

108TH CONGRESS
1ST SESSION

S. 1949

To establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict reconstruction, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 24, 2003

Mr. BIDEN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish the Return of Talent Program to allow aliens who are legally present in the United States to return temporarily to the country of citizenship of the alien if that country is engaged in post-conflict reconstruction, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Return of Talent Act”.

1 **SEC. 2. RETURN OF TALENT PROGRAM.**

2 (a) IN GENERAL.—Title III of the Immigration and
3 Nationality Act (8 U.S.C. 1401 et seq.) is amended by
4 inserting after section 317 the following:

5 “TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN
6 THE RETURN OF TALENT PROGRAM

7 “SEC. 317A. (a) IN GENERAL.—The Secretary of
8 Homeland Security shall establish the Return of Talent
9 Program to permit eligible aliens to temporarily return to
10 the alien’s country of citizenship in order to make a mate-
11 rial contribution to that country if the country is engaged
12 in post-conflict reconstruction activities, for a period not
13 exceeding 24 months, unless an exception is granted under
14 subsection (d).

15 “(b) ELIGIBLE ALIEN.—An alien is eligible to partici-
16 pate in the Return of Talent Program established under
17 subsection (a) if the alien meets the special immigrant de-
18 scription under section 101(a)(27)(N).

19 “(c) FAMILY MEMBERS.—The spouse, parents, sib-
20 lings, and any children of an alien who participates in the
21 Return of Talent Program established under subsection
22 (a) may return to such alien’s country of citizenship with
23 the alien and reenter the United States with the alien.

24 “(d) EXTENSION OF TIME.—The Secretary of Home-
25 land Security may extend the 24-month period referred
26 to in subsection (a) upon a showing that circumstances

1 warrant that an extension is necessary for post-conflict re-
 2 construction efforts.

3 “(e) RESIDENCY REQUIREMENTS.—An immigrant
 4 described in section 101(a)(27)(N) who participates in the
 5 Return of Talent Program established under subsection
 6 (a), and the spouse, parents, siblings, and any children
 7 who accompany such immigrant to that immigrant’s coun-
 8 try of citizenship, shall be considered, during such period
 9 of participation in the program—

10 “(1) for purposes of section 316(a), physically
 11 present and residing in the United States for pur-
 12 poses of naturalization within the meaning of that
 13 section; and

14 “(2) for purposes of section 316(b), to meet the
 15 continuous residency requirements in that section.

16 “(f) OVERSIGHT AND ENFORCEMENT.—The Sec-
 17 retary of Homeland Security, in consultation with the Sec-
 18 retary of State, shall oversee and enforce the requirements
 19 of this section.”.

20 (b) TABLE OF CONTENTS.—The table of contents for
 21 the Immigration and Nationality Act (8 U.S.C. 1101 et
 22 seq.) is amended by inserting after the item relating to
 23 section 317 the following:

“317A. Temporary absence of persons participating in the Return of Talent
 Program.”.

1 **SEC. 3. ELIGIBLE IMMIGRANTS.**

2 Section 101(a)(27) of the Immigration and Nation-
3 ality Act (8 U.S.C. 1101(a)(27)) is amended—

4 (1) in subparagraph (L), by inserting a semi-
5 colon after “Improvement Act of 1998”;

6 (2) in subparagraph (M), by striking the period
7 and inserting “; or”; and

8 (3) by adding at the end the following:

9 “(N) an immigrant who—

10 “(i) has been lawfully admitted to the
11 United States for permanent residence;

12 “(ii) demonstrates an ability and willing-
13 ness to make a material contribution to the
14 post-conflict reconstruction in the alien’s coun-
15 try of citizenship; and

16 “(iii) as determined by the Secretary of
17 State in consultation with the Secretary of
18 Homeland Security—

19 “(I) is a citizen of a country in which
20 Armed Forces of the United States are en-
21 gaged, or have engaged in the 10 years
22 preceding such determination, in combat or
23 peacekeeping operations; or

24 “(II) is a citizen of a country where
25 authorization for United Nations peace-
26 keeping operations was initiated by the

1 United Nations Security Council during
2 the 10 years preceding such determina-
3 tion.”.

4 **SEC. 4. REPORT TO CONGRESS.**

5 Not later than 24 months after the date of enactment
6 of this Act, the Secretary of Homeland Security shall sub-
7 mit a report to Congress that describes—

8 (1) the countries of citizenship of the partici-
9 pants in the Return of Talent Program established
10 under section 2;

11 (2) the post-conflict reconstruction efforts that
12 benefited, or were made possible, through participa-
13 tion in the program; and

14 (3) any other information that the Secretary of
15 Homeland Security determines to be appropriate.

16 **SEC. 5. REGULATIONS.**

17 Not later than 6 months after the date of enactment
18 of this Act, the Secretary of Homeland Security shall pro-
19 mulgate regulations to carry out this Act.

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to the Bureau
22 of Citizenship and Immigration Services for each of the
23 fiscal years 2004 and 2005, such sums as may be nec-
24 essary to carry out this Act.

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