Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
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Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
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Murphy, Patrick
Murphy, Tim
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Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
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Scott (GA)
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Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

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Aderholt
Akin
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Campbell (CA)
Cantor
Carter
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Cole (OK)
Conaway
Crenshaw
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Culberson
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Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
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Issa
Johnson, Sam
Jordan
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Lewis (CA)
Lucas
Lungren, Daniel E.
Mack
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McCarthy (CA)
McCaul (TX)
McHenry
McKeon
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—15

Baird
Bishop (UT)
Brown, Corrine
DeGette
Emanuel
Hunter
Jones (OH)
Kirk
McMorris Rodgers
Putnam
Ruppersberger
Shays
Walsh (NY)
Waters
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1459

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. WATERS. Mr. Speaker, on rollcall No. 396, had I been present I would have voted "aye." I returned to the Subcommittee on Crime, Terrorism and Homeland Security to present my bill on "Stop AIDS in Prison."

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 396, I missed the vote on passage. I was chairing a briefing in the Intelligence Committee with NSA. I missed the vote by 30 seconds. Had I been present, I would have voted "yes."

SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1104) to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1104

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

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES.

(a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''as a translator'' and inserting '', or under Chief of Mission authority, as a translator or interpreter'';

(B) in subparagraph (C), by inserting ''the Chief of Mission or'' after ''recommendation from''; and

(C) in subparagraph (D), by inserting ''the Chief of Mission or'' after ''as determined by''; and

(2) in subsection (c)(1), by striking ''section during any fiscal year shall not exceed 50.'' and inserting the following: ''section—

''(A) during each of the fiscal years 2007 and 2008, shall not exceed 500; and

''(B) during any other fiscal year shall not exceed 50.''.

(b) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—Section 1059(c)(2) of such Act is amended—

(1) by amending the paragraph designation and heading to read as follows:

''(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—''; and

(2) by inserting ''and shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4))'' before the period at the end.

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

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

''(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

''(1) was paroled or admitted as a nonimmigrant into the United States; and

''(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.

''(e) NATURALIZATION.—

''(1) IN GENERAL.—An absence from the United States described in paragraph (2) shall not be considered to break any period for which continuous residence in the United States is required for naturalization under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.).

''(2) ABSENCE DESCRIBED.—An absence described in this paragraph is an absence from the United States due to a person's employment by the Chief of Mission or United States Armed Forces, under contract with the Chief of Mission or United States Armed Forces, or by a firm or corporation under contract with the Chief of Mission or United States Armed Forces, if—

''(A) such employment involved working with the Chief of Mission or United States Armed Forces as a translator or interpreter; and

''(B) the person spent at least a portion of the time outside of the United States working directly with the Chief of Mission or United States Armed Forces as a translator or interpreter in Iraq or Afghanistan.''.

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

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days 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 California?

There was no objection.

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

Translators and interpreters have been crucial to our efforts in Iraq, serving as a critical link between our troops and the Iraqi population. Because of their work for U.S. forces, many of these people have risked their lives and the lives of their families to assist our efforts in Iraq and Afghanistan.

Now they are under serious threat. These translators and interpreters who

serve bravely alongside our troops need our immediate assistance. Singled out as collaborators, many are now targets by death squads, militias and al Qaeda.

In Mosul, insurgents recorded and circulated the brutal execution of two interpreters, a stark warning to others who have assisted U.S. forces in the country. U.S. soldiers and embassy employees who have attempted to help their interpreters flee from violence have had to stand by hopelessly as their Iraqi colleagues went into hiding. Often leaving their families behind simply in order to survive.

Congressman JEFF FORTENBERRY came to me with the idea, and I agreed, and we introduced broad, far-reaching legislation on this issue. We are taking up the bill before us today because the Senate already passed this by unanimous consent, and the urgency of the situation requires us to act now.

This legislation will help quickly address this crisis by authorizing up to 500 special visas for Iraqis and Afghanis who put their lives at risk by working with the U.S. military and the U.S. embassy in Iraq and Afghanistan.

We all realize this is not a partisan issue, and I am pleased to have worked with the ranking member of the Judiciary Committee on helping to get this bill before us today. The original special visa legislation included in the 2006 Defense Authorization Act has proved wholly inadequate, authorizing only 50 visas a year, creating a backlog estimated to take 9 years to clear at the current rate.

As of last week, nearly 500 Iraqis and Afghanis have gone through the requisite background checks and have been approved for the visa. Because of the backlog, they are stuck in limbo waiting for a visa that may never come. These people need us to act. The Senate passed this legislation over a month ago, and the administration is supportive of taking this action.

Paula Dobriansky, Under Secretary of State for Democracy and Global Affairs recently said, ''We are committed to honoring our moral debt to those Iraqis who have provided assistance to the U.S. military and embassy.'' Clearly, we owe these people a debt of gratitude. They have risked everything to help us out in Iraq and Afghanistan and the least we can do is help deliver them out of harm's way.

But I tell my colleagues, the magnitude of the broader refugee crisis in Iraq far exceeds anything this bill attempts to resolve. We need to address the wider refugee issue, which has forced over 4 million Iraqis from their homes.

The gentleman from Oregon (Mr. BLUMENAUER) has legislation on this subject, and I think will be speaking to that broader issue. No one should take our efforts to do this now as a notion that that satisfies our obligation on something that we played a part in, creating the situation that led to this.

Let me just add, I see this as an emergency effort. It can't be the last word on this matter. We must do something to deal with the larger refugee issue in Iraq, as I said, and it's very possible that the visas we are discussing in this bill will prove inadequate for this need. Still, I think we need to act now so that the visas are available.

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

Mr. KELLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1104 expands an existing program that provides 50 special immigrant visas per year to Iraqi and Afghani nationals who have served as translators for our Armed Forces.

Translators and interpreters would be eligible to petition if they are an Iraqi or an Afghani national, have served with our military for at least 12 months, and receive a favorable recommendation from the unit in which he or she served. Many of us have heard stories about Iraqis who have faithfully served alongside our troops bridging the language divide. They have been a valuable resource for the United States and its allies.

Yet many Iraqi and Afghani translators have faced intense persecution from their communities as a result of serving the U.S. military. It is because of this persecution that the translator visa program was first established. This program allows us to reward those who worked directly for the United States Government in supporting our troops in Iraq and Afghanistan.

S. 1104, as amended in committee, increases the number of special immigrant visas available to translators to 500 per year for the next 2 years. The increase to 500 visas is a direct response to the number of petitions that have been received and approved by the U.S. Citizenship and Immigration Services. Without this increase, many translators will continue to face persecution while they wait in their home country for a visa to become available.

This bill has already been approved unanimously in the Senate, and I urge its passage here today.

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

Mr. BERMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate your courtesy in permitting me time to speak on this bill.

Mr. Speaker, I rise in strong support of S. 1104 for all the reasons that have been articulated by my friend from California and my friend from Florida.

Iraq today is the scene of the fastest-growing humanitarian crisis in the world. It rivals only the problems that are being faced in Darfur.

As has been pointed out for one group in Iraq, our moral responsibility is unquestionable to Iraqis whose lives are at risk because they helped the United States. Having cooperated with the United States military, the United Nations, or even a nongovernmental organization, can literally mean a death sentence at the hands of any of the many sides of this civil war. This bill is an important first step, expanding the current limit of the 50 special translator visas to 500.

I became acutely aware of the magnitude of this problem working with a local high school in Portland, Oregon, who were partnering with the members of the Oregon National Guard who had served in Iraq and recently returned, who were trying to bring their former translator to the United States, literally to save this young woman's life. But they kept running into bureaucratic hurdles. It took us months to, thankfully, secure her entry into the United States, where she is safely a college student today in Portland, Oregon.

I have heard the same story over and over again. We should keep faith with those who have served our brave men and women in uniform. This is a basic moral responsibility and a simple issue of fairness.

What we have before us in this bill is a critical first step. But as my friend from California pointed out, it's only the first step. We have 4 million Iraqis who have been driven from their homes and tens of thousands who are at risk because they helped the United States, not just as translators but as drivers and construction workers, NGO support staff.

We are, sadly, failing Iraqi refugees. We have allowed into the United States fewer than 800 since 2003, 69 since this fall, only 1 last month. The Swedish prime minister told me last week that Sweden is going to admit 25,000 Iraqi refugees this year.

I introduced, last week, bipartisan legislation H.R. 2265, the Responsibility to Iraqi Refugees Act to address this ongoing humanitarian crisis by using all of the tools at our disposal, admitting refugees, providing assistance to the region and using diplomacy to ensure their well-being.

It would allow not 50 or 500, but 15,000 Iraqis who are at risk because they helped the United States to come to this country, along with their families. It would establish a special coordinator for Iraqi refugees and internally displaced people, and requires the United States to develop, finally, plans to ensure the well-being and safety of these Iraqi refugees.

It increases the number of persecuted Iraqis who can be admitted as refugees. This legislation has been endorsed by Amnesty International, Church World Service, the International Rescue Committee, Refugees International, the Jubilee Campaign, the Truman National Security Project, and many others.

I strongly urge that we adopt this bill today. But I would implore the Members of this House, regardless of how they feel about the war in Iraq or its future, to join and cosponsor my legislation—broad, ambitious, a comprehensive response to the Iraqi refugee crisis—before it's too late, too

late for people whose only crime was working with Americans.

It is also clear that it is not just these Iraqis that we ought to be concerned about. If we cannot keep faith with refugees that the United States has a responsibility for, it sends a very unpleasant message about the reliability of working with us, and, sadly, it sows the seeds for additional instability in the region. With 1 million Iraqis in Jordan, it creates an untenable situation for the long-term stability of that country.

I strongly urge passage of this bill, but I do hope that each of my colleagues will look at the comprehensive legislation that I introduced and determine what they are going to do to stop the fastest-growing humanitarian crisis in the world today.

Mr. KELLER of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. FORTENBERRY), who is the sponsor of the companion House version of this legislation and has been a leader in the House on this important issue.

Mr. FORTENBERRY. I thank the gentleman from Florida. First, I should also thank my distinguished colleague, Mr. BERMAN of California, for his leadership on this important issue, his support and his partnership. I appreciate your efforts.

Mr. Speaker, I rise today to speak about the plight of courageous Iraqi and Afghani translators and interpreters who are assisting our military and our government. Given the vigorous and necessary debate about America's involvement in Iraq, this important humanitarian issue should not be overlooked. It warrants immediate attention as we move toward the stabilization of Iraq.

Every day in Iraq, and Afghanistan, American forces receive critical help, the kind of help essential for progress. An acute sense of duty has led thousands of Iraqis and Afghanis to aid American forces since late 2001.

□ 1515

Some of these brave men and women have worked alongside our troops providing invaluable assistance serving as translators and interpreters. Although they do not receive much attention, often by design, the translators and interpreters have been instrumental in supporting U.S. military operations. Mr. Speaker, they face mortal danger. They are considered traitors by the terrorist insurgents, and are targets often with bounties on their heads. Many find themselves without secure homes due to their dangerous work. They must conceal and vary their daily routines to preserve their safety. Most do not tell their immediate family about their work.

In 2006, the Defense Department authorization bill established a program that allows translators and interpreters who have worked for the U.S. military for at least 12 months to come to the U.S. on special visas. The program, as we have heard, allows up to 50 visas for Iraqi and Afghani translators each year. But since mid-April of this year, 510 applications have been received, 440 have been approved, 16 denied, and 54 are pending. Under the current cap of 50 allowable applicants per year, it will take until approximately the year 2016 to admit those currently in the queue for entry into the U.S.

To correct this problem, I, in partnership again with my distinguished colleague Mr. BERMAN of California, recently introduced legislation that would increase the annual limit for these visas from 50 to 500. The Senate bill before us today does exactly that for the next 2 years.

I believe it is right and just to offer refuge to those who have risked their own lives to help our troops and our Nation. These translators and interpreters are performing crucial work to assist the United States Government in both Iraq and Afghanistan. They have been invaluable to our efforts in the Middle East. It is my hope that our Nation will provide them the protection and asylum they need in honor of their service to our country and in honor to the commitment that they have made.

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

Mr. KELLER of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Florida for yielding to me in a gracious fashion, and I think there is another viewpoint that this Congress should be considering before we bring this to a vote on this suspension bill.

I start out with I believe there are two things wrong with this legislation that is before us here on the floor. The first one is current law limits the numbers to 50 interpreters who could be brought in legally, and we have a great big problem understanding the rule of law here in America.

Now, I haven't received satisfactory answers from the U.S. Citizenship and Immigration Services or the State Department on how it is that, with a statutory limit of 50, and it says no more than 50, how was it that USCIS processed nearly 500 applications on an annual basis; and how was it that the State Department was poised to grant, but prohibited by law from granting, these visas for the interpreters from Iraq?

Now, I join my colleagues in praising and celebrating the brave service to our coalition personnel by the interpreters that have done such a good job in saving probably dozens or hundreds of American lives over there. In fact, I have a personal friend who served as an interpreter, and he carries a scar on his wrist from one of Saddam's henchmen who attacked him for being lined up with our side of this argument. I understand from a very personal basis what kind of risk is there and how their lives are at risk, but I would point out that we have such a thing as the rule of law.

Mr. Speaker, current law said 50. I offered an amendment, and that amendment would have limited the amount of applications that could be processed by USCIS to the statutory limit. It wasn't because I think 50 is the right number, and I don't take a position on whether I think 500 is the right number, but it was because I believe the rule of law is sacrosanct. And if we are going to allow USCIS process up to 500 applications, and then come here to this Congress and say, well, gee, we must have been wrong because we have 500 applicants, not 50; or, we have no choice because it is implicit that we have promised these people that we are going to grant them the visas, how did we make a promise that exceeded Federal law? And what do we do if there are 2,500 the next time the USCIS processes? How do we adhere to the rule of law if we react to people who stretch the limits? The people within USCIS, who I actually don't blame at this point, but we are here trying to keep our word. At the same time, we are ignoring the rule of law.

Those two things don't sit very well with me. That is the number one issue.

And the next issue is something I do think we need to think about, and that is the tactical side of this. This results in not 1,000 new interpreters, but 900, because 500 was the annual limit. So it is 900 over a 2-year period of time. So that is 900 fewer interpreters to save more lives of American and coalition forces. Tactically we need to consider that. We need to understand that someone needs to be there to rebuild Iraq, someone needs to be there to defend Iraq. If 25,000 go to Sweden, that is another 25,000 of some of the finest citizens that will not be there to put Iraq back together.

Our job isn't to bring everybody here to save their livelihood here in the United States. We need to export our way of life; we need to encourage the Iraqis to rebuild their country. This depletes the resources.

But that is only, Mr. Speaker, my secondary argument. My primary argument is the rule of law. The rule of law should be sacrosanct and shouldn't be violated. And if we are going to pass this legislation, we should have adopted my amendment that limited the applications that USCIS can process to the statutory limit. If we did that, then I would have some confidence that we are going to adhere to the rule of law. As it is, I do not believe we will do that, and I think this turns out to be not probably the last, but the first amnesty bill that might pass off the floor of the 110th Congress. And if we don't have any more respect for the rule of law than we are showing here, then we are reacting to our own bureaucrats that, I will submit, that it is going to be difficult for us to adhere to the rule of law when it is 12 million or 20 million as opposed to 400 or 500 or 900 people.

I think that makes my point, Mr. Speaker. I thank the gentleman from

Florida for his consideration and the time to make my case.

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

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

My friend from Iowa makes interesting arguments, but to some extent undermines those arguments. He says rule of law is important, and, therefore, the committee should have accepted an amendment in the committee to make illegal what folks in our embassies and in our missions did, thereby undermining the argument that in any way there was any law violated.

There was no law against expending funds to process these visas. There were no promises made to Iraqi interpreters and translators they would be guaranteed a visa. But when our folks in the field see a situation developing where the people who have allowed them to do their job, at great risk for their life and limb, are in desperate need for them and their families to essentially be appreciated and rewarded for that life-threatening effort, and they tell their folks that they work for in the Defense Department and in the State Department and the folks in Congress who are dealing with these issues that we need to do something about them, and we respond, that doesn't constitute a promise that no one had authority to make, a violation of the rule or law.

And, by definition, I understand, and we have had many discussions on our immigration issues; in fact, the gentleman and I are both here now rather than at a hearing on the immigration issue. I understand the gentleman has a definition of amnesty which is wider than mine, but I never realized how much wider it was, that a bill that adds to the number of visas that can be given, after background checks and going through the regular process to ensure the security interests that we have before we issue a visa, that a bill that would increase the number of visas for these people who have put themselves in harm's way on behalf of the United States is an amnesty law. This takes that very expansive definition the gentleman has and I think expands it even further.

I yield to the gentleman.

Mr. KING of Iowa. I thank the gentleman, and I ask him for that privilege because I know he is a reasonable individual and very thoughtful on the immigration policy. But I am under the understanding that we are here changing the law almost after the fact to comply with the limitation that has been exceeded in its anticipation by the people who were promised that they would have an opportunity to get a visa if they served the United States in that capacity as interpreters.

Isn't that true?

Mr. BERMAN. Reclaiming my time. I certainly don't know that that is true, and I would be stunned if it were. I would be stunned if our dedicated employees in a very difficult foreign mission or in the military were out promising things they couldn't deliver. I don't think our folks operate like that. I think they were processing applications in case and in the event that we increased the number of visas because the demand was so urgent. The gentleman from Oregon talked about 4 million refugees. We are talking about an infinitesimal subset that worked for us in our campaign efforts in Iraq.

Mr. KING of Iowa. And I thank the gentleman. But for a point of clarity, we are here. We are amending current law because we essentially have a promise we can't keep without amending current law. And that fits within a definition of amnesty, to amend current law, because if we enforce current law, there will be some people that will be penalized by that. And I don't take so much issue on this as I do the law.

Mr. BERMAN. Let me reclaim my time just to respond to that. We have a law that gives 50 visas a year, but the next year it gives 50 more and then 50 more. Is the gentleman suggesting that we should not process any more than the first 50?

There are people who would be allowed the next year and the year after. Why wouldn't you give these visas to the people who were first in line? I know the gentleman loves the sanctity of the line. Give these to the people who are first in line. Why wouldn't we process applications of people who weren't going to get visas that year but the next year? Why 5 years later would you take somebody who hasn't been waiting in line for 5 years and approve their visas?

Mr. KING of Iowa. If the gentleman would yield, I would submit that Congress needs to set the number. And for USCIS to process the applications beyond the statutory number is a waste of resources. But if we believe that we should raise that number, then we should come back and grant that authority to do so.

I see us as reacting to promises that were made that went beyond the limitations of the statute. That is why we have to change the statute today. That could preserve the rule of law and still preserve the numbers that the gentleman is proposing.

Mr. BERMAN. Reclaiming my time. And at this point I think maybe we should end the debate. But no part of Mr. FORTENBERRY's or my motivations for introducing the bill, and I wouldn't speculate on the Senate's motivations, but no part of our motivation was to take the administration out of an embarrassing place where they have been making promises that couldn't be kept.

We thought that justice, fairness, American tradition, and the risks that these people have taken to help our Armed Forces and our diplomats in one of the most difficult, hazardous situations in the world gave them a claim that we should respond to, not a promise made by somebody that we are forced to keep. We wanted them to have these visas. We weren't responding to pressure to take the administration and their people in Baghdad out of an embarrassing situation.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 1104, a bill to increase the number of Iraqi and Afghan translators and interpreters who may be admitted to the United States as special immigrants. The bill improves upon an earlier effort made by Congress to address this matter. The intent that underwrites this bill is a noble one, and the improvements it makes to current law are needed. I am concerned, however, by the limited scope of the authorities provided by the bill before us and that is under consideration.

Section 1059 of P.L. 109–163 allows for 50 Iraqi and Afghan translators or interpreters who work in support of United States Armed Forces in those countries to petition the United States Government and be approved for entry into the United States under special immigrant status. The opportunity to immigrate to the United States has proved to be very popular among translators who work with the United States Armed Forces in Iraq and Afghanistan. These individuals are generally the targets of incidences of violence or threats of violence from certain individuals or groups due to their close association with the United States Armed Forces. Reportedly, there is a six year waiting list for the 50 slots authorized by Section 1059 of P.L. 109–163. Unfortunately, Section 1059 of P.L. 109–163 did not provide similar opportunities for translators and interpreters who work with civilian departments and agencies in Iraq and Afghanistan who, like their colleagues who serve alongside the United States Armed Forces, are subject to incidences of violence or threats of violence from insurgents, militias, criminals, and terrorists operating in those countries. S. 1104, the legislation before us today, would expand existing law to authorize 500 special immigrant visas annually for the next two years, and expand eligibility for the visas to include both translators and interpreters working for the Chief of Mission or the United States Armed Forces in Iraq or Afghanistan.

This bill would make useful and important changes to current law. The House Committee on the Judiciary notes in House Report 110–158 that accompanies S. 1104, "that there are potentially dire consequences in delay" of this legislation and that "the Committee chose to consider the Senate-passed legislation in the interest of expediting its enactment." I commend my colleague from Michigan and the Chairman of the House of Representatives' Committee on the Judiciary (Mr. CONYERS), my colleague from Texas and the Committee's Ranking Member (Mr. SMITH), and the members of the Committee for their prompt work toward reporting this legislation for consideration by the full House. Simply put, their efforts on this bill in Committee, and our favorable consideration of this bill on the floor, will directly result in the saving of the lives of some incredibly brave individuals.

But the United States Government can and must do more. We have a moral obligation to do all that we can to protect all of those individuals and their family members who are targeted for death or are subject of acts of intimidation or violence as a result of their employment by, or close association with, United States and Coalition military and civilian personnel operating in Iraq and Afghanistan.

While this bill represents progress in this regard, it alone will not completely fulfill this moral obligation.

The Committee notes in House Report 110–158 that, ''[i]n approving this bill for expedited consideration, the Committee acknowledges the issues that are left unaddressed.'' The Committee, in its report accompanying this legislation, comments that, ''[t]here appears to be little reason to limit this relief to those serving with our Missions in Iraq and Afghanistan as a translator or interpreter. Iraqis and Afghans are serving in many different functions in aid of our Missions there, and as their lives come under threat as a result, they would seem similarly deserving of our help in delivering them from harm's way.'' House Report 110–158, furthermore, notes that, ''[t]here is also the question of whether these would-be refugees should be granted access to refugee assistance programs promptly once they arrive in the United States.'' I fully understand and recognize that this is a complicated issue. But it is my hope that comprehensive Iraqi and Afghan refugee legislation can be considered and agreed to by this body in the near future.

I would hope that such comprehensive Iraq and Afghan refugee legislation, at a minimum, would provide the authority for at-risk Iraqi and Afghan individuals and their family members—who serve in any capacity—alongside, in support of, or in close coordination with United States or Coalition military and civilian personnel—to be eligible to petition the United States Government and be approved for entry into the United States under special immigrant status. Specifically, I would hope that such comprehensive refugee legislation would, at a minimum, provide petition authority and approval eligibility for at-risk Iraqis and Afghans who are direct hires of United States Government or Coalition country departments, agencies, and military services; Iraqis and Afghans who work as contractors for, or in support of, United States Government or Coalition country departments, agencies, and military services; Iraqi and Afghan public sector employees or elected members of government who work alongside, or who are closely or commonly associated with, United States and Coalition country military and civilian personnel; and Iraqi and Afghan business owners and operators and laborers who have performed work on construction, service, or other contacts financed by United States Government or Coalition government funds.

Success achieved by United States and Coalition military and civilian personnel in Iraq and Afghanistan to date can be, in part, attributed to the efforts of the local nationals in those countries. Those Iraqis and Afghans, for the most part, believe in democratic, peaceful and prosperous futures for their countries and their families. That is why they choose to stand for election to public office, why they serve alongside United States and Coalition personnel, whether as translators, cultural advisors, or the myriad other roles that these brave individuals perform in support of our missions in those countries, and why they perform work on reconstruction projects financed by the United States Government and the governments of Coalition countries. By doing so, however, they and their family members are exposed to extreme risks.

Here in Washington, DC it is all too easy for us to distinguish between the roles and responsibilities of Iraqis or Afghans who are direct hires of the United States Government and the governments of Coalition countries, Iraqis and Afghans who work on contract in support of United States and Coalition personnel, and Iraqis and Afghans who are employees of their governments. Each has a distinct role and relationship with the United States and Coalition governments and the missions pursued by their personnel. But these distinctions are not similarly considered by insurgents, militias, criminals, and terrorists who wish to do these individuals harm. That is, the enemy does not first review their employment situations and statuses of Iraqis and Afghans, draw distinctions, and then issue threats or conduct acts of intimidation or violence accordingly. The enemy kills, kidnaps, and intimidates ''enablers'' without discrimination. The Iraqis and Afghans who work alongside our personnel know this reality all too well. Comprehensive legislation to address this issue should, to the best of our ability, not draw distinctions or discriminate either.

S. 1104, as noted by the Committee in its report to accompany this bill, is not a comprehensive response to the problem before our country with respect to Iraqis and Afghans who are at-risk of violence and intimidation as a result of their association with United States and Coalition country departments, agencies, and military services' operating in Iraq and Afghanistan. Nevertheless, I recognize the urgency of enacting the limited reforms to current law contained in the language of this bill; and, therefore, I support its passage. I urge my colleagues to vote ''yes'' on this bill and to continue to work in support of comprehensive refugee legislation with respect to the service of Iraqi and Afghan nationals.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the Senate bill, S. 1104, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 1615.

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

There was no objection.

ALIEN SMUGGLING AND TERRORISM PREVENTION ACT OF 2007

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2399) to amend the Immigration and Nationality Act and title 18, United States Code, to combat the crime of alien smuggling and related activities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2399

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 ''Alien Smuggling and Terrorism Prevention Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Alien smuggling by land, air and sea is a transnational crime that violates the integrity of United States borders, compromises our Nation's sovereignty, places the country at risk of terrorist activity, and contravenes the rule of law.

(2) Aggressive enforcement activity against alien smuggling is needed to protect our borders and ensure the security of our Nation. The border security and anti-smuggling efforts of the men and women on the Nation's front line of defense are to be commended. Special recognition is due the Department of Homeland Security through the United States Border Patrol, United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and the Department of Justice through the Federal Bureau of Investigation.

(3) The law enforcement community must be given the statutory tools necessary to address this security threat. Only through effective alien smuggling statutes can the Justice Department, through the United States Attorneys' Offices and the Domestic Security Section of the Criminal Division, prosecute these cases successfully.

(4) Alien smuggling has a destabilizing effect on border communities. State and local law enforcement, medical personnel, social service providers, and the faith community play important roles in combating smuggling and responding to its effects.

(5) Existing penalties for alien smuggling are insufficient to provide appropriate punishment for alien smugglers.

(6) Existing alien smuggling laws often fail to reach the conduct of alien smugglers, transporters, recruiters, guides, and boat captains.

(7) Existing laws concerning failure to heave to are insufficient to appropriately punish boat operators and crew who engage in the reckless transportation of aliens on the high seas and seek to evade capture.

(8) Much of the conduct in alien smuggling rings occurs outside of the United States. Extraterritorial jurisdiction is needed to ensure that smuggling rings can be brought to justice for recruiting, sending, and facilitating the movement of those who seek to enter the United States without lawful authority.

(9) Alien smuggling can include unsafe or recklessly dangerous conditions that expose individuals to particularly high risk of injury or death.

SEC. 3. CHECKS AGAINST TERRORIST WATCHLIST.

The Department of Homeland Security shall, to the extent practicable, check against all available terrorist watchlists those alien smugglers and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

SEC. 4. STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.

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