

(1) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) approved before such date but only if a final determination has not been made on the beneficiary's application for an immigrant visa or adjustment of status to lawful permanent residence pursuant to such approved petition;

(2) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending on or after such date; or

(3) an application pending before the Department of Justice or the Department of State on or after such date.

### CHILD STATUS PROTECTION ACT OF 2001

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to Calendar No. 377, H.R. 1209.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1209) to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on the Judiciary, with an amendment.

(Strike out all after the enacting clause and insert the part printed in italic.)

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Status Protection Act".

#### SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS IMMEDIATE RELATIVE.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

"(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—

"(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).

"(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the parent's naturalization.

"(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection

(b)(2)(A)(i) or as an unmarried son or daughter of a citizen under section 203(a)(1), the determination described in paragraph (1) shall be made using the age of the alien on the date of the termination of the marriage."

#### SEC. 3. TREATMENT OF CERTAIN UNMARRIED SONS AND DAUGHTERS SEEKING STATUS AS FAMILY-SPONSORED, EMPLOYMENT-BASED, AND DIVERSITY IMMIGRANTS.

Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

"(h) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE CHILDREN.—

"(1) IN GENERAL.—For purposes of subsections (a)(2)(A) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using—

"(A) the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability; reduced by

"(B) the number of days in the period during which the applicable petition described in paragraph (2) was pending.

"(2) PETITIONS DESCRIBED.—The petition described in this paragraph is—

"(A) with respect to a relationship described in subsection (a)(2)(A), a petition filed under section 204 for classification of an alien child under subsection (a)(2)(A); or

"(B) with respect to an alien child who is a derivative beneficiary under subsection (d), a petition filed under section 204 for classification of the alien's parent under subsection (a), (b), or (c).

"(3) RETENTION OF PRIORITY DATE.—If the age of an alien is determined under paragraph (1) to be 21 years of age or older for the purposes of subsections (a)(4) and (d), the alien's petition shall automatically be converted to the appropriate category and the alien shall retain the original priority date issued upon receipt of the original petition."

#### SEC. 4. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ASYLUM.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) is amended to read as follows:

"(3) TREATMENT OF SPOUSE AND CHILDREN.—

"(A) IN GENERAL.—A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under this subsection may, if not otherwise eligible for asylum under this section, be granted the same status as the alien if accompanying, or following to join, such alien.

"(B) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted asylum under this subsection, and who was under 21 years of age on the date on which such parent applied for asylum under this section, shall continue to be classified as a child for purposes of this paragraph and section 209(b)(2), if the alien attained 21 years of age after such application was filed but while it was pending."

#### SEC. 5. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ADMISSION AS REFUGEE.

Section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)"; and

(2) by adding at the end the following:

"(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who

was under 21 years of age on the date on which such parent applied for refugee status under this section, shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending."

#### SEC. 6. TREATMENT OF CLASSIFICATION PETITIONS FOR UNMARRIED SONS AND DAUGHTERS OF NATURALIZED CITIZENS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(k) PROCEDURES FOR UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a petition under this section initially filed for an alien unmarried son or daughter's classification as a family-sponsored immigrant under section 203(a)(2)(B), based on a parent of the son or daughter being an alien lawfully admitted for permanent residence, if such parent subsequently becomes a naturalized citizen of the United States, such petition shall be converted to a petition to classify the unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1).

"(2) EXCEPTION.—Paragraph (1) does not apply if the son or daughter files with the Attorney General a written statement that he or she elects not to have such conversion occur (or if it has occurred, to have such conversion revoked). Where such an election has been made, any determination with respect to the son or daughter's eligibility for admission as a family-sponsored immigrant shall be made as if such naturalization had not taken place.

"(3) PRIORITY DATE.—Regardless of whether a petition is converted under this subsection or not, if an unmarried son or daughter described in this subsection was assigned a priority date with respect to such petition before such naturalization, he or she may maintain that priority date.

"(4) CLARIFICATION.—This subsection shall apply to a petition if it is properly filed, regardless of whether it was approved or not before such naturalization."

#### SEC. 7. IMMIGRATION BENEFITS FOR CERTAIN ALIEN CHILDREN NOT AFFECTED.

Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended by adding at the end the following new clause:

"(iii) Nothing in the amendments made by the Child Status Protection Act shall be construed to limit or deny any right or benefit provided under this subparagraph."

#### SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any alien who is a derivative beneficiary or any other beneficiary of—

(1) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) approved before such date but only if a final determination has not been made on the beneficiary's application for an immigrant visa or adjustment of status to lawful permanent residence pursuant to such approved petition;

(2) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending on or after such date; or

(3) an application pending before the Department of Justice or the Department of State on or after such date.

Mr. REID. Madam President, Senator FEINSTEIN has a technical amendment at the desk, and I ask that the amendment be considered and agreed to, the motion to reconsider be laid upon the table, that the committee substitute amendment, as amended, be agreed to, the bill, as amended, be read a third

time, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3846) was agreed to, as follows:

On page 7, line 9, strike "(a)(4)" and insert "(a)(2)(A)".

On page 8, line 9, strike "209(b)(2)" and insert "209(b)(3)".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 1209), as amended, was read the third time and passed.

#### CONGRATULATING THE LOS ANGELES LAKERS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 286 submitted earlier today by Senators FEINSTEIN and BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 286) commending and congratulating the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2002 National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Madam President, I rise today with my friend and colleague from California, Senator BARBARA BOXER, to commend and congratulate the Los Angeles Lakers for winning the 2002 National Basketball Association Championship last night.

Clearly, the Lakers are one of the most distinguished franchises in the history of professional sports. In sweeping a talented and game New Jersey Nets team, the Lakers won their third straight championship and their fourteenth overall.

Led by coach Phil Jackson, Shaquille O'Neal, and Kobe Bryant, the Lakers could not be denied. Shaquille O'Neal dominated the Finals and won his third straight National Basketball Association Finals Most Valuable Player award after scoring a record 145 points in a four game series.

Another superstar, Kobe Bryant, averaged 26.8 points, 5.3 assists, and 5.8 rebounds during the Finals series after being named to the 2001-2002 All-National Basketball Association First Team. In addition, he delighted fans with his usual collection of highlight material plays.

Coach Phil Jackson also had a record breaking night. He won his ninth National Basketball Association title, tying the record of the legendary Boston Celtics coach, Red Auerbach. In addition, he won his 156th post-season game, surpassing former Lakers coach Pat Riley to become the winningest playoff coach in National Basketball Association history.

But it should be pointed out that the Lakers could not have won the cham-

pionship without the hard work and dedication of the entire team: Rick Fox, Derrick Fisher, Robert Horry, Brian Shaw, Devean George, Lindsey Hunter, Samaki Walker, Mark Madsen, Slava Medvedenko, and Mitch Richmond.

I also want to congratulate team owner Dr. Jerry Buss, General Manager Mitch Kupchak and all the others who put in the time and effort to bring another championship to the City of Angels. And, most importantly, I would like to thank the Laker fans in Los Angeles and throughout the state for being there for the team every step of the way.

The 2001-2002 Los Angeles Lakers have written another chapter in the history of one of the National Basketball Association's storied franchises and will certainly go down as one of the greatest teams of all time.

They have made the City of Los Angeles and the State of California proud.

The Los Angeles Lakers are a team with a tremendous amount of heart, stamina, determination and a clear will to win. I have no doubt that this team stands ready to make a run at a fourth straight championship and add yet another banner to the rafters of the Staples Center.

Mr. REID. Madam President, I was pulling for the Sacramento team. I have to say, as much as I dislike the Lakers, they sure came through in the clutch. They really know how to win. You have to admire them for that.

I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 286) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 286

Whereas the Los Angeles Lakers are 1 of the greatest sports franchises in history;

Whereas the Laker organization has won 14 National Basketball Association Championships;

Whereas the Los Angeles Lakers are only the fifth team to win 3 consecutive National Basketball Association Championships and the seventh team to sweep the finals 4 games to none;

Whereas the Laker organization has fielded such legendary superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin "Magic" Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal won his third straight National Basketball Association Finals Most Valuable Player award, joining Michael Jordan as the only player to win 3 consecutive awards;

Whereas Shaquille O'Neal scored a record 145 points in the 2002 4-game finals series;

Whereas Shaquille O'Neal's 59.5 percent career field goal percentage in National Basketball Association Finals games is number 1 all-time and his 34.2 point scoring average ranks second;

Whereas Kobe Bryant was named to the 2001-2002 All-National Basketball Association First Team after averaging 25.5 points per game, 5.5 rebounds per game, and 5.5 assists per game during the regular season;

Whereas Kobe Bryant averaged 26.8 points, 5.8 rebounds, and 5.3 assists during the 2002 National Basketball Association Finals;

Whereas Coach Phil Jackson won his ninth National Basketball Association title, tying the record of legendary Boston Celtics coach, Red Auerbach;

Whereas Coach Phil Jackson won his 156th postseason game, surpassing former Lakers Coach Pat Riley to become the winningest playoff coach in National Basketball Association history;

Whereas the Los Angeles Lakers epitomize the spirit of their hometown with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California propelled the Los Angeles Lakers to another National Basketball Association Championship; and

Whereas the Los Angeles Lakers are poised to win a fourth straight National Basketball Association Championship next season: Now, therefore, be it

*Resolved*, That the Senate commends and congratulates the Los Angeles Lakers on winning the 2002 National Basketball Association Championship Title.

#### ORDERS FOR FRIDAY, JUNE 14, 2002

Mr. REID. Madam President, I ask unanimous consent when the Senate completes its business today, it adjourn until 9 a.m. Friday, June 14; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 9:35 a.m., with 20 minutes under the control of Senator MURRAY, and the remaining time under the control of the Republican leader or his designee; further that at 9:35 a.m., the Senate resume consideration of the terrorism insurance bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Madam President, the Senate will conduct two rollcall votes beginning at approximately 9:35 a.m., first on passage of H.R. 3275, the Suppression of Terrorism Convention, and the second on the Allen amendment to the terrorism insurance bill regarding frozen assets.

#### ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:50 p.m., adjourned until Friday, June 14, 2002, at 9 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 13, 2002: