

rules and pass the bill, H.R. 4870, as amended.

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

A motion to reconsider was laid on the table.

#### ESTABLISHING THE ELIGIBILITY OF ALIENS ADMITTED FOR PERMANENT RESIDENCE

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5062) to establish the eligibility of certain aliens lawfully admitted for permanent residence for cancellation of removal under section 240A of the Immigration and Nationality Act.

The Clerk read as follows:

H.R. 5062

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

#### SECTION 1. LIMITING DISQUALIFICATION FROM CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENT ALIENS.

##### (a) TERMINATION OF PERIOD OF CONTINUOUS RESIDENCE.—

(1) IN GENERAL.—Section 240A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1229b(d)(1)) is amended by adding at the end the following:

“Notwithstanding the preceding sentence, in determining under such sentence whether a period of continuous residence described in subsection (a)(2) has ended, any offense committed on or before September 30, 1996, shall be disregarded.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-587).

##### (b) TREATMENT OF PARTICULAR CRIMES AS AGGRAVATED FELONIES.—

(1) IN GENERAL.—Section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as contained in title III of division C of Public Law 104-208; 110 Stat. 3009-587) is amended by adding at the end the following:

“(d) TRANSITION RULE FOR CANCELLATION OF REMOVAL FOR CERTAIN PERMANENT RESIDENTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding section 321 or 322 of this Act, section 440 of the Antiterrorism and Effective Death Penalty Act of 1996 (8 U.S.C. 1101 note), or any other provision of law (including any effective date), in applying section 240A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)(3)) to a criminal offense committed on or before September 30, 1996, the term ‘aggravated felony’ shall not be construed to include the offense if the offense—

“(A) was not considered to be within the meaning of that term (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) on the date on which the offense was committed; and

“(B) is considered to be within the meaning of that term (as so defined) by reason of the enactment of—

“(i) this Act, in the case of an offense committed during the period beginning on April 25, 1996, and ending on September 30, 1996; or

“(ii) this Act or the Antiterrorism and Effective Death Penalty Act of 1996, in the case of an offense committed on or before April 24, 1996.

“(2) EXCEPTION.—Paragraph (1) shall not apply to an offense of rape or sexual abuse of a minor. The amendment made by section 321(a)(1) of this Act shall not be affected by such paragraph.

“(3) COURSE OF CONDUCT.—In the case in which a course of conduct is an element of a criminal offense, for purposes of paragraph (1), the date on which the last act or omission of that course of conduct occurs shall be considered to be the date on which the offense is committed.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 304 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-587).

#### SEC. 2. POST-PROCEEDING RELIEF FOR AFFECTED ALIENS.

(a) IN GENERAL.—Notwithstanding section 240(c)(6) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)(6)) or any other limitation imposed by law on motions to reopen removal proceedings, the Attorney General shall establish a process (whether through permitting the reopening of a removal proceeding or otherwise) under which an alien—

(1) who is (or was) in removal proceedings before the date of the enactment of this Act (whether or not the alien has been removed as of such date); and

(2) whose eligibility for cancellation of removal has been established by section 1 of this Act;

may apply (or reapply) for cancellation of removal under section 240A(a) of the Immigration and Nationality Act (8 U.S.C. 1229b(a)) as a beneficiary of the relief provided under section 1 of this Act.

(b) PAROLE.—The Attorney General should exercise the parole authority under section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) for the purpose of permitting aliens removed from the United States to participate in the process established under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

##### GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5062, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 made long-needed reforms to our laws governing the deportation of criminal aliens. The act put an end to criminal aliens' indefinitely delaying their deportations through endless appeals and put an end to serious criminals such as rapists being granted

relief from deportation. The results are clear and gratifying. The number of criminal aliens deported by the INS has gone up dramatically since enactment of the act. Our neighborhoods are safer, especially immigrant neighborhoods, which have always borne the brunt of crime committed by aliens.

One aspect of the 1996 act has, however, led to a number of deportations that strike many, including myself, as unfair. The act broadened the definition of crimes which are considered aggravated felonies for which no relief from deportation is available. The hardship has come about because this change was made retroactively. The new definition of aggravated felony applies to crimes whenever committed. Thus, aliens who committed crimes years before enactment of the 1996 act, crimes not considered aggravated felonies when committed, have become deportable as aggravated felons.

Now, retroactive application of the law is the exception and not the rule, in the Committee on the Judiciary, for obvious reasons of notice and fairness. In addition, in some cases aliens have clearly rehabilitated themselves in the intervening years since committing their crimes, are no longer a threat to society and have started families. In these cases deportation seems an extreme remedy. Now, these hardship cases, in my opinion, could have been resolved if the INS had utilized its inherent power of prosecutorial discretion. The INS could have decided not to pursue deportation where the facts called out for forbearance. However, the INS has failed to do so. In fact, until recently the agency refused to admit it even had prosecutorial discretion.

Given this reality, it seems wise for Congress to step in and take action. H.R. 5062, introduced by the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Massachusetts (Mr. FRANK), does so in a prudent and responsible manner. Under current law, legal permanent residents may apply for cancellation of removal if they have committed deportable acts. To ask for such relief, they must have been legal permanent residents for 5 years, have continuously resided in the U.S. for 7 years and not have committed any offense classified as an aggravated felony.

H.R. 5062 provides that offenses committed before 1996 that became classified as aggravated felonies in 1996, except for rape or sexual abuse of a minor, would not bar cancellation of removal. Under the bill, legal permanent residents already removed because of such offenses could reopen their removal proceedings to apply for cancellation of removal. It is in the Attorney General's sole and unreviewable discretion whether to grant cancellation of removal in particular cases.

H.R. 5062 makes one more change in the law to carry out our intent. For the

purpose of qualifying for cancellation of removal, the 1996 reforms terminated periods of continuous residence as of the date of commission of a deportable offense. Legal permanent residents who have been here for many years thus could not benefit from cancellation of removal, even if it was otherwise available to them, because deportable offenses they committed in past years now prevent them from accumulating the required residence time.

H.R. 5062 provides that deportable offenses committed before the 1996 reforms no longer terminate periods of continuous residence for legal permanent residents. Legal permanent residents already removed because of retroactive application of the stop time rule could reopen their removal proceedings to apply for cancellation of removal. I urge my colleagues to vote for H.R. 5062. Enactment of this bill will make a meritorious correction without endangering the success of the 1996 bill's thrust against crime.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if one can imagine this scenario, a contributing member of this community, it could be in Massachusetts or the State of Texas or in New York, a young man, newly married with a young family, working, contributing, and legislation then rises up and ensnares him into a net dealing with the whole question of a potential or a juvenile offense that might have occurred that did not even result in jail time. Either that individual is deported or the individual finds himself or herself at home in their country burying a loved one and cannot get back into the country. Their family is separated. All that they have is lost: homes, apartments, cars. This is the reason for H.R. 5062.

I want to commend the chairman, the gentleman from Illinois (Mr. HYDE); and ranking member, the gentleman from Michigan (Mr. CONYERS); my chairman, the gentleman from Texas (Mr. SMITH), for working through this; the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. FRANK); the gentleman from Texas (Mr. FROST), and his leadership; the gentleman from Florida (Mr. DIAZ-BALART); the gentleman from Florida (Ms. ROSLEHTINEN); the gentleman from California (Mr. FILNER); the gentleman from California (Mr. BILBRAY); the gentleman from California (Mr. ROGAN); and the gentleman from California (Mr. OSE) for working with us on a very important piece of legislation.

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It is by nature a technical bill, but it will eliminate the technical obstacles

to applying for cancellation of removal under section 240(a) of the Immigration Nationality Act.

The effects of the bill, however, are not just technical in nature, and I have given my colleagues a scenario of a divided family, painfulness, the spouse now detained because of some minor offense that some judge early in their life felt that they were not even warranted jail time. It will have very real consequences in the lives of many long-time lawful, permanent residents of the United States who have been unfairly deprived of relief by the retroactive changes of the 1996 immigration bill.

First, it will eliminate retroactive application of the so-called stop-time rule by which an alien's lawful permanent resident status is taken away for eligibility purposes when proceedings are instituted by the issuance of a notice of to appear. No crime committed before September 30, 1996 would bar an immigrant from accruing the period of residency required for cancellation of removal.

It would also address the injustice caused by declaring longtime, permanent residents ineligible for relief, residents with families and roots in the community, on the basis of a retroactive change in the definition of an aggravated felony. The 1996 immigration law made people ineligible for cancellation of removal as aggravated felons on the basis of criminal offenses that were not aggravated felonies when they were committed.

For example, prior to 1996, a theft offense was treated as an aggravated felony only if a sentence of 5 years or more was imposed. Say, for example, Mr. X entered the U.S. as a lawful, permanent resident in 1970. He was convicted of shoplifting and sentenced to a 1-year suspended sentence in 1985. The harsh provision of the 1996 law made Mr. X statutorily ineligible for cancellation of removal despite the fact that he did not commit a serious crime and never again in life ever committed a serious crime. The judge who presided over that case did not think that the offense warranted even a single day of incarceration. But under H.R. 5062, Mr. X would no longer be barred from applying for cancellation of removal.

Mr. Speaker, H.R. 5062 requires the Attorney General to establish a process of reopening removal proceedings for aliens who were in removal proceedings before the enactment date of H.R. 5062 and who will now be eligible for cancellation of removal because of H.R. 5062. This will allow these aliens to re-apply for cancellation relief. The bill specifies that the Attorney General should parole such aliens into the United States, give them an opportunity to apply to regain their lawful permanent residence status, and will cover those individuals who are left wandering and in a complete state of confusion, having gone to bury a loved

one or attend to a sick loved one and cannot now restore their status in the United States to seek reunification with their families.

Mr. Speaker, these changes will permit long-term, lawful permanent residents who have been affected by the retroactive changes unfairly in the law to have their day in court, families will be reunited, children will have fathers, children will have mothers, and I believe it is the right thing. I urge my colleagues to vote for this bill.

Mr. Speaker, I am pleased to rise in favor of H.R. 5062. It is by nature a very technical bill. It will eliminate technical obstacles to applying for cancellation of removal under section 240A of the Immigration and Nationality Act. The effects of the bill, however, are not just technical in nature. It will have very real consequences in the lives of many long-time, lawful permanent residents of the United States who have been unfairly deprived of relief by the retroactive changes of the 1996 Immigration bill.

First, it will eliminate retroactive application of the so called "stop-time rule" by which an alien's lawful permanent resident status is taken away from eligibility purposes when proceedings are instituted by the issuance of a "notice to appear." No crime committed before September 30, 1996, would bar an immigrant from accruing the period of residency required for cancellation of removal.

It also would address the injustice caused by declaring long-term permanent residents ineligible for relief on the basis of a retroactive change in the definition of an "aggravated felony." The 1996 Immigration law made people ineligible for cancellation of removal as aggravated felons on the basis of criminal offenses that were not aggravated felonies when they were committed.

For example, prior to 1996, a theft offense was treated as an aggravated felon only if a sentence of 5 years or more was imposed. Mr. X entered the United States as a lawful permanent resident in 1970. He was convicted of shoplifting and sentenced to a 1-year suspended sentence in 1985. The harsh provisions of the 96 law make Mr. X statutorily ineligible for cancellation of removal despite the fact that he did not commit a serious crime. The judge who presided over the case did not think that the offense warranted even a single day of incarceration. Under H.R. 5062, Mr. X would no longer be barred from applying for cancellation of removal.

H.R. 5062 requires the Attorney General to establish a process for reopening removal proceedings for aliens who were in removal proceedings before the enactment date of H.R. 5062 and who will now be eligible for cancellation of removal because of H.R. 5062. This will allow these aliens to apply for cancellation relief. The bill specifies that the Attorney General should parole such aliens into the United States go give them an opportunity to apply to regain their lawful permanent resident status.

These changes will permit long-time lawful permanent residents who have been affected by retroactive changes in the law to have their day in court. I urge you to vote for this bill.

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

Mr. HYDE. Mr. Speaker, with great pleasure I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the very distinguished chairman of the Subcommittee on Immigration of the House Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, I thank the chairman of the Committee on the Judiciary and my friend from Illinois for yielding me this time.

Mr. Speaker, the 1996 immigration reforms improve public safety by facilitating deportation of dangerous criminals. Since 1996, the number of criminal aliens deported annually has almost doubled from 36,000 in 1996 to 67,000 projected for this year. Increased deportations benefit public safety in the United States because the recidivism rate for criminal aliens is high. Justice Department statistics show that half of all criminal aliens released from prison are convicted of another serious offense within 3 years.

Since 1996, cancellation of removal has been the primary relief from deportation available to aliens. Legal permanent residents are likely to receive cancellation of removal if they have continuously resided in the U.S. for 7 years and have not committed any crimes classified as aggravated felonies.

Some hardship cases have arisen where deportation may not be appropriate. Republicans and Democrats in Congress have urged the Immigration and Naturalization Service to ensure that deportation proceedings are not prosecuted in inappropriate cases. However, the INS has been slow to respond.

Mr. Speaker, H.R. 5062, introduced by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Massachusetts (Mr. FRANK), makes two changes in existing law. The 1996 reforms expanded the aggravated felony definition and provided that aggravated felons are ineligible for cancellation of removal. The 1996 amendments that have resulted in hardship claims were added by Senate conferees late in the legislative process. While there is justification for deporting noncitizens convicted of serious crimes, applying a new standard retroactively arguably is unfair.

Mr. Speaker, H.R. 5062 provides that offenses committed before 1996 that were not aggravated felonies when committed, except for rape or sexual abuse of a minor, would not bar cancellation of removal. Legal permanent residents already removed because of sexual offenses could reopen proceedings to apply for cancellation of removal.

Second, the 1996 reforms terminated an alien's continuous residence on the date of commission of a deportable offense. For some legal permanent residents, offenses committed in past years now prevent them from accumulating

the required residents time to apply for cancellation of removal.

Mr. Speaker, H.R. 5062 provides that deportable offenses committed before 1996 no longer terminate periods of continuous residence for legal permanent residents. Legal permanent residents already removed because of that provision could reopen their proceedings to apply for cancellation of removal.

Mr. Speaker, I hope my colleagues will support H.R. 5062.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, and thank him for his assistance in this legislation.

Mr. CONYERS. Mr. Speaker, this bill is a product of the intense negotiations between the gentleman from Massachusetts (Mr. FRANK); the chairman of the committee, the gentleman from Illinois (Mr. HYDE); the gentleman from Florida (Mr. MCCOLLUM); the gentleman from Texas (Ms. JACKSON-LEE), and is a product of how far we have been able to go with the Frank-Frost original legislation, the gentleman from Texas has been in this in a very important way.

So we are proud of what we have been able to do in terms of deportable, minor offenses, which prior to the 1996 law, were pretty outrageous.

Mr. Speaker, I think we have come a great distance. We have another larger bill on this list waiting to be dealt with, the Fix 96 bill, so I am hopeful that spirit of the negotiations that brought us to this point on H.R. 5062 will move forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a major guiding force of this legislation who has worked in a determined and persistent and conciliatory manner to bring this legislation to the floor of the House, and a distinguished member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentlewoman for her helpful efforts in bringing this bill to the floor.

I want to thank a number of members of the committee on both sides of the aisle, particularly the chairman of the full committee who put a lot into mediating this. It is an important step forward.

I want to say at the outset, I intend, if I am back here next year, and the early polls are good, to push for more changes than we now have. But this represents what we were able to agree on this late in this session, and while it is not everything I would like to see, it is a very significant improvement very worth passing. I hope that this bill does become law and that we are able to work with the other body and with

the administration to put these provisions into law.

Some people have been puzzled and have asked me, well, how come there was retroactivity they thought constitutionally we could not do that, and I think it is an important point for people to understand. One cannot, under our Constitution, pass what the Constitution calls an *ex post facto* law if one is increasing the criminal penalty. But the right of a noncitizen with regard to deportation is not of the same constitutional order. So this is a policy judgment by the Congress to say that with regard to deportation, there should not be a difference, even though it would be constitutionally permissible of a retroactive sort. This leaves the effect of this bill on people who committed crimes on or after the date of enactment. That is one of the subjects that I hope we will address next year.

However, what this bill says that if one committed an offense on or before the date of the enactment of this bill, essentially one will now be treated as if the old law was in effect and there will be no element of retroactivity.

One of the things we should stress is, none of the offenses here affected now become nondeportable. We are not talking about people not being subject to deportation if, in a particular case, they ought to be deported. It increases the amount of discretion. It reduces the extent to which there was kind of an automaticity, but it does not say that people cannot be deported.

Not every offense is covered. I will be urging the Immigration Service, if we pass this, to read the intent of Congress here and in the discretion which they have and Members of this body had to recall to them the fact that no matter what, there is still prosecutorial discretion, that they will be guided by the spirit here of nonretroactivity in their administration of the bill and, in fact, focus on people who are genuinely dangerous and a threat to the community as they have the authority to do. But fundamentally, this is a time to feel good about making something better.

There are just two other points I want to make. One, I do want to stress, and I appreciate the gentleman from Texas including this and the gentleman from Illinois and others on the majority side; this is retroactively doing away with retroactivity, to some extent. That is, there are people who are already deported. Under this bill, people who are already deported will be able, because we instruct the Immigration Service to set up a procedure whereby they can apply to come back. The criteria I assume would be, to the extent that it can be reconstructed, if they would not have been deported in the first place, they should not be deported. It does not mean that everybody who is deported automatically

comes back. There is a process, and they will have to show that if it was not for this change in the law, they would not have been deported.

The last point I want to make is this, Mr. Speaker. I appreciate the indulgence of my colleagues. It is a general point, not about this bill. We hear much too much today from people who are critics of our political system who tell us that only big money dominates politics, who tell us that we cannot get anything done in Congress unless there are huge campaign contributions.

Is this a very significant piece of legislation. This is an acknowledgment that a piece of legislation in 1996 had some flaws, it is a correction of those flaws. It will mean a great deal to many people; and to my knowledge, there are not a lot of campaign contributors among them. The people who have been victimized by this who, on the whole, have been people of limited economic circumstances.

So for those who are quick to kind of argue that political participation by citizens is worthless, that only big money counts, I would ask them to look at the example of this bill. This is a bill that has come to the floor today because of broad support by average citizens, most of whom, as I said, are not people of enormous economic wealth. No campaign contributions brought this bill to the floor. This bill was lobbied by citizens all across the country. Members from Sacramento and San Diego and Texas and Massachusetts and Florida, all over the country came together, because we all had constituents who were caught in a device that maybe nobody intended, maybe they did, but it was clearly working out more harshly than we thought appropriate. So I am very grateful to the majority for bringing this bill forward. I do want to stress again, this is an example of how citizens can get together and use their rights as citizens to get legislation changed.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. FRANK) for his words. It is a broad-based effort, and we are delighted that the effort was led by the gentleman from Texas (Mr. FROST), the chairman of the Democratic Caucus, a member of the Committee on Rules. He is an original co-sponsor of this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. FROST), and I thank him for his leadership on this matter.

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am pleased to support legislation that restores some sanity and common sense to our Nation's immigration policy. Many of us in Congress never intended for the 1996 immigration reforms to lead to the senseless deportation of those who have paid for

their minor crimes and are now productive members of society. I have personally met with many families in my district that are now dealing with the trauma of the unwarranted deportation of a family member. These families will stay in America, but are often reliant on the care and financial support of the person facing deportation. These families may be forced to go on welfare or their children may be put into foster homes. Clearly, our communities are not made safer by breaking up these families.

With this legislation, Congress is beginning to address those provisions in the 1996 law that went too far. H.R. 5062 is the first step in the right direction of fixing the 1996 immigration legislation.

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Under current law, many legal residents can be deported for minor offenses that were not deportable offenses when they pled guilty to them. The bill will bring sensible relief to those who have paid for past infractions and will give people a chance to remain in the country. In addition, people who have already been deported under the retroactive provision of this law will be allowed to apply for readmission to the United States. This will allow families who were previously torn apart to reunite and regain the opportunity of the American Dream.

The bill does not fix all of the harsh provisions of the 1996 immigration legislation but it will bring some relief to those who have dealt with the tragedy of a deported family member.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume just to add to the importance of this legislation the bipartisanship that is evident. In addition to a lack of campaign contributions, many of these individuals who will ultimately seek citizenship are not voters as well. I think the fairness of this issue has risen so high that we can see this bipartisan effort today.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of H.R. 5062, and I want to thank the chairman and ranking members of the Committee on the Judiciary, and especially my colleague, the gentleman from Massachusetts (Mr. FRANK) for all their work in bringing this bill before the House.

In 1996, the Congress enacted the Illegal Immigration Reform and Responsibility Act. Now, nearly 4 years later, this Nation, built by immigrants, has witnessed broken families, devastated U.S. citizens, and people unjustly deported and jailed because of unjust provisions included in this bill.

In the Third Congressional District of Massachusetts, which I represent, there are large concentrations of immi-

grant families; from Portugal, especially the Azores, Cambodia, Cape Verde, and other regions. I have listened to the anguished stories of these families. Some families have members facing deportation for felony convictions committed years ago, and the person responsible has served time and made restitution to this community.

H.R. 5062 gives new hope to these desperate families. It does not fix all the problems, but it is an important step in the right direction.

Again, I want to thank all those involved for bringing it to the floor. I urge my colleagues to support H.R. 5062.

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I inquire of the Chair the amount of time remaining?

The SPEAKER pro tempore (Mr. ISAKSON). The gentlewoman from Texas (Ms. JACKSON-LEE) has 6 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FILNER), a gentleman who has worked very hard on these issues, and these issues are particularly important to his constituents.

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I also rise in support of H.R. 5062.

Mr. Speaker, I want to thank the gentleman from Florida (Mr. MCCOLLUM) for offering this legislation; the gentleman from Texas (Mr. SMITH), the chairman of the subcommittee for bringing it to us; and the gentleman from Illinois (Mr. HYDE), the chairman of the full committee; and their counterparts, the gentleman from Michigan (Mr. CONYERS), the gentleman from Massachusetts (Mr. FRANK), and the gentlewoman from Texas (Ms. JACKSON-LEE) for working so hard on this bill. All of them have graciously given me time to point out the situation that this has caused in San Diego, California, where we have hundreds of families affected by the legislation that was passed in 1996.

Like my colleagues, I rise to say that we must stop deporting hard-working legal immigrants only because they committed a minor infraction years or even decades ago. We must stop hauling parents away in the middle of the night in front of their children and denying these people, now in detention, the most basic constitutional rights that we in America believe everyone should have.

That is exactly what the 1996 law did. It redefined the term aggravated felony to cover virtually every crime ever committed. It was retroactive, covering misdemeanor crimes decades ago, and denied basic constitutional protections, such as bail and visitation rights. I repeat, we are talking about legal immigrants, immigrants residing in this country in legal fashion, who

have paid their debt, if appropriate, to our society.

So we are now rolling back several of the provisions of the 1996 law and allowing those who have been deported to appeal to return to the United States. This is a great and positive step. It will mean much to hundreds and hundreds of families in San Diego, California, and it means a lot to all Americans that we are restoring liberty and justice for all.

I urge everyone to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Chicago, Illinois (Ms. SCHAKOWSKY). We have worked together on battered immigrant legislation, and I appreciate her work on these matters.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I represent a district, and I am proud to, that is probably one of the most diverse in the Nation. It is really a gateway to the United States for people from every part of the globe. They embrace our country in a way that demonstrates their willingness to play by the rules.

We are talking about people affected by this bill who are legally in the United States and, in the case of those people who have been impacted specifically by the provisions of the 1996 law, if they have committed some sort of infraction, have paid for that. They have already done that.

What this bill has done is cause pain to so many families because the rules have been changed, which in some ways is not really a very American idea, saying that now, even though they have paid the price, they are going to be deported because we have redefined that infraction that they have committed and they are going to be out. It means that they have to leave their families, and the pain that it has caused can be corrected by supporting H.R. 5062.

I urge that support, Mr. Speaker.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume to once again ask for support of this legislation. I would hope that this is painless so that we can rid the pain to others.

Mr. CONYERS. Mr. Speaker, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 was touted as legislation that would control illegal immigration. It actually has many provisions that significantly affect American families, legal immigration and others seeking to enter the United States legally. Among other things, the 1996 law subjects long-time lawful permanent residents to deportation for minor offenses committed prior to the enactment of the 1996 law.

H.R. 5062 is the product of negotiations between Representative BARNEY FRANK, HENRY HYDE and BILL MCCOLLUM:

It applies only to eliminating mandatory deportation of legal permanent residents who

committed offenses that were not deportable prior to enactment of the 1996 law.

Mandatory deportation will not be required for persons who were convicted prior to September 30, 1996, of "aggravated felonies" that were not deportable offenses at the time of the conviction. Such persons will be eligible to apply for cancellation of removal.

People who have already been deported under the retroactive provisions of this law will be allowed to apply for readmission to this country, thus providing an avenue for the reunification of families that were split apart by the retroactive impact of the 1996 law.

A technical provision known as the "stop-time rule" also will be eliminated for those offenses committed on or before enactment of the 1996 law. This provision enables persons to take advantage of cancellation of removal.

This bill is only a modest bill—merely a first step toward the reforms needed to address the injustices of the overly harsh 1996 law. With regard to retroactivity, persons who are deportable under the 1996 law remain deportable. Though they can apply for cancellation of removal, they may be ineligible for other benefits such as naturalization. Moreover, the bill applies only to convictions—rather than offenses—that occurred prior to the 1996 law.

More broadly, the harshness of the 1996 immigration law must be mitigated in future bills as seen in Representative JOHN CONYERS' H.R. 4966 (Fix '96 bill). The 1996 law must be changed to restore judicial review and discretion to the Attorney General and the courts, eliminate mandatory detention, and revoke retroactive enforcement of the 1996 law on a more comprehensive basis.

Mr. MCCOLLUM. Mr. Speaker, I rise today in support of H.R. 5062 and urge my colleagues to vote for this important legislation.

Mr. Speaker, this bill corrects an injustice in our laws. In 1996, Congress made several modifications to the nation's immigration law that had a harsh and unintended impact on many permanent resident aliens who live in the United States. Under these modifications, legal aliens who had lived in the United States for many years, and who may have entered a plea for a burglary or simple assault years ago, suddenly were subject to automatic deportation with no right to seek a waiver from the Attorney General, as had been the law. This retroactive feature was a creation of the other body and was something I opposed in 1996. It is wrong and bad law.

The House intention under the 1996 act was to deport those immigrants who were guilty of a dangerous aggravated felony. However, a House/Senate Conference significantly expanded the definition of such felonies to include relatively minor crimes, and then applied the law retroactively. As a consequence, individuals who had committed comparatively minor crimes would be deported, even if the crime was committed 30 or 40 years ago.

The result, Mr. Speaker, was a manifest injustice.

I will cite one example: Olufoake Olaleye, a legal permanent immigrant originally from Nigeria and mother to two American born children had lived in the United States for a number of years and had supported her family without ever having taken a nickel of public assistance. She was hard working, dedicated

to her family, and in 1993 she was charged with shoplifting \$14.99 worth of baby clothes after she attempted to return several items to an Atlanta clothing store without a receipt.

Olufoake, not unreasonably, wanted the matter resolved quickly and so appeared in court with a lawyer where she pled guilty, paid a fine, and was given a 12 month suspended sentence. There the matter would have rested. Unfortunately, under the 1996 law, her crime was considered an aggravated felony, and because the '96 bill included retroactivity provisions, the I.N.S. reopened her case and ordered her deported.

Mr. Speaker, it is wrong to retroactively deport a hard working immigrant for stealing \$14.99 worth of baby clothes and to equate shoplifting with murder, rape and armed robbery. This Congress, with the best of intentions, went too far. H.R. 5062 will go a long way towards correcting this by eliminating retroactivity.

Mr. Speaker, we are a just and fair nation and must strike a just and fair balance in our immigration codes. H.R. 5062 does just that and I urge my colleagues to vote in favor of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. 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 Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 5062.

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.

#### COPYRIGHT TECHNICAL CORRECTIONS ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5106) to make technical corrections in copyright law, as amended.

The Clerk read as follows:

H.R. 5106

*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 "Copyright Technical Corrections Act of 2000".

#### SEC. 2. CORRECTIONS TO 1999 ACT.

Title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 100(a)(9) of Public Law 106-113, is amended as follows:

(1) Section 1007 is amended—

(A) in paragraph (2), by striking "paragraph (2)" and inserting "paragraph (2)(A)"; and

(B) in paragraph (3), by striking "1005(e)" and inserting "1005(d)".

(2) Section 1006(b) is amended by striking "119(b)(1)(B)(iii)" and inserting "119(b)(1)(B)(ii)".

(3)(A) Section 1006(a) is amended—