

with jurisdiction over superfund, I am proud to be an original co-sponsor of the small business liability protection act. This bill that sits before us today includes a significant achievement that has eluded us in the past, small business relief. I congratulate the bipartisan coalition that has worked together to achieve this worthy end. Small business which disposed of basically household trash or very small quantities of waste materials containing hazardous substances should not be a target of environmental cleanup efforts if they are not responsible for the environmental damage. Instead we should continue to pursue the polluter pays principle. The limits established by this legislation strike the right balance between the protection of small business and the continued protection of the environment. This will ensure that small business does not get inappropriately caught in a web of litigation.

We have worked long and hard to bring relief to small business owners. I am pleased that we have come to a bipartisan conclusion. I believe that bipartisan congratulations should be offered to the leadership of the Energy and Commerce Committee as well as the Environmental and Hazardous Materials Subcommittee.

Mr. DUNCAN. Madam Speaker, I yield back the balance of my time.

Mr. GILLMOR. Madam Speaker, 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 Ohio (Mr. GILLMOR) that the House suspend the rules and pass the bill, H.R. 1831.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GILLMOR. 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.

SECTION 245(i) EXTENSION ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1885) to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes.

The Clerk read as follows:

H.R. 1885

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 "Section 245(i) Extension Act of 2001".

SEC. 2. EXTENSION OF DEADLINE.

Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) in subparagraph (B)(i), by striking "2001;" and inserting "2001, or during the 120-

day period beginning on the date of the enactment of the Section 245(i) Extension Act of 2001;" and

(2) by amending subparagraph (C) to read as follows:

"(C) who, in the case of a beneficiary of a petition for classification, or an application for labor certification, described in subparagraph (B) that was filed after January 14, 1998—

"(i) was physically present in the United States on December 21, 2000; and

"(ii) demonstrates that the familial or employment relationship that is the basis of such petition for classification or application for labor certification existed on or before April 30, 2001;".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1885.

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

There was no objection.

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

Madam Speaker, Section 245(i) of the Immigration and Nationality Act has been a controversial part of our immigration law since its inception in 1994. 245(i) allows illegal immigrants who are eligible for immigrant visas but who are illegally in the United States to adjust their status with the INS in the U.S. upon payment of a thousand dollar penalty.

In the absence of section 245(i), illegal immigrants must pursue their visa applications abroad. Pursuant to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, those who have been illegally present in the United States for a year would be barred for reentry for 10 years.

Supporters of section 245(i) argue that it promotes family unity because, without it, illegal immigrants would be forced to leave the United States and their American families for many years. I believe we must also recognize that by allowing illegal immigrants to adjust their status in the United States, section 245(i) serves as an open invitation to those waiting in the queue for immigrant visas to jump the line and enter the United States illegally.

This is not fair to those immigrants who respect the immigration laws of our country and wait patiently in their home countries for visas, sometimes for years.

Such line-jumping negates the deterrent power of the bar on readmission for long-term illegal immigrants, which was a key reform of our immigration laws.

As a part of last year's Legal Immigrant Family Equity Act, Congress decided to allow illegal immigrants who were in the United States as of December 21, 2000 and who would have green card petitions filed in their behalf by April 30, 2001 to utilize section 245(i). This was a delicately crafted compromise.

Now that April 30 has come and gone, supporters of 245(i) push for an extension of the application deadline, some arguing that we should make the program permanent. Many others oppose any extension whatsoever.

On what grounds can we find a principled compromise? President Bush has pointed the way. He has noted that illegal immigrants eligible to utilize section 245(i) under the LIFE Act may not have had their 4-month window to apply that the Act promised them. The INS did not issue implementing regulations until this March and bureaucratic delays may have prevented many individuals from taking advantage of the 245(i) extension, individuals that Congress intended to benefit.

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Furthermore, many illegal immigrants claim to have difficulty procuring the services of immigration lawyers in time to apply. The gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary, has introduced a bill that ensures that illegal immigrants have the promised 4 months to apply.

H.R. 1885, the Section 245(i) Extension Act of 2001 would allow illegal immigrants to utilize section 245(i) as long as they have green card petitions filed on their behalf within 120 days of enactment after this 245(i) sunsets for good.

H.R. 1885 retains the LIFE Act's requirement that illegal immigrants must have been in the United States as of December 21, 2000, so as not to encourage further illegal immigration into the United States.

This bill also requires that illegal immigrants must have entered into family or business relationships qualifying them for green cards by April 30, the original filing deadline. This requirement ensures that we do not encourage a new wave of marriages designed purely to procure green cards.

Countless news articles have reported that many thousands of illegal immigrants rushed to get married to U.S. citizens to beat the April 30 deadline. Under H.R. 1885, the marriage or employment, in the case of a petitioning employer, must have begun by April 30.

I believe that H.R. 1885 is fair and balanced legislation which does not solve the requirements of people who have taken strong positions on either side of the issue but which gets the job done. It ensures that the intent and compromises embodied in the LIFE Act are carried out. I urge my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I come to the floor to congratulate all the parties that have worked on the extension of 245(i) because underlying that there is the understanding that we realize this is a subject matter that needs the kind of bipartisan support for those folks that are trying, working so hard as good citizens to get their green card and apply for citizenship.

The President of the United States has indicated that this measure is insufficient. There was hope up until 3 minutes ago that this measure might be removed from the floor because there is still so much negotiation swirling around it. Why? Because even though we are in recognition of a difficult problem that there is bicameral and bipartisan support for relief for going beyond April 30, we simply do not have enough time within the 4-month period that is provided to take care of this complex filing and requirements that are needed.

Number one, the immigration lawyers have already advised myself and the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member of this Subcommittee on Immigration and Claims of the Committee on the Judiciary, that frequently one has to go back to the country of origin to get birth certificates, records. Sometimes they are there. Sometimes they are not. It is not a simple matter.

Number two, the Immigration and Naturalization Service itself needs a lot more time. They would be inundated under this. Of course, the irony of ironies is that the regulations themselves would require, and we have been advised this by the reg writers, would require 3 months.

So compassion may be the order of the day here, Madam Speaker. What we need to do is, now that we recognize a problem, now that we are resolved to solving it, what we really need to do is step back and look at the amount of time that is involved.

That is why I appeal to the distinguished chairman of the committee and the ranking member to understand the detail that we are dealing with. We are having people from four different countries, four different languages. It is something like buying a movie ticket to go to the premier of the show; and by the time one gets up to the door to go in, they close the doors.

Please. Let us see if there is something more we can do to perfect the good intentions of all the parties, the White House, the Congress, the Senate, to make this measure something that we can all be proud of.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. GEKAS), the author of the

bill and the chairman of the Subcommittee on Immigration and Claims.

Mr. GEKAS. Madam Speaker, I thank the chairman for yielding me this time.

Madam Speaker, the opening statement of the chairman and the response by the ranking member have framed the issue very, very well. It is only a matter of degree, then, that we now stand before the House to present views. How long shall be the extension?

The gentleman from Michigan (Mr. CONYERS) says that the lawyers involved are the ones who are claiming that they require more and more time to complete this process. In December 2000, they had adequate notice; all the lawyers in the land, every one of them had notice that this issue was pending and about to close its doors in May of this current year. Because they faced that big deadline, they were only able to handle 450,000 or so applications out of the 600,000 that are extant.

Now, we are supplying an additional 4 months to cover about 200,000 pending applicants. We think that that is a balanced approach. Today's debate on this floor serves as an additional notice to everyone that something is afoot.

The applications have to be filed now. One has another 4 months that the proclamation will go out, from the time that the President signs it into law, and it is many more months than the 4 months that come from this date because we know that this will take another month, 2 months to bring into full enactment. So the full notice is there for everyone to heed.

The opening statements were correct. We and the subcommittee had the benefit of consultations on every side of this issue, and there are many sides to it: from those who opposed even 1-day extension, we consulted with them, we listened to them; to those who wanted to make it permanent and never visit the subject matter again with whom we consulted; with Members of Congress on every side of the issue; with advocacy groups; and with the White House itself.

So we are not without a wealth of views and opinions and facts that lead us to the position that we now find ourselves in, asking the House to allow a 4-month extension so that we can be fair to the applicants, so that we can be fair to the people lined up for legal immigration, and so that we will not give incentive for people to become illegal aliens, and, most of all, to begin once and for all the process to allow our country to seize control of its borders and of its immigration policy.

Mr. CONYERS. Madam Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the distinguished ranking member of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

Madam Speaker, will the gentlewoman yield to me?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan, the distinguished ranking member.

Mr. CONYERS. Madam Speaker, when the gentleman from Pennsylvania (Mr. GEKAS), subcommittee chairman, hits a nerve, he said how long. That is what we have been saying in the civil rights movement for a long time, Madam Speaker. How long? How long will it take? Well, it is taking not enough time, it is not long enough this time. So I am glad the gentleman from Pennsylvania brought that refrain of the civil rights movement back into this debate.

Ms. JACKSON-LEE of Texas. Madam Speaker, it is interesting, without dialoguing with the gentleman from Michigan (Mr. CONYERS), we have the same sort of line of reasoning. But I would like to thank those who have gathered here on the floor with the particular singular point, and that is that, of course, we need an extension.

I think the only redeeming value of this debate is that we are on the floor of the House saying that 245(i) should not have ended on April 30, 2001. Frankly, it should have been extended primarily because, Madam Speaker, the regulations that those who were seeking legal access to immigration, legalization, did not come into play until March 26, 2001. So it is evident that we have a problem.

It is interesting that the ranking member chose to draw upon the civil rights analogy. Let me draw it a little further. As I heard the debate on the floor, I have heard a comment that we spoke to many persons. We even spoke to those that do not want even 1 day.

I am reminded of the work of Lyndon Baines Johnson at the passage of the 1964 Civil Rights Act and the Voter Rights Act of 1965. There were enormous numbers of Americans and elected officials who did not want any legislation. But I am gratified that that Texan, the President of the United States at that time, saw fit to do the right thing, to ensure that, regardless of the opposition, we do the right thing.

Today of course I believe that we have not done fully the right thing in the 4-month extension and hope that we will have an opportunity to see this process go forward, to work with the Senate, and to work reasonably around time to address the concerns that we need to address.

First of all, Madam Speaker, I have to say to my colleagues that all these Members cannot be wrong. These Members are supporting permanent extension, 1-year extension, 6-month extension. So there is no great weight of authority for what we call a 4-month extension. That is not going to be enough time even with added language that says that one must define or one must have been in the family relationship on April 30 or a business relationship, employment relationship, which means that the INS will have to draft more regulations.

245(i) is not opening the doors to illegal immigration. It is, in fact, providing access to legalization. It is reuniting families. It is pro business so

that people who are engaged in the work that they have already been doing, paying taxes, can in fact have the opportunity to continue in a legal manner.

There are a number of bills that I have been gratified to support, by the gentleman from Illinois (Mr. GUTTIERREZ), by the gentleman from New York (Mr. RANGEL), a previous bill by the gentleman from New York (Mr. KING), my bill, H.R. 1615, for a 1-year extension. I am gratified to work with Members of the other body who have a 1-year extension with 20 cosponsors. I certainly hope that that will be the rule of the day.

Four months is not enough time, because the INS itself is not structurally prepared to deal with visas, the V visas, the K visas that have to be done. These are other visas that have to be dealt with.

A 4-month extension creates a greater risk that mistakes will be made or that the application will be improperly filed. Madam Speaker, I will submit these articles into the RECORD; but it shows the enormous lines that occurred at the time, where people were attempting not to be illegal, not to have employees that are illegal, not to have families that are broken up, but to be legal. Look at these lines. Look at the pain.

Similar to the civil rights movement when people were standing in line to access accommodations, to access equality and the right to vote, we had to stand up and do the right thing and be against those who would do the wrong thing.

A 4-month extension will cost the government more money. It will cost the government additional dollars. Four months will end right at the appropriations time frame. We will not be finished. We will not know whether or not we have to give a supplemental appropriation to rush the last group in. We do not know what may transpire.

It opens itself up to people to be abused, going after anybody who gives them permission to say or suggest that I can get you in.

I believe we can do the right thing. I will just suggest to my colleagues in closing that we have many stories of people like Norma who settled in North Carolina and married a United States citizen. They have been married over 2 years, have a child, and expecting another one. They are torn apart because of this lack of 245(i).

I know there are good intentions on the floor. I hope we can extend this and move this bill forward.

Madam Speaker, as we know in Section 245(i) allows some people to remain in the country while pursuing legal residency, instead of returning to the native countries to apply for U.S. residency, which breaks up families. Section 245(i) is an immigration policy which provides a path to legalization. Furthermore, it encourages family reunification and is also probusiness. Any time period short of a year will deny family reunification and access to legalization for many. Thus a four month extension gives no real opportunity to anyone.

H.R. 1885, introduced by Congressman GEKAS only allows for a four month extension of section 245i. This is a bad bill. We have been giving the message to immigrants who come to the United States that we are a nation of immigrants. However, this message that we are attempting to communicate in a unified voice is muffled by the wrong bills such as the one on the floor today.

H.R. 1885's four month extension is going to fuel the fire of all the problems that we have right now in immigration. A four month extension is simply masquerading itself as help to those in need. H.R. 1885 is merely skating over the problem that has occurred—an estimated number of 200,000 people who were not given enough time to benefit from taking advantage of section 245i. Such a short extension is surely to cause another round of mass confusion that we have already witnessed.

How do we know that a four month extension is simply not enough time for people to benefit from section 235(i)? We know this from consulting with immigrants, immigration advocates, and nonprofit groups that work with immigrants.

BILLS WITH A ONE-YEAR EXTENSION

My bill H.R. 1615 allows for a year extension. My bill provides that the April 30, 2001 deadline should be extended to April 30, 2002. Congressman RANGEL has a bill, H.R. 1195 which provides for the same one year extension. Furthermore, Senator HAGEL has a one year extension with a sunset date of April 30, 2002. A one year extension is the proper amount of time to allow people to take advantage of section 245(i). A year is necessary for the following reasons:

REASONS WHY WE HAVE A ONE-YEAR EXTENSION

1. Four months is not enough time for people to get the help that they need to file before the deadline. Regulations for the new V visas, K visas and late legalization are due out at the end of this month. This will cause attorneys' workloads to rise at an unprecedented rate. Immigration attorneys when dealing with only section 245i said they have never been so busy before and did not have enough time to schedule appointments with people who sought out their expertise. If that was the case with section 245i we can only imagine the chaos that will ensue with the issuance of the regulations for the new V visas, K visas and late legalization. People will not be able to get appointments with legal service providers in a four month period and as a result will be unable to take advantage of section 245i. This is why a year extension is necessary.

2. A fourth month extension creates a greater risk that mistakes will be made or that the applications will be improperly filed. Without access to legitimate and professional assistance, many people will be forced to try and figure this law out for themselves. In some cases, the process is very difficult. Even in simple cases, there is enormous confusion about who is eligible, which applications must be filed by the deadline, where to the applications, what office to file applications with, and what are the filing fees. Without a fair opportunity to have these questions answered, eligible applicants may submit incomplete or incorrect applications and be unable to correct the mistakes before the deadline passes. Thousands of eligible applicants will lose their right to apply simply because they made an innocent mistake.

3. Short deadlines benefit scam artists. If people are not given the chance to schedule

appointments with attorneys then they may fall into the wrong hands—those of scam artists, who ripped thousands of people off during the previous 245i extension. These scam artists charged thousands of dollars to prepare applications that were never filed, or submitted applications on behalf of people who were not eligible. Another short four month extension guarantees that scam artists will benefit once again.

4. A four month extension will cost the government more money. Providing a short window of opportunity will dramatically increase the need for government services. As a result of the previous short four-month extension of Section 245(i), tens of thousands of people rushed to government offices to collect documents, request applications, and ask questions. Thousand of people camped overnight at INS offices to get copies of application forms or request information about their eligibility. With a four month extension the same problems will occur. Petitions and applications will suffer while INS diverts resources to deal with the long lines of people outside their office. Providing a one year extension would spread this work out.

5. The new language of H.R. 1885 will require new regulations that could not be implemented in four months. H.R. 1885 adds a new requirement that applicants show that "the familial or employment relationship" that is the basis for the application existed before April 30, 2001. "Familial Relationship" and "Employment Relationship" are not simple terms and will have to be defined. INS will have great difficulty drafting this restriction, especially for employers. and as we have seen before, INS will be unable to issue these regulations until most of all of a four-month extension is over.

6. Finally, The physical presence requirement in the LIFE Act already ensures that people will not be coming to the United States to apply. Under the LIFE Act, only those people who were in the United States on December 21, 2000 are eligible to apply for the new extension of Section 245(i). This limitation addresses the fear that the extension of 245(i) will be a magnet for people to come into the United States illegally.

Let me provide you with two examples of how people are affected by section 245i.

A. Norma entered the United States illegally from Mexico. She settled in North Carolina and married a United States citizen. They have been married over two years, have a child, are expecting another this fall, and have recently purchased a new home for their growing family. Norma and her husband are torn on what to do about her immigration status. As the wife of a citizen, she qualifies for an immigrant visa. However, if she returns to Mexico to obtain her visa, she would be barred from re-entering the United States for 10 years. Norma does not want to leave her husband, her children, or her home for 10 years. Restoration of 245i would allow this family to stay together.

B. Apolinario came to the United States illegally from El Salvador four years ago. He came from a large, poor family and moved to the U.S. to find work to support his parents and siblings. After being here for a couple of years he met his present wife. After they were married, his wife wanted to start the paperwork to naturalize him, but he is undocumented. The couple was faced with the harsh

reality: they only way Apolinario could become a legal resident was to go back to El Salvador and be barred from re-entering the U.S. for ten years. On his one-year wedding anniversary, Apolinario returned to El Salvador and does not know when he will see his wife again. He and his wife could not imagine being separated for 10 years, but if the harsh provision of the 1996 law is not changed, this separation may become a reality.

CONCLUSION

A four month extension will not provide the necessary relief. And as proof we will see the exact same reaction that we saw on April 30, 2001—thousands of people who were not given enough time to take advantage of a law that benefits them and were left confused and frustrated because they did not have enough time to file the required paperwork. Furthermore, there is no question that at the end of this proposed four month extension, people will claim that it was not enough time and will seek another extension.

Only a year extension will guarantee people a chance to see an immigration legal service provider as well as guarantee parties a sufficient period of time to file the proper applications. We must remember that while this is a nation of laws, it is also a nation of immigrants.

Madam Speaker, the articles that I referred to earlier are as follows:

[From the Washington Post, May 1, 2001]

A RUSH FOR RESIDENCY—IMMIGRANTS FLOOD INS AS SPECIAL PROGRAM ENDS

(By Mary Beth Sheridan and Christine Haughney)

Tens of thousands of undocumented foreigners packed U.S. immigration centers, besieged lawyers' offices and said "I do" in assembly-line weddings yesterday as they scrambled to apply for residency under a special program that expired at midnight.

The Immigration and Naturalization Service kept many of its offices open until the last minute to handle the record crush. Still, many immigrants missed the deadline because overwhelmed lawyers could not give them appointments to help them with the necessary paperwork, immigrant advocates said.

Several members of Congress and a key U.S. Catholic bishop called in vain for an extension of the program, which gave illegal immigrants a four-month window to apply for residency without first having to leave the United States.

"The deadline must be extended," insisted Bishop Nicholas DiMarzio of Camden, N.J., chairman of the U.S. Catholic Bishops' Migration Committee, which organized efforts to help immigrants fill out the forms. "Our programs have been unable to meet the demand for services."

Like many immigration offices across the country, the Washington area INS center on North Fairfax Drive in Arlington opened its doors yesterday to a line snaking around the building. Throughout the day, the office was a tableau of desperation and confusion.

Santos Hernandez, a Mexican landscape worker, had driven to Arlington from North Carolina after discovering that he was required to pass a physical—and that all the INS-approved doctors in his area were too booked to give him one.

After waiting in line for several hours yesterday, Hernandez and his brother stared blankly as a frazzled immigration officer demanded in English to know what they wanted.

"We came for the program that expires today. Everyone talks about this," Her-

nandez murmured in Spanish, clutching a tan envelope of tattered documents. But his quest would end in failure an hour later.

Just a few miles away, the D.C. Department of Employment Services took applications from immigrants being sponsored by businesses in the area. "This is the busiest we've ever seen it," supervisor Dorothy Robinson said. She said her office alone was on track to receive at least 1,000 applications by midnight—as many as it usually receives in a year.

Usually, undocumented immigrants seeking U.S. residency must apply at the U.S. consulate in their native land. But in December, Congress passed the special measure that allowed them to apply while still in the United States, as long as they did so by April 30 and paid a \$1,000 penalty. The change was important because most illegal immigrants are barred from returning, for a period of three to 10 years, if they leave the United States.

INS officials estimated that 640,000 illegal immigrants nationwide would apply for residency under the measure, which required that the immigrant be sponsored by an employer or a close family member.

The lines didn't form just at INS offices. Across the country, couples rushed to get married so that one spouse—the legal U.S. resident—could sponsor the other.

In New York, couples had gathered as early as 2 a.m. in recent weeks to secure one of the 700 daily passes for weddings at the Manhattan municipal building, said Denise Collins, spokeswoman for the Department of City-wide Administrative Services. The number of marriage ceremonies and licenses citywide was twice as high on Friday as for the same date last year, according to city clerk Carlos Cuevas.

Yesterday, Lynda Rosado lined up at 4 a.m. for one of the passes, finally tying the knot after nine years of dating Bernardino Hernandez, an undocumented Mexican immigrant. Around her, couples exchanged sweet nothings in English, Spanish and Cantonese. Vendors hawked \$20 bouquets and cardboard "you and me forever" frames.

But Rosado quickly got down to business. "We'll celebrate later," she said after the brief wedding ceremony. "Now we're going straight to a lawyer."

Not everyone was lucky enough to get into a lawyer's office, however. Many lawyers were booked solid weeks ago, said Judy Golub, a lobbyist for the American Immigration Lawyers' Association. Although a lawyer's assistance was not required, many immigrants needed help filling out the complex forms.

Because such problems caused some immigrants to miss the deadline, several U.S. legislators have submitted bills to extend the special measure, known as Section 245(i). But they have been unsuccessful.

In an effort to avoid a last-minute crush, immigrant aid groups such as the Spanish Catholic Center in Gaithersburg worked frantically to spread the word about the program and make appointments for people who needed help with applications.

One recent Friday night, Celia Rivas, the immigration services coordinator, started appointments to work on immigrant applications at 6:30 p.m. She was so swamped she finished 24 hours later.

"I wanted to avoid April 30 being the day everyone came for services," she said.

Still, many immigrants didn't find out about the measure until the last few days or were confused by it.

Hernandez, the Mexican landscaper, thought he could just drop off his documents at the Arlington INS office. But he needed to fill out special forms. So he went to the car and returned with his longtime American

girlfriend, Renee Garland, 33. Nearly three hours after they had arrived at the INS office, with their two small children in tow, the couple made it to the front of the documents line.

It was a short-lived victory.

"He's your boyfriend?" the officer asked Garland, who nodded yes, "When you gonna get married?" the officer asked.

Garland suggested that her boyfriend could be sponsored by his employer. But the landscaper had simply typed a one-paragraph letter verifying that Hernandez worked for him.

"Where's the form from his boss?" the immigration officer asked. Garland, crestfallen, acknowledged that she didn't know he needed one. And Hernandez wasn't about to get married yesterday. Garland slunk away from the line, hitting a seemingly insurmountable roadblock on the road to her boyfriend's citizenship.

"I don't know what I'm going to do," she sighed.

[From the New York Times, May 1, 2001]

ILLEGAL IMMIGRANTS RACE AGAINST CLOCK TO GET THROUGH A SMALL WINDOW OF OPPORTUNITY

(By Michael Janofsky)

DENVER, April 30.—Some arrived as early as Saturday night, with sleeping bags, reclining chairs, even dining room chairs to make the wait more bearable. By today, when the immigration office here opened at 6 a.m., the crowd had swelled to several thousand, and many more were on the way.

With a midnight deadline approaching, the scene was repeating at immigration offices all around the country as illegal immigrants scrambled to take advantage of a program that allows those with family or employer sponsors to apply for legal status in the United States without leaving the country.

"They tried to line up on Saturday when they heard the lines were starting," said Michael Comfort, acting district director for the Denver Immigration and Naturalization Service office. "I suppose we all do that when it comes to taxes and other deadlines," he added.

Known as 245(i), the program was passed by Congress in December, creating a four-month window in which immigrants would be spared the cost and anxieties of returning to their home countries to fill out the paperwork. Immigration officials estimated that more than 600,000 people might be eligible for the program, even though waiting for their applications to be approved could take years, during which they could still face deportation, as several people in Ohio recently discovered.

Acting on information provided in applications, immigration agents in Cleveland arrested seven people at their homes and initiated deportation. Officials in Washington have since stepped in to prevent such actions, instructing all its districts not to arrest illegal immigrants on the basis of their 245(i) applications.

The program has been so widely applauded by human rights groups that some have urged Congress to extend the deadline. Bishop Nicholas DiMarzio of Camden, N.J., chairman of the national Roman Catholic bishops' committee on migration, said, "without immediate Congressional action, many immigrant families in the United States face unnecessary upheaval and possibly lengthy separations."

Congressional officials said tonight that the White House was expected to support a bipartisan bill to extend the program by one year.

Supporting the measure would be another step for President Bush toward fulfilling the

pro-immigrant positions he articulated during the campaign. Mr. Bush has pledged to work closely with Vicente Fox, the new president of Mexico, to improve border safety and working conditions for Mexicans living in the United States.

The crowds of people seeking the change in status today were especially thick in cities with large numbers of illegal immigrants. Luisa Aquino, a spokeswoman for the immigration service in Houston, said nearly 2,000 people had applied by midday and by midnight the number was expected to have doubled. Immigration officials in Los Angeles said 2,600 people were standing in line when the office reopened at 6 a.m.

In New York this morning, the police said the line stretched from the entrance of the Federal Building, wound its way through six rows of metal barriers and around a corner.

Elba Contreas, 51, sat on the building steps this afternoon with her brother, Jaime de la Fuente, 55, who is from Chile. "We're going to be very happy when this is all over," said Mrs. Contreas, who is a citizen.

Walter Diaz, 22, and his wife, Maria, beamed after they dropped off Mrs. Diaz's application. "I feel like a weight has been lifted from my shoulders," Mrs. Diaz, who is from Honduras, said as she kissed her husband, who is a citizen.

By 3 p.m. in Chicago, officials at the Chicago Loop district had accepted nearly 600 applications, and in Boston, where the immigration office typically handles paperwork from 35 to 50 people a day, officials said they expected to process as many as 700 by midnight.

"The staff is mentally and physically exhausted," said Steven J. Farquharson, the Boston district director.

An immigration service spokesman in Washington, William Strassberger, said several offices around the country had reported lines snaking for blocks around buildings. In Montgomery County, Md., he said, couples were being married every 15 minutes at county courthouses to enable them to beat the midnight deadline. Denver and other cities also reported a recent surge in marriage license applications.

Many immigrants said they had waited so long because of the difficulties of raising the minimum filing fee of \$1,000.

"It's the money, that's what we've been waiting for," said Gladys Duran, 20, who stood in line in Chicago with her husband of one year, Carlos, 29, a painter.

The same was true for Jose Melendez, 23, a native of Chihuahua, Mexico, who works as a drywall specialist in Sterling, in northeast Colorado. He is the father of two of his wife's five children.

"We didn't have no money," he said, as his wife of two years, Stephanie, 24, waited in line.

Like other immigration offices, the one here had been dealing with crowds swelling by the day. Last week, officials said, they had arranged for two portable toilets to be stationed outside the building. Today, they added two more. A food truck selling only tacos and burritos pulled up and quickly had its own line.

Roxanne Calderon, a 30-year-old cashier at a Safeway supermarket, sat on a curb with her husband, Juan, 24, a drywall from Zacatecas, Mexico. He joined the line for the paperwork at 9 p.m. Sunday; she joined him at 6 a.m. today.

"I want liberty, not to be hiding from deportation," he said in Spanish. "I want to go to Mexico and come back without being deported."

□ 1600

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Madam Speaker, I am pleased to support H.R. 1885, sponsored by my distinguished colleague, the gentleman from Pennsylvania (Mr. GEKAS), and the ranking minority member, the gentlewoman from Texas (Ms. JACKSON-LEE), and I thank the distinguished chairman of our Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for bringing this measure to the floor at this time.

Madam Speaker, this measure expands the class of individuals who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by expanding the deadline for classification petition and labor certification filings by employers by 120 days.

Section 245(i) is a vital provision of our U.S. immigration law allowing immigrants who are on the brink of becoming permanent residents to apply for their green cards in the United States rather than returning to their home countries to apply. The beneficiaries of 245(i) are immigrants residing in our Nation or are sponsored by close family members or employers who cannot find necessary workers in our Nation to perform the duties.

Immigrants applying for permanent status under this section are eligible for green cards but are unable to obtain them in the United States because they are not in a legal nonimmigrant status. The immigrants situation may materialize on technical ground regarding the visa process or because of INS delays.

In most instances, the question is not whether these individuals are eligible to become permanent residents, because they already are. The issue is where they can apply from. Each applicant must pay the processing fee of \$1,000. Not only does 245(i) generate revenue for our INS, but it does not cost the taxpayers one cent.

Section 245(i) is supported by the 60,000 attorneys that comprise the American Immigration Lawyers Association, and this extension will afford those who, due to a lack of legal resources, could not file. To force these hard working immigrants to return to their home countries to apply for their green cards after they, in many cases, have built a life for themselves in our Nation, creates an even greater injustice.

In closing, Madam Speaker, I urge my colleagues to support this measure which will allow those immigrants, who satisfy critical labor shortages, to apply for their green cards while living in our Nation and not having to return to their home countries to wait for what could be many years to get their approval.

Mr. CONYERS. Madam Speaker, I ask unanimous consent that each side be granted 15 additional minutes.

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

There was no objection.

Mr. CONYERS. Madam Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means and former chairman of the Congressional Black Caucus.

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

Mr. RANGEL. Madam Speaker, let me thank the distinguished chairman and ranking member of the Committee on the Judiciary for allowing me to enter into this debate, which of course they have had so much sensitivity, so much expertise, and have done so much work on.

Madam Speaker, I value American citizenship so much that I would hate to see the day that we did not have rules that were strict or standards that were high, because I think that citizenship is such a precious thing that it should not be gained that easily. The thing that concerns me, however, is how so many people whose families were able to come to America under different standards, how sometimes when they get here, they so easily forget and find it not only comfortable to pull the ladder up behind them, but almost get emotional and angry in terms of other people just trying to live here and trying to become citizens. It is such a contagious disease that sometimes people who have yet to learn to master the English language are condemning those who would want to enter the United States.

I want to commend those Members of Congress that have asked us to extend the time for good people to file. As the gentleman from New York (Mr. GILMAN) has said, these are people who, by every standard, have done everything that they can. Some have families. Some have children that have been born and are already citizens of this great country.

We cannot value being an American so much so we lose, as the gentleman from Michigan (Mr. CONYERS) has said, the compassion of being American. That is a part of it. And I would think those of us who did not ask to come here or were brought from our country, torn away from the breasts sometimes of mothers as they came as chattel, as slaves, can almost visualize in our own congressional districts almost the same thing happening, as people who work every day, work on farms, work in diners, work in menial jobs, and then would have to believe that they are going to be deported or they would have to leave and leave their families.

Now, the President has paused and asked the Congress to take a deep breath. The gentleman from Pennsylvania (Mr. GEKAS) has said 4 months, but of course we need to take a look at the technicalities and how high the bar is, we need to try to understand what has to be done. Come and visit my office and see the number of people that

have no idea as to what I can help or what I cannot help them to do, but they actually come in and they come begging and they come crying, they come bringing their children with little American flags saying, "Congressman, help me."

Now, I know that this Congress is not going to say that we value that flag so much that it has to fly so high that so many hardworking people who love this country are not going to be given the opportunity to abide by our rules, to abide by our regulations, and to keep our standard and become Americans. And I know the gentleman from New York (Mr. KING) knows this: They will become better Americans than those who were just born here and take it for granted.

So let us not feel so proud when we are able to say we gave those people enough time. They should have known. They should have had lawyers. They should have understood. No, no, no. We are the ones that have to understand. We are the ones that God blessed. We are the ones that were born in this country. We are the ones that set the rules, and we are the ones that can open our doors and our hearts to allow them to become citizens.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. KING).

Mr. KING. Madam Speaker, I thank the distinguished chairman for yielding me this time, and I rise in support of H.R. 1885. And in doing so, I want to commend the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his work, the gentleman from Pennsylvania (Mr. GEKAS), but also my colleagues on the Democratic side, the gentleman from New York (Mr. RANGEL), the gentlewoman from Texas (Ms. JACKSON-LEE), and others who have put so much effort into this.

I also want to commend the President for coming forward on this issue, which can be an emotional issue, and setting the standard and saying that 245(i) must be extended.

I introduced a bill myself, a bill which would have extended it 6 months. I also was an original cosponsor of the bill introduced by the gentleman from New York (Mr. RANGEL), which would have extended it 1 year. It was important to me 245(i) be extended because of the fact I strongly believe immigrants are the lifeblood of our society.

As my colleague, the gentleman from New York (Mr. RANGEL) said, in many cases, they become the very best Americans because they are here by choice and they overcame great adversity to be here. Also, the gentlewoman from Texas (Ms. JACKSON-LEE), even though I am considerably older than she is, we had the good opportunity to grow up in the same borough in New York City, so we saw firsthand the tremendous impact and positive impact that immigrants have had on our city, our State and our country. So that is why I support strongly an extension of 245(i).

Now, today's bill is a 4-month extension. Some wanted 6, some wanted a year, some wanted it to be permanent. But as the gentleman from Pennsylvania (Mr. GEKAS) said, this 4-month extension, when it all plays out, will be closer to a 6-month extension. Let us not let the perfect be the enemy of the good. Let us get what we can at this time and protect those 200,000 people whose fortunes and lives are very literally in our hands. It would be a tragedy if, by trying to get more, we lost everything.

So I again commend the people who have put the time and effort into this. I fully understand the sentiments for those who want a longer extension. As I said, I could have supported a longer extension myself. But the reality is there are many voices in the Congress; not all the voices support the same thing. Not everyone supports an extension at all. So to make sure that we protect the rights, the human rights of those people living in this country who are entitled to have legalized status, but because of the fact they could not file their papers on time, for whatever reason, let us, not them, become victims by our trying to achieve more than we can. Let us do the possible; let us do what is real; what can be done.

Even the gentlewoman from Texas (Ms. JACKSON-LEE) mentioned President Johnson. The fact is, President Johnson did not do everything in 1964 or in 1965. There were further civil rights bills to continue that revolution. Nothing is ever final. Let us get through what we can. Let us do the art of the possible. Let us do the art of the practical and stand together in our commitment to the American Dream, which is to, yes, encourage immigration, do it in a legal way, but let us not make the mistake today of not going forward on what is, at base and in substance, a very sound piece of legislation.

Mr. CONYERS. Madam Speaker, I am proud now to yield 4 minutes to the gentleman from Illinois (Mr. GUTIERREZ), chairman of the Hispanic Task Force on Immigration.

Mr. GUTIERREZ. Madam Speaker, I thank the gentleman for yielding this time to me, and I thank all those working on this issue.

Let me just say that it would be nice to do what is possible, but let us get one thing very, very clear. There was a vote on this House floor in 1997, after the program was eliminated, and the House voted affirmatively not to extend but to reinstate 245(i). That is the record of the House of Representatives. It is the record of the Senate on more than one occasion that they have voted to reinstate 245(i), the problem is when it comes to conference.

So I think some of our colleagues think too little of the compassion and of the justice that can be done in this House. It is my belief that if we brought a vote back here for the reinstatement of 245(i), it would pass the House of Representatives. This should

have been dealt with in the committee, the Committee on the Judiciary, marked up in the Committee on the Judiciary, and brought before this House to have a full debate so that we could amend it, so that we could listen to other points of view.

I am standing here asking myself if my recollection of history has somehow failed me. Last year, it was the Congressional Hispanic Caucus who went to Member after Member after Member; who went to the Congressional Black Caucus, the Congressional Progressive Caucus, the Democratic Caucus, members of the Republican Party, and we put together a coalition where over 155 Members of the House signed a letter stating that they would not vote for any final budget unless there was a reinstatement of 245(i). Forty-six Senators signed the same letter saying they would vote for it. It was the Congressional Hispanic Caucus that 2 months ago sat with President George Bush, and we did not ask for an extension of the program with an arbitrary deadline of May 1, we asked for a reinstatement of the program. That is what we asked for.

And then it seems almost spectacular to me that we come on this House floor and everybody has been spoken to. I do not remember one occasion where members of the Congressional Hispanic Caucus or those of us that have put in bills have been spoken to. This is a one-way dialogue that we are having here. If anyone had spoken to us, we would have all come together. I think the gentleman from New York (Mr. KING) and many, many others know what is necessary, and I think they do not truly have a sense of what this House would do.

Now, let me state very, very clearly who we are talking about and what is wrong with this legislation. It says that an individual had to have qualified by April 30 in order to get in on the program. That is wrong. Why is it wrong? I want to tell my colleague, the gentleman from Pennsylvania (Mr. GEKAS) why it is wrong. Because there are tens of thousands of people who have waited 2, 3, and 4 years for their application for citizenship. They are still processing them; gathering dust. And because of those years and years and years of delay on the part of our government, on the part of our government, where people have played by the rules, they cannot apply for their loved ones to get their visas, since they are waiting for years, and they are going to continue to wait for more years, and then we have an arbitrary 4 months.

Now, if all that backlog were cleared up, I could understand it. The fact is that if tomorrow a citizen of the United States becomes 21 years old, tomorrow, they cannot go and apply for a visa under 245(i) for their mother, for their father. Yes, some may say they are here undocumented illegally. That does not mean that is not their mother and their father and they do not want to keep their families together. Think about it a moment.

□ 1615

An American citizen who has a wife, a person that he loves, and that couple may be bringing children into this world, may not qualify under this program because they have consummated the marriage after the arbitrary deadline.

Madam Speaker, we are talking about keeping families together. Some say, "They are here illegally." Maybe that is the case, but we eat the fruits that they pick and labor for. We know that they are here in our restaurants and our hotels. They work and slave every day. Let us give them the chance to become full partners in this great democracy.

Mr. SENSENBRENNER. Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a distinguished member of the Hispanic Caucus, a leader on our side of the aisle.

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

Mr. MENENDEZ. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, what is section 245(i)? For my colleagues who may be watching in their offices, to the American people listening to the debate, it was the law of the land. It was the law of the land.

We actually had as part of our immigration law a recognition for several years as part of the immigration law that United States citizens who have a member of their family, their husband or wife, their mother or father, their brother or sister, their son or daughter, who could be naturalized or seek permanent residency through them, would have the opportunity to do so under that part of what was the law of the land, and so that they could keep families together. That was the law until not too long ago. So that is what we are debating about.

Madam Speaker, why not reinstitute what was the law of the land and worked well. We have a public policy that I have heard debated on this floor so many times in a domestic context about family unification and the role of the family in our society, and the importance of family in our society.

Madam Speaker, my colleagues have hundreds of thousands of United States citizens and permanent residents who cannot keep their family together because in a previous Congress we stripped what was the law of the land and we took it away from all of them. Therefore, their families were forced to make a decision: stay together but not be here in a legal context; or divide and strip families apart.

We simply believe that 245(i), which was the law of the land, should be the law of the land again because it produces a basic fundamental public policy which I believe both sides of the aisle, but certainly my Republican col-

leagues, have said time and time again is a primary context of their efforts, which is the preservation of the family. That is why 245(i) should proceed.

This is not about getting at the head of the line, not about getting something that otherwise cannot be obtained because you will through your relationship with a United States citizen ultimately be able to become a permanent resident. Through a relationship with a permanent resident of the United States, you will ultimately be able to get your residency in terms of a spouse or a child. So why not keep these families together? That is the public policy question before us.

Yes, we recognize that 4 months is an effort in the minds of some, but it does not ultimately reach the goal that we want. Let us turn this temporary extension into a permanent one. Let us understand if we had a vote in this House, we would have a positive vote for a permanent extension of 245(i), as we had in the last Congress.

Let us do the right thing. Let us seek a permanent extension, and let us give the dignity to those families of United States citizens to be able to keep their families together.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). The Chair will remind Members to address their remarks to the Chair and not to persons outside the Chamber.

Mr. CONYERS. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a former member of the Committee on the Judiciary, a distinguished lawyer.

Mr. BECERRA. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary and the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee, for bringing this matter to the floor.

I wish we could all say that it is the complete solution to the problem that we encounter, that many families in America encounter, but it is not. We are taking a step forward.

We were pleased to receive the word from the President recently that he also believes that we need to address the problem under section 245(i), but we are going to come back. We are going to be back here again because this will not be the final solution. In 4 months you will not address the problems that are facing American families. You cannot tell a spouse or a father or a daughter to stop trying if 4 months cuts them off. That is not how you handle policies in Congress. We need to move forward, but we are not going to do it in 4 months. I say we are going to come back. We shall return.

Madam Speaker, we have to recognize something. In the past we were just trying to get this Congress to do the right thing. Well, at least now we

are getting Congress to do the right thing; but we have to get Congress to do the thing right.

That is where I hope that we will recognize that this is a way to go about it. It is not going to deal with the problems that many of America's families will face if we truly are about family unification and if we are concerned about family values. We will recognize that. It is not good enough if we leave one child out, if we leave one spouse away from home. It is not good enough if we tell that one father, that one daughter, that one sister, sorry, they missed the cutoff date. It is time for us to try to deal with this in a permanent way.

Madam Speaker, we are here on the floor. We are going to move forward, but I guarantee my colleagues, we will be back. I appreciate the work that is being done on both sides of the aisle. I hope the President recognizes that Members are working this issue, and we will work together to try to fashion a solution to this that will tell American families that we believe in family unification, and the value of American families being part of the fabric of life.

Madam Speaker, I support this measure understanding that we will still have to come back.

Mr. CONYERS. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Madam Speaker, I want to take the gentleman from California's approach also and thank the majority party and the gentleman from Pennsylvania (Mr. GEKAS) for bringing this measure to the floor; and I will vote for it tonight.

However, upon voting for it I will continue to insist that we make this a permanent situation. Obviously, bringing a bill to the floor indicates a desire to solve this problem; but the 4-month extension does not solve the problem. The President's comment about fixing this problem means that he recognizes a need to do the right thing, but he did not say 4 months, he said just fix it.

The INS, which came before the Appropriations Subcommittee on Commerce, Justice, State and Judiciary, said that they will accept at the minimum a 1-year extension. Everyone has said that they will take longer to solve the problem, and yet it has been decided to curtail the time; and, thus, create perhaps another problem.

Let me remind my colleagues what the gentleman from New York (Mr. RANGEL) said. "The folks that we are talking about are the folks who will make the next generation of great Americans; who are, in fact, today doing all those jobs Americans do not want to do, and doing those things that so many of us need to have done."

These are people who want to keep their families together, and that is what this country is about. It is about immigration and it is about family. It is ironic that this side, who gets accused for not talking about family, we are the ones who are saying, let the

time be so these folks can stay in the country and continue to work and continue to make our country strong.

Like my colleague, the gentleman from New York (Mr. RANGEL), and so many others, if one were to go to my district office on any given day, over 80 percent of all the case work that we do is on the issue of immigration. This issue is really hurting a lot of people.

If my colleagues had opened it up and said everyone can come in for 4 months, that still would have been better. But to suggest only those who were ready April 30 to have their paperwork done, that is still setting more stumbling blocks.

Yes, I will support this bill tonight. Hopefully my colleagues have the votes to get it done. But immediately, let us begin to work on a permanent situation. Madam Speaker, notice that I have mastered the English language enough to know that it is incorrect to say a "permanent extension," because somehow that is improper use of the language. But let us do the right thing so we can all do what is right for America and for these folks.

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

Mr. SENSENBRENNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this bill is a compromise, as was the provision in the omnibus appropriation bill that was passed at the end of last Congress was a compromise.

The 4-month provision in this bill seems to be attacked from all sides. There are some who would like to make section 245(i) permanent; and there are those who argue that we should not extend 245(i) because there was a deadline, and the people who missed the deadline knew full well what it was and did not file timely applications. This bill attempts to take a middle course.

What is so wrong with 4 months? The provision in the omnibus appropriation bill which was signed by former President Clinton on December 21, 2000, established a period of 4 months and 10 days for 245(i) applications to be timely filed.

A lot of people did not timely file their 245(i) applications because the Immigration and Naturalization Service waited until the middle of March in order to issue the regulations for the extension. That was not the fault of those who were eligible to apply; that was the fault of the Immigration Service, and I think most of us who have immigration cases in our own congressional office realize that this agency is probably more dysfunctional or non-functional than any of the other agencies of the Federal Government.

But they did get their act together until 2½ to 3 months after the time established by the law went by. What this bill does is it says okay, the INS goofed up and did not give everybody the 4 months, and so we will start the

clock ticking again. The 245(i) deadline will be 4 months from the date of enactment of the law that is proposed in H.R. 1885.

Now, whether the extension is 4 months or 6 months or a year or some other time, human nature, being what it is, everybody waits until the last minute to file their applications.

Madam Speaker, I think that the word should go out today from this House of Representatives that if this legislation passes, do not wait until the last day to file an application. I would hope that the Immigration and Naturalization Service would be geared up to receive these applications, and I know I speak for most of the members of the Committee on the Judiciary, to inform the INS that we are going to be all over them so they will receive the applications as of the date of the enactment of the law; but the immigration groups and the immigration bar should not tarry so that the immigration petitions under section 245(i) will end up being filed well before the deadline so that the INS can be in the process of adjudicating them and issuing the proper visa.

Madam Speaker, this is a compassionate compromise to a very contentious issue. I think that 4 months is a legitimate extension because it was just a little more than 4 months that was contained in the omnibus appropriation bill.

I would strongly urge the House to endorse this legislation, and I urge my colleagues to vote "yes" on it.

Ms. PELOSI. Madam Speaker, I rise to express my strong support for a real extension of Section 245(i) of the Immigration and Nationality Act, and my concern that the four-month extension in this bill is far too short.

Section 245(i) allows undocumented immigrants who are in the United States and who become eligible for permanent residency because of their family relationships or job skills to remain in the country while they seek to adjust their status. They must qualify and pay a \$1,000 penalty before they obtain permanent residency.

In last year's final budget agreement, this provision was extended by four months, through April 30 of this year. With the expiration of Section 245(i), immigrants who wish to apply for legal residence must return to their country of origin, where they are barred from returning to the U.S. for up to 10 years. I know from my constituents that this requirement will create a serious hardship for many families, forcing loved ones to live apart for years.

The extension of Section 245(i) through April 30 offered a woefully insufficient window of opportunity for immigrants to pursue legal status. There simply were not enough community, professional, and INS resources to meet the demand in such a brief amount of time. I am pleased to be a cosponsor of H.R. 1195, introduced by Mr. RANGEL, which would extend the deadline by a full year.

The bill we are considering today, while it takes a step in the right direction by extending Section 245(i) by four months, would result in a replay of the same problems we witnessed leading up to the April 30 deadline. At the INS office in my district in San Francisco and

around the country, thousands of individuals stood in line on April 30, trying to beat the deadline. Many were unsuccessful. Four months is simply too short.

I will continue my efforts to implement a long-term solution to this problem. If we care about families, we need to help keep them together.

Mr. TOWNS. Madam Speaker, I am very pleased that the House of Representatives will act today to extend the Section 245(i) program which would allow family and employment-based immigrants who are already eligible to become legal permanent residents to adjust their immigration status while remaining in the U.S.

The four month extension provided in H.R. 1885, offers a direct benefit to many people who are the immediate relatives of U.S. citizens. Those individuals who are eligible for permanent residence status will be able to remain in the U.S. while their visa applications are processed. This relief will protect families from separation as they seek to finally regularize their status. Without this extension, many immigrants would be forced to make the difficult choice of leaving the country and being barred from re-entry for as long as 10 years, or remaining in the U.S. as undocumented aliens.

I am pleased that we are able to take this humanitarian step today to promote family unity for thousands of people who will soon become our "newest Americans". I am hopeful that the House's vote today will lead to quick action by the Senate and a bill being signed into law by the President. And I would urge my colleagues to support its passage.

Mrs. MORELLA. Madam Speaker, I rise in support of an extension of section 245(i) of the Immigration and Naturalization Act. In fact, on May 3, 2001, Congressman GUTIERREZ and I introduced H.R. 1713 which would permanently extend this critical section.

The 245(i) provision allows for eligible immigrants to apply for residency while remaining with their families and in their jobs in the United States, provided they pay a \$1,000 penalty. Section 245(i) does not change the rules under which a visa is granted, merely the location where the processing of the visa occurs. Those who participate in this section must be eligible to obtain legal status in the form of permanent residence in this country and must qualify for immigrant visas on a family relationship or an offer of employment. They must also have a visa number immediately available and must be otherwise admissible to the United States.

With passage of the "Legal Immigrant and Family Equity Act of 2000" during the waning days of the 106th Congress, the grandfather clause deadline of Section 245(i) was extended from January 14, 1998 until April 30, 2001. The April 30th deadline is now well past. Eligible immigrants are now required to apply at American consulates in their home countries and, therefore, must risk being barred from returning to their families and American jobs for anywhere between 3 and 10 years.

As the April 30th deadline approached, many immigrants suffered from confusion surrounding 245(i) eligibility, as well as frustration with fraudulent immigration service providers, commonly known as notarios. In my District Office, my staff and I heard about many such cases each and every month.

President Bush himself stated that roughly 200,000 immigrants who had been eligible to file to adjust their status failed to do so in time. He indicated that much of the confusion was a result of the United States' government failure to issue instructions in a timely fashion.

President Bush even suggested that section 245(i) should be extended for one year. For this reason, I support Congressman GEKAS' legislation only with the hope that it would lead to a longer extension or even a permanent one.

A temporary extension is only a temporary solution. It is only with a permanent extension of the deadline for Section 245(i) that Congress will forever end the suffering of immigrant families that are ripped apart by technicalities in immigration law.

In America, in the land of the free, we must restore our tradition as a nation of immigrants, and a nation of justice, by enacting such corrective legislation. The extension of 245(i) is pro-family, pro-business, and overall humane policy.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise to support H.R. 1885, a bill which will expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings.

H.R. 1885 will allow immigrants to apply for legal residence while remaining in the United States, four months from the date of enactment of this legislation. This extension is consistent with the Legal Immigration Family Equity (LIFE) Act's intention to provide a small window—which has been cut short due to administrative problems—to permit aliens to adjust their status.

Immigrants may qualify if they have been in the United States since December 21, 2000. I believe this legislation is fair and equitable because it does not encourage illegal immigration or punish those who are presently waiting to enter the United States legally. In addition, H.R. 1885 requires that the family relationship or employment exists by April 30, 2001 to discourage the possibility of false marriages by illegal immigrants. Furthermore, H.R. 1885 will assist only the group of immigrants eligible by the April 30th date, but failed to meet the deadline.

This is an important adjustment to the law because Section 245(i) allows prospective family and employment based immigrants to adjust their status to that of permanent resident while remaining in the United States, rather than requiring them to return to their home country to obtain an immigrant visa.

I believe that failing to extend the 245(i) provision would burden American families and businesses, effectively splitting families apart and placing business projects on hold for an inordinate and undue amount of time. This is not in America's best interest.

I, therefore, encourage Members from both sides of the aisle to support this fair and equitable adjustment to present immigration law.

Mr. MORAN of Virginia. Madam Speaker, I rise today in support of H.R. 1885, the 245(i) Extension Act of 2001.

Section 245(i) is a vital provision of U.S. immigration law that allows some immigrants on the brink of becoming permanent residents to apply for their green cards while staying in the United States, rather than having to return to their home countries to complete this time consuming process.

Unfortunately we allowed this law to expire on April 30, 2001, despite the fact that the INS said they had not had enough time to notify everyone who was eligible to take advantage of this status. Although I believe 245(i) should be permanent, extending it for 120 days through H.R. 1885 is a step in the right direction.

If we do not extend this law tonight people who are fully eligible for green cards will be forced to return to their home countries and barred from returning to the United States for anywhere from 3 to 10 years, despite the fact that they have homes, jobs, and families here.

I firmly believe that restoring 245(i) is pro-family, pro-business, fiscally prudent, and a matter of common sense. It will allow immigrants with close family members here in the United States to stay with their relatives while applying for legal permanent residence; it will allow businesses to retain valuable employees; and it will provide the INS with millions in annual revenue with absolutely no additional cost to taxpayers.

Extending section 245(i) will not give special benefits to illegal immigrants and it will not allow anyone to cut in line ahead of others.

Madam Speaker, I urge my colleagues to join me in supporting this legislation that is so important to thousands of American families.

Ms. SCHAKOWSKY. Madam Speaker, I rise today in opposition of H.R. 1885, 245(i) Extension Act of 2001. This 245(i) proposal in the House is insufficient in time and stingy in scope.

The White House has stated support for an extension of 245(i) for 6 to 12 months, and there is bipartisan legislation in both Houses of Congress for similar extensions. This new proposal of a limited 4-month extension with restrictions has come to the floor without a hearing and without appropriate, fair consideration. It is not consistent with the spirit of President Bush's letter where he advocated for policies that strengthen families and recognized that there was not enough time with the previous four-month extension.

In December 2000, when Congress passed a 245(i) extension that expired April 30, 2001, it took the INS over 3 months to issue the new regulation, causing great panic and confusion among immigrants and creating an opportunity for unscrupulous and fraudulent immigration "advisors." This new provision, needing new regulations will only create more delay, chaos and unnecessary hardship on immigrants with real claims to legal status.

A 245(i) provision helps people in this country who otherwise qualify for legal permanent residency. It is not an amnesty, but rather a way for people with deep roots in this country to reunite their families and work their way towards citizenship and full participation in their adopted country. A meaningful extension must go beyond 4 months and should not impose new arbitrary requirements.

This proposed extension is a superficial and transparent political gesture, which recreates problems we are seeking to rectify from the last extension we passed. It appears to do something positive for immigrant families. However, I believe that it is a proposal that demonstrates that we have not learned anything from our previous mistakes. We need to pass and implement a comprehensive solution to families that are separated from their loved ones and not prolong, perpetuate, or further complicate their problem. While I fully support

a 245(i) extension that provides real relief to families, I strongly stand in opposition to this hastily considered, incomplete and impractical proposal before us now.

Ms. SOLIS. Madam Speaker, I rise to speak about H.R. 1885, which would extend Section 245(i) of the Immigration and Nationality Act for four months.

I am disappointed that H.R. 1885 will only allow the extension of 245(i) for four months. This small extension will not offer enough time for thousands of people to apply. Section 245(i) needs to be extended for a longer period of time because thousands of immigrants were not able to meet the April 30, 2001 deadline.

I am also concerned that the new requirements of H.R. 1885 will force the INS to issue regulations that will take three months or more to be implemented. This will only leave people with a month or less to apply.

H.R. 1885 also imposes unfortunate new restrictions on eligibility that will greatly limit the pool of potential beneficiaries.

The Congressional Hispanic Caucus has written a letter to President Bush stating our disappointment in H.R. 1885. In order to unite and strengthen families, we need a permanent extension of 245(i). A permanent extension will keep the maximum number of families united, help avoid fraud perpetrated against immigrants seeking assistance, and allow for a steady stream of funding for Department of Justice programs.

This month President Bush sent a letter to Congress indicating his support of a six to twelve month extension of 245(i). I do not understand why the Republican leadership has chosen to advance a bill with only a four month extension when the Bush Administration clearly supports a longer extension.

H.R. 1885 does not do enough to help immigrants in need. I hope Congress and the Administration can work together in the future to implement either a one year or permanent extension of 245(i).

Ms. DEGETTE. Madam Speaker, I rise in support of H.R. 1885, a bill that will extend by four months the time for eligible individuals to apply for permanent resident status in the United States. While this bill does not extend the deadline by a year or make it permanent as I would prefer, it is a humane effort and a good first step to assist people eligible for permanent residency.

To be eligible to apply for permanent residency, an individual must have family in the US or must be sponsored by an employer. However, under current law, eligible individuals cannot file while in the US. Instead, they must leave the country and file from abroad. By forcing people to leave the country, we are ensuring that lives are uprooted, families are separated, and valuable jobs are lost.

Expanding Section 245(i) of the immigration code is necessary to keep families together and to promote steady employment. It would grant no special rights or status for immigrants but would instead clear an expensive and time-consuming procedural hurdle for people already living in the United States who are eligible to apply for permanent residency status. As the deadline approached last month, INS offices across the country remained open for extended hours to allow eligible people to apply in the US. Almost all the people who apply are approved, therefore, we should extend the deadline. H.R. 1885 is a logical and

humane response to a provision of the law that does not make sense and should be changed. It is my hope and understanding that although this bill does not make this section of immigration law permanent, Congress will act soon to enact further extensions. I urge my colleagues to vote for this bill.

Mr. BEREUTER. Madam Speaker, this Member rises in strong opposition to H.R. 1885, the 245(i) Extension Act of 2001. By allowing illegal aliens to buy legal permanent residence for \$1,000, Section 245(i) places American lives at risk.

Although the current legal immigration structure is by no means perfect, it does provide for crucial health screening and criminal record background checks which determine if potential immigrants will place the well-being and security of American citizens and legal immigrants in danger. To make such determinations is not only the right of the United States as a sovereign country, it should be its foremost responsibility.

Madam Speaker, Section 245(i) ultimately rewards those people who have thwarted the legal immigration structure by entering the country illegally or by allowing their legal status to lapse. Simultaneously, the policy penalizes potential immigrants who have patiently waited many years, completed many forms, and undergone appropriate screenings for the privileged opportunity to be reunited with family members and to work in the United States.

Madam Speaker, Section 245(i) was a bad policy when it was first enacted in 1994. It was not worthy of being re-instated during the previous 107th Congress, and it should not be further extended.

Mrs. MINK of Hawaii. Madam Speaker, today I rise in strong support of at least a minimum one-year extension to the April 30, 2001, filing deadline under Section 245(i), allowing certain persons to remain in the United States while they pursue legal residency.

The bill before us, H.R. 1885, would extend the immigration filing deadline under Section 245(i) for only four months. At best, it acknowledges the importance of this program. However, it is absolutely inadequate time to resolve the problem.

In the 106th Congress, the Legal Immigration and Family Equity Act (LIFE) had a filing deadline of April 30, 2001. INS did not finalize the regulations for LIFE until March 26, 2001. This allowed only barely a month—just over 30 days—for petitioners to be informed of the regulations and to file their applications. This short time frame fostered the dissemination of wrong or inadequate information.

Additionally, H.R. 1885 requires that an applicant seeking to adjust his status under 245(i) must prove that he was physically present on December 21, 2000, and that they established a familial or employment relationship that serves as the basis of their petition. Fulfilling this requirement is not an easy process. Obtaining the necessary documentation will require more than 4 months.

At the April 30, 2001, deadline, 200,000 persons had pending applications. This is due partly to the fact that INS was not able to handle the tremendous influx of applications.

Madam Speaker, a minimum one year extension of the filing deadline is imperative in order to fulfill the purpose and intent of the LIFE Act.

I urge my colleagues on both sides of the aisle to support a minimum one-year exten-

sion of the filing deadline under Section 245(i). It is the right thing to do.

Mrs. MCCARTHY of New York. Madam Speaker, it goes without saying that, as legislators, our goal is to pass the best legislation possible. Extending the deadline for people to adjust their immigration status under Section 245(i) of the Immigration and Naturalization Act is the right thing to do. In this case, the goal is to allow everyone who is eligible under the law, to obtain permanent legal residence. Unfortunately, I fear a four month extension is an incomplete remedy.

Consideration of this legislation says volumes about the way business is conducted in the House. The Speed with which this bill has been brought to the floor was noticeably absent on April 30th. This House was uncharacteristically silent about the pending deadline. While I'm pleased that we finally have the opportunity to talk about extending the deadline, I'm concerned about the circumvention of the committee process and the noticeably shorter extension period. We have not had a fair hearing on the alternatives, such as the bill Congressman KING and I introduced after working closely with state and local officials in New York, that gives eligible people an adequate window of opportunity to adjust their status by extending the deadline by six months.

The process of adjusting one's immigration status can be confusing and that misinformation is rampant in the immigrant community. As we cast our votes for or against this bill, we have to ask ourselves a number of important questions: is four months enough time; are we setting ourselves up for a repeat of the last deadline, when long lines of eligible people inundated the I.N.S. offices and many were excluded; and finally, is this bill a fair and reasonable compromise designed to help those who deserve it. I fear it is something less. We could have done better. The people deserve better.

Mr. DAVIS of Illinois. Madam Speaker, I rise to support the House Resolution 1885 to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and National Act.

As I understand it, the purpose of this legislation is to enable eligible illegal immigrants to apply for legal residence in the United States without being forced to leave the country while waiting for clearance.

Whereas President Bush would like this program to be extended for another 12 months, the four-month extension proposed by my colleague, Representative GEORGE GEKAS is a sensible approach. This alternative approach would be beneficial to all concerned parties, particularly if family or employment ties are already in existence.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

□ 1630

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 1885.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 6 p.m.

Accordingly (at 4 o'clock and 31 minutes p.m.), the House stood in recess until 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 p.m.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 1801, ELDON B. MAHON UNITED STATES COURTHOUSE, AND H. CON. RES. 109, HONORING THE SERVICES AND SACRIFICES OF THE UNITED STATES MERCHANT MARINE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on H.R. 1801 and House Concurrent Resolution 109 to the end that the Chair put the question on each measure de novo.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 1801.

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

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 109.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.