R. 4803 will thus eliminate the inconvenience, expense, and delays of the naturalization process that such children are required to undergo under current law and allow their parents to continue serving our Nation in the military without interruption.

I want to thank the gentleman from Georgia (Mr. COLLINS), my friend and colleague, for partnering with me on this commonsense, bipartisan fix, as

well as Chairman SMITH, Ranking Member THORNBERRY, Subcommittee Chair LOFGREN, Subcommittee Ranking Member BUCK, along with Mr. GALLEGUO and Mr. LIEU. I appreciate their willingness to work across the aisle and to demonstrate that it is possible to find common ground on some immigration and nationality issues.

I urge my colleagues to support this bipartisan legislation, and I reserve balance of my time.

Mr. CLINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4803, the Citizenship for Children of Military Members and Civil Servants Act.

Most people believe that, in all circumstances, as long as one parent is a U.S. citizen, a child is automatically a U.S. citizen. In reality, the Immigration and Nationality Act lays out specific residency, physical presence, and other requirements for when a child is deemed a U.S. citizen and what procedures a parent must go through to claim that citizenship.

For instance, section 320 of the INA requires that a child of a U.S. citizen automatically becomes a U.S. citizen if the child is under the age of 18 and is “residing in the United States in the legal and physical custody of the citizen pursuant to a lawful admission for permanent residence.”

This creates a problem for some U.S. citizens and their families who are serving overseas in the military or other U.S. Government positions and who cannot return to the United States.

Until very recently, U.S. Citizenship and Immigration Services, USCIS, had been interpreting the term “residing in” to cover children of U.S. citizen government employees or members of the U.S. Armed Forces who were employed or stationed outside the U.S. That interpretation, however, was inconsistent with other parts of the INA and inconsistent, even, with the State Department’s interpretation.

Thus, there were instances when a U.S. citizen parent was told by USCIS that their child was automatically a U.S. citizen, but when the parent tried to obtain a U.S. passport for the child, they were told that the child was not yet a U.S. citizen because the proper process had not been followed.

In late August, USCIS issued policy guidance aimed at correctly interpreting “residing in” to be consistent with the INA and the State Department’s interpretation.

It should be noted that, even if H.R. 4803 is not enacted, the children affected by USCIS’ new guidance will still be able to claim U.S. citizenship; however, their families will have to jump through many more hoops to do so.

Luckily, this issue affects fewer than 100 families per year, most of whom are cases of adoption or where the child is a teenager when the parent naturalizes.

USCIS was legally correct to do what it did, but we in Congress are also right to make the technical change that allows the affected child to be automatically considered a U.S. citizen.

The committee ranking member worked closely with Chairman NADLER to craft H.R. 4803. The bill deems the child of a U.S. citizen parent to be in compliance with the residence requirements of INA section 320 in circumstances where: one, the U.S. citizen parent is an employee of the U.S. Government stationed abroad or a spouse of that employee residing abroad with that employee; or, two, the U.S. citizen parent is a member of the Armed Forces stationed abroad or spouse of that member residing abroad with that member, and the child is authorized to and is accompanying the member.

The bill ensures that children of U.S. Armed Forces members and U.S. Government personnel are not disadvantaged merely because their parents’ service to our country requires them to be deployed abroad.

I am pleased that the legislative process worked as it should, that Republicans and Democrats saw a legal issue that needed to be fixed and we worked together to pass the affecting legislation.

I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

This bipartisan legislation would provide greater flexibility and support to those who have dedicated their careers to serving our Nation when they have children born abroad.

I again thank my colleagues for the bipartisan nature of the work and support of this bill. I urge all my colleagues to support the bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Madam Speaker, I rise in strong support of H.R. 4803, the Citizenship for Children of Military Members and Civil Servants Act.

I applaud Judiciary Chairman JERROLD NADLER (D-NY) and House Judiciary Ranking Member DOUG COLLINS (R-GA) for introducing this bipartisan legislation aimed to fix a problem in current citizenship laws.

The current citizenship law implemented by this Administration in October, serves as a disadvantage to certain children who are born abroad and reside with a parent serving overseas in the military or as a federal government employee.

Under current law, such children are required to establish U.S. residency in order to obtain citizenship, which can be difficult when a parent is stationed overseas.

This small but important change is the necessary fix for U.S. armed forces and in federal government positions overseas.

I am glad we could work together to introduce this bipartisan legislation that provides greater flexibility and support to those who have dedicated their careers to serving our nation.

American citizens who are deployed members of our military or government officials working abroad should have confidence their children will receive U.S. citizenship.

Military families are already making tremendous sacrifices to serve our country abroad and the children should not have to be penalized.

I urge my colleagues to join me in supporting H.R. 4803 because our military families should not have to deal with the bureaucracy of this Administration for their children to be United States citizens.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. NADLER) that the House suspend the rules and pass the bill, H.R. 4803, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### ADVANCING MUTUAL INTERESTS AND GROWING OUR SUCCESS ACT

Mr. CICILLINE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 565) to include Portugal in the list of foreign states whose nationals are eligible for admission into the United States as E1 and E2 nonimmigrants if United States nationals are treated similarly by the Government of Portugal, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 565

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Advancing Mutual Interests and Growing Our Success Act” or the “AMIGOS Act”.

#### SEC. 2. NONIMMIGRANT TRADERS AND INVESTORS.

For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Portugal shall be considered to be a foreign state described in such section if the Government of Portugal provides similar nonimmigrant status to nationals of the United States.

#### SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. CICILLINE) and the gentleman from Virginia (Mr. CLINE) each will control 20 minutes.

The Chair recognizes the gentleman from Rhode Island.

#### GENERAL LEAVE

Mr. CICILLINE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend remarks and include extraneous material on the bill under consideration.