

Calendar No. 330

111TH CONGRESS
2D SESSION

S. 1376

To restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Inter-country Adoption to allow their admission into the United States.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2009

Ms. KLOBUCHAR (for herself, Ms. LANDRIEU, Mr. INHOFE, Mr. FEINGOLD, Mr. DURBIN, Mr. LEAHY, and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

MARCH 22 (legislative day, MARCH 19), 2010

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Inter-country Adoption to allow their admission into the United States.

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

1 **SECTION 1. EXEMPTION FROM VACCINATION DOCUMENTA-**
 2 **TION REQUIREMENT.**

3 Section 212(a)(1)(C)(ii) of the Immigration and Na-
 4 tionality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by
 5 striking “section 101(b)(1)(F),” and inserting “subpara-
 6 graph (F) or (G) of section 101(b)(1),”.

7 **SEC. 2. SIBLING ADOPTIONS.**

8 Section 101(b)(1)(G) of the Immigration and Nation-
 9 ality Act (8 U.S.C. 1101(b)(1)(G)) is amended—

10 (1) in clause (i), by striking “and” at the end;

11 (2) in clause (ii), by striking the period at the
 12 end and inserting “and”; and

13 (3) by adding at the end the following:

14 “(iii) subject to the same provisos as in
 15 clause (i), if the child—

16 “(I) is a natural sibling of a child de-
 17 scribed in clause (i), subparagraph (E)(i),
 18 or subparagraph (F)(i);

19 “(II) has been adopted abroad, or is
 20 coming to the United States for adoption,
 21 by the adoptive parent (or prospective
 22 adoptive parent) or parents of the sibling
 23 described in clause (i), subparagraph
 24 (E)(i), or subparagraph (F)(i); and

25 “(III) is otherwise described in clause
 26 (i), except that the child is younger than

1 18 years of age at the time a petition is
 2 filed on his or her behalf for classification
 3 as an immediate relative under section
 4 201(b).”.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as “International Adoption*
 7 *Simplification Act”.*

8 **SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION**
 9 **REQUIREMENT.**

10 *Section 212(a)(1)(C)(ii) of the Immigration and Na-*
 11 *tionality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by*
 12 *striking “section 101(b)(1)(F),” and inserting “subpara-*
 13 *graph (F) or (G) of section 101(b)(1);”.*

14 **SEC. 3. SIBLING ADOPTIONS.**

15 *Section 101(b)(1)(G) of the Immigration and Nation-*
 16 *ality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as*
 17 *follows:*

18 *“(G)(i) a child, younger than 16 years of*
 19 *age at the time a petition is filed on the child’s*
 20 *behalf to accord a classification as an immediate*
 21 *relative under section 201(b), who has been*
 22 *adopted in a foreign state that is a party to the*
 23 *Convention on Protection of Children and Co-op-*
 24 *eration in Respect of Intercountry Adoption done*
 25 *at The Hague on May 29, 1993, or who is emi-*

1 *grating from such a foreign state to be adopted*
2 *in the United States by a United States citizen*
3 *and spouse jointly or by an unmarried United*
4 *States citizen who is at least 25 years of age,*
5 *Provided, That—*

6 *“(I) the Attorney General is satisfied*
7 *that proper care will be furnished the child*
8 *if admitted to the United States;*

9 *“(II) the child’s natural parents (or*
10 *parent, in the case of a child who has one*
11 *sole or surviving parent because of the death*
12 *or disappearance of, abandonment or deser-*
13 *tion by, the other parent), or other persons*
14 *or institutions that retain legal custody of*
15 *the child, have freely given their written ir-*
16 *revocable consent to the termination of their*
17 *legal relationship with the child, and to the*
18 *child’s emigration and adoption;*

19 *“(III) in the case of a child having two*
20 *living natural parents, the natural parents*
21 *are incapable of providing proper care for*
22 *the child;*

23 *“(IV) the Attorney General is satisfied*
24 *that the purpose of the adoption is to form*
25 *a bona fide parent-child relationship, and*

1 *the parent-child relationship of the child*
2 *and the natural parents has been termi-*
3 *nated (and in carrying out both obligations*
4 *under this subclause the Attorney General*
5 *may consider whether there is a petition*
6 *pending to confer immigrant status on one*
7 *or both of such natural parents); and*

8 *“(V) in the case of a child who has not*
9 *been adopted—*

10 *“(aa) the competent authority of*
11 *the foreign state has approved the*
12 *child’s emigration to the United States*
13 *for the purpose of adoption by the pro-*
14 *spective adoptive parent or parents;*
15 *and*

16 *“(bb) the prospective adoptive*
17 *parent or parents has or have complied*
18 *with any pre-adoption requirements of*
19 *the child’s proposed residence; and*

20 *“(ii) except that no natural parent or prior*
21 *adoptive parent of any such child shall there-*
22 *after, by virtue of such parentage, be accorded*
23 *any right, privilege, or status under this chapter;*
24 *or*

1 “(iii) subject to the same provisos as in
2 clauses (i) and (ii), a child who—

3 “(I) is a natural sibling of a child de-
4 scribed in clause (i), subparagraph (E)(i),
5 or subparagraph (F)(i);

6 “(II) was adopted abroad, or is coming
7 to the United States for adoption, by the
8 adoptive parent (or prospective adoptive
9 parent) or parents of the sibling described
10 in clause (i), subparagraph (E)(i), or sub-
11 paragraph (F)(i); and

12 “(III) is otherwise described in clause
13 (i), except that the child is younger than 18
14 years of age at the time a petition is filed
15 on his or her behalf for classification as an
16 immediate relative under section 201(b).”.

17 **SEC. 4. EFFECTIVE DATE.**

18 *The amendments made by this Act shall take effect as*
19 *if enacted on April 1, 2008.*

Calendar No. 330

11TH CONGRESS
2^D Session

S. 1376

A BILL

To restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Inter-country Adoption to allow their admission into the United States.

MARCH 22 (legislative day, MARCH 19), 2010

Reported with an amendment