

110TH CONGRESS
1ST SESSION

H. R. 1790

To amend the National Defense Authorization Act for Fiscal Year 2006 to expand the provision of special immigrant status for certain aliens, including translators or interpreters, serving with Federal agencies in Iraq and Afghanistan.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. FORTENBERRY (for himself and Mr. BERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the National Defense Authorization Act for Fiscal Year 2006 to expand the provision of special immigrant status for certain aliens, including translators or interpreters, serving with Federal agencies in Iraq and Afghanistan.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN**
2 **ALIENS, INCLUDING TRANSLATORS AND IN-**
3 **TERPRETERS, SERVING WITH FEDERAL**
4 **AGENCIES IN IRAQ AND AFGHANISTAN.**

5 (a) INCREASE IN NUMBERS ADMITTED AND ALIENS
6 ELIGIBLE.—

7 (1) IN GENERAL.—Section 1059 of the Na-
8 tional Defense Authorization Act for Fiscal Year
9 2006 (8 U.S.C. 1101 note) is amended—

10 (A) in the heading, by striking “**AS**
11 **TRANSLATORS WITH UNITED STATES**
12 **ARMED FORCES**” and inserting “**WITH FED-**
13 **ERAL AGENCIES IN IRAQ AND AFGHANI-**
14 **STAN**”;

15 (B) in subsection (b)(1)—

16 (i) in subparagraph (B), by striking
17 “as a translator” and inserting “, or under
18 Chief of Mission authority, as a translator,
19 interpreter, or other capacity” ;

20 (ii) in subparagraph (C), by inserting
21 “the Chief of Mission or” after “rec-
22 ommendation from”; and

23 (iii) in subparagraph (D), by inserting
24 “the Chief of Mission or” after “as deter-
25 mined by”; and

1 (C) in subsection (c)(1), by inserting “(or,
2 beginning with fiscal year 2007, 500 or such
3 greater number as the Secretary of Homeland
4 Security determines is warranted by the cir-
5 cumstances)” after “50”.

6 (2) REVIEW.—If the circumstances warrant,
7 the Secretary of Homeland Security, in consultation
8 with the Secretary of State, shall review the numer-
9 ical limitation established under section 1059(c)(1)
10 of such Act, as amended by paragraph (1)(B), and
11 may submit a report to Congress recommending an
12 increase in such limitation.

13 (3) REPORT.—The Secretary of Homeland Se-
14 curity shall submit to Congress a report whenever
15 the Secretary increases, under subsection (c)(1) of
16 section 1059 of such Act, as amended by paragraph
17 (1)(B), the number of aliens provided special immi-
18 grant status under such section. Such report shall
19 include an explanation of the circumstances war-
20 ranting such increase.

21 (b) EXCLUSION FROM NUMERICAL LIMITATION.—
22 Section 1059(c)(2) of such Act is amended—

23 (1) in the heading, by striking “COUNTING
24 AGAINST” and inserting “EXCLUSION FROM”; and

1 (2) by inserting before the period at the end the
2 following: “but shall not be counted against any nu-
3 merical limitation under section 201(d), 202(a), or
4 203(b)(4) of such Act (8 U.S.C. 1151(d), 1152(a),
5 and 1153(b)(4))”.

6 (c) ADJUSTMENT OF STATUS.—Section 1059 of such
7 Act is further amended—

8 (1) by redesignating subsection (d) as sub-
9 section (e); and

10 (2) by inserting after subsection (c) the fol-
11 lowing:

12 “(d) ADJUSTMENT OF STATUS.—Notwithstanding
13 paragraphs (2), (7), and (8) of section 245(c) of the Immi-
14 gration and Nationality Act (8 U.S.C. 1255(c)), the Sec-
15 retary of Homeland Security may adjust the status of an
16 alien to that of a lawful permanent resident under section
17 245(a) of such Act if the alien—

18 “(1) was paroled or admitted as a non-
19 immigrant into the United States; and

20 “(2) is otherwise eligible for special immigrant
21 status under this section and under the Immigration
22 and Nationality Act.”.

23 (d) REFUGEE ASSISTANCE ELIGIBILITY.—Section
24 1059 of such Act, as amended by subsection (c), is further
25 amended—

1 (1) by redesignating (e) as subsection (f); and
2 (2) by inserting after subsection (d) the fol-
3 lowing:

4 “(e) ELIGIBILITY FOR REFUGEE ASSISTANCE.—Any
5 alien provided special immigrant status under this section
6 shall be eligible for benefits under chapter 2 of title IV
7 of the Immigration and Nationality Act to the same extent
8 as individuals admitted (or awaiting admission) to the
9 United States under section 207 of such Act are eligible
10 for benefits under such chapter.”.

11 (e) SUNSET PROVISION.—Section 1059 of such Act,
12 as amended by subsections (c) and (d), is further amended
13 by adding at the end the following:

14 “(g) SUNSET PROVISION.—

15 “(1) IN GENERAL.—This section is repealed on
16 the date that is 3 years after the date of the enact-
17 ment of this subsection.

18 “(2) APPLICABILITY.—Notwithstanding para-
19 graph (1), the Secretary of Homeland Security may
20 provide an alien with the status of a special immi-
21 grant under this section if—

22 “(A) the alien’s petition for such status
23 was pending before the date described in para-
24 graph (1); and

1 “(B) the alien was eligible for such status
2 at the time the petition was filed.”.

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