

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2821, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DOOLITTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 659, H.R. 795, H.R. 2140, and H.R. 2821, the four bills just debated.

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

There was no objection.

AMENDING THE IMMIGRATION AND NATIONALITY ACT REGARDING ADOPTED ALIENS

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2886) to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

The Clerk read as follows:

H.R. 2886

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

SECTION 1. PROVIDING THAT AN ADOPTED ALIEN WHO IS LESS THAN 18 YEARS OF AGE MAY BE CONSIDERED A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT IF ADOPTED WITH OR AFTER A SIBLING WHO IS A CHILD UNDER SUCH ACT.

(a) IN GENERAL.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) in subparagraph (E)—

(A) by inserting “(i)” after “(E)”; and

(B) by adding at the end the following:

“(i) subject to the same proviso as in clause (i), a child who (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of eighteen years; or”;

(2) in subparagraph (F)—

(A) by inserting “(i) after “(F)”; and

(B) by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(i) subject to the same provisos as in clause (i), a child who (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling de-

scribed in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of eighteen at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b).”.

(b) CONFORMING AMENDMENTS RELATING TO NATURALIZATION.—

(1) DEFINITION OF CHILD.—Section 101(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by striking “sixteen years,” and inserting “sixteen years (except to the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)).”.

(2) CERTIFICATE OF CITIZENSHIP.—Section 322(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1433(a)(4)) is amended—

(A) by striking “16 years” and inserting “16 years (except to the extent that the child is described in clause (ii) of subparagraph (E) or (F) of section 101(b)(1))”; and

(B) by striking “subparagraph (E) or (F) of section 101(b)(1).” and inserting “either of such subparagraphs.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2886, a bill introduced by the gentleman from California (Mr. HORN), amends the Immigration and Nationality Act and provides that an older child who is 16 or 17 years old may be adopted with or after the adoption of a younger sibling who is a child under such act.

Currently, the Immigration and Nationality Act permits a foreign-born child who has been adopted by a United States citizen parent to be classified as an immediate relative child for purposes of immigration to the United States. To qualify, the child must be under the age of 16 at the time an immigrant visa petition is filed on the child's behalf.

Since most parents prefer to adopt infants or very young children, older children constitute a relatively small portion of the adoptive children admitted as immigrants. However, in cases involving siblings, adoptive parents often wish to adopt the older child or children in order to keep the family group intact. If the oldest child happens to be 16 or 17, there is no way under current law for that child to immigrate to the United States.

A typical case would likely involve a group of siblings, one 16 or 17 years old who had been orphaned. A United States citizen family is willing to adopt all of the siblings in order to keep them together but, under current law, the oldest child cannot immigrate to the United States. The result would be either separation of the older child from the sibling group or, in cases where foreign adoption authorities will not prevent the separation of siblings, the U.S. citizen loses the opportunity to adopt any of the children.

The bill authored by the gentleman from California (Mr. HORN) would allow

minor orphaned siblings to stay together when being adopted by U.S. citizens. The bill would allow a 16- or 17-year-old child to qualify as an immediate relative child if the U.S. citizen parents have also adopted a sibling of that child who is under the age of 16.

This bill thus would achieve the goal of maintaining family unity in a relatively small number of cases involving the adoption of siblings one of whom is age 16 or 17 at the time the adoptive parents file immigrant visa petitions on the children's behalf, and I urge the House to adopt H.R. 2886.

Madam Speaker, I reserve the balance of my time.

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

(Mr. KILDEE asked and was given permission to revise and extend his remarks.)

Mr. KILDEE. Madam Speaker, I wish to commend the gentleman from California (Mr. HORN) for his hard work in sponsoring this bill and the gentleman from Texas (Mr. SMITH) and the gentleman from Texas (Ms. JACKSON-LEE) for shepherding this bill through committee and now bringing this to the floor for consideration.

The Immigration and Nationality Act provides immigration and naturalization benefits for the alien children of United States citizens. The word child, however, is a term of art with various definitions. In order to be considered a child in the basis of an adoption, an alien must be an unmarried person under 21 years of age who is adopted while under the age of 16 years. This bill would expand the definition of an adopted child to include an adoptive person between the ages of 16 and 18, provided that the child who is between 16 and 18 is a natural sibling of a child adopted while under the age of 16.

This bill would achieve a worthwhile purpose. If a United States citizen adopts a 15-year-old child, they should also be able to obtain immigration benefits for the child's 17-year-old sibling if they adopt the sibling too. Since most parents prefer to adopt infants, or very young children, older children constitute a relatively small portion of the adopted children admitted as immigrants.

According to the Immigration and Naturalization Service, out of a total of 11,316 immigrant orphans admitted in fiscal year 1996, only 351 were age 10 or older. However, in cases involving siblings, adoptive parents frequently wish to adopt the older child or children in order to keep a family group intact. If the oldest sibling happens to be 16 or 17, there is no way under current law that the child can immigrate to the U.S. This bill would change that.

H.R. 2886 will further the goal of maintaining family unity in the relatively small number of cases involving the adoption of siblings, one of whom is 16 or 17 at the time the adoptive parents file visa petitions on the children's behalf.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume to thank the gentleman from Michigan for his supportive comments.

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HORN. Madam Speaker, I am delighted that my colleagues have unanimously supported this legislation 404 to 0.

Foreign adoption provides many U.S. citizens with the opportunity not only to experience the joys of parenthood but also to provide their children with a better life in the United States.

As the author of H.R. 2886, a bipartisan bill, we have provided for an expansion of these opportunities. The intent of the bill is to allow immigrant orphan siblings to stay together when they are being adopted by U.S. citizens.

Under current law, a U.S. citizen may bring an immigrant child they have adopted to the United States if the child is under the age of 16. This legislation would allow U.S. citizens to adopt immigrant children ages 16–17 if the adoption would keep a group of siblings together.

Family unity is a frequently cited goal of our immigration policy, and this proposal would promote that goal. The typical case this proposal would help is a group of siblings who were orphaned in their home country—or their parents became unable to care for them. If the children are adopted by U.S. citizens and the oldest sibling is 16 or 17, the oldest sibling cannot come to the United States with his or her brothers and sisters under current law. It does not make sense for siblings to be separated because of an arbitrary age limit.

Moreover, some foreign adoption authorities do not allow the separation of siblings. In such a case, if a U.S. citizen wanted to adopt a group of siblings and one of them is 16 or older, the citizen would lose the opportunity to adopt any of them under current law.

This bill is unlikely to cause a significant increase in immigration levels overall. During fiscal year 1996, a total of 351 immigrant orphans older than age 9 were adopted by U.S. citizens, out of 11,316 immigrant orphans adopted by U.S. citizens overall that year. Although the number of families helped by this bill may be relatively small, the chance to keep a group of brothers and sisters together would mean a great deal to these families.

I thank the House leadership for scheduling H.R. 2886 on the suspension calendar today. I also appreciate the support and assistance of Judiciary Committee Chairman HENRY HYDE, Ranking Member JOHN CONYERS, Immigration and Claims Subcommittee Chairman LAMAR SMITH, and Subcommittee Ranking Member SHEILA JACKSON-LEE.

We have all done the right thing—immigrant families and America will gain.

Mr. POMEROY. Madam Speaker, I rise in strong support of H.R. 2886, legislation introduced by my colleague, Representative HORN

(R—CA). This legislation would promote adoption and improve the lives of hundreds of children by allowing immigrant orphan siblings to stay together when being adopted by U.S. citizens.

Under current law, a U.S. citizen may bring an immigrant child they have adopted to the United States only if the child is under the age of 16. If a group of siblings are orphaned in their home country, for example, and those children are adopted by U.S. citizens, any siblings aged 16 or older cannot come to the United States with their brothers and sisters under current law. Mr. Chairman, orphaned siblings should not be separated because of an arbitrary age limit. Representative HORN's legislation would allow U.S. citizens to adopt immigrant children ages 16–17 if the adoption would keep a group of siblings together. This legislation would go a long way towards ensuring that orphaned siblings join permanent families.

Madam Speaker, this legislation would produce an important change in our nation's immigration policy, but its most significant impact is deeply personal. My own mother was orphaned at a young age, and was separated from her siblings as a result. Through her experience, and later through my own experience as the adoptive father of two beautiful Korean children, I have come to appreciate family unity as precious to parents and children alike. Although the number of families helped by this bill may be relatively small, keeping even one group of siblings together will have an immeasurable impact on those children's lives. As a cosponsor of H.R. 2886 and an adoptive parent, I urge my colleagues to support this legislation.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2886.

The question was taken.

Mr. SMITH of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CLARIFICATION OF APPLICATION OF LIMITATION ON STATE INCOME TAXATION OF PENSION INCOME

Mr. GEKAS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 462) to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as the State pension plans for purposes of the limitation on the State income taxation of pension income.

The Clerk read as follows:

H.R. 462

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

SECTION 1. CLARIFICATION OF APPLICATION OF LIMITATION ON STATE INCOME TAXATION OF PENSION INCOME.

(a) IN GENERAL.—Subparagraph (G) of section 114(b)(1) of title 4, United States Code, is amended by inserting before the semicolon “or any plan which would be a governmental plan (as so defined) if possessions of the United States were treated as States for purposes of such section 414(d)”.

(b) CORRECTION OF CLERICAL ERROR.—Section 114 of such title 4 is amended by redesignating subsection (e) as subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 462, the bill under consideration.

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

There was no objection.

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

Madam Speaker, I recall that in the 104th Congress, I suppose 2½ years ago, we introduced and had passed both in the House and the Senate, and signed into law, a measure which would guaranty that an individual who earns a pension, for instance in the State of California, and then moves for the remainder of one's life to another State, the bill that we introduced and passed would prevent California from reaching out and taxing the proceeds of that pension of a person no longer living in California.

We learned, to our dismay, that there were hundreds and thousands of people who, after their retirement and moving to another State, found that they were being pursued by a taxing authority of the State in which they earned the pension. Well, we cured that situation and passed, on a bipartisan basis, a measure originally introduced by our colleague, Mrs. Vucanovich, as I recall; and everyone seemed happy about it because we solved a very difficult problem.

But as we did that, it was brought to our attention that our commonwealths, like Puerto Rico and the other territories of the United States, were not accorded the same privileges as we embedded in this particular piece of legislation. What we do here today is simply bring that up to date to cover Puerto Rico and the other territories, so that someone retiring in Puerto Rico, who goes to another State, or vice versa, will not have that odious tentacle of taxation from the working State to the retirement State follow that individual.