

115TH CONGRESS
2D SESSION

H. R. 6707

To establish certain standards for the adjudication of United States passport applications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 5, 2018

Mr. GONZALEZ of Texas (for himself, Mr. GOMEZ, and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To establish certain standards for the adjudication of United States passport applications, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Western Hemisphere
5 Travel Initiative Improvement Act of 2018”.

6 **SEC. 2. FINDINGS; DEFINITION.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) All claims of United States citizenship and
9 nationality must be treated with the utmost respect
10 and care, with adherence to procedures necessary

1 and sufficient to guard against the serious risk of
2 United States citizens and nationals being deprived
3 of the rights, privileges, and benefits attendant to
4 such citizenship and nationality or the denial of valid
5 claims thereto.

6 (2) The right to travel abroad and return home
7 is an important and protected element of United
8 States citizenship. This right should not be denied
9 on the basis of race or ancestry or for reasons that
10 are arbitrary and capricious.

11 (3) Millions of United States citizens live in
12 United States border communities and regularly
13 cross the border for family, work, business, and per-
14 sonal reasons, and passports or other conforming
15 documents are required to do so.

16 (4) In recent years, certain United States citi-
17 zens living or born in States bordering Mexico have
18 been formally or effectively denied United States
19 passports as a result of a process that often lacks
20 due process, imposes a heightened burden of proof
21 on certain passport applicants, and results in deci-
22 sions that are inadequately supported by an evi-
23 dentiary record.

24 (b) DEFINITIONS.—

1 (1) APPLICANT.—The term “applicant” means
2 a person who submits a United States passport ap-
3 plication.

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of State and any individual designated
6 by the Secretary of State to adjudicate United
7 States passport applications under an Act to regu-
8 late the issue and validity of passports, and for other
9 purposes (July 3, 1926; 22 U.S.C. 211a).

10 **SEC. 3. CONFIRMATION AND CLARIFICATION OF STAND-**
11 **ARDS FOR ADJUDICATION OF UNITED**
12 **STATES PASSPORT APPLICATIONS BY SEC-**
13 **RETARY OF STATE.**

14 (a) IN GENERAL.—

15 (1) IN GENERAL.—The Secretary shall adju-
16 dicate United States passport applications in an in-
17 dividualized, evidence-based manner.

18 (2) INDIVIDUALIZED ASSESSMENT.—At every
19 stage of the passport application adjudicatory proc-
20 ess under paragraph (1), including any requests for
21 additional evidence and rulings on the merits of an
22 application, the Secretary’s decisions respecting
23 United States passport applications shall be based
24 on an assessment of individual circumstances and
25 evidence.

1 (3) PROHIBITION.—An applicant’s race, eth-
2 nicity, or ancestry may not be a factor taken into ac-
3 count in the passport application adjudicatory proc-
4 ess under paragraph (1).

5 (b) PROCEEDINGS.—

6 (1) IN GENERAL.—An applicant shall establish
7 by a preponderance of the evidence at all stages of
8 the passport application adjudicatory process, in-
9 cluding in proceedings under section 360 of the Im-
10 migration and Nationality Act (8 U.S.C. 1503), that
11 such applicant is a United States citizen or national.

12 (2) PROHIBITION.—The Secretary shall not uti-
13 lize or apply any heightened burden of proof when
14 evaluating the citizenship or nationality of an appli-
15 cant and shall apply such preponderance of the evi-
16 dence standard required under paragraph (1) in a
17 uniform and consistent manner to all passport appli-
18 cations.

19 (3) WRITING.—Any determination by the Sec-
20 retary that an applicant has not met the burden of
21 proving United States citizenship or nationality by a
22 preponderance of the evidence shall be made in writ-
23 ing, state the reasons for the Secretary’s determina-
24 tion, and be provided to the applicant in a timely
25 manner.

1 (c) ACCEPTANCE OF CERTAIN EVIDENCE.—A birth
2 certificate signed by a midwife, doctor, or other person au-
3 thorized under State law to sign such a document, or a
4 previously issued United States passport, shall constitute
5 prima facie evidence of United States citizenship or na-
6 tionality and, absent individualized evidence that a birth
7 did not take place in the United States, shall satisfy the
8 preponderance of the evidence standard for demonstrating
9 an applicant’s United States citizenship or nationality.

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