

art medical care and forensic exams to rape victims. She was a driving force behind efforts to change the way rape and other sexual crimes are viewed in society and how victims are treated by law enforcement officials and medical personnel, and, most importantly, the judicial system itself.

I commend Representative PATRICK KENNEDY for introducing this resolution to recognize Ms. Abarbanel's groundbreaking work on behalf of sexual assault victims.

I urge Members to support the resolution.

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 am pleased to support House Resolution 716, which commends Gail Abarbanel for her dedication to advancing forensic sciences and reducing the DNA evidence backlog. Ms. Abarbanel is the founder of the Rape Treatment Center at the Santa Monica UCLA Medical Center, where she established the Fast Track Forensics Program.

I would like to thank a good friend and colleague, PATRICK KENNEDY, for his sponsorship of this bill, as well as for his longstanding dedication to people in need. His compassion for others will be remembered and missed after he leaves Congress later this year.

One of the most significant issues facing the criminal justice system today is the substantial backlog of unanalyzed DNA samples and biological evidence from crime scenes. This issue is particularly urgent in sexual assault and murder cases.

The Fast Track Forensics Program was developed by Gail Abarbanel to help crime laboratories speed up the processing of DNA evidence. This in turn gives local law enforcement agencies a headstart on bringing criminals to justice.

DNA evidence is important in cases where a suspect has been identified and proof is needed to link the suspect to a crime scene or victim. It is equally important in cases where there is no suspect. In a case without a suspect, DNA from the crime scene or the victim can be compared to offender profiles in DNA databases in an effort to identify and apprehend the perpetrator. DNA technology that improves the analysis process is increasingly vital to ensure accuracy and fairness in the criminal justice system.

In 2008, Congress reauthorized the Debbie Smith DNA Backlog Grant Program, which provides Federal grants to States to help fund initiatives such as the Fast Track Forensics Program. Programs designed to help alleviate DNA backlogs are imperative in ensuring that this forensic evidence is preserved, tested, and used in criminal cases to bring violent offenders to justice. Congress must continue its commitment to assisting backlog initiatives. This is especially true for rape and sexual assault cases.

In the United States, a person is sexually assaulted every 2½ minutes. According to the Rape, Abuse and Incest National Network, the Nation's largest anti-sexual assault organization, one of every six American women will be the victim of an attempted or actual rape in her lifetime. With the use of DNA, our State and local law enforcement agencies and officials can bring these attackers to justice.

The development of programs such as the Fast Track Forensics Program is important to our criminal justice system. I urge my colleagues to support this resolution.

I yield back the balance my time.

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

I want to congratulate the author of this resolution, Mr. PATRICK KENNEDY, and also his original cosponsors, Mrs. MCMORRIS RODGERS, Mr. WAXMAN, Mr. SCHIFF, Mr. SHERMAN, Ms. MATSUI, Mr. BERMAN, Mr. Wexler and Ms. ROSA DELAULO. I think this is an excellent resolution. I thank the ranking member for his remarks.

Mr. KENNEDY. Mr. Speaker, I rise today in honor of H. Res. 716, a resolution recognizing the crucial services provided through the Rape Treatment Center, RTC, at Santa Monica-UCLA Medical Center and to honor Gail Abarbanel, the founder and director of the RTC.

The Rape Treatment Center, RTC, is nationally recognized for its exemplary treatment, education, and prevention programs, and has provided expert care for over 35,000 sexual assault victims. According to the latest statistics, one person is sexually assaulted in the United States every 2½ minutes. While an attack can occur in an instant, the social and emotional trauma can last a lifetime. The RTC, and the work of Gail Abarbanel, provide crucial insight to understanding that sexual assault victims suffer long after the assault has occurred. Her work and the work of the Center helps these individuals fully recover, addressing the social, emotional and physical pain resulting from such violence.

In many states DNA evidence processing suffers delays of up to 6 months to a year, hampering investigations and jeopardizing public safety. These untested rape kits represent lost justice for the victims who reported their rape to the police, and consented to the 4-to-6 hour rape kit collection process.

In response to the delays suffered by victims in her own state, Ms. Abarbanel created a pilot program called the Fast Track Forensics Program, FTF. Through the FTF Program, the RTC has partnered with California's state DNA laboratory for immediate processing and then possible identification within the state and Federal DNA offender databases. This has resulted in processing that takes approximately 4 days.

I encourage my colleagues to join me today in commending the important work of Gail Abarbanel and the Rape Treatment Center, along with emphasizing the need to eliminate the delays in testing rape kits through innovative programs such as the FTF Program.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and agree to the resolution, H. Res. 716.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. 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.

## INTERNATIONAL ADOPTION SIMPLIFICATION ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1376) to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1376

*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 "International Adoption Simplification Act".

### SEC. 2. EXEMPTION FROM VACCINATION DOCUMENTATION REQUIREMENT.

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. 3. SIBLING ADOPTIONS.

Section 101(b)(1)(G) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(G)) is amended to read as follows:

"(G)(i) a child, younger than 16 years of age at the time a petition is filed on the child's behalf to accord a classification as an immediate relative under section 201(b), who has been adopted in a foreign state that is a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, done at The Hague on May 29, 1993, or who is emigrating from such a foreign state to be adopted in the United States by a United States citizen and spouse jointly or by an unmarried United States citizen who is at least 25 years of age, Provided, That—

"(I) the Secretary of Homeland Security is satisfied that proper care will be furnished the child if admitted to the United States;

"(II) the child's natural parents (or parent, in the case of a child who has one sole or surviving parent because of the death or disappearance of, abandonment or desertion by, the other parent), or other persons or institutions that retain legal custody of the child, have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the child's emigration and adoption;

"(III) in the case of a child having two living natural parents, the natural parents are incapable of providing proper care for the child;

"(IV) the Secretary of Homeland Security is satisfied that the purpose of the adoption is to form a bona fide parent-child relationship, and the parent-child relationship of the

child and the natural parents has been terminated (and in carrying out both obligations under this subclause the Secretary of Homeland Security may consider whether there is a petition pending to confer immigrant status on one or both of such natural parents); and

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

“(aa) the competent authority of the foreign state has approved the child’s emigration to the United States for the purpose of adoption by the prospective adoptive parent or parents; and

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

“(ii) except that no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this chapter; or

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

“(I) is a natural sibling of a child described in clause (i), subparagraph (E)(i), or subparagraph (F)(i);

“(II) was adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in clause (i), subparagraph (E)(i), or subparagraph (F)(i); and

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

#### SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—An alien who is described in section 101(b)(1)(G)(iii) of the Immigration and Nationality Act, as added by section 3, and attained 18 years of age on or after April 1, 2008, shall be deemed to meet the age requirement specified in subclause (III) of such section if a petition for classification of the alien as an immediate relative under section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)) is filed not later than 2 years after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material.

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

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, this measure, the International Adoption Simplification Act, corrects two problems and inconsistencies with respect to adoptions of foreign children by United States citizen parents.

The bill would harmonize age requirements for children subject to inter-country adoptions, irrespective of

whether the child’s home country is a signatory to the Hague Convention on Intercountry Adoptions.

Currently, the law contains two age requirements related to the adoption of foreign children. The general rule is that an adoption must be finalized before the child turns 16 in order for the child to qualify for legal status in the United States. The law also provides an exception to this age requirement for the siblings of such an adopted child. This exception, meant to keep siblings together where possible, provides that the sibling of an adopted child may also get legal status in the United States as long as the sibling’s adoption takes place before his or her 18th birthday.

Now, strangely enough, this exception is available only if the sibling comes from a country that has not signed the Hague Convention. The exception is not available to siblings from signatory countries. Please do not ask me why this exists in the law. But Senate 1376 remedies this problem by expanding the sibling age exception to signatory countries. This will harmonize the law and allow adopted siblings to remain together, irrespective of whether the sending country is a signatory to the Hague Convention.

S. 1376 also harmonizes immunization requirements with respect to international adoptions. Currently the law requires adopted children to have certain vaccinations prior to arrival, but there is an exemption for children under 10 years of age if the adoptive parents certify that necessary vaccinations will be obtained within 30 days of entry. This exemption was enacted in 1997 by Congress to prevent parents from having to subject their children to numerous and sometimes unsafe immunizations in foreign nations, allowing them to safely immunize their children in the United States instead.

□ 1450

As with the age cut-off requirement, this exemption applies only to children adopted from countries that are not signatories to The Hague Convention. It doesn’t apply to children from signatory countries. And so, once again, the Senate bill fixes what could be called a nonsensical discrepancy by expanding the exemption to apply to all children, regardless of whether their own country is a signatory to The Hague Convention or not.

I want to thank LAMAR SMITH, our ranking member on Judiciary, and our subcommittee chair, ZOE LOFGREN of California, for their bipartisan support of this measure.

I reserve the balance of my time.

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

Mr. Speaker, I support this bill which makes corrections to the implementation legislation for The Hague Convention on Intercountry Adoptions. Under current law, U.S. citizens can generally adopt foreign children and have those

children considered immediate relatives for immigration purposes if the children are adopted while under the age of 16. However, adoptions are also allowed up to the age of 18 in instances in which the U.S. citizens are seeking to adopt an alien child after having already adopted a sibling of the child.

Unfortunately, the implementing legislation to The Hague Convention on Intercountry Adoptions did not include the latter provision. Therefore, the Immigration and Nationality Act’s provision allowing adoptions of siblings under the age of 18 does not apply to children adopted from countries that are signatories to The Hague Convention. This bill simply extends the provision to these sibling adoptions. The bill also contains one other provision to The Hague Convention. Under current law, prospective immigrants have to be vaccinated against certain diseases before they can come to the United States. There is an exemption for adopted children if the children are 10 years of age or younger and the adoptive parents certify the children will receive the necessary vaccinations within 30 days of coming to the United States. This exemption was enacted in 1997 to ensure that parents don’t have to subject children to often unsafe immunizations in foreign countries. However, the exemption does not apply to children adopted from countries that are signatories to The Hague Convention. The bill simply expands the exemption to cover children adopted from The Hague countries as well.

I urge my colleagues to support this legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of S. 1376, “International Adoption Simplification Act.” The aim of this bill is to amend the Immigration and Nationality Act to simplify the process of international adoptions, especially in situations where time is of the essence to ensure the health, safety, and wellbeing of the child.

First, I would like to thank my colleague Senator AMY KLOBUCHAR and her fellow Senate co-sponsors for introducing this important legislation that openly embraces children. There are ample reasons American citizens opt to adopt children from abroad and now we have legislation that will help expedite the process and decrease the burdensome bureaucracy.

The International Adoption Simplification Act will allow children in need of immediate adoption to become exempt from required admissions vaccination documentation. Children who have been adopted in a foreign country that is a signatory to the Hague Convention, or who are emigrating from such a country for U.S. adoption will be subjected to simplified adoption procedures.

This bill comes at a point in history where simplification of international adoption is necessary to save lives. Haiti is experiencing record outbreaks of cholera and other infectious diseases resulting from the earthquake, incidents of genocide are taking place in Darfur, and terrorist activity is at its peak. The ability to remove innocent children from harms way, into the safe homes of loving parents allows America to further its notion that children are indeed the future.

From this bill we can expect to see a surge in American adoptions globally, and a decrease in global child homelessness and poverty. By implementing this bill we are able to create jobs for government workers processing individual cases, child care providers, school teachers and many others who provide direct services aimed at youth.

I stand today with Senator AMY KLOBUCHAR and other members of Congress re-affirming my support of S. 1376. By enacting this legislation, we are able to boost the morale of frustrated parents who may have spent years in the adoptive process and provide children with stable homes, all the while, creating jobs in communities at a time when they are needed the most.

Mr. Speaker, I ask my colleagues to join me in support of S. 1376.

Mr. POE of Texas. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, S. 1376.

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

A motion to reconsider was laid on the table.

#### ADJUSTING TIME PERIODS FOR SERVICEMEMBERS ABROAD IN CASES REGARDING PERMANENT RESIDENT STATUS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6396) to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status.

The Clerk read the title of the bill.

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

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. 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 gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I seek to withdraw the motion.

The SPEAKER pro tempore. The motion with respect to H.R. 6396 is withdrawn.

#### MARINE SERGEANT MICHAEL H. FERSCHKE, JR. MEMORIAL ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 6397) to amend section 101(a)(35) of the Immigration and Nationality Act to provide for a marriage for which the parties are not physically in the presence of each other due to service abroad in the Armed Forces of the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6397

*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 "Marine Sergeant Michael H. Ferschke, Jr. Memorial Act".

#### SEC. 2. MILITARY MARRIAGES LACKING PHYSICAL PRESENCE.

Section 101(a)(35) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(35)) is amended by inserting before the period at the end "(except for failure to consummate the marriage caused by physical separation due to the service abroad of one of the contracting parties in an active-duty status in the Armed Forces of the United States)".

#### 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.

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

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. 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 before the House.

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

There was no objection.

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

Mr. Speaker and Members, the Marine Sergeant Michael Ferschke, Jr. Memorial Act, introduced by Representative JOHN DUNCAN, is a simple but, I think, important measure that will help active duty members of our Armed Forces serving overseas—as well as their spouses. Under current immigration law, when a marriage takes place between two persons who cannot both be physically present during the ceremony, the marriage is deemed not valid until it is consummated. There are no exceptions to this provision, even in cases where it sometimes results in clear injustice. And so we learned about this legal requirement through the case of Sergeant Ferschke, a United States Marine stationed at Camp Schwab in Okinawa, Japan, who, in March of 2007, while on the base, met

a Japanese woman named Hotaru Nakama at a birthday party for a mutual friend.

□ 1500

They dated for over a year before Sergeant Ferschke was deployed to Iraq. Shortly before his departure, they learned that they were going to have a baby, and they spoke about getting married, moving back to the United States and raising a family together. Two months after Sergeant Ferschke arrived in Iraq, the couple was married through a ceremony conducted over the telephone; but 1 month later, Sergeant Ferschke tragically, in combat, gave the ultimate sacrifice.

The United States military recognizes this marriage, and Mrs. Ferschke has been assisted in raising their son by the payment of a death gratuity, but the marriage, itself, cannot be recognized under our immigration laws because it was never consummated after the marriage ceremony.

Now, this legislation doesn't entirely eliminate the consummation requirement. It simply eliminates the requirement for active duty members of our Armed Forces who are serving abroad by creating a narrow exception in cases where the failure to consummate the marriage is caused by a physical separation due to active duty military service abroad by one of the parties to the marriage. This is a reasonable provision that will provide some measure of support and comfort to members of our Armed Forces serving abroad.

So I commend our colleague JOHN DUNCAN for introducing this measure. It was championed by our Immigration Subcommittee chairwoman, ZOE LOFGREN, and our ranking member, LAMAR SMITH, and JIM MCGOVERN. I thank them for their strong bipartisan support of the measure.

I urge support of this measure, and I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

I support H.R. 6397, and I want to commend Mr. DUNCAN from Tennessee for introducing this legislation.

Mr. Speaker, under the Immigration and Nationality Act, if a U.S. citizen dies while serving honorably in an active duty status in the United States Armed Forces as a result of injury or disease incurred in or aggravated by combat, the citizen's alien spouse can still seek permanent residence as an immediate relative of a U.S. citizen. However, the INA also provides that the term "spouse" does "not include a spouse by reason of any marriage ceremony where the contracting parties thereto are not physically present in the presence of each other unless the marriage shall have been consummated."

This provision recently came to the attention of Congress through the case of Hotaru Ferschke. Mrs. Ferschke is the widow of late Marine Corps Sergeant Michael Ferschke. Hotaru was born in Okinawa, Japan, and met Sergeant Ferschke there in 2007 when he was stationed at Camp Schwab.