

the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5057.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### MILITARY PERSONNEL CITIZENSHIP PROCESSING ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2840) to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2840

*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 "Military Personnel Citizenship Processing Act".

#### SEC. 2. OFFICE OF THE FBI LIAISON.

(a) ESTABLISHMENT.—Section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) is amended by adding at the end the following:

“(g) OFFICE OF THE FBI LIAISON.—

“(1) IN GENERAL.—There shall be an Office of the FBI Liaison in the Department of Homeland Security.

“(2) FUNCTIONS.—The Office of the FBI Liaison shall monitor the progress of the functions of the Federal Bureau of Investigation in the naturalization process to assist in the expeditious completion of all such functions pertaining to naturalization applications filed by, or on behalf of—

“(A) current or former members of the Armed Forces under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440);

“(B) current spouses of United States citizens who are currently serving on active duty in the Armed Forces, who qualify for naturalization under section 319(b) of the Immigration and Nationality Act (8 U.S.C. 1430(b)), and surviving spouses and children who qualify for naturalization under section 319(d) of such Act; or

“(C) a deceased individual who is eligible for posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440-1).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.”.

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall promulgate rules to carry out the amendment made by subsection (a).

#### SEC. 3. DEADLINE FOR PROCESSING AND ADJUDICATING NATURALIZATION APPLICATIONS FILED BY CURRENT OR FORMER MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES AND CHILDREN.

(a) IN GENERAL.—Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) is amended by adding at the end the following:

“(g) Not later than 6 months after receiving an application for naturalization filed by a current member of the Armed Forces under subsection (a), section 329(a), or section 329A, by the spouse of such member under section 319(b), or by a surviving spouse or child under section 319(d), United States Citizenship and Immigration Services shall—

“(1) process and adjudicate the application, including completing all required background checks to the satisfaction of the Secretary of Homeland Security; or

“(2) provide the applicant with—

“(A) an explanation for its inability to meet the processing and adjudication deadline under this subsection; and

“(B) an estimate of the date by which the application will be processed and adjudicated.

“(h) The Director of United States Citizenship and Immigration Services shall submit an annual report to the Subcommittee on Immigration, Border Security, and Refugees and the Subcommittee on Homeland Security of the Senate and the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law and the Subcommittee on Homeland Security of the House of Representatives that identifies every application filed under subsection (a), subsection (b) or (d) of section 319, section 329(a), or section 329A that is not processed and adjudicated within 1 year after it was filed due to delays in conducting required background checks.”.

(b) GAO REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of a study regarding the average length of time taken by United States Citizenship and Immigration Services to process and adjudicate applications for naturalization filed by members of the Armed Forces, deceased members of the Armed Forces, and their spouses and children.

#### SEC. 4. SUNSET PROVISION.

This Act and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. 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 Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, foreign-born soldiers serving in our Armed Forces are eligible for expedited U.S. citizenship, yet they often face delays in the processing of the FBI background check required for naturalization.

S. 2840 would address this backlog by creating an Office of the FBI Liaison within the Department of Homeland Security. This office will help expedite the processing of naturalization applications filed by soldiers, veterans, and spouses and children of active duty soldiers.

The bill requires DHS to adjudicate these naturalization applications within six months, or to inform the applicants of the reasons for the delay and provide them with an estimated date of completion.

It promotes accountability by having the United States Citizenship and Immigration Service (USCIS) report annually to Congress on how many of these naturalization applications that remain pending a year after filing due to delays in background checks.

Approximately 45,000 lawful permanent residents are currently serving in our Armed Forces. More than 13,000 non-citizen military have applied for U.S. citizenship since 2002.

S. 2480 is a good measure that will help ensure that our soldiers and veterans do not face unreasonable hurdles to U.S. citizenship. I urge my colleagues to support the bill.

Mr. Speaker, I yield to the gentleman from Texas, Mr. Ciro Rodriguez, as much time as he may consume.

Mr. RODRIGUEZ. Thank you, Mr. Chairman, and thank you, Mr. SMITH.

Mr. Speaker, I rise in Senate bill 2840, the Military Personnel Citizenship Processing Act, sponsored by Senator CHUCK SCHUMER of New York. I was a sponsor on the House side. Senate bill 2840 would address the growing backlog of citizenship applications of those men and women that are serving our country and happen to be foreign born.

This bill addresses some of the hold-ups with the FBI backgrounds, not only for the soldiers, sailors and airmen, but also ensuring that dialogue occurs also with the Department of Defense and the military in the applications.

It creates an office of FBI liaison with DHS and monitors the communication gaps that exist between them at the present time. This bill further requires that the agencies send notice out to the military applicants explaining the delay and estimating the date of completion for any application pending over 6 months.

This bill works in harmony with the recently passed Kendell Frederick Act. While the Kendell Frederick Act will ensure prompt processing of biometric data and timely adjudication after the FBI background checks are completed, S. 2840 will ensure that the background checks themselves are done expeditiously.

Taken together, this bill will be a one-two punch that's required and needed in order for our military servicemen to be able to move forward and become citizens.

Some 7,500 military applications are presently pending with citizenship and immigration services. These men and women represent the best of America, and they unquestionably deserve and are owed the full rights of every citizen in this country.

The provisions on this bill allow it to hopefully expedite this to occur.

Mr. SMITH of Texas. Mr. Speaker, I would like to associate myself with the remarks made by my Texas colleague, Mr. RODRIGUEZ.

Mr. Speaker, the Military Personnel Citizenship Processing Act creates an Office of the

FBI Liaison within U.S. Citizenship and Immigration Services (USCIS). This office will monitor the progress of naturalization applications filed by veterans and military personnel.

It will also monitor the progress of naturalization applications filed by spouses of active duty soldiers stationed abroad. And the Liaison Office will track the naturalization process for the soldiers and their spouses and children who are eligible for citizenship under the provisions that grant posthumous citizenship to military personnel who die in service to the country.

The intent behind the establishment of this Liaison Office is to address the delays that often occur in the processing of the necessary background checks for these categories of applicants.

The haste under which this bill was added to the suspension calendar precludes any meaningful assessment of the need for such an office. However, I do not object to measures that facilitate the processing of naturalization applications of those who have honorably served our country or their spouses and children.

This bill also requires USCIS to make a decision on these applications within 6 months of filing or, in circumstances in which that is not possible, to provide the reasons why. This is not an onerous burden since USCIS will still have the flexibility needed to be sure that all required security checks and eligibility criteria are met before granting citizenship.

In this Congress, we have already passed legislation to ease the processing of naturalization applications for our soldiers. The Kendall Frederick Citizenship Assistance Act became law on June 26th of this year. That law permits soldiers to use the fingerprints they provided at the time of enlistment for their background checks.

That law also requires the Secretary of Homeland Security and the Director of the FBI to take steps to ensure that soldiers' naturalization applications are adjudicated within 180 days after the background checks have been completed. This bill furthers those goals.

The bill provides, but does not require, an earlier target date of 6 months after the filing of the application. But in cases in which that time frame cannot be met—even with the new FBI liaison office created under this bill—USCIS will need to explain why.

I have no objection to these measures, which are intended to ensure the timely adjudication of naturalization applications filed by those who have served our Nation, and urge my colleagues to support the bill.

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

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from California, ZOE LOFGREN, as much time as she may need.

Ms. ZOE LOFGREN of California. I would certainly like to commend Congressman RODRIGUEZ and Senator SCHUMER. This is a measure that I support.

Mr. Speaker, I would just like to note there is another measure that we have marked up in the Judiciary Committee that would broadly assist our American soldiers and their families. I hope that in the same spirit of collaboration we see this evening, we will be able to achieve that wonderful advance for the

fathers, mothers, wives, spouses, and sons and daughters of our brave American soldiers.

Mr. CONYERS. 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 Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 2840. 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. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

#### PROHIBITING RECOGNITION AND ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6146) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6146

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

#### SECTION 1. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The first amendment of the Constitution of the United States prohibits the abridgment of freedom of speech.

(2) Freedom of speech is fundamental to the values of American democracy.

(3) In light of the constitutional protection our Nation affords to freedom of speech, the Supreme Court has modified the elements of the common law tort of defamation to provide more protection for defendants than would be available at common law, including providing special protections for political speech.

(4) The courts of other countries, including those that otherwise share our Nation's common law and due process traditions, are not constrained by the first amendment and thus may provide less protection to defamation defendants than our Constitution requires.

(5) While our Nation's courts will generally enforce foreign judgments as a matter of comity, comity does not require that courts enforce foreign judgments that are repugnant to our Nation's fundamental constitutional values, in particular its strong protection of the right to freedom of speech.

(6) Our Nation's courts should only enforce foreign judgments as a matter of comity when such foreign judgments are consistent with the right to freedom of speech.

(b) PURPOSE.—The purpose of this Act is to protect the right to freedom of speech under the first amendment to the Constitution of the United States from the potentially weakening effects of foreign judgments concerning defamation.

#### SEC. 2. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

##### “CHAPTER 181—FOREIGN JUDGMENTS

“Sec.

“4101. Recognition of foreign defamation judgments.

##### “§ 4101. Recognition of foreign defamation judgments

“(a) FIRST AMENDMENT CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation that is based upon a publication concerning a public figure or a matter of public concern unless the domestic court determines that the foreign judgment is consistent with the first amendment to the Constitution of the United States.

“(b) DEFINITIONS.—For purposes of this section:

“(1) DOMESTIC COURT.—The term ‘domestic court’ means a State court or a Federal court.

“(2) FOREIGN COURT.—The term ‘foreign court’ means a court, administrative body, or other tribunal of a foreign country.

“(3) FOREIGN JUDGMENT.—The term ‘foreign judgment’ means a final judgment rendered by a foreign court.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

“181. Foreign Judgments ..... 4101”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. CONYERS. 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 Michigan?

There was no objection.

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

Mr. Speaker, this bill imposes a limited, but important, condition on enforcement of foreign defamation judgments in our courts.

It prohibits a federal or state court from enforcing a defamation judgment entered in another country for publication involving a matter of public concern, unless the court first determines that the judgment is consistent with the free-speech clause of our Constitution's First Amendment.

H.R. 6146 responds to the problem of what is sometimes called “libel tourism.” This is the disturbing practice of suing authors for defamation in foreign countries rather than in the United States, so as to avoid the speech-protective features of defamation law enshrined in our Constitution.

A much-cited recent example is the lawsuit filed by a Saudi billionaire against an American expert on terrorism, as a result of statements about his activities she made in a book entitled *Funding Evil: How Terrorism Is Financed and How to Stop It*.

The Saudi billionaire sued the American author not in the United States, where the book