

forth the three definitions of "child" that by virtue of which a foreign child adopted by U.S. citizen parents may qualify for an immigrant visa. One of these definitions, in subsection 101(b)(1)(F), requires that the child be irrevocably released for adoption by the sole or surviving parent. The use of this provision has been particularly important in the context of private adoptions, where a child is released for adoption to a specified family.

As the statute is currently drafted, however, all parents of legitimate children are considered to be a "parent" for INA purposes. In recent years, many countries from which U.S. citizens adopt children have eliminated the distinction between legitimate and illegitimate children, making all children born within that jurisdiction legitimate by action of law. A child born in such a country cannot be considered to have a "sole parent," even if the child was born out of wedlock and even if the child's father has disappeared completely.

A child's ability to qualify for an immigrant visa under the "sole parent" provision has thus come to depend in many instances on where the child happens to have been born rather than on the nature of the child's relationship with his or her natural parents. In countries where all children are "legitimate," a private placement adoption becomes extremely difficult. The child may be issued an immigrant visa only under one of the other two definitions in INA section 101(b)(1): the child must either be abandoned unconditionally by the mother, usually to an orphanage (Subsection 101(b)(1)(F)), or the adopting U.S. parents must complete the adoption in the foreign country and reside in the country with the adopted child for two full years (Subsection 101(b)(1)(E)). It seems pointless to put adopting parents through such protracted procedures simply because under local law the child is considered "legitimate" even though its parents were never married and its father has played no role in its life. In a different country where on the same facts the child would be "illegitimate," an immigrant visa could be issued relatively easily under the "sole parent" provision of INA Section 101(b)(1)(F).

While the proposed amendment will, therefore, facilitate private adoptions in countries where all children are considered "legitimate," it should not adversely affect the rights of natural fathers. Rather it will restore flexibility to the visa process and permit adoption and visa decisions to be made on the basis of all relevant facts, rather than predetermined by the happenstance of whether local law regards the child as "legitimate" or "illegitimate." The interests of the natural father will be protected in a variety of ways. First, as is already the case with "illegitimate" children, the "sole parent" provision will not be available in the case of a children born out of wedlock unless the father has "disappeared or abandoned or deserted the child or . . . has in writing irrevocably released the child for emigration and adoption." (INA Section 101(b)(2).) The consular officer will have to apply this standard in deciding whether the required visa can be issued under the "sole parent" provision. In addition, the INA contemplates that U.S. parents adopting a foreign child will either adopt the child abroad or comply with preadoption requirements and then adopt the child in the United States. Under either scenario, the foreign country's adoption and/or emigration procedures will presumably ensure that any rights of the natural father under foreign law are respected.

I hope this information is useful to you, and that you will support early consideration of the legislation.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 457

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

SECTION 1. DEFINITION OF CHILD.

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

- (1) in paragraph (1)—
- (A) in subparagraph (A), by striking "legitimate child" and inserting "child born in wedlock"; and
- (B) in subparagraph (D), by striking "an illegitimate child" and inserting "a child born out of wedlock"; and
- (2) in paragraph (2), by striking "an illegitimate child" and inserting "a child born out of wedlock".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

NATIONAL CHILDREN'S ISLAND ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1508) to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park, as amended.

The Clerk read as follows:

H.R. 1508

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 "National Children's Island Act of 1995".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

- (1) The term "plat" means the plat filed in the Office of the Surveyor of the District of Columbia under S.O. 92-252.
- (2) The term "District" means the District of Columbia.
- (3) The term "Islands" means Heritage Island and all of that portion of Kingman Island located south of Benning Road and within the District of Columbia and the Anacostia River, being a portion of United States Reservation 343, Section F, as specified and legally described on the Survey.
- (4) The term "National Children's Island" means a cultural, educational, and family-oriented recreation park, together with a children's playground, to be developed and operated in accordance with the Children's Island Development Plan Act of 1993, D.C. Act 10-110.
- (5) The term "playground" means the children's playground that is part of National Children's Island and includes all lands on the Islands located south of East Capitol Street.
- (6) The term "recreation park" means the cultural, educational, and family-oriented recreation park that is part of National Children's Island.
- (7) The term "Secretary" means the Secretary of the Interior.
- (8) The term "Survey" means the ALTA/ACSM Land Title Survey prepared by Dewberry & Davis and dated February 12, 1994.

SEC. 3. PROPERTY TRANSFER.

(a) **TRANSFER OF TITLE.**—In order to facilitate the construction, development, and operation of National Children's Island, the Secretary shall, not later than six months after the date of enactment of this Act and subject to this Act, transfer by quitclaim deed, without consideration, to the District all right, title, and interest of the United States in and to the Islands. Unbudgeted actual costs incurred by the Secretary for such transfer shall be borne by the District. The District may seek reimbursement from any third party for such costs.

(b) **GRANT OF EASEMENTS.**—(1) The Secretary shall, not later than six months after the date of enactment of this Act, grant, without consideration, to the District, permanent easements across the waterways and bed of the Anacostia River as described in the Survey as Leased Riverbed Areas A, B, C, and D, and across the shoreline of the Anacostia River as depicted on the plat map recorded in the Office of the Surveyor of the District as S.O. 92-252.

(2) Easements granted under paragraph (1) shall run with the land and shall be for the purposes of—

- (A) constructing, reconstructing, maintaining, operating, and otherwise using only such bridges, roads, and other improvements as are necessary or desirable for vehicular and pedestrian egress and ingress to and from the Islands and which satisfy the District Building Code and applicable safety requirements;
 - (B) installing, reinstalling, maintaining, and operating utility transmission corridors, including (but not limited to) all necessary electricity, water, sewer, gas, necessary or desirable for the construction, reconstruction, maintenance, and operation of the Islands and any and all improvements located thereon from time to time; and
 - (C) constructing, reconstructing, maintaining, operating, and otherwise providing necessary informational kiosk, ticketing booth, and security for the Islands.
- (3) Easements granted under paragraph (1) shall be assignable by the District to any lessee.