

109TH CONGRESS
1ST SESSION

H. R. 60

To designate Sri Lanka, India, Indonesia, Thailand, Somalia, Myanmar, Malaysia, Maldives, Tanzania, Seychelles, Bangladesh, and Kenya under section 244 of the Immigration and Nationality Act in order to render nationals of such foreign states eligible for temporary protected status under such section.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Ms. JACKSON-LEE of Texas (for herself, Mr. ROHRABACHER, Mr. TOWNS, Mr. PALLONE, Mr. McDERMOTT, Mr. PAYNE, Mr. WU, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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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 “Tsunamis Temporary
5 Protected Status Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds as follows:

3 (1) On December 26, 2004, an undersea earth-
4 quake with a magnitude of 9.0 on the Richter scale
5 and a depth of 10 kilometers occurred off the west
6 coast of Northern Sumatra, triggering massive
7 tsunamis that affected several countries throughout
8 South and Southeast Asia.

9 (2) This is the fourth largest magnitude re-
10 corded since the establishment of accurate global
11 seismographic record-keeping in 1900.

12 (3) The earthquake, the strongest since 1964,
13 was followed by dozens of aftershocks, many with
14 magnitudes of 5.0 or greater.

15 (4) The earthquake triggered tsunamis that
16 produced devastating destruction and environmental
17 disaster in the Asian regions of Sri Lanka, India,
18 Indonesia, Thailand, Somalia, Myanmar, Malaysia,
19 Maldives, Tanzania, Seychelles, Bangladesh, and
20 Kenya.

21 (5) The tsunamis produced waves of up to 50
22 feet in height.

23 (6) As a result of the earthquake, and the
24 tsunamis it triggered, more than 2.6 million people
25 have been displaced and tens of thousands of people
26 are still missing.

1 (7) As a result of the earthquake, and the
2 tsunamis it triggered, more than 94,000 deaths have
3 been established in Indonesia, and the Indonesian
4 ambassador to Malaysia has said that up to 400,000
5 may be dead in villages that show no signs of life.

6 (8) As a result of the earthquake, and the
7 tsunamis it triggered, more than 46,000 deaths have
8 been established in Sri Lanka, mostly children and
9 the elderly, and more than 1.5 million people are
10 displaced from their homes.

11 (9) As a result of the earthquake, and the
12 tsunamis it triggered, more than 14,800 people are
13 dead or feared dead in India, with more than 7,000
14 missing.

15 (10) As a result of the earthquake, and the
16 tsunamis it triggered, more than 4,900 deaths have
17 been established in Thailand, with more than 6,400
18 people missing.

19 (11) As a result of the earthquake, and the
20 tsunamis it triggered, more than 80 deaths have
21 been established in Maldives, with more than 25
22 people missing.

23 (12) The United Nations has declared that the
24 current relief operation will be the costliest one ever.

1 (13) United Nations Secretary-General Kofi
2 Annan has estimated that reconstruction probably
3 will take between 5 and 10 years.

4 (14) The total number of deaths exceeds
5 154,800 people.

6 (15) The earthquake and subsequent after-
7 shocks and flooding have hampered, and in some
8 cases prevented, delivery of food and other supplies.

9 **SEC. 3. DESIGNATION TO RENDER NATIONALS OF SRI**
10 **LANKA, INDIA, INDONESIA, THAILAND, SOMA-**
11 **LIA, MYANMAR, MALAYSIA, MALDIVES, TAN-**
12 **ZANIA, SEYCHELLES, BANGLADESH, AND**
13 **KENYA ELIGIBLE FOR TEMPORARY PRO-**
14 **TECTED STATUS.**

15 (a) DESIGNATION.—

16 (1) IN GENERAL.—For purposes of section 244
17 of the Immigration and Nationality Act (8 U.S.C.
18 1254a), Sri Lanka, India, Indonesia, Thailand, So-
19 malia, Myanmar, Malaysia, Maldives, Tanzania,
20 Seychelles, Bangladesh, and Kenya shall be treated
21 as if such foreign states had been designated under
22 subsection (b) of that section, subject to the provi-
23 sions of this section.

24 (2) PERIOD OF DESIGNATION.—The initial pe-
25 riod of such designation shall begin on the date of

1 enactment of this Act and shall remain in effect for
2 1 year.

3 (b) ALIENS ELIGIBLE.—In applying section 244 of
4 the Immigration and Nationality Act (8 U.S.C. 1254a)
5 pursuant to the designation made under this section, sub-
6 ject to subsection (c)(3) of such section, an alien who is
7 a national of Sri Lanka, India, Indonesia, Thailand, So-
8 malia, Myanmar, Malaysia, Maldives, Tanzania,
9 Seychelles, Bangladesh, and Kenya is deemed to satisfy
10 the requirements of subsection (c)(1) of such section only
11 if—

12 (1) the alien has been continuously physically
13 present in the United States since the date of the
14 enactment of this Act;

15 (2) the alien is admissible as an immigrant, ex-
16 cept as otherwise provided in subsection (c)(2)(A) of
17 such section and is not ineligible for temporary pro-
18 tected status under subsection (c)(2)(B) of such sec-
19 tion; and

20 (3) the alien registers for temporary protected
21 status in a manner that the Secretary of Homeland
22 Security shall establish.

23 (c) CONSENT TO TRAVEL ABROAD.—The Secretary
24 of Homeland Security shall give the prior consent to travel
25 abroad described in section 244(f)(3) of the Immigration

1 and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien
2 who is granted temporary protected status pursuant to the
3 designation made under this section, if the alien estab-
4 lishes to the satisfaction of the Secretary of Homeland Se-
5 curity that emergency and extenuating circumstances be-
6 yond the control of the alien require the alien to depart
7 for a brief, temporary trip abroad. An alien returning to
8 the United States in accordance with such an authoriza-
9 tion shall be treated the same as any other returning alien
10 provided temporary protected status under section 244 of
11 the Immigration and Nationality Act (8 U.S.C. 1254a).

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