

# HELP HAITIAN ADOPTEES IMMEDIATELY TO INTEGRATE ACT OF 2010

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to 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.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

## 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 to that of an alien lawfully admitted for permanent residence if the alien—

(1) was inspected and granted parole into the United States pursuant to the humanitarian parole policy for certain Haitian orphans announced by the Secretary of Homeland Security on January 18, 2010, and suspended as to new applications on April 15, 2010;

(2) is physically present in the United States; (3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) files an application for an adjustment of status under this section not later than 3 years after the date of the enactment of this Act.

(b) *NUMERICAL LIMITATION.*—The number of aliens who are granted the status of an alien lawfully admitted for permanent residence under this section shall not exceed 1400.

(c) *GROUND OF INADMISSIBILITY.*—Section 212(a)(7)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(A)) shall not apply to an alien seeking an adjustment of status under this section.

(d) *VISA AVAILABILITY.*—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.) for any alien granted the status of having been lawfully admitted for permanent residence under this section.

(e) *ALIENS DEEMED TO MEET DEFINITION OF CHILD.*—An unmarried alien described in subsection (a) 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 citizen of the United States adopted the alien prior to, on, or after the date of the decision granting such adjustment of status.

(f) *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 Senate Budget Committee, 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. Madam 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. I yield myself as much time as I may consume.

Madam Speaker, Members of the House, this bill, entitled the Help HAITI Act of 2010, was introduced by the gentleman from Nebraska (Mr. FORTENBERRY). It is incredibly important that we finish the job we undertook when we rescued just over 1,200 Haitian orphans immediately following the earthquake that devastated Haiti on January 12 earlier this year.

□ 1600

All in all, 1.5 million people were directly affected in terms of human and economic impact. It was one of the worst natural disasters ever recorded in the Western Hemisphere.

In response to this disaster, the Department of Homeland Security instituted a policy for the immediate evacuation of Haitian orphans who had been adopted or were in the process of being adopted as citizens.

Now, in the United States with their adoptive or prospective adoptive American parents, these children need one more bit of assistance. Had the earthquake not hit and disrupted the adoption process in Haiti, each of these children would have entered the country as United States citizens under current immigration law.

But because of the emergency procedures used to evacuate these children, they must now wait years before they can get permanent residency and years more before they can qualify for citizenship. Some are even running the risk of aging out even before they can get their residency, which would make them ineligible for legal status in the country.

So what the measure before us does is treat these children as if they had come to the United States under the normal adoption procedures that would have applied had the earthquake not occurred and required hastening their move.

It is with that in mind that I am pleased to thank the bipartisan efforts of the Judiciary Committee, starting with the ranking member, LAMAR SMITH; the immigration subcommittee chair, ZOE LOFGREN; and, of course, Judge Poe, who is leading the measure on the other side.

With that, I reserve the balance of my time.

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

I strongly support H.R. 5283. Madam Speaker, earlier this year, Haiti was hit by a massive earthquake and hundreds of thousands of people died. In reaction, the Department of Homeland Security announced a humanitarian parole policy under which orphaned Haitian children who were in the middle of an adoption process with prospective Americans would be immediately brought to the United States. Under this policy, about 1,200 Haitian children, orphans, came to the United States.

Since adoption proceedings were not yet completed when these children were brought to this country, they will have to live with their adoptive parents for 2 years before being eligible for permanent resident status in the United States. In the interim, they remain in parole status, which is to be renewed each and every year.

This legal limbo can be stressful to the children and to the families who have adopted them. We must remember, Madam Speaker, these children had already been approved for adoption to American parents.

Additionally, Representative FORTENBERRY from Nebraska was concerned about the impact of this delay on children and circumstances such as the death of adoptive parents. Mr. FORTENBERRY therefore introduced the Help HAITI Act of 2010. This bill grants immediate permanent residence to the airlifted Haitian orphans.

This legislation completes the humanitarian endeavor launched by the Department of Homeland Security and secures the futures of children who have already suffered a great deal. It is in the best tradition of American humanitarian response. The House has already passed the Fortenberry bill by voice vote. The Senate made some minor changes and passed the bill by unanimous consent.

I know personally how important this bill is to the children and families of this country. The Parker family, from my district in Kingwood, Texas, contacted my office shortly after the earthquake that devastated Haiti to get help in finalizing the adoption of their son.

Before the earthquake, the Parker family had been in the process of adopting a young Haitian named Ronel. Prior to the earthquake, Ronel had been cleared to immigrate to the United States. But after the bureaucratic breakdown following the earthquake, his adoption was held up. Fearing for Ronel's safety, Mr. Parker flew down to Port-au-Prince and slept on the floor of the United States Embassy for several days as he haggled with United States and Haitian authorities to permit the adoption. Finally, after many sleepless nights, the adoption was permitted and Ronel was allowed to fly to his new home in Kingwood, Texas.

A few weeks after making his way to his new home, I was fortunate to meet this young American. Although he was still learning English, and I don't speak Creole very well, we communicated just fine. My staff even took up a collection to buy him his first pair of Texas cowboy boots. It was clear that he was very intelligent and had a strong heart, and he was very happy to be in America with his new American family. I am confident that Ronel will grow up to be a fine American and a fine Texan, and we are proud to have him in this country.

It is for children like Ronel and the families like the Parkers that I urge support for this legislation. The families of these 1,200 Haitian adoptees have gone through enough, and these parents are to be admired by all of us.

I urge my colleagues to pass this bill, as amended by the Senate, so we can send it to the President for his signature.

I reserve the balance of my time.

Mr. CONYERS. I want to commend Judge TED POE as a gentleman and a scholar, and we are proud of his service on the Judiciary Committee.

I yield as much time as she may consume to the gentlewoman from Texas, SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. Thank you very much, Mr. Chairman. Thank you for your leadership on this issue. Thank you to Mr. FORTENBERRY and my friend and colleague from the State of Texas, Judge POE.

This is a response to a humanitarian crisis. Some of us had the opportunity and somewhat of a privilege to be in Haiti this past Sunday. I am here to report that there are still 1.5 to 1.6 million persons still displaced, many of them living in various camps. There is need for the continued removal of rubbish and the debris that we all saw in horror on January 12 of 2010.

So this is an enormously important initiative because it addresses the question of almost 1,200 Haitian orphans which were airlifted and rescued on that fateful day. They now live in limbo, and it is important to note for my friends on the floor of the House that if they were to return, it is a country that struggles to survive.

Let me applaud the Haitian Government for its concern about Haitian children and Haitian orphans and to make sure that there is no abuse and misuse of those children. But we know that many of these children, all of these children, are in loving homes here in the United States. There are families that still want to endorse the idea of adoption of Haitian children. All of them are willing to do it in the right way.

But this legislation helps those who are here to give them permanent residence status, to allow them to obtain status so that they can pursue the act of citizenship once the Government of Haiti is in operation.

On this past Sunday, there was an election, and many of you heard of the

challenges that were faced. Some of us still believe that those challenges of allegations of fraud need to be corrected. But we do know that Haiti needs a stable and supporting government, and we know that these children need a loving family. It is important, then, to provide them with this particular effort, this bridge, that will take them to the next level, the next step.

Let me thank the many parents who simply have love to share with these children, these adoptive American parents who need assistance now. Let me thank you and acknowledge to you that there are Members of Congress who are particularly sensitive to this issue.

Just a few months ago I traveled to Haiti with Senator MARY LANDRIEU and DEBBIE WASSERMAN SCHULTZ. Our focus was on the children—their schooling, their access to health care, and, yes, the ability for them to be adopted in an expedited or an efficient manner.

So, therefore, I ask my colleagues to support this legislation as, really, the first step in what will be many, many steps on the journey of the restoration of Haiti and the Haitian people. They are resilient. And I would like to thank the Haitian Americans and those who still struggle to survive, because it is still important for us to say we will not forget you.

□ 1610

Mr. POE of Texas. Madam Speaker, I yield to the gentleman from Nebraska (Mr. FORTENBERRY), the sponsor of the original legislation, as much time as he wishes to consume.

Mr. FORTENBERRY. Thank you, Judge POE, for the time. And I also wish to thank Chairman CONYERS as well as Chairwoman LOFGREN of the Immigration Subcommittee and LAMAR SMITH, the ranking member on the full committee, for your efforts in this regard, especially your diligence in getting this to the floor today.

I also, Madam Speaker, want to thank the many adoptive families, members of the international adoption community and others who have worked behind the scenes to spur action today. Thanks to this outreach of so many concerned Americans, Congress is finally doing the right thing here to help as many as 1,200 voiceless and vulnerable Haitian orphans and their adoptive American families. We can now give these new families, who have endured so much heartbreak and tragedy, the comfort of knowing that their children's legal status is now in good order.

Many of us received heartbreaking calls for help in the wake of the January 12 earthquake. American families in various stages, as we have heard, of adopting Haitian orphans feared for the safety and the security of their children. Extraordinary work was done swiftly to evacuate these children and unite them with their new families on U.S. soil. Yet instead of coming here as fully adopted U.S. citizens, these chil-

dren arrived under a legal status known as humanitarian parole.

Due to a destructive, unpredictable act of nature, the normal process for international adoptions in Haiti was upended, and these American families were prohibited from finalizing the adoptions in Haitian courts. While their status remains in limbo, these vulnerable children have fewer legal protections, may not be eligible for critical resources, and potentially risk being forced to return to Haiti. With each passing day, some children are aging out of the international adoption system as well. Once a child turns 16, he or she may no longer gain U.S. citizenship through adoption.

So the urgency is clear. I recently spoke, Madam Speaker, with the mother of a Haitian orphan who just turned 16. We have to act. We need to pass this bill today to give so much more security to these generous American families who have opened their hearts and homes to children in extraordinary need.

Again, I want to thank all of those who have been involved in helping get this important legislation to the floor today.

Mr. CONYERS. Madam Speaker, I now recognize the gentlewoman from Brooklyn, New York, YVETTE CLARKE, for as much time as she may consume. And I note that she has the second largest number of Haitians and Haitian Americans in her congressional district.

Ms. CLARKE. Let me thank you, Chairman CONYERS, for your conscientious in bringing this legislation to the floor. I rise today as a proud cosponsor of H.R. 5283, the Help HAITI Act of 2010, introduced by my colleague, Congressman JEFF FORTENBERRY. This bill normalizes the immigration procedures for certain adopted Haitian orphans that received humanitarian parole between January 18 of 2010 and April 15, 2010. It allows their adoptive families, who are U.S. citizens, to apply immediately on their behalf to become legal permanent residents and eventually qualify for citizenship.

As a representative of the second-largest population of first- and second-generation Haitian immigrants, Haiti has been at the core of my Caribbean agenda. That is why I'm extremely concerned that more than 1,000 paroled Haitian orphans being adopted by American families remain in immigration limbo due to a legal technicality. At least 50 orphans reside in my district alone.

It is alarming that these children have to wait 2 years before they are granted legal permanent residency. If this situation is not addressed, these children will remain in this country without certain legal protection and are in jeopardy of being separated from their adoptive family and deported back to Haiti, where they have no family.

The legal technicality that puts these children in such a precarious position is yet another example of why

our Nation needs comprehensive immigration reform. That is why I'm committed to working with my colleagues to make immigration reform a reality as soon as possible. Our national security is at stake, our moral standing in the world depends upon it, and the American people, many of whom are first- and second-generation immigrants, demand it. I urge Congress to take a fresh look at the antiquated policies and bureaucratic backlog that tear families apart and devastate our communities.

Finally, I commend Congressman FORTENBERRY and Senator GILLIBRAND for addressing this issue and their continued support for the people of Haiti.

Mr. POE of Texas. Madam Speaker, I want to thank the chairman for bringing this legislation to the floor. It's very important to the Parker family in my district, the people that Mr. FORTENBERRY in Nebraska mentioned, and the 1,200 families and children that are going to now have a good Christmas because that legislation has passed in the House.

I yield back the balance of my time.

Mr. CONYERS. I yield back as well.

The SPEAKER pro tempore (Ms. MARKEY of Colorado). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5283.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### ASIAN CARP PREVENTION AND CONTROL ACT

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the bill (S. 1421) to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1421

*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 "Asian Carp Prevention and Control Act".

#### SEC. 2. ADDITION OF SPECIES OF CARP TO THE LIST OF INJURIOUS SPECIES THAT ARE PROHIBITED FROM BEING IMPORTED OR SHIPPED.

Section 42(a)(1) of title 18, United States Code, is amended by inserting "of the bighead carp of the species *Hypophthalmichthys nobilis*;" after "*Dreissena polymorpha*;"

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. Madam Speaker, I ask unanimous consent that all Mem-

bers 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. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker and Members of the House, S. 1421 prohibits importation and interstate shipment of certain species of carp and amends section 42 of title 18 of the code to add the bighead variety of the species commonly known as Asian carp to the list of injurious species that are prohibited from being shipped in or imported into the United States.

Asian carp are a significant threat to the Great Lakes because they are large, extremely prolific, and consume vast amounts of food. They can grow to more than 6 feet in length and weigh in excess of 100 pounds, quickly dominating the waters they inhabit and eating as much as 40 percent of their body weight daily.

Researchers caution that these fish could pose a significant risk to the Great Lakes ecosystem by damaging habitats and disrupting the food chain that supports native fish. In the 1970s, two species of Asian carp, the bighead and silver, were imported by catfish farmers to remove algae and suspended matter from their ponds. During large floods in the early 1990s, many of the catfish ponds overflowed their banks, and the Asian carp were released into local waterways in the Mississippi River basin.

In an effort to prevent the carp from getting to the Great Lakes, a barrier was constructed in the Chicago Sanitary and Ship Canal which connects the Mississippi River to the Great Lakes. Unfortunately, the Asian carp are steadily making their way northward up the Mississippi, and Asian carp DNA has been discovered beyond the barrier.

If these carp reach Lake Michigan, they are likely to spread throughout the Great Lakes, where they would threaten the environment and the economy. The Great Lakes are some of the most unique bodies of water on the planet, and they would threaten not only the commercial but recreational fishing on the lakes, both of which are major contributors to the economies of Great Lakes States.

The Asian Carp Prevention and Control Act lists the bighead variety of the species called Asian carp as injurious to wildlife under the Lacey Act. And by including them in the Lacey Act, this bill will prohibit importation or interstate transportation of live Asian carp without a permit.

□ 1620

It is our hope that this will help deter further intentional or accidental introduction of the species into our waterways.

It should be noted that this legislation does not interfere with existing State regulations of Asian carp. In addition, permits to transport or purchase live Asian carp can still be issued for scientific, medical, or educational purposes.

I commend my colleagues, the senior Senator from Michigan, CARL LEVIN, and Senator GEORGE VOINOVICH, co-chairs of the Great Lakes Task Force, for introducing this legislation, and hope it will be favorably considered in this body.

Madam Speaker, I reserve the balance of my time.

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

S. 1421, the Asian Carp Prevention and Control Act, amends the Lacey Act to designate the "big head" species of Asian carp as injurious fish. This bill was introduced by Senator CARL LEVIN of Michigan and recently passed the Senate by unanimous consent. My colleague, Mrs. BIGBERT from Illinois, sponsored the House companion bill to this legislation, H.R. 3137, and has been a tireless champion of this legislation.

According to the Environmental Protection Agency, Asian carp were imported by catfish farmers in the 1970s to remove algae from their commercial ponds. During large floods in the early 1990s, many of the catfish farm ponds overflowed their banks and the Asian carp were released into local waterways in the Mississippi River basin.

The carp have steadily made their way north up the Mississippi, becoming the most abundant species in some areas of the river. Dubbed the "underwater lawn mower," these enormous fish have become a menace to native species and their habitats. Asian carp can grow to over 4 feet long and over 100 pounds in weight. These fish can consume nearly three times their body weight in food each day. As a result, Asian carp leave little food or no food supply for the other fish.

As the fish move upstream toward the Great Lakes, they threaten the food supply of sport fish such as the yellow perch, walleye, and small mouth bass. Carp are well-suited to the climate of the Great Lakes region, which is similar to their native Asian habitats.

To prevent the carp from entering the Great Lakes, the U.S. Army Corps of Engineers, the Environmental Protection Agency, the State of Illinois, the International Joint Commission, the Great Lakes Fishery Commission, and the U.S. Fish and Wildlife Service are working together to install and maintain a permanent electric barrier between the fish and Lake Michigan.

This designation prohibits the importation and interstate shipment of Asian carp unless a permit is issued by the Secretary of the Interior. The penalty for illegally importing or shipping Asian carp is a fine or imprisonment up to 6 months. This bill is supported by Members from both sides of the aisle in