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109TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
109–576

PROUD TO BE AN AMERICAN CITIZEN ACT

JULY 17, 2006.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 5323]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5323) to require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 5323, the "Proud to be an American Citizen Act," would require U.S. Citizenship and Immigration Services to provide for ceremonies on or near Independence Day for administering oaths

of allegiance to legal immigrants whose applications for naturalization have been approved.

BACKGROUND AND NEED FOR THE LEGISLATION

H.R. 5323, the "Proud to Be an American Citizen Act," enables U.S. Citizenship and Immigration Services or non-profit entities to conduct naturalization ceremonies on or near Independence Day each year. It directs the Department of Homeland Security to make available up to $5,000 per ceremony from funds already available to the Department, thus not authorizing the expenditure of new funds for the ceremonies.

The funds (up to $5,000) may be used only for the cost of government personnel needed to administer the Oath of Allegiance (including travel), facilities rental, brochures, and other logistics such as sanitation. The bill requires that any non-government entity seeking to organize a naturalization ceremony receive approval under an application process prescribed by the Department of Homeland Security.

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 5323.

COMMITTEE CONSIDERATION

On June 29, 2006, the Committee met in open session and ordered favorably reported the bill H.R. 5323 by a voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of Rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the committee consideration of H.R. 5323.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 5323, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 10, 2006.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5323, the "Proud to Be an American Citizen Act."

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DONALD B. MARRON,
ACTING DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 5323—Proud to Be an American Citizen Act.

H.R. 5323 would authorize the Department of Homeland Security (DHS) to provide funding to nonprofit entities to organize ceremonies for administering oaths of allegiance to persons whose applications for naturalization have been approved. The bill would require these ceremonies to be held on or near July 4 each year and would limit funding for each ceremony to $5,000.

Based on information from DHS, CBO expects that the department would support less than 100 such ceremonies annually. Thus, we estimate that implementing H.R. 5323 would increase direct spending by less than $500,000 annually, from adjudication fees currently collected by DHS. Such fees are recorded as offsetting receipts (a credit against direct spending). Enacting this legislation would not affect revenues.

H.R. 5323 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz, who can be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 5323 would require U.S. Citizenship and Immigration Services to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, § 8, cl. 4 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The following discussion describes the bill as reported by the Committee.

Sec 1. Short Title.

This section designates the title of the bill as the "Proud to Be an American Citizen Act."

Sec 2. Findings.

This section outlines the congressional findings that legal immigrants play a vital role in enriching the United States of America. It also describes the importance of the naturalization process.

Sec. 3. Independence Day Ceremonies for Oaths of Allegiance.

This section directs the Secretary of Homeland Security to make funds available to public and private nonprofit entities to support ceremonies on or around Independence Day to administer the oath to applicants for naturalization. Up to $5,000 is available for each such ceremony, and the funds may only be used for the cost of U.S. Citizenship and Immigration Services ("USCIS") personnel, site rental, logistical requirements, and printing brochures. All funding must be made available from funds already available to USCIS.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of Rule XIII of the Rules of the House of Representatives, the Committee notes H.R. 5323 makes no changes to existing law.

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, JUNE 28, 2006

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:07 a.m., in Room 2141, Rayburn House Office Building, the Honorable F. James Sensenbrenner, Jr. (Chairman of the Committee) presiding.

[Intervening business.]

Chairman SENSENBRENNER. Pursuant to notice, I now call up the bill H.R. 5323, the "Proud to be an American Citizen Act," for purposes of markup and move its favorable recommendation to the House.

Without objection, the bill will be considered as read and open for amendment at any point.

[The bill, H.R. 5323, follows:]

I

109TH CONGRESS
2D SESSION

H. R. 5323

To require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2006

Mr. FARR (for himself and Mr. HOBSON) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To require the Secretary of Homeland Security to provide for ceremonies on or near Independence Day for administering oaths of allegiance to legal immigrants whose applications for naturalization have been approved.

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 "Proud to Be an American Citizen Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The United States is a nation of immigrants.

(2) Immigrants strengthen the economic and political ties of the United States with other nations.

(3) Immigrants enhance the Nation's ability to compete in the global market.

(4) Immigrants contribute to the Nation's scientific, literary, artistic, and other cultural resources.

(5) A properly regulated system of legal immigration is in the Nation's interest.

(6) The Naturalization Oath of Allegiance impresses on new United States citizens—

(A) the shared American values of liberty, democracy, and equal opportunity; and

(B) the obligation to respect and abide by the Constitution, including the Bill of Rights.

(8) Naturalization rewards legal immigrants who have abided by all United States laws and Immigration and Naturalization Service regulations.

(9) Naturalization bestows all the legal rights, privileges, and responsibilities of a United States citizen.

1 **SEC. 3. INDEPENDENCE DAY CEREMONIES FOR OATHS OF**
2 **ALLEGIANCE.**

3 (a) IN GENERAL.—The Secretary of Homeland Secu-
4 rity shall make available funds each fiscal year to the Di-
5 rector of U.S. Citizenship and Immigration Services or to
6 public or private nonprofit entities to support public cere-
7 monies for administering oaths of allegiance under section
8 337(a) of the Immigration and Nationality Act (8 U.S.C.
9 1448(a)) to legal immigrants whose applications for natu-
10 ralization have been approved.

11 (b) CEREMONIES.—A ceremony conducted with funds
12 under this section—

13 (1) shall be held on a date that is on or near
14 Independence Day; and

15 (2) shall include appropriate outreach, ceremo-
16 nial, and celebratory activities.

17 (c) SELECTION OF SITES.—

18 (1) IN GENERAL.—The Secretary of Homeland
19 Security shall select the site for each ceremony con-
20 ducted with funds under this section.

21 (2) SELECTION PROCESS.—In selecting a site
22 under paragraph (1), the Secretary of Homeland Se-
23 curity should consider—

24 (A) the number of naturalization appli-
25 cants living in proximity to the site; and

(B) the degree of participation in and support for the ceremony by the local community at the site.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNTS AVAILABLE.—Amounts made available under this section for each ceremony shall not exceed $5,000.

(2) FUNDS.—Funds made available under this section may be used only for the following:

(A) Costs of personnel of the Immigration and Naturalization Service and the Federal judiciary (including travel and overtime expenses).

(B) Site rental, including audio equipment rental.

(C) Logistical requirements, including sanitation.

(D) Costs for printing brochures about the naturalization participants and the naturalization process.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities shall be available to carry out this section.

1 (e) APPLICATION.—No amount may be made avail-
2 able under this section to an entity that is not part of
3 the Immigration and Naturalization Service, for sup-
4 porting a ceremony described in subsection (b), unless—
5 (1) the entity submits an application to the Sec-
6 retary of Homeland Security, in a form and manner
7 specified by the Secretary of Homeland Security;
8 and
9 (2) the Secretary of Homeland Security ap-
10 proves the application.

○

Chairman SENSENBRENNER. And the Chair recognizes himself for 5 minutes to explain the bill.

Today we have an opportunity to consider legislation that underscores the importance and privilege of U.S. citizenship. H.R. 5323, the "Proud to be an American Citizen Act," would enable U.S. citizen, immigration services or nonprofit entities to conduct naturalization ceremonies on or near Independence Day each year.

The legislation does not authorize new funds, but would provide up to $5,000 for each ceremony organized on Independence Day out of funds already available to the Department of Homeland Security.

The bill revives a program that was originally part of the 1996 immigration reform, but which expired in 2001. The moneys provided under this bill would be sufficient to cover the basics for a ceremony to honor those who have worked hard and met the legal requirements to become a United States citizen.

The funds may be used only for the cost of Government personnel needed to administer the oath of allegiance, facilities rental, brochures and other logistics.

The bill requires any non-Government entity seeking to organize a naturalization ceremony to receive approval through the Department of Homeland Security.

The bill also allows new Americans to celebrate their naturalization in conjunction with celebrating America on Independence Day. I believe it is important that we support those who wish to take the final step toward becoming Americans and those who have legally moved through the immigration system to obtain citizenship, most often with great patience, I might add.

I urge Members to support this bill.

Yield back the balance of my time and recognize the gentleman from Virginia, Mr. Conyers.

Mr. CONYERS. Michigan, sir.

Chairman SENSENBRENNER. I am sorry.

Mr. CONYERS. That is quite all right. They are pretty close together.

I rise only to insert my statement in the record. Ask unanimous consent. I support the measure and return the balance of my time.

Chairman SENSENBRENNER. Without objection, so ordered. And without objection, all Members may include opening statements in the record at this point.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND RANKING MEMBER, COMMITTEE ON THE JUDICIARY

I rise in support of this legislation. I believe that immigration is one of the basic foundations of this nation, and the contributions of immigrants are too many to be counted. This legislation recognizes these principles. The bill also authorizes the Homeland Security Secretary to dispense $5,000 to public and private non-profit entities to host naturalization ceremonies. This purpose originally was authorized as part of the 1996 immigration law, and I believe it deserves reauthorization.

I urge my colleagues to vote "Yes" on this bill.

Are there any amendments?

Ms. JACKSON LEE. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentlewoman from Texas seek recognition?

Ms. JACKSON LEE. To strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes to strike the last word.

Ms. JACKSON LEE. To thank them for and to add my statement into the record. Thank you very much. I yield back.

[The prepared statement of Ms. Jackson Lee follows:]

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

SHEILA JACKSON LEE

COMMITTEE ON HOMELAND SECURITY

JUDICIARY

SCIENCE

DEMOCRATIC CAUCUS POLICY AND STEERING COMMITTEE

CONGRESSIONAL BLACK CAUCUS

Congress of the United States
House of Representatives
Washington, DC 20515

Statement of

Congresswoman Sheila Jackson Lee

The Proud to be an American Citizen Act, H.R. 5323

Committee on the Judiciary

June 28, 2006

The Proud to be an American Citizen Act, H.R. 5323, would require the Secretary of Homeland Security to make funds available to support public naturalization ceremonies that are held on a date that is on or near Independence Day. These funds would be given to

the Director of U.S. Citizenship and Immigration Services (USCIS) or to public or private nonprofit entities. The Secretary would select the sites for the ceremonies, approve the entities receiving the funds, and dispense up to, but no more than, $5,000 for each ceremony.

The use of the funds would be limited to the costs of personnel from USCIS and the Federal judiciary, including travel and overtime expenses; site and audio equipment rentals; logistical requirements; and costs for printing brochures about the naturalization participants and the naturalization process.

Naturalization rewards legal immigrants who have played by the rules and abided by all United States laws and USCIS regulations. The naturalization ceremony is not just a formality. Taking the Oath of Allegiance is a critical legal step in becoming a naturalized citizen. The words of the Oath of Allegiance convey the core meaning of becoming an American citizen. These words reflect the shared American values of liberty, democracy, and equal opportunity; and the obligation to abide by the Constitution,

including the Bill of Rights.

The Oath of Allegiance should not be taken in an empty room without fanfare, particularly on Independence Day. I urge you to vote for the Proud to be an American Citizen Act.

Thank you.

Chairman SENSENBRENNER. Are there any amendments?

Mr. KING. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Iowa, Mr. King.

Mr. KING. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. KING. Thank you, Mr. Chairman.

I just read through this bill and the concept of it, I want to go on record that I support the concept of this.

I just was looking for some clarification, if I might, and that would deal with the language under section 3 that has—it includes in there, "Along with the U.S. citizenship and immigration services conducting these ceremonies or public or private nonprofit entities." That is the second line under section 3.

I understand, as I read that, that it is possible that it might allow some other entities that could be involved in our immigration process and I would wonder if the Chairman would yield for a clarification question as to whether that might potentially include La Raza or MULDEF or CARE or any of those organizations.

Chairman SENSENBRENNER. Those type of organizations would be able to qualify, but there would have to be approval by the secretary of homeland security and the people who would be naturalized would have had to have followed all of the qualifications.

This legislation does not empower someone who is not currently authorized to administer the oath of allegiance to administer that oath. So they would have to get an officiant who is authorized to administer the oath of allegiance.

Mr. KING. And I thank the Chairman. And as I read through there, the part that I gather—and this is an assumption on the intent—would be that the intent is to allow for entities to provide some of the support services that are there rather than to open this up and they have an intent to reach out to not-for-profits.

Would that be a clarification or is that a misunderstanding?

Chairman SENSENBRENNER. If the gentleman would yield. That would be correct.

The not-for-profits could make the arrangements for the site, to print up brochures, I would guess, with their own money, sponsor a reception for the newly naturalized citizens.

But, again, it would not change the requirements for naturalization or make anybody who did not go through the naturalization process according to current law eligible to take the oath of allegiance.

Mr. KING. And I thank the Chairman. My understanding would be more in the line of refreshments or facilities rather than the actual process.

I appreciate that and I appreciate the intent of this language and I would just simply go on record that I am not asking to bring an amendment to this. For me, when we declare the United States of America to be a democracy, I don't believe we are. I believe we are a constitutional republic. That is my personal suggestion here.

But I appreciate the philosophy that has brought this to the floor and I will support the bill.

And I thank the Chairman and yield back the balance of my time.

Chairman SENSENBRENNER. Okay, the Chair has received a number of requests to be able to adjourn for lunch so that Members can fulfill previous engagements.

Looking at the clock, without objection, the Committee is recessed until 1:30, and I would ask the Members to be back promptly, so we can have a reporting quorum to report the bill out.

Mr. CONYERS. Parliamentary inquiry.

Chairman SENSENBRENNER. State your parliamentary inquiry.

Mr. CONYERS. Is there a motion pending to report the bill to the Senate?

Chairman SENSENBRENNER. Yes, there is a motion pending to report the bill favorably.

Without objection, the Committee is adjourned.

Mr. CONYERS. Mr. Chairman, parliamentary inquiry.

Chairman SENSENBRENNER. State your parliamentary inquiry.

Mr. CONYERS. Thank you. Since we have had a request to report the bill, we have a reporting quorum, and I do not expect a recorded vote, can't we just take care of this?

Chairman SENSENBRENNER. The Chair will say he has——

Mr. CONYERS. I call the question, Mr. Chairman.

Chairman SENSENBRENNER. —received requests to recess the Committee for lunch. The Chair, under the rules, has the authority to recess the Committee for lunch.

And the Committee is recessed.

Mr. CONYERS. Mr. Chairman, I object to the recess.

[Recess.]

Chairman SENSENBRENNER. The Committee will be in order. And the Chair notes that there is not a working quorum present.

For what purpose does the gentleman from North Carolina seek recognition?

Mr. COBLE. To make a motion, Mr. Chairman. I move we adjourn.

Chairman SENSENBRENNER. The gentleman from North Carolina makes a motion to adjourn. The question is on the motion to adjourn.

Those in favor will say, "Aye."

Mr. CONYERS. Mr. Chairman?

Chairman SENSENBRENNER. Opposed, "No."

Mr. CONYERS. Mr. Chairman, I would like to raise a point of order about the last ruling before we left.

Chairman SENSENBRENNER. Well, the motion to adjourn is nondebatable. It has to be disposed of.

Mr. CONYERS. A parliamentary inquiry.

Chairman SENSENBRENNER. State your parliamentary inquiry.

Mr. CONYERS. It is not about the motion to adjourn. It is about the circumstances under which we recessed.

Chairman SENSENBRENNER. State your parliamentary inquiry.

Mr. FEENEY. Mr. Chairman? A point of order, Mr. Chairman.

My understanding was that a motion to adjourn had the highest priority and——

Mr. CONYERS. Well, if I might state my parliamentary inquiry.

Chairman SENSENBRENNER. On the point of order, the motion to adjourn has the highest priority, but as a matter of comity, the Chair would like to recognize the gentleman from Michigan for his parliamentary inquiry.

Mr. FEENEY. Mr. Chairman, I will withdraw my point.

Chairman SENSENBRENNER. Point of order is withdrawn.

The gentleman from Michigan will speak to his parliamentary inquiry.

Mr. CONYERS. I thank the courtesy.

Yes, we have checked with the parliamentarian, and the fact of the matter appears to be that a recess is subject to an objection and can be objected to. And I refer you to Rule 14 of the rules of the House——

Chairman SENSENBRENNER. The Chair will State that the gentleman from Michigan was correct, but the Chair did not hear an objection because of all the people who were talking on both sides of the Chair's dais.

The question is now on the motion by the gentleman from North Carolina to adjourn.

Those in favor will say, "Aye."

Opposed, "No."

The ayes appear to have it. The ayes have it, and the Committee stands adjourned.

[Whereupon, at 1:40 p.m., the Committee was adjourned.]

BUSINESS MEETING

(continued)

THURSDAY, JUNE 29, 2006

The Committee met, pursuant to notice, at 2:59 p.m., in Room 2141, Rayburn House Office Building, the Honorable F. James Sensenbrenner, Jr. (Chairman of the Committee) presiding.

Chairman SENSENBRENNER. The Committee will be in order.

Pursuant to notice, I now call up the bill H.R. 5323, the "Proud to be an American Citizen Act," for purposes of markup.

When the Committee considered the bill yesterday, the Chair had moved that the Committee favorably recommend H.R. 5323 to the full House and the bill was considered as read and opened for amendment at any point.

The Chair notes the presence of a working quorum, and the Committee will now resume consideration of amendments.

Are there any amendments?

If there are no amendments, a reporting quorum is not present.

Without objection, the previous question on the motion to report the bill is ordered. And, without objection, the Committee will stand informal, subject to the call of the Chair, to resume immediately when a reporting quorum appears.

Without objection, the Committee stands in recess.

[Recess.]

Chairman SENSENBRENNER. The Committee will be in order. A reporting quorum is now present.

The question occurs on the motion to report the bill H.R. 5323 favorably.

All those in favor will say, "Aye."

Opposed, "No."

The ayes appear to have it. The ayes have it, and the motion will report favorably, as agreed to.

Without objection, the staff is directed to make any technical and conforming changes. And all Members will be given 2 days, as provided by the House rules, in which to submit additional, dissenting, supplemental or minority views.

[Intervening business.]

[Whereupon, at 3:11 p.m., the Committee was adjourned.]