

Since the enactment of the Sentencing Reform Act of 1984, Congress has extended the Parole Commission on several occasions. Without further congressional action, the Parole Commission is currently scheduled to expire on October 31, 2005.

The Parole Commission is responsible for handling parole cases for offenders who were sentenced prior to the enactment of the Sentencing Reform Act of 1984, which created the Sentencing Commission, and eventually led to the elimination of Federal parole for offenders sentenced after 1987. Additionally, in 1997, the Parole Commission was assigned responsibility for supervising offenders in the District of Columbia, which were previously supervised by the D.C. Board of Parole. Enacting this bill is necessary in order for the Parole Commission to continue to carry on these important functions.

The provisions in this bill relating to the Sentencing Commission's authority are needed to ensure that the Commission can expeditiously adopt new sentencing guidelines pursuant to two laws enacted during the previous Congress. Under this legislation, the Sentencing Commission will have 60 days to implement the new sentencing guidelines of section 6703 of the Intelligence Reform Terrorism Prevention Act of 2004, which increases penalties for obstruction of justice offenses involving international or domestic terrorism.

Additionally, this legislation directs the Commission within 180 days to amend the Federal sentencing guidelines to reflect the seriousness of steroid offenses in accordance with the Anabolic Steroid Control Act of 2004. Granting emergency amendment authority to the Commission in these two areas will permit the Commission to promulgate appropriate amendments as quickly as possible.

I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, S. 1368, which passed the Senate by unanimous consent, is identical to H.R. 3020, which was reported out of the Committee on the Judiciary by voice vote without apparent opposition.

For the reasons outlined by the chairman of the Committee on the Judiciary, the bill will reauthorize the U.S. Parole Commission for an additional 3 years. It will also give the Sentencing Commission emergency authority to promulgate sentencing guidelines which will implement sentencing policies reflective of recent changes in Federal law relating to sentencing in areas of obstruction of justice and anabolic steroids. Both provisions are necessary to continue to properly implement Federal sentencing laws, and I, therefore, urge my colleagues to support the bill.

Madam Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 1368.

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

A motion to reconsider was laid on the table.

#### IMMIGRATION RELIEF FOR HURRICANE KATRINA VICTIMS ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3827) to preserve certain immigration benefits for victims of Hurricane Katrina, and for other purposes.

The Clerk read as follows:

H.R. 3827

*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 "Immigration Relief for Hurricane Katrina Victims Act of 2005".

#### SEC. 2. SPECIAL IMMIGRANT STATUS.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) files with the Secretary of Homeland Security a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary of Homeland Security on or before August 29, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a non-immigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered

null), either before or after its approval, due to a specified hurricane disaster that had as a consequence—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien was, on August 29, 2005, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 29, 2007.

(B) CONSTRUCTION.—For purposes of constructing the terms "accompanying" and "following to join" in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a consequence of a specified hurricane disaster, if either of such deceased parents was, on August 29, 2005 a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary of Homeland Security under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

#### SEC. 3. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NON-IMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a non-immigrant on August 29, 2005, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a consequence of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien was, on August 29, 2005, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a consequence of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment not later

than 30 days after the alien requests such authorization.

**(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—**

(1) **FILING DELAYS.**—In the case of an alien who was lawfully present in the United States as a nonimmigrant on August 29, 2005, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status due to a circumstance described in paragraph (3)(A) that is a consequence of a specified hurricane disaster, the alien's application shall be considered timely filed if it is filed not later than 180 days after it otherwise would have been due.

(2) **DEPARTURE DELAYS.**—In the case of an alien who was lawfully present in the United States as a nonimmigrant on August 29, 2005, if the alien was prevented from timely departing the United States due to a circumstance described in paragraph (3)(B) that is a consequence of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 30, 2005, and ending on the date of the alien's departure, if such departure occurs on or before December 31, 2005.

**(3) CIRCUMSTANCES PREVENTING TIMELY ACTION.—**

(A) **FILING DELAYS.**—For purposes of paragraph (1), circumstances preventing an alien from filing a timely application are—

- (i) injury;
- (ii) office closures;
- (iii) mail or courier service cessations or delays; and
- (iv) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(B) **DEPARTURE DELAYS.**—For purposes of paragraph (2), circumstances preventing an alien from timely departing the United States are—

- (i) injury;
- (ii) office closures;
- (iii) airline flight cessations or delays; and
- (iv) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

**(c) DIVERSITY IMMIGRANTS.—**

(1) **WAIVER OF FISCAL YEAR LIMITATION.**—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2005 may be used by the alien during the period beginning on October 1, 2005, and ending on April 1, 2006, if the alien establishes that the alien was prevented from using it during fiscal year 2005 due to a circumstance described in paragraph (4) that is a consequence of a specified hurricane disaster.

(2) **WORLDWIDE LEVEL.**—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1) or (3), the alien shall be counted as a diversity immigrant for fiscal year 2005 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2006.

(3) **TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.**—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2005, if such principal alien died as a consequence of a specified hurricane disaster, the aliens who were, on August 29, 2005, the spouse and children of such principal alien shall, until June 30, 2006, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a),

(b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act as if the principal alien were not deceased and as if the spouse or child's visa application had been adjudicated by September 30, 2005.

(4) **CIRCUMSTANCES PREVENTING TIMELY ACTION.**—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2005 are—

- (A) office closures;
- (B) mail or courier service cessations or delays;
- (C) airline flight cessations or delays; and
- (D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

**(d) EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.—**

(1) **IN GENERAL.**—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before February 26, 2006 if the alien was unable to effect entry into the United States due to a circumstance described in paragraph (2) that is a consequence of a specified hurricane disaster, then the period of validity of the visa is extended until February 26, 2006, unless a longer period of validity is otherwise provided under this Act.

(2) **CIRCUMSTANCES PREVENTING ENTRY.**—For purposes of paragraph (1), circumstances preventing an alien from effecting entry into the United States are—

- (A) destruction of, or damage rendering uninhabitable, the intended residence of the alien;
- (B) a legal prohibition on inhabiting or accessing the intended residence of the alien;
- (C) office closures;
- (D) airline flight cessations or delays; and
- (E) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

**(e) GRANTS OF PAROLE EXTENDED.—**

(1) **IN GENERAL.**—In the case of any parole granted by the Secretary of Homeland Security under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after August 26, 2005, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date due to a circumstance described in paragraph (2) that is a consequence of a specified hurricane disaster, the parole is deemed extended for an additional 90 days.

(2) **CIRCUMSTANCES PREVENTING RETURN.**—For purposes of paragraph (1), circumstances preventing an alien from timely returning to the United States are—

- (A) office closures;
- (B) airline flight cessations or delays; and
- (C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(f) **VOLUNTARY DEPARTURE.**—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure of an alien under such section expired during the period beginning on August 26, 2005, and ending on October 26, 2005, and the alien was unable voluntarily to depart as a consequence of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

**SEC. 4. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.**

**(a) TREATMENT AS IMMEDIATE RELATIVES.—**

(1) **SPOUSES.**—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Im-

migration and Nationality Act (8 U.S.C. 151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a consequence of a specified hurricane disaster, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to be an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

**(2) CHILDREN.—**

(A) **IN GENERAL.**—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a consequence of a specified hurricane disaster, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien (or a parent or guardian of the alien) files a petition under subparagraph (B) within 2 years after such date.

(B) **PETITIONS.**—An alien (or parent or guardian) described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) **UNCONDITIONAL STATUS.**—An alien who obtains the status of an alien lawfully admitted for permanent residence pursuant to this subsection shall not be considered to have obtained such status on a conditional basis, and shall not be subject to section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a).

**(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—**

(1) **IN GENERAL.**—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 29, 2005, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) **SELF-PETITIONS.**—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary of Homeland Security, if the spouse, child, son, or daughter was present in the United States on August 29, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a consequence of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(4) UNCONDITIONAL STATUS.—An alien who obtains the status of an alien lawfully admitted for permanent residence pursuant to this subsection shall not be considered to have obtained such status on a conditional basis, and shall not be subject to section 216 of the Immigration and Nationality Act (8 U.S.C. 1186a).

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 29, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a consequence of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS FOR ASYLUM OR ADMISSION AS REFUGEE BY SURVIVING SPOUSES AND CHILDREN OF ASYLEES AND REFUGEES.—

(1) ASYLUM.—

(A) IN GENERAL.—Any alien who was, on August 29, 2005, the spouse or child of an individual described in subparagraph (B), may have the alien's eligibility to be granted asylum determined under section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) as if such individual had not died.

(B) PRINCIPALS DESCRIBED.—An individual is described in this subparagraph if the individual—

(i) died as a consequence of a specified hurricane disaster; and

(ii) before such death, was granted asylum under section 208 of such Act (8 U.S.C. 1158).

(2) ADMISSION AS A REFUGEE.—

(A) IN GENERAL.—Any alien who was, on August 29, 2005, the spouse or child of an individual described in subparagraph (B), may have the alien's eligibility to be admitted to the United States as a refugee determined under section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) as if such individual had not died.

(B) PRINCIPALS DESCRIBED.—An individual is described in this subparagraph if the individual—

(i) died as a consequence of a specified hurricane disaster; and

(ii) before such death, was admitted to the United States as a refugee under section 207 of such Act (8 U.S.C. 1157).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

#### SEC. 5. NATURALIZATION.

(a) IN GENERAL.—With respect to an applicant for naturalization who resided, on August 29, 2005, within a portion of a district of U.S. Citizenship and Immigration Services that was declared by the President to be af-

fect by a specified hurricane disaster, the Secretary of Homeland Security may administer the provisions of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) without regard to any provision of such title otherwise requiring residence to be maintained, or any other action to be taken, in any specific State or district of U.S. Citizenship and Immigration Services.

(b) COURT AUTHORITY TO ADMINISTER OATHS.—Notwithstanding section 310(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1421(b)(1)), with respect to an applicant for naturalization described in subsection (a), an eligible court (as defined in section 310(b)(5) of such Act (8 U.S.C. 1421(b)(5))) may administer the oath of allegiance under section 337(a) of such Act (8 U.S.C. 1448(a)) to the applicant regardless of whether the applicant is permanently residing within the jurisdiction of the court.

#### SEC. 6. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—In the case of a non-immigrant alien described in subsection (b), the alien's nonimmigrant status shall be considered to have been maintained during the period beginning on August 29, 2005, and ending on February 1, 2006, if, on February 1, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's non-immigrant status on August 29, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 29, 2005, lawfully present in the United States in the status of a non-immigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a consequence of a specified hurricane disaster.

#### SEC. 7. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—In the case of any notice of change of address otherwise required to be submitted to the Secretary of Homeland Security by an alien described in subsection (b)—

(1) if the notice relates to a change of address occurring during the period beginning on August 29, 2005, and ending on November 15, 2005, the alien shall have until December 1, 2005, to submit such notice; and

(2) if the notice relates to a change of address occurring during the period beginning on November 16, 2005, and ending on February 16, 2006, the alien shall have until February 28, 2006, to submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 29, 2005, within a district of U.S. Citizenship and Immigration Services that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary of Homeland Security in writing of a change of address.

#### SEC. 8. TEMPORARY ADMINISTRATIVE RELIEF.

The Secretary of Homeland Security, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on August 29, 2005;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a consequence of a specified hurricane disaster; and

(3) is not otherwise entitled to relief under any other provision of this Act.

#### SEC. 9. EMPLOYMENT VERIFICATION DURING EFFECTIVENESS OF MAJOR DISASTER DECLARATION.

(a) IN GENERAL.—Section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) is amended—

(1) in subparagraph (A), by striking “The person” and inserting “Subject to subparagraph (F), the person”; and

(2) by adding at the end the following:

“(F) SPECIAL RULE DURING MAJOR DISASTER DECLARATION.—In a case in which the President has declared a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary of Homeland Security may provide, in the Secretary's sole and unreviewable discretion and only during the period in which such declaration is in effect, that a person or other entity hiring, recruiting, or referring an individual for employment in the United States is not required to make the attestation or conduct the verification required under subparagraph (A) until, at the latest, 90 days after the hiring, recruitment, or referral, if the individual hired, recruited or referred attests under penalty of perjury at the time of being hired, recruited, or referred that the individual does not possess the documents necessary to satisfy clause (i) or (ii) of subparagraph (A) as a result of such disaster.”.

(b) CONFORMING AMENDMENT.—Section 274A(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(2)) is amended by adding at the end the following:

“Paragraph (1)(F) shall not be construed to affect the obligation under the preceding sentence.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to hiring, recruitment, or referral of an individual for employment in the United States occurring on or after August 29, 2005.

#### SEC. 10. REPLACEMENT OF DOCUMENTS EVIDENCING IDENTITY AND EMPLOYMENT AUTHORIZATION FOR VICTIMS OF HURRICANE KATRINA.

(a) IMMEDIATE ASSISTANCE.—

(1) DOCUMENT REPLACEMENT.—The Secretary of Homeland Security is authorized to provide immediate assistance in States in which persons displaced by a specified hurricane disaster are residing for the purpose of replacing for such persons documents that were—

(A) previously issued by the Secretary and described in subparagraph (B), (C), or (D) of section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)); and

(B) lost, stolen, or destroyed due to such disaster.

(2) SUBSTITUTE.—Where replacement of a document described in paragraph (1) is not feasible, the Secretary of Homeland Security may provide to a displaced person described in such paragraph a temporary substitute document.

(b) PROCEDURES FOR DOCUMENT REPLACEMENT.—The Secretary of Homeland Security shall ensure that, when the Secretary replaces (or provides a temporary substitute for) a document relating to an alien and described in subparagraph (B), (C), or (D) of section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) that was lost, stolen, or destroyed due to a specified hurricane disaster, the Secretary—

(1) authenticates information using biometric identifiers contained in records of the Department of Homeland Security; and

(2) annotates the records in U.S. Citizenship and Immigration Services information systems in such a way as to indicate that the replacement or substitute document was issued in the absence of an original due to such disaster.

(c) WAIVER OF FEES FOR DATABASE ACCESS.—

(1) U.S. CITIZENSHIP AND IMMIGRATION SERVICES.—The Director of U.S. Citizenship and Immigration Services is authorized to waive fees and costs associated with a request, made by a person or agency described in paragraph (2), for use of the Verification Information System database associated with the Systematic Alien Verification for Entitlements Program in order to verify immigration status or employment eligibility with respect to a displaced person described in subsection (a)(1).

(2) REQUESTING PERSONS.—The persons described in this paragraph are as follows:

- (A) Employers.
- (B) State or local government agencies.
- (C) The American National Red Cross.

(D) Organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code whose mission is to assist displaced persons described in subsection (a)(1).

#### SEC. 11. AGE-OUT PROTECTIONS.

In administering Federal immigration laws, the Secretary of Homeland Security may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of a principal applicant or beneficiary) reaching an age that would render the applicant or beneficiary ineligible for the relief or benefit sought, if the failure to meet the age requirement is a consequence of a specified hurricane disaster.

#### SEC. 12. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish appropriate standards for evidence demonstrating, for purposes of this Act, that any of the following occurred as a consequence of a specified hurricane disaster.

- (1) Death.
- (2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) DEATH CERTIFICATES.—The standards established under subsection (a) shall authorize the Secretary to make a determination of death in the absence of a death certificate, where appropriate.

(c) AFFIDAVIT OF SURVIVING SPOUSE.—For purposes of a benefit under section 2, or subsection (b) or (c) of section 4, that is conditioned on the beneficiary having been the spouse of an individual who died as a consequence of a specified hurricane disaster, the standards established under subsection (a) shall authorize the Secretary to make a determination of death based on the sworn affidavit of such surviving spouse, in the absence of evidence to the contrary.

#### SEC. 13. WAIVER OF REGULATIONS.

The Secretary of Homeland Security shall carry out this Act as expeditiously as possible. The Secretary of Homeland Security is not required to promulgate regulations prior to implementing this Act.

#### SEC. 14. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this Act, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this Act.

(b) SPECIFIED HURRICANE DISASTER.—For purposes of this Act, the term “specified hurricane disaster” means any major disaster resulting from Hurricane Katrina declared by the President under the Robert T. Stafford Disaster and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the rule, the

gentleman from Wisconsin (Mr. SEN-SENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

#### GENERAL LEAVE

Mr. SENSENBRENNER. 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. 3827, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, Hurricane Katrina has devastated the lives of hundreds of thousands of individuals living along the gulf coast. This population includes legal aliens who may now face hardships under our immigration laws as a result of being displaced by the storm or, worse yet, due to the loss of a loved one. Today we have the opportunity to provide humanitarian relief to these hurricane victims by passing H.R. 3827.

I have worked with my ranking member, the gentleman from Michigan (Mr. CONYERS), to develop this legislation to help law-abiding aliens and their families avoid unfair consequences and get back on their feet. It is similar to the relief that we provided in the USA PATRIOT Act of 2001 for the legal immigrant victims of September 11. I will briefly outline some of the bill's most significant provisions.

First, the bill provides special immigration status to individuals whose immigration petitions were nullified as a result of Hurricane Katrina. This relief would be available to aliens who were the beneficiary of an immigration petition or labor certification application before Katrina struck if the petitioner or applicant died or was disabled or, in the case of an employment-based petition, the placement was destroyed.

Grandparents of orphans are also provided special immigration status in cases where both parents died as a result of the hurricane, if at least one of those parents was a citizen or legal permanent resident.

The bill also allows spouses and children of citizens and legal permanent residents who died as a consequence of the hurricane to continue their petitions as if the death had not occurred. Without this relief, many spouses and children would have their visa petitions nullified. This legislation also provides similar relief for the immediate relatives of asylees and refugees who died because of the hurricane.

Many people were displaced from their homes and stranded in other locations during and after Hurricane Katrina. As a result, there may be instances in which an alien might not be able to meet the deadline set forth in our immigration laws. This bill pro-

vides an extension of status until December 31 for nonimmigrant aliens who were lawfully present on the date of the hurricane but who were unable to timely depart the country as a result of Hurricane Katrina.

H.R. 3827 also provides relief for individuals who were the recipients of immigrant visas but who were not able to use them immediately as a consequence of the hurricane. Additionally, this bill assists aliens, lawfully in the United States on student visas, by preventing them from falling out of status due to hurricane-related circumstances, provided they are re-enrolled in another qualifying school by February 1, 2006.

Undoubtedly, some lawful aliens lost their green cards and other federally issued work authorization documents as a result of Hurricane Katrina.

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In order to help these people get back on their feet as soon as possible, this bill authorizes expeditious replacement of these documents. Further, the bill allows employers to make jobs available to citizens and aliens who lost their work authorization documents in the hurricane. Employers will be required to check the documents of these workers within 90 days after the worker has received replacement documents. Individuals will be able to begin working and supporting themselves and their families while providing sufficient time for the employee to obtain replacement documents.

Finally, for individuals who resided in the hurricane-affected regions, this legislation allows individuals to take the oath of citizenship in any Federal court without regard to residence.

Mr. Speaker, the Immigration Relief for Hurricane Katrina Victims Act of 2005 is one more way we can help gulf coast residents rebuild their lives. I urge my colleagues to support this bipartisan bill.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3827 was introduced by the gentleman from Wisconsin (Chairman SENSENBRENNER); the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS); and the ranking member of the Subcommittee on Immigration, the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. Speaker, among the many tragic consequences of Hurricane Katrina, immigrants and foreign visitors lost important immigration benefits; as the gentleman from Wisconsin (Mr. SENSENBRENNER) indicated, spouses who had filed family-based visa petition on behalf of their family members who may have died, and that obviously nullifies those petitions. This bill would provide special immigration status for the surviving family members.

Another example is the plight of foreign students who lost their schools in

the hurricane. This bill would allow them to continue their student status at a new school if they can resume their studies by February 1. This bill was the result of bipartisan cooperation, and I urge my colleagues to support the Immigration Relief for Hurricane Katrina Victims Act of 2005.

Ms. JACKSON-LEE of Texas. Mr. Speaker, hurricane Katrina may be the worst natural disaster to hit the United States in the last hundred years. As of September 15, 2005, Federal disaster declarations have been issued which cover 90,000 square miles of affected areas. More than 71,100 federal personnel have been deployed; 122,000 people are housed in shelters throughout the 50 states and the District of Columbia; and 509,000 households have received \$1.1 billion in disaster assistance.

As the ranking member of the Subcommittee on Immigration, Border Security, and Claims, I also am concerned about the impact the hurricane has had on the foreign nationals who were residing in the disaster area. I rise today in support of a bipartisan bill that was introduced by my colleague Congressman F. JAMES SENSENBRENNER which would provide relief to these disaster victims too, the Immigration Relief for Hurricane Katrina Victims Act of 2005. I am pleased to be an original cosponsor of this bill.

I want to thank Congressman SENSENBRENNER for his leadership on this issue and for his willingness to work with me and with my colleague, Congressman JOHN CONYERS, in drafting the provisions of the bill. The Immigration Relief for Hurricane Katrina Victims Act is an example of what can be accomplished when we work together.

Among other things, it would provide special immigrant status for aliens who were the beneficiaries of immigrant petitions or labor certification applications pending on the date of Hurricane Katrina's arrival. It also would provide special immigrant status for the grandparents of orphans in cases where both parents died as a consequence of the hurricane and one of the parents was a citizen or a lawful permanent resident.

It would provide nonimmigrant status for aliens who were disabled, or whose spouse or parent died or was disabled, as a consequence of Hurricane Katrina. It would provide that the spouses and children of citizens who died as a consequence of the hurricane would continue to be considered "immediate relatives" for visa petition purposes.

It would provide further that the spouses, children, and unmarried sons and daughters of lawful permanent residents who died as a consequence of the hurricane while a visa petition was pending in their behalf, would continue to be eligible for the preference classification they would have had if the deaths had not occurred.

The Immigration Relief for Hurricane Katrina Victims Act would provide relief for non-immigrant students and exchange program participants by giving them enough time to enroll in a new program.

The Immigration Relief for Hurricane Katrina Victims Act also would provide a variety of fixes for administrative problems. For instance, it would extend the deadline for notifying the Department of Homeland Security regarding a change of address. It would allow the Secretary of Homeland Security to postpone em-

ployment eligibility requirements for employers for a 90-day period when a natural disaster has been declared.

It would authorize the Secretary to provide immediate assistance for replacing documents issued by the Secretary that were lost, stolen, or destroyed due to the hurricane. Where replacement of a document is not feasible, the Secretary would be authorized to issue temporary substitute documents.

One of my goals in working on this bill was to ensure that people will be able to establish eligibility for the relief that they are entitled to receive. For instance, it may not be possible to obtain a death certificate as proof that a spouse or parent was killed by the hurricane. The Immigration Relief for Hurricane Katrina Victims Act would provide the Secretary with the authority to make a determination of death in the absence of a death certificate where this is appropriate. In other situations, it would authorize the Secretary to make the death determination solely on the basis of a sworn affidavit.

I urge you to vote for the Immigration Relief for Hurricane Katrina Victims Act of 2005.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3827.

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.

#### KARL MALDEN STATION

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3667) to designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the "Karl Malden Station".

The Clerk read as follows:

H.R. 3667

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

#### SECTION 1. KARL MALDEN STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, shall be known and designated as the "Karl Malden Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Karl Malden Station".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

#### GENERAL LEAVE

Mr. GUTKNECHT. 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 the bill under consideration.

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Government Reform, I rise to consider H.R. 3667. This worthwhile legislation, introduced by the distinguished ranking member of the committee, the gentleman from California (Mr. WAXMAN), designates the postal facility located at 200 South Barrington Street in Los Angeles, California, as the Karl Malden Station.

Born to immigrant parents in Chicago in 1912, Karl Malden worked for several years within the steel factories of Gary, Indiana. He attended acting school, and as a young man he moved to New York City. At age 25, he made his Broadway debut in 1937. Malden's promising career was interrupted during World War II when he served the Nation in the Air Force.

Following the war, Mr. Malden transitioned from stage to screen where he immediately won an Oscar for his portrayal of Mitch in "A Streetcar Named Desire," the famous Tennessee Williams show. Mr. Malden's list of other prestigious films includes "On the Waterfront," "Baby Doll," and "Cheyenne Autumn."

Mr. Malden became a television star. Perhaps his most notable TV role was in the 1970s police drama, "The Streets of San Francisco." The show ran from 1972 until 1977 and starred Malden as Detective Lt. Mike Stone alongside a young actor by the name of Michael Douglas as Inspector Steve Keller.

Notably, Malden won an Emmy for his performance in the 1984 TV miniseries "Fatal Vision." Malden's career peaked when he was elected president of the Academy of the Motion Picture Arts and Sciences in 1988. Mr. Malden recently completed a book entitled, "When Do I Start: A Memoir."

In October of 2003, Malden was named the 40th recipient of the Screen Actor's Guild's Life Achievement Award for career achievement and humanitarian accomplishments.

This post office in Los Angeles, California, will be a fitting tribute to his legacy and his pursuit of excellence in the theater arts.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3667, legislation naming a post office in Los Angeles, California, after Karl Malden. This bill, which was jointly introduced by the gentleman from California (Mr. WAXMAN) and the gentleman from New