

Walden	Waxman	Wittman
Walz	Weiner	Wolf
Wasserman	Welch	Woolsey
Schultz	Westmoreland	Wu
Waters	Whitfield	Yarmuth
Watson	Wilson (OH)	Young (AK)
Watt	Wilson (SC)	Young (FL)

NOT VOTING—24

Andrews	Ehlers	Meek (FL)
Barrow	Ellsworth	Moran (KS)
Blunt	Fallin	Reyes
Boehner	Hinojosa	Rogers (KY)
Capuano	Hoekstra	Sanchez, Loretta
Conyers	Johnson (GA)	Tiahrt
Crowley	King (NY)	Visclosky
Davis (AL)	Mack	Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1821

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 453, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my apologies for my absence on July 20, 2010, and for missing recorded votes held on this day. I regret that matters in my district required my personal attention and prevented me from being present to cast my vote. Although I was unable to vote, I wish to let my constituents and my colleagues know how I would have voted had I been present.

On H. Res. 1491—Congratulating the University of South Carolina Gamecocks on winning the 2010 NCAA Division I College World Series—I would have voted "aye."

On H.R. 5604—Surface Transportation Savings Act of 2010—I would have voted "aye."

On H. Res. 1516—Recognizing the 65th anniversary of the end of World War II, honoring the service members who fought in World War II and their families, and honoring the service members who are currently serving in combat operations—I would have voted "aye."

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111-552) on the resolution (H. Res. 1537) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I was unavoidably detained and unable to vote on H.R. 5604, rollcall No. 452. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ADLER of New Jersey). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

INTERNATIONAL ADOPTION HARMONIZATION ACT OF 2010

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5532) to amend the Immigration and Nationality Act with respect to adopted alien children, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5532

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 "International Adoption Harmonization Act of 2010".

SEC. 2. MODIFICATION OF ADOPTION AGE REQUIREMENTS.

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 striking "(E)(i)" and inserting "(E)";

(B) by striking "sixteen" and inserting "eighteen";

(C) by striking "or" and inserting a semicolon; and

(D) by striking clause (ii);

(2) in subparagraph (F)—

(A) by striking "(F)(i)" and inserting "(F)";

(B) by striking "sixteen" and inserting "eighteen";

(C) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(D) by striking clause (ii); and

(3) in subparagraph (G)—

(A) by striking "sixteen" and inserting "eighteen"; and

(B) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security".

SEC. 3. HARMONIZING ADOPTIONS BETWEEN HAGUE CONVENTION AND NON-HAGUE-CONVENTION COUNTRIES.

Section 212(a)(1)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(C)(ii)) is amended by striking "section 101(b)(1)(F)," and inserting "subparagraph (F) or (G) of section 101(b)(1)."

SEC. 4. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in

the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

I introduced H.R. 5532, the International Adoption Harmonization Act of 2010, to correct two longstanding problems and inconsistencies with respect to adoptions of foreign children by U.S. citizen parents.

First, the bill would harmonize the age requirements of such adoptions and provide some needed flexibility in cases where adoptions take longer than expected. Currently, our law contains two age requirements related to the adoption of foreign children. The general rule is that an adoption must be finalized before a child turns 16 in order for the child to qualify for legal status in the United States. For any sibling of such a child, the adoption must be finalized before the sibling's 18th birthday, but only if the sibling comes from the country that has not signed The Hague Convention on Intercountry Adoptions. The age cutoff for siblings from signatory countries is 16. These different requirements create confusion; and, in particular, with respect to more stringent requirements for the signatory countries, the 16-year-old cutoff provision, failing to meet the cutoff can have disastrous consequences.

Every year, the 16-year-old age requirement prevents a small number of foreign children who have been adopted by U.S. citizen parents from obtaining legal status in the United States. If an adoption takes longer than expected, even for reasons outside the parent's control, and the deadline is missed even by 1 day, the child is left with no remedy whatsoever. Although the child may be legally adopted by U.S. citizen parents, he or she cannot legally remain with them in the United States. Obviously, this is a nonsensical result where one's child has to be removed from the United States or, more likely, the individual comes to us for private relief which we may or may not succeed in granting.

H.R. 5532 remedies the above problem by harmonizing the provisions to require that all adoptions be finalized before a child's 18th birthday. This would

provide an additional 2 years by which to complete an adoption before a child is barred from living in the United States with his or her parents. As adoptions for foreign children are rarely completed beyond a child's 16th birthday—China, for example, allows adoptions only up to the age of 14—this bill would affect very few children; but for those few children, this bill is critical.

Second, H.R. 5532 would also harmonize immunization requirements with respect to international adoptions. Current law requires adopted children to have certain vaccinations prior to arrival, but there is an exemption for children under 10 if the adoptive parents certify that necessary vaccinations will be obtained within 30 days of entry.

□ 1830

This exemption, which was created by Congress in 1997, was designed to prevent parents from having to subject their children to numerous and often unsafe immunizations in foreign nations and to allow them to safely immunize their children in the United States.

This exception, however, applies only to children adopted from countries that are not signatories to the Hague Convention. It does not apply to children from signatory countries. This bill fixes this nonsensical discrepancy by expanding the definition to also cover children regardless of whether their home country is a signatory to the Hague Convention.

I want to thank the chairman of the Judiciary Committee, JOHN CONYERS; the ranking member, LAMAR SMITH; and Representative JEFF FORTENBERRY, for their support on this measure.

I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

Mr. Speaker, I cosponsored this legislation introduced by Congresswoman LOFGREN, chair of the Immigration Subcommittee, and I urge my colleagues to support it.

Our Nation has a wonderful tradition of welcoming newcomers. We admit more than 1 million legal immigrants a year, as many as all other nations combined. This legislation continues that generosity by ensuring that American parents who want to open their homes and hearts to children from around the world are able to do so.

The Immigration and Nationality Act provides that U.S. citizens can adopt foreign children and have the children considered immediate relatives for immigration purposes if the children are adopted while under the age of 16 years.

American families who initiated adoptions of foreign children by their 16th birthdays but were not able to complete the adoptions by that date have often sought relief from their Representatives in Congress. We have responded sympathetically.

Congress has routinely passed private bills over the years to allow these families to sponsor their adopted children for permanent resident status in the U.S. In fact, Congress has so routinely passed such private bills that it makes sense for us to simply modify the law and provide a broad remedy.

This legislation provides that for immigration purposes, adoptions by U.S. parents have to be completed by the age of 18 instead of 16. Under the bill, the parents are still obligated to finalize the adoption by the 18th birthday in order to receive immigration benefits for their child.

Of course, we expect U.S. Citizenship and Immigration Services to continue to be on guard against any possible fraud in the foreign adoption process.

This bill accomplishes one more objective by making a technical correction regarding the Hague Convention on Intercountry Adoptions.

Under current law, prospective immigrants have to be vaccinated against certain diseases. The law provides an exemption to the general immunization requirement for adopted children if, one, a child is 10 years of age or younger and, two, the adoptive parents certify that the child will receive the necessary vaccinations within 30 days of entry into the U.S.

This exemption, enacted in 1997, is designed to ensure that parents don't have to subject their children to sometimes unsafe immunizations in foreign nations. Rather, they can more safely immunize their children in the United States.

However, when the Hague Convention on Intercountry Adoptions was later adopted, this exception was not extended to the children from signatory countries. Ms. LOFGREN's bill simply extends the exemption to cover children from these countries.

I urge my colleagues to support this legislation.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members and staff are reminded not to traffic the well while other Members are under recognition.

The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 5532, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HELP HAITIAN ADOPTED IMMEDIATELY TO INTEGRATE ACT OF 2010

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5283) to provide

for adjustment of status for certain Haitian orphans paroled into the United States after the earthquake of January 12, 2010, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5283

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—

- (1) the “Help Haitian Adoptees Immediately to Integrate Act of 2010”; or
- (2) the “Help HAITI Act of 2010”.

SEC. 2. ADJUSTMENT OF STATUS FOR CERTAIN HAITIAN ORPHANS.

(a) IN GENERAL.—The Secretary of Homeland Security may adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

- (1) subject to subsection (c), applies for such adjustment;
- (2) is physically present in the United States on the date the application for such adjustment is filed; and
- (3) is admissible to the United States as an immigrant, except as provided in subsection (d).

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—An alien is described in this subsection if the alien was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced on January 18, 2010, and suspended as to new applications on April 15, 2010.

(c) APPLICATION.—In the case of a minor, an application under this section may be submitted on behalf of the alien by—

- (1) an adoptive parent; or
- (2) a legal guardian.

(d) GROUNDS OF INADMISSIBILITY.—Paragraphs (4) and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to adjustment of status under this section.

(e) VISA AVAILABILITY.—When an alien is granted the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(f) ALIENS DEEMED TO MEET DEFINITION OF CHILD.—An unmarried alien described in subsection (b) who is under the age of 18 years shall be deemed to satisfy the requirements applicable to adopted children under section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) if—

- (1) the alien obtained adjustment of status under this section; and
- (2) a United States citizen adopted the alien before, on, or after the date of the decision granting adjustment of status under this section.

(g) NO IMMIGRATION BENEFITS FOR BIRTH PARENTS.—No birth parent of an alien who obtains adjustment of status under this section shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this section or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 3. COMPLIANCE WITH PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.