The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. Kolbe).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, April 3, 2006.

I hereby appoint the Honorable Jim Kolbe to act as Speaker pro tempore on this day.

J. Dennis Hastert,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

For ourselves personally and for the Nation, we pray Psalm 31:

"In You, O Lord, we take refuge. Let us never be put to shame. For Your namesake lead us and guide us." For all those suffering throughout the world, we pray:

"Release us, Lord, from the hidden snares that entrap us for You are our refuge. Into Your hands we commend our spirits. It is You, You alone, who will redeem us, Lord." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debate.

There was no objection.

Accordingly (at 2 o’clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 4, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker’s table and referred as follows:

6819. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Trifluoromethylphenol Tolerance; Pesticide Tolerance [EPA-HQ-OPP-2006-0032; FRL-7754-9] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6820. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Fluvalinate; Pesticide Tolerance [EPA-HQ-OPP-2006-0103; FRL-7765-3] received March 22, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6821. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Spinosad; Pesticide Tolerance [EPA-HQ-OPP-2005-0510; FRL-7758-2] received March 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6822. A letter from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting the Department’s final rule — Emergency Mine Evacuation Plan; Pneumoconiosis and Black Lung Disease [EPA-HR-2006-921; FRL-7783-8] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


6825. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2006-0032;
H1394

CONGRESSIONAL RECORD — HOUSE

April 3, 2006

FRL-8023-3] received January 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.


A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pearl and Dilley, Texas) [MB Docket No. 03-87; RM-10686] received March 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

A letter from the Legal Advisor to the Bureau Chief, MB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Old Forge and Black River, New York) [MB Docket No. 05-279; RM-11276] received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revision to the Privacy Act Definitions of Federal Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members [0790-AH73] received March 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

A letter from the Liaison Officer, Office of the Secretary, Department of Defense, transmitting the Department's final rule — Criminal Jurisdiction Over Civilians Employed by or Accompanying the Armed Forces Outside the United States, Service Members, and Former Service Members [0790-AH73] received March 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

A letter from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting the Department's final rule — Seaway Regulations and Rules: Periodic Update, Various Categories [Docket No. SLSDC 2005-23234] (RIN: 2135-AA22) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, transmitting the Administration’s final rule — Schedules of Controlled Substances; Exempt Anabolic Steroid Products [Docket No. DEA-2006-1247] (RIN: 1117-AA88) received March 20, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

A letter from the Assistant Chief Counsel, PHMSA, Department of Transportation, transmitting the Department’s final rule — Hazardous Materials: Revision of Requirements for Carriage by Aircraft [Docket No. RSPA-02-11654 (HM-228)] (RIN: 2137-AD18) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency’s final rule — Revision to the Privacy Act Requirements for Carriage by Aircraft [Docket No. RSPA-02-11654 (HM-228)] (RIN: 2137-AD18) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

A letter from the Acting General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board’s final rule — Death Benefits — March 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.


A letter from the Legal Advisor to the Chief, MB, Federal Communications Commission, transmitting the Commission’s final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Pearl and Dilley, Texas) [MB Docket No. 03-87; RM-10686] received March 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

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A letter from the Acting General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board’s final rule — Death Benefits — March 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.


PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, Mr. ANDREWS introduced a bill (H.R. 5073) to amend chapter 44 of title 18, United States Code, to require microstamping of all firearms manufactured in or imported into the United States, and ballistics testing of all firearms in the custody of the Federal Government; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. PAYNE.
H.R. 4560: Ms. DeGETTE.
H. Con. Res. 318: Mr. CAPUANO.
H. Res. 749: Mr. EMANUEL.
The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:
Let us pray.
As we begin another Senate session, most gracious Father, remind us that we never drift out of Your love and care. Faces may change and conditions may alter, but You are always there, just when we need You most. Thank You for protecting us from seen and unseen dangers, for being our refuge and strength.

Today, lead our Senators to do Your will. May their actions spring from thoughts that are pure, just, true, honest, and good. Give them the serenity to accept the things they cannot change, the courage to change the things they can, and the wisdom to know the difference.

Help each of us to remember that it is more blessed to give than to receive. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE
The PRESIDENT pro tempore led the pledge of allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME
The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER
The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE
Mr. SPECTER. Mr. President, on behalf of the majority leader, I have been asked to make the following announcement: We are going to resume debate right now on the committee substitute to the border security bill. There are a number of amendments pending. It is anticipated that there will be two votes likely to begin at 5:30. Members will be alerted when those votes are locked in with certainty, but that is the current expectation.

Senator FRIST has reminded everyone that this is the final week of legislative work prior to the Easter recess. We expect busy days with late sessions in order to complete the work on the pending legislation before the end of the week. Senator FRIST has made the explicit comment that Senators should plan for a full week of business with votes throughout the week.

We have already had quite a number of amendments filed. We know that the tempo of the Senate is to finish legislation, such as that which is pending now, when it is backed up to a recess. I have been authorized to say that we will be holding the votes to 20 minutes—15 minutes as prescribed by the rules of the Senate and 5 minutes over. We all have seen the votes run very late and take up a great deal of floor time. We will be voting with a 20-minute cutoff.

Senator LEAHY has asked me to express his view as well as mine that all Senators come forward with amendments so that we can evaluate them, make a determination as to which ones can be accepted and as to which ones will have to be debated and voted upon. We will be looking for time agreements. But we have a prodigious job ahead of us to finish the bill by the end of the week. We solicit the cooperation of all Members.

I will have more to say, but I yield at this point to the Democratic leader.

RECOGNITION OF THE DEMOCRATIC LEADER
The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SECURING AMERICA’S BORDERS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Bingaman amendment No. 3210 (to amendment No. 3192), to provide financial aid to local law enforcement officials along the Nation’s borders.

Alexander amendment No. 3193 (to amendment No. 3192), to prescribe the binding oath or affirmation of renunciation and allegiance required to be naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens.

Isakson amendment No. 3215 (to amendment No. 3192), to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.
We heard discussion about the chairmanship of the Second Circuit, a judge from the Ninth Circuit, a former chief judge of the Second Circuit, and a fifth judge from the U.S. District Court for the District of Arizona.

We heard a number of opinions on the desirability of having consolidation but perhaps an alternative to being in the Federal circuit. We are now considering those matters. We will be discussing them with other members of the committee. It may be that we will choose to revise the chairman’s mark to provide that the cases will be evened out among the various circuits.

With the Ninth Circuit and the Second Circuit now having a disproportionate number, the suggestion was made by Judge Newman, former chief judge of the Court of Appeals for the Second Circuit, that there be a court created, perhaps to sit in Washington, although not indispensably so, where the judges would be selected from circuit judges and selected by the chief justice to maintain that judges review these matters as generalists as opposed to specialists. We will consider that.

We heard discussion about the chair- man’s mark on increasing the number of active judges on the Board of Immigration Appeal so that the full 23 would sit and the provision that they sit in panels so that they write opinions, not just a one-sentence decision, which is now the case and which puts a considerable burden on the courts of appeal.
America in the next two decades. So America’s choice really is between immigration and economic stagnation.

However, even though immigration brings many benefits, there is no doubt that our current system is broken and fails to meet our nation’s needs. Our borders are out of control at a time of heightened concern about terrorism. Millions cross our borders and remain illegally, creating an underground society that is subject to abuse and that harms American wages and working conditions. Millions more enter through our airports and seaports as visitors but remain long after their visas expire. They come and remain because they wish to work and contribute, and our employers continue to offer them jobs. As a result, more than 11 million undocumented immigrants are living and working in America today.

Many in Congress suggest that the answer is simply more enforcement. Just build more fences and hire more patrols and it will solve the problem.

But we have tried that before and failed. We have spent more than $20 billion over the past decade to build fences and triple our border patrols, but the problem won’t shut down. In the 1980s, the rate of illegal immigration was 40,000 people a year. Today, it is more than half a million. And the probability that a border crosser will be apprehended has plummeted from 20 percent a decade ago to just 5 percent today.

An enforcement-only approach to solving our immigration problems may make a good campaign slogan. But in reality it is a failed strategy that threatens our security and threatens American wages.

That’s why Senator MCCAIN and I have proposed a comprehensive, common sense plan to make a real difference. An effective immigration strategy must have three parts.

First, we must enhance and modernize our immigration enforcement capabilities, both at our borders and at worksites. To accomplish this, our bill enhances our capacity to monitor immigration flows and stop illegal entry. To do this, it doubles the number of Border Patrol agents over the next 5 years. And it builds roads, fences, and vehicle barriers in specific high-flow areas; adds significant new technology at the border to create a robust “virtual fence”; develops new land and water surveillance plans; authorizes new permanent highway checkpoints near the border; and expands the exit-entry security system to all land borders and airports.

Our bill increases our capacity to crack down on criminal syndicates that smuggle immigrants into the country and place them at great risk. To aid in this mission, it creates new Federal penalties for constructing border tunnels; new criminal penalties for evading or refusing to obey commands of immigration officers; and new criminal penalties for financial transactions related to money laundering or smuggling. And it creates new fraud-proof biometric immigration documents; increases access to anti-fraud detection resources; and improves coordination among Federal, State, local, and tribal efforts to combat alien smuggling.

Our bill increases cooperation with Mexico to strengthen migration control at Mexico’s southern border to deter migration from Central America through Mexico and into the United States. It requires cooperation with other governments in the region to deter international gang activity.

And our bill would reduce the job magnet in America by creating a universal electronic eligibility verification system which will allow employers to tell which individuals are authorized to work in the United States. It will substantially increase penalties against employers who fail to comply with eligibility verification rules and add 5,000 new enforcement agents to back up these provisions.

Second, we must address the presence of the 11 million undocumented workers who are here now.

It is clear that we are not going to send them home. Many are American citizen children and even grand-children, and deporting them would rip families apart. The massive roundup of 11 million people would create havoc in our communities and cost $240 billion.

It would require 200,000 buses in a convoy that would stretch from Alaska to San Diego.

These families want to continue working and contributing to our communities, and we should give them that opportunity not by offering an amnesty, but by allowing them to earn the right to remain.

So under our plan, to earn their legal status and eventually apply for citizenship, they must pay a $2000 fine, work for six years, pay their taxes, learn English and civics, pass rigorous criminal and security background checks, and get in the back of the line behind those who have been waiting patiently to qualify for green cards.

Unfortunately, yesterday on television Senator Frist mischaracterized our commonsense proposal. He called it an amnesty, when in fact nothing is forgiven, nothing is pardoned. Undocumented workers must earn the privilege of legal status and a path to American citizenship.

And he said that our plan allows undocumented immigrants to jump to the front of the line, when our bill says plainly in black and white that they must wait in the back.

We should conduct this debate based on fact, not fiction—thoughtful policy and not bumper sticker slogans.

Earned legalization should not be available to criminal aliens and others who would undermine U.S. security, but we must not be fooled by the amendment offered last week by Senators Kyl and Cornyn. Our bill already excludes from earned legalization criminal aliens and any immigrant representing a security risk to the United States. The Kyl-Cornyn amendment would also exclude literally millions of undocumented immigrants already living and working in this country because they failed to obey the terms of their legal entry. It is a failed strategy that fully 95 percent of immigrants affected by the Kyl-Cornyn amendment would not be criminal aliens, but rather exactly the hardworking immigrants and families this program is designed to bring out of the shadows.

The third and final element of a successful immigration strategy is to address future immigration. We must provide a path to earned legalization for those already here. But we must also address the continuing needs of our employers for workers and the reality that people will continue to come here to improve their lives and contribute to America.

In the past, we have largely ignored these realities. We have turned our heads as people have come here to work and required them to remain in an underground economy.

The head-in-the-sand policy cannot be allowed to continue. It is harmful to these workers who are subject to abuse by employers. It is harmful to employers who never know if their workers may be sent home tomorrow, and most of all it is harmful to American workers whose wages are cut because employers can get away with hiring undocumented workers at lower pay.

Therefore, the Senate approved Senator MCCAIN and I propose and that was adopted by the Judiciary Committee provides a strong and effective guest worker program for the future. It is far better for American workers if future immigrants come here legally with rights to fair wages and working conditions, rather than having to compete with illegal workers who are paid substandard wages. Isn’t it better if an employer must pay an immigrant carpooling in a standard wage to American workers than a substandard wage that drives down wages for everyone else? That is what our guest worker program would do.

It is estimated that the American economy demands about 400,000 new low-skilled immigrants each year, but our current immigration system grants only 5,000 visas to these workers. That is why we have more than 11 million undocumented workers today. There simply are not enough visas to go around.

To meet future needs, our guest worker program takes the commonsense step of starting with a 400,000 annual cap and allowing it to be adjusted up or down in future years based on the needs of the economy.

Taking this realistic step would free up our enforcement efforts to focus not on those who yearn to breathe free, but on those who undermine our economic and national security. We should concentrate our enforcement resources on those who would
truly harm us—the criminals, the drug smugglers, and especially the terrorists. That should be the priority for our time, and that is the priority of the McCain-Kennedy legislation.

Enhanced enforcement, earned legalization for those who are here, and a real guest worker program for the future—that is a plan for success, and the American people know it. It is a plan that Time magazine reports is supported by more than three-quarters of the American people, and they support that plan because they know our three-part plan increases our security, respects our values, and strengthens our progress. In fact, poll after poll finds that between two-thirds and three-quarters of all Americans favor a new program to allow temporary visas for future essential workers, and an even higher proportion favor allowing undocumented immigrants into the United States to earn citizenship if they learn English, have a job, and pay taxes.

In contrast, in a Time magazine poll conducted last week, just one in four Americans favor making illegal immigration a crime and preventing anyone entering the country illegally from remaining in the country and working here. The American people want real comprehensive reform, not just more immigration enforcement.

All three of these changes are necessary if we are to address the root causes of undocumented immigration and break the cycle of illegality which now corrodes our immigration system. All three of these changes are necessary if we are to ensure that immigrant families today, as in the past, continue to live the American dream and contribute to our prosperity, our security, and our values. All three of these changes are necessary if we are to be true to our heritage as a nation of immigrants.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I believe that we are back to order, and I believe the proposal to continue importing cheap labor, I think it is a strange set of circumstances that has a proposal on the floor of the Senate saying let’s deal with immigration and the immigration problem in this country by adding to the immigration bill a so-called guest worker program that would allow 400,000 additional people who now live outside our country to come into our country’s labor force. They would do that with an escalator of potential 20 percent more than the 400,000 in the year one, 400,000 in the 6 years, if they use the maximum, another 4.7 million immigrant workers into this country.

Open the newspaper these days and take a look at the new outsourcing of American jobs: goods, American jobs that pay well, with benefits, retirement, and health care, going to China, Indonesia, Sri Lanka, Bangladesh—outsourcing American jobs. In addition to outsourcing good American jobs, we are also insourcing, importing cheap labor.

We now have 11 million immigrants in this country who are here illegally. This Chamber is full of talk these days about immigrants because we are on an immigration bill and will be until the end of this week. The question is, Where is the talk about American workers as we discuss the issue of immigrants and immigration reform? Where is the description of the plight of the American workers? Where is the description of the circumstances faced by American workers? There are many here speaking for immigrants, and I don’t ever want to diminish the dignity or the worth of the immigrants who have come here of this country and helped us build something very unusual on the face of this Earth.

This country is a country made up of immigrants. I think everyone who stands on this floor would likely describe their great-grandparents or their grandparents or great-great-grandparents who came here from somewhere—mine from Norway, for example, and Sweden. But what we have built on this Earth is a country that is unique and unusual. It is a country that has created a standard of living which is almost unparalleled in the world: good jobs that pay well, the creation of a middle class, an expanded middle class where people had good incomes and those good incomes allowed them to increase their standard of living.

Now we see a different kind of circumstance in our country. We see the largest corporations that have become big, very wealthy, very large corporations that have described a different set of circumstances for themselves. What they like to do is produce somewhere else—send their jobs to China, for example—and then send the product back to this country to sell and then send their income through a Grand Cayman Island bank so they don’t have to pay taxes. They ship the jobs overseas, ship the products here, and run the money through the Cayman Islands.

In addition to all of that—and there is plenty of evidence that is going on wholesale; 3 million jobs lost to that sort of activity just in the last several years—in addition to that, at the same time these jobs are moving overseas and hurting the middle class in this country and shrinking opportunities for the people at the lowest rung of the economic ladder, we have people trying to come into this country.

Why? Our country is an attraction to them because this is a place they want to come to get a job and make some money. In much of the world, they pay various substandard wages—different economies, less developed countries, undeveloped countries—so this country has become a magnet for people who want to come here.

I have described the circumstance some years ago when I was on a helicopter that ran out of gas somewhere between Honduras, Nicaragua, and El Salvador, up in the mountains in the jungles. After we ran out of power, after the fuel tank was empty, we landed, and the compesinos came to our helicopter to see who came through. I, through an interpreter, talked with some of them.

I talked with a woman who had three children. After describing who we were and asking about her life, I said: What is it you would like to do with your life?

She said: Oh, I would like to come to America; I would like to come to the United States.

Why would you like to do that, I asked?

Because that is where opportunity is, she said. Get a job, make some money, have opportunities for me and my children.

That is not unusual. It wasn’t unusual to hear that in Nicaragua, or El Salvador, and it wouldn’t be unusual to hear that in most parts of the world. If we had no immigration laws at all and we said tomorrow to any one else of the world’s population of roughly 6.3 billion who want to come here: Come on over, you are welcome in this country. Come and stay. Come and grab a job, if you like—why don’t we do that? Why do we have immigration laws? Why do we have quotas of the number of people we can allow in each year—and we do allow people in—why do we have those numbers? Simply because we can’t absorb a massive inflow of immigration from around the world willing to work at substandard wages. We can’t absorb that. The social services that are required to attend to it, the jobs they take, we can’t do that. So we have a process called immigration by which people legally come into this country.

People have come to this country illegally. It is estimated we now have 11 million people here illegally. I heard an actor—well, actually he is not much of an actor—but I heard this fellow on television yesterday on CBS, I believe it was, and he was doing his commentary about immigration. This is a fellow who has been everywhere, so it didn’t surprise me what he said about immigration. He said: No one should call this illegal immigration.
Well, I am sorry, but if people come here illegally, it is illegal immigration. We have 11 million people here illegally.

In addition, 11 million people tried to come across our southern border last year—11 million people we estimate came into this country across the southern border. Only last year legally. Finally, above that number, 175,000 immigrants from Mexico last year legally. That is in addition to the other quotas from the other countries. So the fact is, we have a very significant number who come into this country, and many of them come in illegally.

So my colleagues bring an immigration bill to the floor and the President describes the need for an immigration bill, as well as the President of Mexico. What they say is: We can’t arrest and deport 11 million people. I understand that. I am not sure I know the solution to all of this, but I understand there is not going to be a sweep in this country to deport or detain or arrest 11 million people who are here illegally. The discussions that portion of the bill and we will have amendments about that portion of the legislation. We will also have amendments about employer sanctions.

I was here when the previous immigration bill to the floor and the President said that we have a very significant number who come into this country, and many of them come in illegally.

So my colleagues bring an immigration bill to the floor and the President describes the need for an immigration bill, as well as the President of Mexico. What they say is: We can’t arrest and deport 11 million people. I understand that. I am not sure I know the solution to all of this, but I understand there is not going to be a sweep in this country to deport or detain or arrest 11 million people who are here illegally. The discussions that portion of the bill and we will have amendments about that portion of the legislation. We will also have amendments about employer sanctions.

I was here when the previous immigration bill to the floor and the President said that we have a very significant number who come into this country, and many of them come in illegally.

Let me respond to that question of jobs that Americans won’t do. This is what the research says. Construction jobs: 86 percent of the workers are American workers and other legal workers. Food preparation: 12 percent are illegal immigrants; 88 percent of the food preparation workers are American workers and other legal workers. Manufacturing: 91 percent American workers. Transport: 91 percent American workers. The corporations and others say Americans won’t take and, therefore, they have to bring in immigrant labor, new guest workers, 4.6 million additional people.

While we are doing that, let’s take a look at this issue of change in income for the American people. This happens to measure 1979 to 2003. You can see the top 1 percent of the American income earners are doing very well—lots of extra income, massive growth in their income. And there is actually been most no growth in 25 years. In fact, some studies show they have actually lost ground. This shows that they have been stagnant for 25 years. So at the same time we have people saying, We need to bring in more immigrant workers to take these low-income jobs, we have people at the lower end of the economic scale in this country—and we have the middle-income workers as well—struggling, trying to figure out, What do we do next? How do they find a good job?

About 30 years ago, the largest corporation in this country was General Motors. General Motors paid well, had good benefits, good retirement, good health care. Most people not only got good pay when they went to work there, they worked there for a lifetime. Now, the largest corporation is Walmart—Wal-Mart. In the first year of employment, turnover I understand is about 70 to 80 percent. Wal-Mart pays $7.25 an hour, their average income at Wal-Mart is $18,000 a year, and they pay very little benefits. Very few have health care. I think a third to just over a third have health care benefits, and those who do pay substantially more than is the employee’s share in most other companies. That is what we have come to. So the middle-income workers are looking for a replacement for those jobs that have been shipped overseas.

I have spoken at length about the issue of outsourcing of jobs, and I won’t do that today, but whether it is Huffy bicycles or Little Red Wagon Radio Flyer, Fig Newton cookies, Fruit of the Loom, or Levis or Tony Lama boots—I could go on forever—these are jobs Americans used to have, good jobs that paid well, almost always with benefits—gone, gone to China for somebody who will earn 33 cents an hour, probably working in Shenzhen, China, 12 to 14 hours a day, 2 days a week, to produce the product and ship it back to Wal-Mart. Kmart, and Sears to be sold to the American public, and then have the same companies run their income. This is the Carny’s way of avoiding paying taxes. That is interesting but not very good for this country, and exactly the wrong strategy for the long-term economic health of America.

Employment rates for individuals less than a high school diploma will see that nearly one-half of U.S.-born workers without a high school diploma are without a job. Immigrant workers, on the other hand, many of whom come here without a high school diploma, find work in high numbers. I have a picture of some immigrant workers that was given to me recently. These, by the way, were workers who came in by a contractor who hired them to help do work after Hurricane Katrina, undocumented workers who came into this country, and by the way, at the hearing I held on this, one of the people who testified was a fellow who ran a Louisiana construction firm. His firm was hired by a Halliburton subcontractor to do electrical work in Louisiana after Hurricane Katrina. But the Halliburton subcontractor changed its mind, and they hired a good number of people to come in who were undocumented workers and who didn’t have adequate training to do electrical work at this particular base. It is the sort of thing that is going on all the time, and I think it is hurting this country.

The question is for this Congress, Who is going to talk about American workers? I know I talk about immigration, but it has a profound impact on American workers. So who is going to come here today to talk about American workers?

We are told that the corporate strategy here is that they can’t find additional American workers without paying higher wages and they don’t want to pay higher wages because they want to keep costs down, so they are going to import additional workers. They are now called guest workers. By the way, these are nonagricultural, these guest workers. This is in addition to H-2A and H-2B workers, agricultural and nonagricultural, who will still exist
under law. I haven’t even described the people coming in under those two provisions. Yet we have people saying we must have this additional guest worker program.

I understand people listening and those on the other side are very strongly against having to have this immigration bill, including the guest workers, who will say: What you are talking about is anti-immigrant. That couldn’t be further from the truth. I indicated that I think immigration contributes greatly to this country. Most of us have come as a result of some immigration back a generation or several generations in our family. But the question is: What are we going to do to balance the immigration legislation and the proposal for guest workers against the needs of American workers? I think what is going on here is going to pull the rug out from under American workers. I don’t understand this at all.

Let me put up a chart that shows the average wages—perhaps I should show you the New York Times story of March 17, a couple of weeks ago, about a businesswoman in New York. Sister Ping is her nickname. She was sentenced to 33 years for running one of New York City’s most lucrative immigrant smuggling rings and for financing the infamous Voyage of Golden Venture, the rusty freighter that ran aground with 300 starving immigrants in its hold and then tried to sell them at a 450,000-plus a year, or 4.7 million in 6 years. But the fact is, the President’s proposal has no limit at all; the sky is the limit. I am telling you, this is a U.S. Chamber-big business strategy. It is probably the most lucrative immigration bill anyone has ever had. It will allow them to import cheap labor. It probably keeps their costs low. But I will tell you what else it does: It pulls the rug out from American workers in a way that is very unfair.

Having said all of that, it is not my intention to suggest that we don’t have to deal with immigration issues. We do. I understand that. It is not my intention to suggest that anybody can round up or should seriously consider rounding up all illegal alien people and deporting them. That is not going to happen. I was in the Congress when the Simpson-Mazzoli bill was passed dealing with immigration. It was going to fix immigration. Immigration problems have been outstanding for a long while in line to file past the casket of Franklin Delano Roosevelt.

The journalist asked him: Did you know President Roosevelt?

The working guy said: No, but President Roosevelt knew me.

The question is, Who knows American workers now? Yes, President Roosevelt knew me. He is the person who got us the Fair Labor Standards Act. He stood up for American workers. Who knows American workers now? Is there any discussion about American workers as we talk about immigration on the floor of the Senate, a subject that will have such a profound impact on jobs in this country? Is there any discussion about American workers? I don’t hear it, regretfully.

AMENDMENT NO. 3223 TO AMENDMENT NO. 3192

Mr. DORGAN. I am also today going to offer an amendment numbered 3223, which I believe is at the desk. I asked Mr. Burns about it. I am not sure what the pending amendment be set aside.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. DORGAN. I ask that we call up amendment No. 3223.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

My colleagues say now we are going to really enforce things at the border. If we have a guest worker provision, somehow we will not have additional people coming across the border because we will allow about 4.7 million of them in illegally in addition to the 11 million who are here. I don’t understand why they believe allowing 450,000-plus a year, or 4.7 million in 6 years, potentially—that is going to stop others who want to come in. We have an inexhaustible number of people working around the world at dirt-cheap wages. We have an inexhaustible appetite in this country, for businesses, apparently, to hire people at substandard wages. So how is it you are going to plug this border? I don’t see it in this bill.

We are told we don’t really plug the border. What you really do is invite up to 4.7 million additional people in, and therefore that cuts the appetite for people to come in. It is total nonsense. We are not going to stop at all. It just isn’t. All it is going to do is undermine American workers at the bottom of the economic ladder. That is what it does. I don’t understand why this issue is brought to the floor of the Senate with guest workers.

I mentioned the other day a story about FDR. Let me close with that.

Franklin Delano Roosevelt’s funeral was being held. Before his funeral, his body lay in State here in the Capitol and there were lines to view the casket of Franklin Delano Roosevelt. The journalists were trying to get color pieces for their stories. A journalist walked up to a man who was holding his cap in his hands, a working man. He had been standing for some long while in line to file past the casket of Franklin Delano Roosevelt.

The journalist asked him: Did you know President Roosevelt?

The working guy said: No, but President Roosevelt knew me.

The question is, Who knows American workers now? Yes, President Roosevelt did know American workers. He is the person who got us the Fair Labor Standards Act. He stood up for American workers. Who knows American workers now? Is there any discussion about American workers as we talk about immigration on the floor of the Senate, a subject that will have such a profound impact on jobs in this country? Is there any discussion about American workers? I don’t hear it, regretfully.

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The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

Mr. DORGAN. I ask that we call up amendment No. 3223.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:
The Senator from North Dakota [Mr. DORGAN], for himself, Ms. SNOWE, Mr. SCHUMER, Mr. BURNS, and Mr. JEFFORDS, proposes an amendment numbered 3223 to amendment No. 3192.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to make day excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.)

At the appropriate place, insert the following:

SEC. 722. TRAVEL TO CANADA.
(a) Short Title.—This section may be cited as the “Common Sense Cross-Border Travel and Security Act of 2006”.
(b) Travel to Canada Without Passport.—Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended—
(1) in paragraph (1)—
(A) by striking “The Secretary and inserting the following:
“(A) in general.—The Secretary;”
(B) by striking “this plan” and inserting the following:
“(B) Day passes.—The plan developed under this paragraph shall include a system that would enable United States citizens to travel to Canada for a 24-hour period without a passport, including an application for a day pass at any port of entry along the border and the border card issued to the traveler. The traveler shall not be charged a fee to acquire or use the day pass.

(C) Implementation.—The plan developed under this paragraph; and

(2) by adding at the end the following:
“(3) Minors.—United States citizens who are less than 18 years of age, when accompanied by a legal guardian, shall not be required to present a passport when returning to the United States from Canada at any port of entry along the border card issued to the traveler. The traveler shall not be charged a fee in an amount greater than $30 for any passport card or similar document other than a passport card that is created to satisfy the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

(d) Acceptance of Passport Cards and Day Passes by Canada.—The Secretary of State, in consultation with the Secretary, shall negotiate with the Government of Canada to ensure that passport cards and day passes issued by the Government of the United States for travel to Canada are accepted for such purpose by the Government of Canada.

Mr. DORGAN. Mr. President, this amendment is cosponsored by Senator SNOWE, SCHUMER, BURNS, and JEFFORDS. I will just briefly describe the amendment that I hope we will consider this week. It deals with cross-border travel between the United States and Canada and the issue of the card that is being considered by the State Department in lieu of a passport that would be required for United States-Canada cross-border traffic.

The amendment is quite simple. It would provide, for children under 18—that is, 17 and under—who are accompanied by parents moving cross-border, they would not need one of these new cross-border cards. It would provide that there be an opportunity for the State Department to offer 3-day passes for those who are simply on a 1-day cross-border trip and would also provide that these new cards which would be required in lieu of passports cost no more than $20.

As you know, it takes over $90 to purchase a passport. That is not an incon siderable sum. It takes some while to get a passport. If you have a family of four or five going up to Winnipeg or Regina, the northern part of our State—we have a 4000-plus mile border—for a family of four or five going to see a relative, if we have a passport requirement, that is pretty dramatic. We are not going to issue our drivers’ license, and the Department of Homeland Security says that is going to be replaced by a passport. We complained about that. They said: All right, what will we require is a passport card. We know as specifics of that card, but what we want to make sure of is that card not be prohibitive for families. I don’t have any problem with requiring a standardized card, but I don’t believe it should cost more than $20. I don’t believe it should be required for children under 17 traveling with their parents. There also ought to be exceptional circumstances, with proper identification, for those who make day trips.

As I said, I am joined in this amendment by many of my colleagues from the border States, including Senator SNOWE from Maine, Senator SCHUMER from New York, Senator BURNS from Montana, and Senator JEFFORDS from Vermont. I hope we can have some discussion and debate and hope in the conduct of the debate on this immigration bill that we may include that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I sat here with interest, listening to the Senator from North Dakota. I think we agree on an awful lot. I may not agree with everything he said, but he made some very good points with respect to the earlier laws we have passed on this issue of immigration and the amnesty—that is what it amounted to—that was given to certain folks who were included in the previous immigration bill the Senator addressed. He is exactly right. It didn’t work back then. While there are provisions in this bill, some of which I may agree with—they may be good—there are certain other points in this which simply are not very good pieces of legislation.

I would like to speak on the amendments that exist in the immigration bill passed by the Judiciary Committee that is now under discussion on the floor. Some in the Senate like to call it something else—earned adjustment or earned citizenship—to try to distinguish it from what Congress has done in the past. However, I believe that the legislation adopted by the Judiciary Committee is similar to the program in the Intelligence Reform and Control Act passed by Congress, which everyone agrees is amnesty, that in fairness, what the Senate is being asked to consider today should likewise be called amnesty.

The reason why I opposed the amnesty, or earned legalization, is because the last time Congress addressed what to do about the illegal population in our country, a similar approach was agreed upon, and it did not work. In the 1986 Immigration Reform and Control Act, increased enforcement, both at the border and in the interior of the U.S., and especially with regards to employer sanctions was mandated to eliminate the jobs magnet for so many illegal immigrants. The reason why the theory was that our increased border security would stem the tide of illegal immigrants coming into the country.

Coupled with this enforcement was an amnesty offered to illegal aliens who specified work jobs in order to bring them out of the shadows and allow them to acquire legal status. There were actually two amnesties included in the Immigration Reform and Control Act of 1986—the Legality Authorization—SAW—and the Special Agricultural Worker Program—SAW.

Similarly in the bill put forth by the Judiciary Committee, there are mandates for increased border security and interior enforcement as well as a strong emphasis on employer sanctions. Coupled with this also exists two amnesties: one for the estimated 11 million illegal aliens currently in the U.S. and another for illegal aliens working in agriculture.

The 1986 SAW Program required that illegal aliens work a certain number of hours in agriculture in order to obtain a temporary legal status. Then 1 to 2 years after obtaining a temporary legal status, those agricultural workers were given permanent residency status. Now, every Senator I have seen come to the floor has called this 1986 SAW program an amnesty, yet many maintain that the current Judiciary Committee proposal is not an amnesty. However, the current agricultural program in the Judiciary Committee bill is constructed in much the same way: Illegal aliens who worked 150 hours in agriculture in the 2-year period ending on December 31, 2005, can obtain a temporary legal status, here called a blue card. Then by working 100 hours per year in agriculture for 5 years or by working 150 hours per year in agriculture for 3 years, that illegal alien will be given permanent resident status. So a program that is unanimously agreed upon to be amnesty and one that is argued not to be is the requirement that...
the illegal aliens work in agriculture for 100 to 150 hours per year. The waiting time instead of 1 to 2 years is now 3 or 5, but that is the rest is the same.

These illegal aliens are not required to work any other industry or any greater amount of time than 100 hours per year or 150 hours per year. Not only that but they do not have to wait in line behind everyone outside the country trying to legally enter the U.S. in order to get blue cards in the same period could earn a legal status.

I think the most important lesson to learn from the 1986 SAW program is that providing illegal immigrants who work on the farms in this country does not benefit the agricultural workforce for long. History shows that the vast majority of illegal workers who gain a legal status leave agriculture within a 5-year period. This means that under the Judiciary Committee’s proposed agricultural amnesty, those who questioned performed agricultural work and will likely have the same result.

Six years after the Immigration Reform and Control Act of 1986 created a Commission on Agricultural Workers—an 11 member bi-partisan panel comprised of growers, union representatives, law enforcement officials, and clergy—and tasked it with examining the impact the amnesty for Special Agricultural Workers had on the domestic farm labor supply, working conditions, and wages.

It is worth noting that the Immigration Reform and Control Act of 1986 and the Judiciary Committee are asking the Senate to consider “earned citizenship.” There is a fundamental difference between the two and that should be recognized in the rhetoric of the Senate.

Another problem I have with the agricultural amnesty endorsed by the Judiciary Committee is that it does not seem to remedy the problem with fraud that was prevalent with the 1986 SAW program. Under the 1986 SAW program, illegal farm workers who did at least 90 days of farm work during a 12-month period could earn a legal status.

I think the experience of the SAW program should serve as a lesson to the Senate as we grapple with how to handle an amendment that will take away the amnesty from the agricultural portion of the Judiciary Committee bill.

My amendment will allow illegal aliens to get blue cards in the same way that the Judiciary Committee proposed. However, it requires that at the end of a 2-year period, those blue card workers must return to their home countries and enter the U.S. in a legal manner.

This 2-year period provides sufficient time for agricultural employers to organize their workforce so that they can send workers home in an orderly manner and not have to compete for the same small market. These workers can then enter the U.S. on a legal temporary worker program just like anybody else in the world.

They can stay here for a specified period of time and then when that time is up they will have to return to their homeland.

We know from past experience that agricultural workers do not stay in their agricultural jobs for long, especially when they gain a legal status and have the option to work in less back-breaking occupations. Therefore, the focus on agricultural immigration should be on the H-2A program. This is the program that regardless of what the Senate does with amnesty, will be relied upon by our agricultural employers across the country in the near future.

My amendment provides for a reasonable and responsible transition to the H-2A program, and I believe is an approach that will not repeat the mistakes of the past and is more in line with the way the vast majority of Americans believe we should deal with our large illegal population.

I send my amendment to the desk, and I will have more to say about that amendment in the future as we continue the debate on this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. KENNEDY. Mr. President, there is a time allocation. How much time remains under the time of Senator LEAHY?

The PRESIDING OFFICER. There is 48 minutes 55 seconds remaining.

Mr. KENNEDY. I yield myself 12 minutes.

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

Mr. KENNEDY. Mr. President, I have probably 15 pages of names of different groups that support and now embrace the McCain-Kennedy legislation, now called our border security legislation. There are 430 different groups that have supported this legislation representing the faith community.

This chart is entitled "Evangelical Support. Comprehensive Immigration Reform.

We support comprehensive immigration reform, based on the biblical mandates, our Christian faith and values, and our commitment to civil and human rights.
labor, business communities, men and women of faith who are supporting the comprehensive approach.

I will review very quickly, once again, the kind of worker protections we have put in this legislation. One of the principal reasons the abuses of workers who have been so supportive is because they have followed and witnessed this program for so many years.

In the 1950s we had the Bracero Program which was a program that saw enormous numbers of workers who were basically brought in here, doing sweat labor, without any rights at all, and then shipped back, for the most part, to Mexico. There was an extraordinary exploitation of individuals. That ended in the early 1960s. I was in the Senate when that program ended.

We still have enormous tensions between the workers and the farmers, particularly in California and a number of other Western States. We also have seen it on the east coast as a number of migrant workers have come through Florida, through Georgia, through the Carolinas, even ended up coming into New York State and my own State in the form of apple pickers and other fruit pickers. They have followed the seasons.

But primarily this issue about agricultural workers has been focused, as has been spoken to eloquently by the Senator from California, Mrs. FEINSTEIN. She has played an indispensable role, along with Senator CHAI. She has been a longtime sponsor of what we call the AgJOBS bill. We have votes on that legislation. A bipartisan majority of the members supported that legislation. That particular legislation has been altered to a very small extent and incorporated in the broader legislation. It is one of the important reasons to commend this legislation.

As I have mentioned in an earlier statement, we have a comprehensive approach to immigration that is advantageous to the members of this body. It is important.

I mention, first of all, the protections that have been put in the agriculture components alone who has followed the relationship between the farmers and the workers would understand it has been an extraordinarily strained relationship, to say the least. Caesar Chavez was the great leader of the farm workers. I had the opportunity to know and to respect, and hold him in high regard. He was the leader for the farm workers for a great number of years. He is regarded almost as a saint among the farm workers.

There was enormous tension during a prolonged period of time, and in recent years there has been an accommodation between the two groups. Both of the groups—the farmers and agricultural workers—got together and made a proposal. This obviously has enormous implications. From my point of view, it has enormous implications because of what it will do. It will mean that men and women who work in that challenging and difficult agricultural area which is back-breaking work, will be treated with the dignity and respect they deserve. And, second, it provides assurance to the farmers of a definite labor supply.

Third, it gives the assurance that States such as California, the leading agricultural State, is going to have dependability and reliability in terms of the work force. That is going to mean better service to the consumers of agricultural products all across this country.

It is enormously valuable and very worthwhile and one of the compelling reasons for this legislation. Included in this legislation are very important protections that are not in there under the current H-2A program. People have talked about what is happening in agribusiness today in the H-2A program, and too much of that is true, but that will be altered and changed under the agricultural worker compromise.

Two and even in order to be eligible for this program individuals are going to have to demonstrate, they must already have a work record of more than 2 years. They will be able to work over a period of 3 years, and then, after a period of time, 3 to 5 years, and after that, they can get on a glidepath toward citizenship. So total time for them would be a total of 10 to 12 years in order to earn the opportunity to be a citizen. That means they will have to pay the penalties, they will have to demonstrate they paid their taxes, that they have had no trouble with the law, and they have complied with the other provisions of the legislation. So there are very strict standards.

If there were no other reasons for the support for this legislation, that particular provision, the AgJOBS legislation, is overwhelming in its importance and consequence in advancing the cause of justice for agricultural workers and also the assurance to farmers of a dependable and reliable workforce. It has been stated a number of times by some Members perhaps who are not as familiar with the legislation as they might be, that without the protections that exist in the underlying legislation with regard to the guest worker program and how it would work. First of all, there has to be an advertisement in the United States to try and recruit American workers first. There has to be a certification of the effort under penalty of violating the law. They have to advertise to recruit American workers first. It is only after they have been unable to recruit American workers that they will be able to recruit workers, particularly in Mexico. There is an allocation of workers, depending on the workforce in terms of other countries, and in limited numbers for other countries in Central America. There are even provisions in terms of the Asian nations. Those will be worked out through the embassies and through the department.

When this individual comes to the United States as a guest worker, they will have a temporary proof identification card. The employer will know that individual has had his criminal record reviewed, that the person is found to be the individual as portrayed, and where there is employment that will be available to that individual in the United States. There are provisions included in the legislation that they are going to be covered by the prevailing wage, they will be covered by the Davis-Bacon provisions, they will be protected if they are going to work as what they call "service contract" employees, and their wages will be protected in those areas, as well.

Instead of having what we have at the present time—an undocumented worker, who is not able to work, who is not able to demonstrate that they paid their taxes, that they have had no trouble with the law, and they have complied with the other provisions of the legislation. So there are very strict standards.

Regarding the enforcement against employers who are interested in exploiting those workers, we have the mechanism to make sure those individuals are held accountable and prosecuted, which has never been done previously. It is important.

Our leader is here, and I will withhold my comments. I yield the floor.
southern borders. I don’t think anyone in this Chamber would disagree there is a crisis on our borders. There are, as indicated by the Governors of the two States of Arizona and New Mexico, an emergency.

We all agree we should do something about this. We all agree we need to gain control of the chaos and restore order.

As do many Members of the Senate, I believe the approach endorsed by a bipartisan majority of the Judiciary Committee represents the best way to address our border crisis. It combines tough, effective enforcement with smart reforms to the immigration laws. It strengthens our borders, cracks down on employers who hire illegally, and brings undocumented immigrants out of the shadows of America.

It also requires these same people who are now living in the shadows to learn English, to have jobs, pay taxes, make mistakes not in trouble with the law. And even if they do that, they still go to the back of the line.

I strongly believe in tough and effective enforcement of our immigration laws. I also believe you cannot enforce laws that are unenforceable. Our current laws are unenforceable. I was at the borders just a few days ago, the California-Mexico border. It was very close to the Arizona border. There was chaos.

When I came into the port at San Ysidro, I had a tour of the facility, and just from a few hours’ work the Border Patrol agents showed me what they had found that day. There was a little compact car. Somebody had scooped out the back of the car and built a canvas apparatus there. It was a small area, much smaller than the trunk of a car. It was very small. It was as though they had built a canvas basket, and five people had piled on top of one another even under that.

Another thing they showed us that happened just that day, within a matter of hours: in a truck, which was ostensibly a contracting truck—indeed, it was not—they had had a storage compartment hidden under cement bags with people in it.

The narcotics they find are, of course, another situation. We are talking about cargo being human beings. They showed me, as I have said, in a matter of hours, how difficult it is to stop people from coming. A million people come over that border every day. It is hard to comprehend. There are 24 lanes of traffic coming one way from Mexico into the United States—24 lanes of traffic.

The easy thing for all of us to say is: Get tougher, throw more money and more Border Patrol agents at the problem, and it will get better. That is not the answer. It seems appealing, but it is simply not true.

As I said, I support the strong enforcement measures included in the bipartisan Judiciary Committee bill, which are, by the way, close to identical to those included in the border security bill offered by the majority leader. I strongly believe we need to have additional Border Patrol agents. We have to modernize our computer system. We have to do many other things. But if we are handcuffed in this bill, to secure our border and enforce our immigration laws with respect to employers.

But I also believe that enforcement alone will not fix our broken immigration system. I say the only way to secure our borders is to reform our immigration laws. If we want to create laws that are enforceable, first we have to make them realistic.

There is widespread support for the approach the Judiciary Committee has established, including the support of most labor unions, the vast majority of businesses, farmers, and immigrant community leaders.

Months ago, I held an event at the Las Vegas Chamber of Commerce building. I was stunned by the people appearing and hearing their story. I did illustrate the broad support comprehensive immigration reform has from different sectors of the Las Vegas community. I think this is the same all over the country.

In addition to representatives of the Chamber of Commerce, there were people there from the Nevada Restaurant Association, the Culinary Union, which is a union of some 60,000 people in Las Vegas who work in giving people who do the dirty work—people who park the cars, who do the janitorial work, make the beds—they pride themselves in these being good jobs, high-paying jobs. They have 60,000 union members.

In addition to that, we had representatives from hotels, including the MGM/Mirage Corporation, which, by the way, has the largest hotel in the world, the MGM Hotel, with 5,006 rooms in that facility. We also had the bishop of the Catholic Diocese of Las Vegas. They were all there standing with me to confirm their support for realistic immigration reforms, the kinds we are now discussing in the Senate.

D. Taylor, the leader of the Culinary Union, the one I just spoke about, local 226, said at the time it had to be an important issue to get representatives of the Culinary Union and the Chamber of Commerce in the same room talking about the same subject.

Less than 2 weeks ago, I attended a similar event held at the Mandalay Bay Hotel/Convention Center in Las Vegas, where leaders of the Culinary Union and MGM/Mirage representatives stood together again with dozens of immigrants who are hotel workers to highlight the importance of immigrants to the Las Vegas economy. The representative of the Chamber of Commerce was an immigrant.

In the State of Nevada, the Culinary Union has been a strong supporter of the reforms we have in this legislation before the Senate. The Culinary Union, like all other unions in this country, understands that when there are people working illegally in our economy, it undercuts the wages and working conditions of everyone else.

The Las Vegas business community has been supportive of our efforts here in Washington to reform our immigration laws. That is an understatement. They depend on the hard work of immigrants in our community to get the work done. In Las Vegas, we have a very low unemployment level. It is estimated that Las Vegas will add almost 50,000 new hotel rooms, requiring 10,000 new workers.

Mr. President, the Culinary Union, like other unions in this country, as I said, understands the importance of people working legally. If we have illegal workers in our economy, it undercuts the wages of everyone else.

As I indicated, in Las Vegas, where we have very low unemployment, we expect to add in the next 5 or 6 years another approximately 50,000 new hotel room workers requiring workers there alone. Nevada’s restaurant industry is expecting an almost 4-percent gain in jobs this year alone.

I know that businesses I have been working with on this issue comply with their duties under the law and do everything they can to ensure that the workers they hire are legal. But they acknowledge we need legal immigrants to keep the economy expanding. I have worked closely with many of the representatives in Las Vegas, the Nevada Hotel and Lodging Association, the Nevada Restaurant Association, and others, and they will all tell you that reform of our laws is essential to our expanding economy.

Immigrants help create more jobs for American workers. They help expand our economy and provide labor for new businesses that will also employ Americans. Immigrant consumers spend money that keeps American businesses going. Immigrants employed at companies that also employ Americans help to make sure that American jobs stay in America more than being outsourced to other countries where there is cheaper labor.

It was probably 15, 18 years ago that a book was written by a journalist whom I have the greatest respect for. He has been the editor of the US News & World Report. He has had many high-level jobs in the last 20 years. But he wrote a book called “More Like Us.” This was at the height of the Japanese economy, some saying taking over the world. People were saying then in America, we have to be more like the Japanese. But then the Japanese economy started to spiral out of control; it didn’t succeed economically. James Fallows is the man about whom I just spoke who wrote this book. And he said, no, that is not true. We need to be more like the Japanese. He said the things America does that is far better than Japan and most any other country is we are a nation of immigrants.
These immigrants, James Fallows has pointed out in this book, come to this Nation in limited numbers, and when they come here, they are striving to achieve.

We saw, all of us who are Members of the Senate, with the people coming here from Southeast Asia, from Vietnam, and other nations that were torn by war—the so-called boat people—we saw the kids graduating from high school who were the valedictorians, the salutatorians, the people who were doing so well in high school, and then were going into college with these grades that were better than anyone else. These were the kids from Southeast Asia who were here to prove to their parents and their family that they could succeed in America.

They even considered at UCLA, one time—I read this in an article in a weekly magazine—limiting the number of Asian students who could go to UCLA because people get in that school simply because the merits and Asians were, some thought at the time, getting more than their fair share of spots. It is because immigrants do well. And James Fallows pointed that out. We see it today more than at any other time.

For example, UNLV’s Center for Business and Economic Research published a report in 2003, concluding that non-native Hispanic immigrants helped drive the Las Vegas economy, generating $15.5 billion in spending, contributing $820 million in State and local taxes and helping to create more than 200,000 jobs.

Finally, I want to talk about the support of the religious community for the reforms in this legislation we are discussing today. As I mentioned, one of the people who joined me last fall to emphasize his support for comprehensive immigration reform was the bishop of the Diocese of Las Vegas, Bishop Olivas. He and others in the religious community are supporting this effort because they know that reforming our immigration laws is the right thing to do. It is the American thing to do. It is the moral thing to do.

We have U.S. citizens and permanent residents who are separated from their family members for years, sometimes decades, because of long processing backlogs and legal limits on family immigration. That is why one of the things we need to do in this legislation—and we are doing it—is to make sure Immigration and Naturalization and the Border Patrol have the resources they need so people do not have to wait in line. Even after becoming qualified to become a citizen, in Las Vegas 15,000 people have been waiting for years, sometimes up to 5 or 6 years, for the papers to be processed because they are so understaffed.

We have 11 million people living in the shadows of our society. Many of these immigrants have been here for years, have children and spouses who are U.S. citizens or permanent residents. They pay taxes. They own property and are active, valuable members of our community. Virtually all of them came here to work. Our immigration laws, in many instances, force them to go into hiding. They live in fear every day that they will be deported and separated from their families and communities, separated from their children who are American citizens.

For those people who are already here, I believe we have to provide an opportunity for those who work hard, pay taxes, play by the rules, commit no crimes, learn English, and contribute to our economic growth, to earn the right to stay here—to earn the right to stay here.

We should encourage people to work here, and under the legislation that is pending before this body, there is a time when they have to go back to the country from which they came. Many people want to do this, and used to do this before we made it so dangerous for them to go back and forth across the border.

But for people who decide they want to stay here, they should not be allowed to jump to the front of the line but should be allowed to earn their legal status here. I repeat, if they pay fines and penalties, work steadily for years, learn English, and pass the necessary background checks.

As Americans, I do not think we want to forcibly uproot so many people who have put down their roots in communities for the same reason our parents and grandparents came: to make better lives for themselves and their families. We need to continue, as James Fallows said, to be “more like us,” what has made America great.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MS. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3217 TO AMENDMENT NO. 3192
MS. MIKULSKI. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 3217 TO AMENDMENT NO. 3192
MS. MIKULSKI. Mr. President, I call up amendment No. 3217 and ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland (Ms. Mikulski) for herself and Mr. Warner, proposes an amendment numbered 3217.

MS. MIKULSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers)

On page 174, between lines 15 and 16, insert the following:

SEC. 2. EXTENSION OF RETURNING WORKER EXEMPTION.


Mr. MIKULSKI. Mr. President, I do rise, along with my very distinguished colleague from Virginia, Senator John Warner—we are bipartisan cosponsors—to offer an amendment that is much needed by small and seasonal businesses across the Nation.

Our amendment is needed.

We believe that it is supported by the Judiciary Committee. But most of all, the American people will agree that this amendment is much needed.

This is a bipartisan amendment. What does it do? First, it protects our borders by rewarding immigrants and employers who play by the rules, workers who come here on a seasonal basis but return to their families when they are finished with the farm work back home. These workers honor their legal commitment to come to work legally supervised jobs and then they return home. No. 2, it does protect American workers by requiring that all employers recruit American workers before they hire these immigrants, and it makes sure that small business will be able to pay their U.S. workers 12 months out of the year. No. 3, it protects American jobs by keeping small and seasonal business open for business. It guarantees the labor supply that small businesses need during peak seasons is available, when they can’t find Americans to take their jobs.

So No. 1, it protects our borders by allowing only those in this country who intend to go back home. It supports legal immigration. It is consistent with supporting a legal framework; it only allows workers to come into this country if they have played by the rules. And you can only come in if you can prove you are going to work for a good-guy American employer who has tried to recruit American workers. Also it does not raise the cap on seasonal workers. My amendment would allow employers to hire the workers who have played by the rules and returned home after the work is done, it allows these workers to be hired for another 3 years and not count against the annual cap of 66,000. It does not raise the annual cap of 66,000.

My amendment provides a helping hand to business by letting them apply for workers they have already trained and know will come back again year after year but return home year after year. It only applies to those who have already successfully participated in the H-2B visa program, received a visa and returned home to their families after their employment with a U.S. company.
This is not a new H-2B. It is essentially a 3-year exemption to allow those who have come back in and returned home to come back again, most often to the same employer like employers in my State of Maryland who work in the seafood industry. The H-2B program has kept small and seasonal business doors open when they face seasonal worker shortages that many coastal and resort States have been dealing with over years.

Small businesses across this country count on the H-2B program to keep their business afloat. When they cannot find local American workers to fill their seasonal needs, they then turn to the H-2B. Without being able to get the seasonal workers they need, these businesses would often go under. These businesses do try to hire American workers. Under the law, they must try to hire American workers. They would love to hire American workers. They have to demonstrate that they vigorously and actively tried to recruit. If Americans they have to advertise, give American workers a chance to apply. Their businesses have to prove to the Department of Labor that there are no Americans available for this work. Only then are they allowed to fill all their vacancies with seasonal workers.

The workers these businesses bring in participate in the H-2B year after year, often working at the same company. Some have had the experience of the Maryland seafood industry about which I will talk later. Yet they cannot and do not stay in the United States. They return to their home countries and to their families. Then what happens? The U.S. employer must go through the whole process again the next year to get them back. It means an employer again has to prove they can’t get U.S. workers and that they are willing to pay the prevailing wage for that industry.

This is not just a Maryland issue. It is not even a coastal issue, though we coastal Senators are hit pretty big time. But it is an issue that affects everyone—ski resorts out West and in the Northeast, quarries in Colorado, shrimpers in Texas and Louisiana, landscapers whose businesses are the busiest in spring and summer. Why is it important to Maryland? Being able to hire seasonal workers for our crab industry has been a way of life down on the eastern shore for more than 100 years. We have a lot of summer seasonal businesses in Maryland, on the eastern shore, in Ocean City and working on the Chesapeake Bay. Many of our businesses use the program year after year. First they hire all American workers they can but they need additional help to meet seasonal demands. Without this help, they would be forced to limit services, lay off permanent U.S. workers or even worse close their doors.

Let me give a couple of examples. One is a business called J. M. Clayton. They work the waters of the Chesapeake Bay. They supply crabs, crabmeat, and other seafood to restaurants and markets and wholesale all over this country. It is the oldest cannery in the world. By employing 65 H-2B workers, they can retain 30 full-time American workers all year long.

It is not just the seafood companies that have a long history. It is also the S.E.W. Friel cannery which began its business a year after 100 years ago. It is the last corn cannery left out of 300 on the shore. Ten years ago they couldn’t find local workers. They turned to the H-2B. Since then, many workers come each season and then go home year after year. They have helped this country maintain its American workforce and paved the way for local workers to return to the cannery. There are now 190 seasonal workers, but there are 75 people working in the cannery full time, and an additional 70 farmers and additional suppliers.

This summer I went over to the shore, after we had a successful victory last year giving this legislation a temporary waiver of the restrictions with the Latino women. When I met with these women, I asked them: Why do you come and what does this program mean to you? They told me that by coming year after year—that they know it is hard for American workers. They know that when they come in April, they will be here until late September when our crab pots are put away and we pack up for another year. During the summer, they can earn money. They earn more money in one summer than they can earn in 5 years in Mexico. And the money they take back year after year has enabled them to build a home, often dig wells in their own native village, even pool some of their money to build a community—a family and a family and sometimes a village to say: Are we going to the shore? We know Clayton. We know Phillips. They know where they are going to live. There are busses that take them to church every Sunday. They know where they are going to shop. They have access to translators. And in some places, they are actually being trained by the seafood industry to learn English so they can move up to some other positions. The workers travel. In the money, anywhere from 15, 20, $30,000—mostly 20—and they go back primarly Mexico. They go back where their husbands and children have been waiting. It is what often keeps the family going. What they earn will pay to build that school, build those homes, clean up that village and is putting the men to work so the men have jobs, the men have dignity. They are not crossing the border illegally. They are building a life in their village. They want to be Mexican citizens. But here we are here to help. First it is one sister and then the following sister who come to the Eastern Shore for a few months a year to make money so they can take care of their families and communities back home.

This is why this program works. The people who come are part of a family, part of a community in Mexico. They want to build a life in Mexico, but they come to it by helping us here.

Some might ask: Why do we need this extension? The chairman has included a temporary guest worker program in his bill. We need to make sure we do not forget the needs of small and seasonal businesses in this immigrant debate. I welcome the guest worker program that is before the Senate. Once the program is up and running, it will help the H-2B program. But right now we need to make sure there is no interruption so that companies can meet their hiring needs when American workers don’t apply for these jobs, when the cap has already been reached. The first half of the cap of 33,000 was reached less than 3 months after enactment. It would begin applying.

What we want to do, again, is protect our borders, look out for American jobs. And for those who want to come to this country and return home, follow the rules and follow the law, this amendment would provide the opportunity to do so. My amendment does all of this. Each Member of the Senate who has heard from their constituents will know what I am talking about. This will extend the H-2B waiver for 3 years.

Mr. WARNER. Mr. President, I wish to start my participation here by congratulating my distinguished colleague from Maryland and her senior Senator, Mr. BURR. It has been a great pleasure to work with both of them on this program through the years. I wonder if I might ask the principal sponsor of this amendment, Senator MIKULSKI, a question.

In this turbulent era of immigration and the search for solutions, this program could be described as a model program, one that has worked as it was intended, one that serves the small business community as it was intended, and welcomes within our borders these individuals, as my colleague says, largely from south of the border, Mexico, in a way that doesn’t conjure up any fear or suspicion or any resentment in the communities when they come to the work.

Would my colleague concur in my observation that this is a model program?

Ms. MIKULSKI. My good friend and cosponsor from Virginia is absolutely right. This is a model program. It does not stir up resentment because of three reasons. It does protect our borders. No. 2, the local communities are enthusiastic about it because it has kept businesses open on our mutual
eastern shore, the Chesapeake Bay, that have been running for over 100 years. The ladies go back home and then return again under appropriate legal authority.

It is a model program. If an immigration program is going to work, this would, we wouldn’t be in such turbulent times.

Mr. WARNER. A further point of colloquy: Last time you and I joined with Senator SARBANES and others, Senator ALLEN on my side of the aisle, and just in the nick of time, we were able to get through that extension. It received a modest amount of publicity.

I read the articles and trade interests. But I cannot recall anyone contacting my office who was out right opposed to the program. Does the Senator know of anyone who has stood up and said it has taken away work and any of that sort of confusion and criticism we are experiencing today in the larger measures of the immigration problems?

Ms. MIKULSKI. Mr. President, I say to the Senator from Virginia, when I was contacted, people didn’t understand the program. When I clarified for them that this was not an amnesty program, that this was a guest worker program, that was the way they were treated; and like a guest, they went home when they were supposed to—and that it actually kept American jobs in this country, particularly the doors of business open, like the J.M. Clayoquot Company, they were relieved to hear about it. They were glad we had a Government program on immigration that actually worked. They saluted the ladies for their hard work and said: We are glad they obeyed the law, and all turbulence was settled.

Mr. WARNER. Mr. President, I am delighted that my colleague had experiences similar to mine.

I bring up one single aspect. I happen to be one who really enjoys crabs. I know of so many of our crab houses came to us, they explained that if we lose what little market we have today, we are gone, because Venezuela has entered the market;—I even saw crabs in the market this week, and I have been constantly studying it ever since I have been involved in this issue. But all of the crabmeat is coming from way beyond our shores. That is understandable now because the bay, which is the principal source of our crabmeat, is now so polluted, so the house would hate to see the famous blue crab disappear from our tables. It was about to disappear had we not gotten this program through last time; am I not correct on that?

Ms. MIKULSKI. The Senator is right. We have to fight for our market share because the competition is abroad and, quite frankly, they don’t meet the quality standard. This program is not only for the crabs, but just think, for the people who are actually picking the crab, they are putting people to work—the canning company, marketing, sales, the trucking industry, watermen, the people who run the marinas. This covers so many jobs on the Eastern Shore. This handful of seasonal workers helps leverage hundreds and hundreds of jobs on our shore.

We could talk to Senator STEVENS of Alaska. They have a business that harvests salmon roe, and their principal market is to the Japanese. The Japanese have to come in to inspect that roe to see if it can be exported. Nineteen Japanese come in every year under this program and then return home, primarily as inspectors. Because there is a booming industry in exporting salmon roe. That is how this program works. Just a handful of guest workers leverages all this.

Mr. President, I support Amendment No. 3217, the Save Our Small and Seasonal Businesses Act of 2006, which would ensure that certain employers would continue to legally obtain the seasonal workers they desperately need. I am pleased to work with Senator WARNER on the amendment, and I am joined by Senator ALLEN.

Late in 2005, the Senate voted overwhelmingly, 94 to 6, to include our Save Our Small and Seasonal Businesses Act of 2005 as a component to the defense supplemental bill. This legislation, which was eventually signed into law by President Bush, helped to temporarily solve a serious problem facing small businesses, especially seafood operations in Virginia, as well as others across the Nation.

For each of the 2 years prior to our measure being signed into law, the statutory cap on H-2B visas was reached soon after the fiscal years began. In 2004, the cap was reached on March 20, and in 2005 the cap was reached on January 3.

As a result, many businesses, mostly summer employers, were unable to obtain the temporary workers they needed because the cap was filled prior to the day they could even apply for the visas. Consequently, these businesses sustained significant economic losses.

The fix that Congress provided in 2005 exempted from the 66,000 statutory cap workers who had worked under the H-2B visa program in prior years and who had adhered to the rules by returning to their home country when their visas expired. However, this legislation was only for 2 years.

As a result, on October 1, 2006, when the law expires, these employers and workers will face the same problem unless we adopt the amendment before us today.

In order to avoid this problem, our amendment simply extends the successful H-2B visa exemption to ensure the program will not revert to its troubled, original form while work continues on a permanent solution. This will allow our small and seasonal companies an opportunity to remain open for business and provide temporary fixes within comprehensive immigration reform can be passed into law and fully implemented. Without these modifications, these employers will struggle to find the necessary employees to keep their businesses running.

Before I close, I want to be clear about the purpose of this amendment. There has been much said about Senator SARBANES, and Mr. President, it will or will not do. Regardless, his amendment will create a new H-2C temporary worker visa. In the long run, this new worker visa will help ease the pressure on the H-2B visa program that exists today.

It is now April, and the current H-2B exemption expires in October, only a few months from now. Even if Congress were to pass an immigration bill and have it signed into law before then, it will take many, many months if not years before any new visa programs can be ready to accept applications. This is an uncertainty that small businesses cannot afford.

Many employers across America, such as seafood processors, landscape contractors, pool companies, carnivals, and timber companies, rely upon the H-2B program. The seafood industry in Virginia, in particular, is dependent on this program to keep their businesses running. This industry has been built on decades of earned respect for their incomparable products. They represent traditions that have been in place for hundreds of years. These traditions have proven more successful than attempts to modernize or automate the process. Without access to the H-2B visa program, this traditional respect across the world will be lost, never to be regained.

The current system in place since 2005 has allowed these small and seasonal businesses opportunity to hire a legal workforce to supplement and maintain the full-time domestic workers they already employ. If we want these employers to stay in business, the current H-2B exemption must be extended until a permanent solution or a new visa program can be implemented. I strongly support this amendment, and I hope my colleagues in the Senate will join 5 with me to help these small and seasonal businesses by passing this legislation as quickly as possible.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I yield to Senator SARBANES, an original cosponsor of the bill.

The PRESIDING OFFICER. There is 6½ minutes remaining on the minority side.

The senior Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I rise in very strong support of the amendment offered by my colleague, Senator MIKULSKI, and I commend her once again for undertaking this initiative. In fact, as indicated in the colloquy with Senator WARNER, this amendment is supported with general approval, and I believe it is a tribute to my colleague that she worked out a very skillful legislative solution to a difficult problem.
This is a very measured and sensible solution to a real problem confronting small businesses struggling to find enough employees to operate during seasonal spikes in their workload. Many small businesses in Maryland and, indeed, around the country have seasonal labor needs. They often need a large number of workers for a portion of the year but do not retain these workers throughout the year. Therefore, temporary workers become essential to the vitality of these businesses.

In Maryland, the seasonal issue affects numerous industries, including, first and foremost, the seafood industry but also the hospitality, pool and construction industries. Seafood processors, for example, are busy in the summer and early fall but have little or no work in the winter. All of these businesses start out by trying to hire college students and local residents as extra workers to cover this need, but they often find themselves shortstaffed. That has been the standard experience, and this program is designed to address that—the temporary employees come from abroad to work for a few months and then return home.

As an essential part of this program, the H-2B program, this amendment my colleague offers today would simply extend for 3 years one of the very successful modifications to the H-2B program that was adopted by the Senate by a vote of 94 to 6 a year ago this month. Those modifications left the H-2B framework intact. They provided a fair and equitable means of distributing a scarce number of visas. It is important—and I wish to underscore this to my colleagues—to note that employers must demonstrate that they have tried and failed to find available, qualified U.S. citizens to fill seasonal jobs before they can file an H-2B application.

The amendment approved last year, which is carried forward by this extension, had three important aspects:

First, it ensured that summer employers were not disadvantaged by allowing no more than 33,000—or no more than half of the 60,000 H-2B visas—be allocated in the first half of the year.

Second, temporary workers who have lawfully participated in the H-2B program in the previous 3 years were exempted from the annual numerical cap.

Third, the modification required the employer to pay a fraud prevention and detection fee and increased sanctions for fraud.

Senator MIKULSKI is seeking to carry these provisions forward. These visas are really for people who respect our laws and who work hard to provide services that benefit our economy and then return home to their families at the end of the season. All of that is an essential element of the program.

This extension is a necessary adjustment for small and seasonal businesses that rely on temporary workers. We must recognize that the success of one small business impacts another. It has a ripple effect through the economy and helps to maintain the vitality not only of our State’s economy but of the Nation’s economy.

Mr. President, as we debate the larger issue involved in immigration reform, I urge my colleagues to support this amendment. I again commend my colleague, Senator MIKULSKI, for coming forward with this amendment to address an important issue on which the American people indicated its approval in past considerations. This is a very important amendment for our small businesses that require temporary seasonal workers. This is a very skillful legislative solution to a problem. I commend my colleague for bringing it forth, and I urge its adoption.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I wish to take a minute or two.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Ms. MIKULSKI. I note that Senator AXELROD is the last Senator to speak.

Mr. ALEXANDER. How many minutes would the Senator like—2 or 3 minutes?

Ms. MIKULSKI. Mr. President, is the Senate from Tennessee going to speak on this issue?

Mr. ALEXANDER. Not on this but on another matter. If the Senator needs another minute, I am glad to yield some of our time to the Senator.

Ms. MIKULSKI. I wish 3 minutes.

Mr. ALEXANDER. I yield 3 minutes to Senator MIKULSKI.

The PRESIDING OFFICER. Without objection, the Senator from Maryland is recognized for 3 minutes.

Ms. MIKULSKI. Mr. President, I wish to add as cosponsors Senators WARNER, SPECTER, BURBETT, STEVENS, REED of Rhode Island, LEVIN, SNowe, JEFFORDS, THUNE, COLLINS, KENNEDY, and LEAHY.

Mr. President, I don’t know if there will be any more who wish to speak on the minority side. Every now and then, we conform in a bipartisan amendment. I think the amendment speaks of its merits. It meets a need for our jobs in this country. It solves a problem in a practical way. It doesn’t exacerbate any of the dark side of immigration. I hope at the appropriate time my colleagues will adopt this amendment.

I congratulate the chairman of the Judiciary Committee, Senator SPECTER, and the committee for the excellent bill they brought out. This in no way dilutes, diverts, or detours any aspect of their bill. Three cheers to the Senate for having an immigration bill that is in no way as punitive and tart and prickly as the House bill.

I think the Senate will proceed in a rational way to protect our borders, protect American jobs. I believe there are sensible solutions for doing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I wonder if the Senator will answer a question. We put in this bill—and Senator MIKULSKI offered a sense of this amendment last year and it won—to extend for 1 year these provisions. I thought in the bill that came out of committee we were dealing with it when we added 400,000 per year—more than doubling the number who would come in to work—who could be covered, I think, by this category. My question is, has the Senator been able to ascertain whether this would be in addition to the 400,000 who would be approved under the Judiciary Committee mark?

Ms. MIKULSKI. First of all, the answer is that this amendment will be the bridge until the Judiciary Committee legislation is actually up and running. The H-2B employers will use these H-2C visas you all created once the program is up and running. But it will not be up and running for October of this year, if, in fact, we get a bill. We don’t know if we will get a bill. If we do get a bill—you know how sluggish that bureaucracy is in writing rules and regulations—this is a safety net.

Mr. SESSIONS. In effect, it would not continue as an addition on top of the expanded immigration provisions in the committee mark?

Ms. MIKULSKI. The Mikulski-Warner framework goes away when this bill is put into effect.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. Who yields time? The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe Senator KYL and Senator CORNYN are coming to the Chamber to talk. I believe they have just arrived. I don’t have a Senator from Tennessee. We will be voting tonight on an amendment about helping prospective citizens become Americans, those who are legally here. I would like to talk a few minutes about that before 5:30 p.m.

Mr. LEAHY. Will the Senator yield for a parliamentary inquiry?

Mr. ALEXANDER. Yes.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. There are 60 minutes remaining on the majority side for debate prior to two votes under the previous order at 5:30 p.m.

Mr. LEAHY. Mr. President, I ask unanimous consent—as far as I am floor manager on this side and a co-sponsor of this amendment—that I may proceed for 3 minutes with the additional time not taken from the majority side.

Mr. ALEXANDER. Mr. President, we are happy to yield to the distinguished Senator from Vermont. Mr. President, I don’t have 3 of our minutes so he can make his remarks.

Mr. LEAHY. If the Senator will do that, that will work.
Mr. ALEXANDER. If it is all right with the Senator from Texas.

Mr. CORNYN. Mr. President, I certainly don’t begrudge the Senator from Vermont the time. I just hope it won’t cut into our time and that we will add time to both so it will be even, if I understood the request.

Mr. ALEXANDER. We have all the time remaining between now and 5:30 p.m.

The PRESIDING OFFICER. The majority controls 59 minutes.

Mr. CORNYN. I have no objection.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my friends from Tennessee and Texas for their courtesy. I commend the Senator from Maryland. I enthusiastically—enthusiastically—co-sponsor this amendment. It is going to bring relief to employers by easing the shortfall of seasonal workers. I know it is desperately needed in Vermont.

Last May we passed, and the President signed into law, assistance for small and seasonal businesses by exten- sing a special exemption. The amendment passed last May, offered by Senator MIKLUSKI, co-sponsored by myself, Senator JEFFORDS, and others, created an exemption to the cap for seasonal workers.

The Vermont ski, hotel, and convention industries rely on hiring foreign workers when they cannot find Americans to fill seasonal jobs. Over the past several years, the demand for these workers across the country has far exceeded the caps and has led to a severe shortage of workers which threatened the hospitality industry which is such an important part of Vermont’s economy.

Senator MIKLUSKI’s amendment will simply extend the sunset date and give businesses in Vermont, Maryland, and other states the resources they need to compete and succeed. We need this relief in Vermont. The broad range of bi- partisan support for this amendment shows it is needed.

I thank the Senator for her persistent efforts. I thank my good friends on the other side of the aisle for the courtesy they showed a late arrival.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the majority has the remaining time until 5:30, at which time there will be two votes, one on Senator RINGMAN’s amendment and one on the Alexander amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. I ask unanimous consent that Senator CORNYN be allowed the next 15 minutes, followed by Senator KYL, after which I be allowed up to 15 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

The Senator from Texas.

Mr. CORNYN. Mr. President, I was on the floor last Friday describing what I believed to be a remarkable resemblance between the provisions that deal with the 12 million individuals who are currently in the United States in viola- tion of our immigration laws and the amnesty that was granted in 1986 which was supposed to be the amnesty to end all amnesties. In this amendment, if we would just agree that the 3 million or so people who entered our country without legal authorization would be given amnesty, we would then have worksite verification and sanctions against people in violation of the law, and this problem would go away.

As I pointed out then, the amnesty that was granted in 1986—everyone now acknowledges it was an amnesty. And the second thing I think everyone will nearly universally acknowledge is that amnesty was a complete and total failure. I, for one—and I believe there are others in this body—want to make sure we don’t make the same mistake twice, and that people who come here have to have confidence in us, in what we are trying to do to solve a very real problem, they don’t take the attitude “foul me once, shame on you; foul me twice, shame on me.” They don’t want to believe, nor should they be asked to believe, that we are engaged in a sleight of hand or a trick.

So I believe it is very important that our colleagues focus not only on the amnesty of 1986, but to compare it with the proposal which bears remarkable resemblance.

One of the areas where it does not resemble the 1986 amnesty is that the 1986 amnesty would bar felons and people who have committed at least three misdemeanors. As Senator KYL and I pointed out by way of our amendment, we seek to add that requirement back in so that felons and people who committed at least three misdemeanors would not be given an amnesty under the proposal.

But in this bill—this enormously complex and important bill—details matter. Another example is I reviewed the committee bill over the weekend, and I have some concern that the bill text does not reflect how the bill is actually being described by its proponents.

For example, section 602 of the bill states that illegal aliens must comply with the employment requirements. Yet there are no requirements for them to meet. Future temporary workers must be continuously employed, but no such requirement exists for illegal aliens. The alien could potentially be employed for one day and still end up qualifying for a green card and then put on a path to citizenship. I urge my colleagues to look very carefully at this bill and to study it because here we found at least two examples of where the bill does not meet the description offered by its proponents; and, No. 2, that those words say that what this bill does for those who are currently here in violation of our immigration laws is not an amnesty, we find that it bears remarkable resemblance to what everyone acknowledged to be an amnesty in 1986 and what everyone pretty much universally acknowledged was a complete and total failure.

Illegal immigration has had a dra- matic effect on many aspects of our so- ciety. It affects our schools, hospitals, and prisons. Dr. Donald Huddle, a Rice University economics professor, published a systematic analysis of those costs as of 1996 and concluded the esti- mated net cost to American taxpay- er was about $20 billion each year.

The population in our country that has stayed here in violation of our im- migration laws has doubled since that study was done. So the financial im- pact picked up not by the Federal Gov- ernment but by local school districts and local hospital districts and State and other local governments may be as high as $40 billion to $50 billion.

Last week, we heard a lot of debate about whether immigration reform needs to address the 12 million aliens already here who have come here or stayed here in violation of our laws and to create a new visa category that would allow future workers to enter our country legally.

As I said then, and I will say again now, I support comprehensive immigra- tion reform and I believe our national security requires us to know who is in our country and what their intentions are here and, but I don’t think that a critical distinction in the debate is being glossed over, and that is whether work visas should be truly temporary or whether we should allow all migrant workers to remain here permanently.

First, let me say that there is obvi-ously an important role for permanent immigrants, and I support legal immi- gration. I noted, as so many others have, that we are a nation of immi- grants, and we are the better for it. I support, for example, increases in legal permanent immigration, but I don’t support a so-called temporary worker program which is neither temporary nor is it a worker program, but it is rather an alternative path to legal permanent residency and citizenship.

More than 23 million immigrants have been issued green cards since 1973, an average of about three-quarters of a million new green card holders each year. There is no way we can have temporary workers in addition to those people who want to immigrate here permanently. I feel strongly that we ought to distinguish between legal immi- gration, illegal immigration, and we ought to distinguish between people who want to come here temporarily and work but not give up their identity or their citizenship with their country of origin and those who want to be Americans.

For those who are permanently going to be immigrating to the United States, I sincerely want all of them to become Americans, and I joined in co- sponsoring the amendment with the
Senator from Tennessee to help them do that, so they can be assimilated, they can learn English, they can gain access to the kind of education that will allow them to become not only legal immigrants, but to become permanently assimilated into our society and patriotic citizens. I think we owe that to them and we owe that to ourselves.

But there is also a role for those who want to come here for a time and work and then return to their country of origin. We need to worry about giving up their ties with their country or their culture or their family but who want to come and work for a time and then return with the savings and skills they acquired working in the United States.

We have heard a lot of discussion about that from sectors in the economy saying they depend on the workers who come from other countries but that they could work with a temporary worker program that satisfies those needs.

There are some who criticize saying that a true temporary worker program is futile and unworkable. They argue that temporary workers will never leave and so we must allow all of them to remain here permanently.

I strongly reject what I would interpret as an open borders argument. First, I think it is ridiculous for anyone to argue that the United States neither has the ability nor the will to enforce its immigration laws. Should we not put any limit on how long a visitor can stay in the United States, how long a student can remain in the United States? That argument is a disservice to the hundreds of millions of tourists, executives, workers, and students who do comply with our immigration laws.

The United States admits 500 million visitors a year, and only a fraction of a percentage makes the affirmative decision to violate our laws and to stay here.

I also believe that effective worksite enforcement will allow workers to work during the term of their visa but then to return once their visa expires. The 1986 amnesty promised that illegal workers would not be able to find work, but here we are today with 5 percent of our workforce using false documents. I will, therefore, not support any reform proposal unless I am confident that illegal workers will not be able to find employment in the United States but for legal channels.

If we actually believe we cannot enforce the law, if temporary doesn’t mean temporary, if there is no distinction between legal and illegal, we are essentially saying that immigration laws are useless and we will not enforce our own laws. I cannot imagine this great institution taking that position either affirmatively, expressly, or tacitly.

I also reject the argument that a true temporary worker visa is inconsistent with the natural migration patterns of workers. The American Lawyers Association states that before 1986, the average length of stay in the United States was only 1.7 years. Since 1986, the amnesty that was created in that year, the length of stay has increased to 3.5 years, up from 1.7. The bottom line is most workers do not want to stay for 6 years, much less permanently.

Douglas Massey, a professor at the University of Pennsylvania, argues that the 1986 amnesty:

Succeeded in transforming a seasonal flow of temporary workers into a more permanent population of settled legal immigrants.

He wrote that, prior to 1986:

Most immigrants sought to work abroad temporarily in order to mitigate and manage risks and acquire capital for a specific goal or purpose. By sending one family member abroad for a limited period of foreign labor, households could diversify their sources of income and accumulate savings from the United States earnings. In both cases, the fundamental objective was to return to their country of origin— in this case, he says: “Mexico.”

He argues—and I agree—that the 1986 amnesty actually resulted in a decrease in circular migration.

The committee amendment on the floor would do exactly the same thing. It would destroy the incentive for circular migration and the benefits that would accrue—not just to the United States but to the country of origin, to whence the immigrant would return with the savings and skills they have acquired here.

In a survey by the Pew Hispanic Center of Mexicans Abroad, they support the argument that migrant workers would participate in a true temporary worker program. Indeed, 71 percent of those surveyed, which were 5,000 applicants for the matriculator’s card in the United States, 71 percent said they would participate in a temporary worker program, even if they knew that at the end of the period of their visas, they would have to return to their country of origin.

Finally, our country is enjoying a strong period of economic growth. The economy created almost a quarter of a million new jobs since August 2003. The unemployment rate is 4.8 percent, lower than the average of the 1970s, the 1980s, and the 1990s. We may not always enjoy a strong economy, and a true temporary worker program allows our visa policy to adapt to the needs of our economic needs.

I supported Senator Kyl’s amendment in the committee that would limit the number of temporary worker visas if unemployment reaches certain levels. But that amendment means nothing if all workers are on green cards or on a path to legal permanent residency or citizenship.

Everyone, it seems, describes their proposal as a guest worker or temporary worker program. But not all temporary worker programs—or at least those sold under the guise of a temporary worker program—are, in fact, temporary. It is important, both to our economy and to American native-born workers who compete with this new workforce, that we modulate and moderate the flow of workers into our country at a time when our economy can sustain them and not take American work from either people born here or who are legal immigrants. It is also critical that we recognize the importance of the restoration of these circular migration patterns which, in fact, benefit countries such as Mexico and Central America. If they are literally being hollowed out: People permanently leaving those countries, making it difficult for them to generate jobs and grow their economy, so that people can stay home if they wish and not have to leave their family and their culture and their country in order to come to the United States to sustain themselves and their families.

My point is our colleagues and those in the news media and the American public are often not distinguishing those who want to come here for a time and work temporarily in order to mitigate and manage risks and acquire an advantage in the long run, and then return with the savings and skills they have acquired here, to move to another place,

But that amendment means nothing if all workers are on green cards or on a path to legal permanent residency or citizenship. They argue that the United States is not just a country of immigrants, but to become permanent. It is important, both to our economy and to American native-born workers who compete with this new workforce, that we modulate and moderate the flow of workers into our country at a time when our economy can sustain them and not take American work from either people born here or who are legal immigrants. It is also critical that we recognize the importance of the restoration of these circular migration patterns which, in fact, benefit countries such as Mexico and Central America. If they are literally being hollowed out: People permanently leaving those countries, making it difficult for them to generate jobs and grow their economy, so that people can stay home if they wish and not have to leave their family and their culture and their country in order to come to the United States to sustain themselves and their families.

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It now takes, on average, 27 months for one of those cases to be handled because of the backlog.

Judge Bea of the Ninth Circuit Court of Appeals, who has one of the biggest backlogs in that circuit, said this morning:

"Second, as petitioners and attorneys see appeals piling up in the circuit courts, they realize their appeals will be delayed. During the period of delay, events may change the alien’s chances of staying in the country. Those changes may be personal, such as a marriage to a U.S. citizen or the birth of a child, or of other circumstances that might affect their deportability. Those changes may be political, such as change in country conditions in the alien’s home, legislative and administrative, such as immigration reform in the country, giving the alien new hopes to remain here. Even if the appeal lacks all merit, the backlog of cases in the circuit court provides an incentive to appeal by almost guaranteeing a delay in deportation, now on an average of 27 months."

What I would say to my colleagues is, if we are going to do something—and we should—we have to confront the problem of those who are here illegally and handle that in a humane and fair and decent way. But if the promise at the same time is we are going to fix the system that is broken today—Senator Harris and I have been down on the border and he said it was chaos and the laws are unenforceable. These are some of the examples of it. Senator Specter had language in to fix it. The language was stripped out. There is nothing in this bill that would deal with this problem. It is an example of some of the gaping holes that remain in this legislation. I yield the floor.

The PRESIDENT. Mr. KYL. Mr. President, Senator CORNYN and I have introduced legislation that is comprehensive in nature, and I wish to briefly describe some of the key provisions of that legislation because I believe we will have an opportunity to vote on it as an amendment to the pending bill at some point during our procedure.

In significant part, the bill before us embodies many of the provisions of our legislation that deal with border security. I want to emphasize at the beginning that almost all of us agree the first step we have to take in dealing with the problem of illegal immigration reform is securing the border. It is going to take time to get that done. It is going to take money and it is going to take will. The provisions of our bill provide a significant sum of money for more Border Patrol agents, more fencing—it is not a wall, but it does provide some additional fencing—and it provides for high technology to help with the border security, including unmanned aerial vehicles, sensors, cameras, and things of that sort.

It also requires that the Department of Homeland Security acquire more detention spaces so that people who come here from countries other than Mexico and, therefore, can’t just be returned to the border, will actually be detained pending their removal to their own country. Today, if you are an illegal immigrant from China, for example, we can’t take you down to the border with Mexico and hand you over to Mexico to send you back to China. This costs a lot of money. It takes a long time. In fact, the Chinese Government is very slow to take Chinese citizens back. There are now some 39,000 Chinese citizens whom we apprehended who came here illegally, but who have not been returned to China. We don’t have the detention space for all of them, so they are released on their own recognizance. Do you have any idea how many of them show up when it is time for them to go? The smart ones don’t show up, obviously. So we need more detention space, and that is part of our legislation. The key point is that we provide the funding and the authorization necessary to get a handle on controlling these borders, and the apprehensions that occur as a result of that.

The next thing we do is to provide for more internal enforcement, and for all of the different parts of the Department of Homeland Security that have a responsibility for enforcing the law in the interior. Today, an illegal immigrant knows if you get about 60 miles north of the border, you are literally home free in your new home because we don’t have the law enforcement officials to do anything about it. That is especially difficult at the employment site. As you know, we have laws against hiring illegal immigrants, but they are not enforced. I think there were something like three actions brought last year against however many million employers we have in this country. The bottom line is we need an enforcement mechanism to ensure that whoever is entitled to be employed here, the employer can verify their eligibility, that’s easy to do, and that it is foolproof.

So another part of our legislation is to provide a mechanism whereby it is the Government, not the employer, that decides who is eligible to be employed. Anybody with forged documents today can walk in to an employer and be hired, and the employer can’t look behind those documents and see whether it is a forgery. That burden should be on the Government, part of the way we can verify eligibility is with a good Social Security number, which our bill provides for. The Social Security database today is, frankly, a mess. It needs to be cleaned up. It can be cleaned up so you don’t have 10 different people all using the same phony number. In fact, we have over 100,000 people today using the number 000-00-0000. It doesn’t take a real bright person to figure out there is something wrong with that situation.

So the database can be cleaned up and then the employer can simply by law—and this is what the Cornyn-Kyl bill requires—type in the number that has been given to the respective employee and determine electronically whether that is a valid number. If the electronic message comes back that it is not a valid number, then don’t hire the person or you are going to be in big trouble under our bill. But if it comes back and says it is a valid number, then you only have one thing to do, and that is match the number with the individual standing before you. That can be done by a couple of mechanisms: with a driver’s license, and—by looking upon what gets written into the bill with the date of birth and place-of-birth verification information as well. So you are verifying the employee’s eligibility under the law and that the individual applying for the job is the person with that number. Those are key components to the legislation we have introduced.

We also think it is important to do two other key things. We should provide for work requirements in the future, with a temporary worker program. Let us forget for a moment the illegal immigrants who are already here. What the Cornyn-Kyl bill says is we are going to create a new temporary population for unskilled workers with a new demand that they have for skilled labor today. Today if you are a computer company and you need some more software designers and you can’t get any from American universities, you can apply under a special temporary visa, and we have to allow temporary workers to come from China or India or wherever they may come from. But they are only here for a temporary period of time. When you need those workers, you can apply for the visas, but when there are no jobs for those kinds of temporary workers, then visas are not issued. So it depends upon whether there is a job available that you can’t find an American to do.

We should do no more than that with regard to unskilled workers because they present more potential problems in our society if times go bad and they don’t have a job. So for unskilled, less educated workers, we need the same kind of temporary status, not permanent status. If, for example, in the construction industry—and I have a statistic here which I will cite in a moment—but we have a lot of illegal immigrants working in construction today. In my State of Arizona, we can’t find enough people to build homes, and, therefore, we have a lot of illegal construction workers today. Under our program, we would be issuing more temporary work visas for people to come in and help us build homes. But I also know there have been many times when I have lived in Arizona that a good American citizen with good carpentry skills can’t find a job. There are no jobs to be had. The housing market has fallen through the floor because we are in a recession and people are looking for work and they can’t find it. In this situation it doesn’t make sense to impose more temporary work visas for foreign workers, foreign construction workers. In that case you wouldn’t issue those permits

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because there is no job here. Under the notion that you should have a willing worker and willing employer, clearly if you don’t have a job, you don’t want to be issuing work permits.

Our program is designed to be flexible on the permits level. If you need the workers and not to issue the visas when you don’t need the workers.

Contrast it with the bill that is before us. There is no such flexibility. The number of visas is set, and it doesn’t matter whether there is a job for the individual. People can still come into the country, and they are entitled to stay here forever, permanently. They are even put on a path to citizenship, even if there is no job here for them. That is not right. Our bill, as distinguished from that, is for temporary periods of time only.

Then, finally we deal with the illegal immigrants who are here already who could, by the way, join up for that temporary program. We don’t criminalize them to prevent them from doing that. All of the bills or proposals I have looked at, including the Cornyn-Kyl proposal, provide that on an effective date, the illegal immigrants who are here go check in someplace. There are some who, when they go check in, but the bottom line is they turn in their bad documents and get a new document that would enable them to stay in the United States for a period of time. In our bill it is 5 years. The President has proposed a don’t go home plus 3, 6 years. The Kennedy and McCain bill that is part of the bill before us has another period of time. But all of them have them check in and get a temporary visa. Here, that is good for a period of time. You get to travel back and forth during that period of time with no restriction. That is fine. We allow the person to stay here for up to 5 years.

We do one other thing. There is a background check that is also provided in every bill. Under the bill that is before us, the background check is not followed up. That is to say, if you are a criminal, it doesn’t matter. You can still participate in the program. Under the Cornyn-Kyl program, you would not be able to participate in the program if you are a criminal. We have an amendment pending that would make that the case for the bill that is on the Senate floor as well, so people who are so-called bad people—they have falsified the judge’s order to leave the country or who have committed a felony or three misdemeanors—would not be entitled to participate in the program.

In any event, under the Cornyn-Kyl bill you are allowed to stay in the country up to 5 years. You can return to your home country at any time and start participating in the temporary worker program. If you stay here for the full 5 years, you also have to be working. But, if you want to go home for example, to Mexico and get a laser visa, which is what would be required, that is a matter of days, less than a week. If you have a job with an American employer, you take with you a certificate of employment. So you leave the United States, you go to a consular office in Mexico, obtain your laser visa, and then present that at the border to come back into the United States in order to work. The most you could, by the way, do that is one week. If you exceed that period of time, you would be visa-expired. But I am not leaving no matter what you make the law to be.

If these folks are otherwise law-abiding folks, I think they would want to comply with the law as we have set it out.

The bottom line is, the Cornyn-Kyl bill provides a way for temporary workers to work in the United States. It provides a way for people who came here illegally to become legal, to stay here for up to 5 years, if they want, to continue to participate in the worker program after that, and, finally, if they decide they want to become legal permanent residents and therefore citizens of the United States, there is nothing then that prohibits them to do that as well. They would do it in the same way as you apply for it today. They wouldn’t be given any advantage, nor would they be given any disadvantage under the Cornyn-Kyl legislation.

Temporary work status, treating people humanely and fairly doesn’t provide that people stay here permanently when there is no job for them, and certainly in our history we know that the temporary work program in the United States is not as good as it is now, and there will not be a job for everyone.

Temporary work status, treating people humanely and fairly, providing for enforcement at the workplace, and, importantly, enforcement at the border, we think that is a good proposition. I hope when the time comes for us to consider our alternatives, my colleagues will agree that it is a good alternative to the proposal on the floor. It treats people humanely and fairly but doesn’t provide that people stay here permanently when there is no job for them, and certainly in our history we know that the temporary work program in the United States is not as good as it is now, and there will not be a job for everyone.

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these workers provide, many of our businesses would cease to operate. These visas are particularly important to the seafood and hospitality industries.

Currently, the United States caps H-2B visas at 66,000 per year. Last year, Congress adopted the “Save Our Small Businesses Act,” which allocates the seasonal visas more equally between the winter and summer months. It also exempts certain continuing Seasonal Workers from the cap, making more visas available to new workers.

Prior to the act’s adoption, the H-2B visa cap was often met during the winter months, well before the summer season, resulting in a lack of available visas for many needed summer workers in the seafood and hospitality industry. Alaska’s salmon industry is especially vulnerable when there are not enough temporary seasonal visas for the summer months.

Salmon is a product that must be overseen by Japanese “Supervisor Technicians” who grade the salmon roe prior to sale to Japanese consumers. Due to the particular grading and processing demands of the roe, without the technicians and the special certification that the Japanese will not buy the Alaskan roe.

In some cases the value of the roe is greater than the flesh of the fish, so you can imagine how important it is to the salmon industry to get these technicians and certifications each year.

Senator MIKULSKI’s amendment simply extends to 2009 the “Save Our Small Businesses Act.” Securing a reasonable number of visas for seasonal industries is absolutely necessary.

I urge the Senate to vote in favor of this amendment.

AMENDMENT NO. 3193, AS MODIFIED, TO
AMENDMENT NO. 3192
Mr. ALEXANDER. Mr. President, I ask for the regular order with respect to amendment No. 3193, the amendment we will be voting on later this afternoon.

The PRESIDING OFFICER. The amendment is now pending.

Mr. ALEXANDER. I have a modification of my amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, it is so ordered.

The amendment (No. 3193), as modified, is as follows:

At the appropriate place, insert the following:

SECTION 614. STRENGTHENING AMERICAN CITIZENSHIP ACTIVITIES.

(a) SHORT TITLE.—This section may be cited as the “Strengthening American Citizenship Act of 2006”.

(b) DISCRETION.—In this section, the term “Oath of Allegiance” means the binding oath (or affirmation) of allegiance required to be naturalized as a citizen of the United States, as prescribed in section 337(a) of the Immigration and Nationality Act, as added by subsection (h)(1)(B).

(c) ENGLISH FLUENCY.—

(1) IN GENERAL.—The Chief of the Office of Citizenship and Immigration Services, is authorized, through the Office of Citizenship to promote the patriotic integration of prospective citizens into—

(i) American common values and traditions, including an understanding of American history and the principles of the Constitution of the United States; and

(ii) civic traditions of the United States, including the Pledge of Allegiance, respect for the flag of the United States, and voting in public elections.

(B) an evaluation of the extent to which a permanent resident, must demonstrate a knowledge of the English language or satisfactory pursuit of a course of study to acquire such knowledge of the English language.

(2) FASTER CITIZENSHIP FOR ENGLISH FLUENCY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

(g) A lawful permanent resident of the United States who demonstrates English fluency, in accordance with regulations prescribed by the Secretary of Homeland Security, in consultation with the Secretary of State, will satisfy the residency requirement under subsection (a) upon the completion of 4 years of continuous legal residency in the United States.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to—

(A) modify the English language requirements for naturalization under section 337(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1429(a)(1)); or

(B) influence the naturalization test redesign process of the Office of Citizenship (except for the requirement under subsection (h)(2)(B)).

(d) AMERICAN CITIZENSHIP GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant program to provide financial assistance for—

(A) efforts by entities (including veterans organizations) certified by the Director of the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Citizenship and Immigration Services, that promote the patriotic integration of prospective citizens into the American way of life by providing civics, history, and English as a second language courses, with a specific emphasis on attachment to principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance;

(B) other activities approved by the Secretary to promote the patriotic integration of prospective citizens and the implementation of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including grants—

(i) to promote an understanding of the form of government and history of the United States;

(ii) to promote an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States.

(2) ACCEPTANCE OF GIFTS.—The Secretary may accept and use gifts from the Office of Citizenship during the reporting period under this section and the amount of funding received by each entity;

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

(e) FUNDING FOR THE OFFICE OF CITIZENSHIP.

(1) AUTHORIZATION.—The Secretary, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the Office of Citizenship, if the foundation is established under subsection (e), for grants under this subsection.

(2) DEDICATED FUNDING.—

(A) IN GENERAL.—Not less than 1.5 percent of the funds made available to the Bureau of Citizenship and Immigration Services from fees shall be dedicated to the functions of the Office of Citizenship.

(3) GIFTS.—

(A) TO FOUNDATION.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(B) FROM FOUNDATION.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(4) REPORTING.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship, including—

(A) efforts by entities that dedicate increased funds to the Office of Citizenship should not result in an increase in fees charged by the Bureau of Citizenship and Immigration Services.

(f) RESTRICTION ON USE OF FUNDS.—No funds appropriated to carry out a program under this subsection shall be used to organize individuals for the purpose of political activism or advocacy.

(g) REPORTING REQUIREMENT.—

(1) IN GENERAL.—The Chief of the Office of Citizenship shall submit an annual report to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Citizenship and Immigration Services of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) a list of the entities that have received funds from the Office of Citizenship during the reporting period under this section and the amount of funding received by each such entity;

(B) an evaluation of the extent to which grants received under this section successfully promoted an understanding of—

(i) the English language; and

(ii) the American history and government, including the heroes of American history, the meaning of the Oath of Allegiance, and an
attachment to the principles of the Constitution of the United States; and
(C) information about the number of legal residents who were able to achieve the knowledge described under paragraphs (A) and (B) as a result of the grants provided under this section.

(b) OATH OR AFFIRMATION OF RENUNCIATION AND ALLEGIANCE.—
(1) REVISION OF OATH.—Section 317 (8 U.S.C. 1448) is amended—
(A) by adding a subsection (a), by striking ‘‘under section 310(b) an oath’’ and all that follows through ‘‘personal moral code.’’ and inserting ‘‘under section 310(b), the oath (or affirmation) of allegiance prescribed in subsection (e);’’ and
(B) by adding at the end the following:
‘‘(e)(1) Subject to paragraphs (2) and (3), the omission of an affirmation of allegiance prescribed in this subsection is as follows: ‘‘I take this oath solemnly, freely, and without any mental reservation. I absolutely and entirely renounce all allegiance to any foreign state or power of which I have been a subject or citizen. My fidelity and allegiance from this day forward is to the United States of America. I will bear true faith and allegiance to the Constitution and laws of the United States, and will support and defend them against all enemies, foreign and domestic; I will not directly or indirectly aid, either by advice or counsel or by assisting in any manner, any foreign country. I will bear arms, or perform noncombatant military or civilian service, on behalf of the United States, and this I do solemnly swear, so help me God.’’
‘‘(2) If a person, by reason of religious training and belief (or individual interpretation thereof) or for other reasons of good conscience, cannot take the oath prescribed in paragraph (1)—
‘‘(A) with the term ‘oath’ included, the term ‘affirmation’ shall be substituted for the term ‘oath’; and
‘‘(B) with the phrase ‘so help me God’ included, the phrase ‘so help me God’ shall be omitted.
‘‘(3) If a person shows by clear and convincing evidence to the satisfaction of the Attorney General that such person, by reason of religious training and belief, cannot take the oath prescribed in paragraph (1)—
‘‘(A) because such person is opposed to the bearing of arms in the Armed Forces of the United States, the words ‘bear arms, or’ shall be omitted; and
‘‘(B) because such person is opposed to any type of service in the Armed Forces of the United States, the words ‘bear arms, or’ and ‘noncombatant military or’ shall be omitted.
‘‘(4) In the subsection, the term ‘religious training and belief’ means—
‘‘(A) a belief of an individual in relation to a Supreme Being involving duties superior to those arising from any human relation; and
‘‘(B) does not include essentially political, sociological, or philosophical views or a merely personal moral code.
‘‘(5) Any reference in this title to ‘oath’ or ‘oath of allegiance’ under this section shall be deemed to be the oath (or affirmation of allegiance prescribed under this subsection).’’

(2) HISTORY AND GOVERNMENT TEST.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance into the history and government test given to applicants for citizenship.

(c) Naturalization Ceremonies.—Subject to paragraphs (A) and (B), the naturalization ceremonies—
(1) I N GENERAL.—The President shall develop and implement a strategy to the Constitution and laws of the United States, to citizens described in paragraph (1). (B) M AXIMUM NUMBER OF AWARDS.—Not more than 10 citizens may receive a medal under this subsection in any calendar year.

(3) DESIGN AND STRIKING.—The Secretary of the Treasury shall strike a medal with suitable emblems, devices, and inscriptions, to be determined by the President.

(4) N ATURALIZATION CEREMONIES.—In the case of a naturalization ceremony—
(1) I N GENERAL.—The Secretary, in consultation with the Director of the National Park Service, the Archivist of the United States, and other appropriate Federal officials, shall develop and implement a strategy to enhance the public awareness of naturalization ceremonies.

(2) V ENUES.—In developing the strategy under this paragraph, the Secretary shall consider the use of outstanding and historic locations as venues for select naturalization ceremonies.

(3) R EPORTING REQUIREMENT.—The Secretary shall submit an annual report to Congress includes—
(A) the progress of the strategy developed under this subsection; and
(B) the progress made towards the implementation of such strategy.

Mr. ALEXANDER. Mr. President, this afternoon at 5:30 we will be casting two votes: one on Senator BINGAMAN’s amendment which has to do with border security, the second is a different kind of amendment. It is an amendment about what I call the rest of the immigration story, helping prospective immigrants become Americans.

I know border security is extremely important. We are starting with that because the principle of the rule of law is at stake. I know it is extremely important for us to create a temporary legal status, as has been discussed this afternoon by Senators CORNYN and KYL and SESSIONS, for students we welcome here to study and workers we welcome here to work. We are going to be talking today and this week about that important thing we are discussing this week, and the most important part of any story on immigration, has to do with a different principle, and that is the three words right up here above the Presiding Officer’s chair—‘‘E Pluribus Unum.’’ one from many, the motto of our country, the greatest achievement of the United States of America.

We have taken all this magnificent diversity from all over the world and we have one nation, a nation with a common heritage, a common history, a common language—something other no country in the world has been able to do nearly as well.

This amendment is about redoubling our efforts to help prospective citizens who are here legally to become Americans. The amendment reflects the work of my colleague Senator Specter, Senator CORNYN and ISAKSON and COCHRAN and SANTORUM and I, earlier, along with Senator MCCONNELL and Senator FEINST, had offered legislation we called the Strengthening American Citizenship Act, which I will describe in a minute.

In the last two Congresses, Senator SCHUMER and I introduced legislation that would take the oath of allegiance that a half million to a million new citizens take every year and put it into the law, give it the same sort of status extended to other important national symbols, such as the Star-Spangled Banner, our national anthem. Several of our colleagues by going through Senator KENNY, Senator BYRD, and Senator BURNS—have been working to try to put the teaching of American history back in its rightful place in our schools so our children can grow up learning with the means to be Americans.

This is about helping prospective citizens become Americans. Becoming American is no small thing. We don’t think about becoming French, or becoming English, or becoming Japanese, or becoming German because in most countries in the world you become a citizen, if you can at all, based upon your race, your ancestry, your background.

We are just the opposite here. You cannot become a citizen of the United States based upon your race, your ancestry, or your background. In fact, you only may become a citizen of the United States if you move here from another country by going through a series of steps, which includes pledging allegiance to the founding documents that embody the principles that unite us as Americans. We are united by ideals.

The debate this week is a good debate because it brings up many of those principles and ideals that unite us, and it is typical of most of our debates on this floor. Those ideals often conflict. We have the idea of a nation of immigrants becoming German because the rule of law here. That is why we are having a difficult time figuring out what to do about the 10 million or 11 million people who are here illegally.

I submit the most important people to work. We want to attract them because we need the skills for our free enterprise system. We want people who are here illegally.

We have these debates as we talk about how many temporary workers we want, and that we have the principle of laissez faire in our character. We have a free enterprise system. We want people to work. We want to attract them and we want to make the American character. At laissez faire, we have in the bill that Senator SPECTER reported two important provisions that make it easier for some of the brightest people outside of our country to come to our country and help create a higher standard of living for us.

We have some very outdated and nonsensical provisions in our immigration
laws. If Werner von Braun showed up wanting to come to a university today, or a Werner von Braun of this generation, he would have to swear he was going to go home. We wouldn’t want him to go home. We want the brightest people here in our universities and in our research institutes so they can help us create better jobs and a higher standard of living here. Otherwise, those jobs go to India, to China, and they renounce the oath of allegiance to this country. Of course, they are all proud of where we came from, but we are prouder still to be Americans. This provision puts this into law. It is essentially the same oath George Washington himself took in 1778 at Valley Forge to those who were called officers. It is the same oath that millions upon millions of new citizens of this country have taken for 200 years. This would dignify it and make it a part of our law.

In addition, this amendment asks the Department of Homeland Security to work with the National Archives, the National Park Service, and others to carry out a strategy to highlight the ceremonies in which immigrants become Americans.

I have been to many of those ceremonies. There is not a more moving experience anywhere in America—and these events happen virtually every day in some Federal courthouse, where about 30, 40, or 50 prospective citizens will arrive in the courthouse. The judge will say something about our country and what this means, and then these men and women from all across the country, neatly dressed, many of them with tears in their eyes, raise their hands, having been here 5 years, shown good character, learned English, and passed the test about our Constitution and they renounce allegiance to where they have come from and they pledge allegiance to this country. Those ceremonies will be highlighted.

Finally, it establishes an award to recognize the contributions of outstanding new American citizens.

I would suspect that this new award would one day, perhaps very quickly, become as important as the Presidential Medal of Freedom because it will not be hard to find outstanding contributions by new immigrants to our country.

I see the Senator from New Mexico on the floor. He and I have heard it often said that of the 100 Americans who have won the Nobel Prize in physics, 60 are immigrants or the children of immigrants. Each of us knows of such a list, and for the President to be able to identify those such immigrants who have made great contributions to our country and to recognize them every year will make a difference.

How much will this cost? It won’t cost the taxpayers a penny because these grants to help people learn English, which is the major cost, will be paid for by the visa fees that are paid each year.

This is an important amendment. I believe that the most important subject we have before us: helping prospective citizens learn English, giving them an incentive to become a citizen in 4 years instead of 5, as they become proficient in English, providing grants to encourage the teaching of American history and civics, creating a new foundation to assist in that, codifying the oath of allegiance, highlighting the contributions of our new Americans, and then allowing the President to designate a handful of new Americans every year who contributed so much to our country.

During these next few weeks, we should enact legislation to secure our borders. Then we should create a legal status for workers and students. We welcome them to increase our standard of living, as well as export our values. But we should not complete our work on a comprehensive immigration law without remembering why we have placed that three-word motto above the Presiding Officer’s Chair, without remembering that our unity did not come without a lot of effort, without noticing lessons from overseas in France and Great Britain that remind us it is more important today than ever to help prospective citizens become Americans.

I notice the Senator from New Mexico on the floor. This is all the time remaining, if the Senator from Pennsylvania wants to discuss it. I would be glad to yield some of that time to the Senator from New Mexico if wants to discuss his amendment.

Mr. SPECTER. Mr. President, we are about to vote on two amendments at 5:30. I believe both of these are good amendments. Senator ALEXANDER has proposed an amendment which will facilitate immigrants learning English. I think that is a very sound approach. Senator BINGAMAN has promoted an amendment which would enhance border control and funding. I believe both are good amendments.

I yield the floor for additional comments—Senator BINGAMAN rising—and give him an opportunity to speak. We are going to be voting in another 3 or 4 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleagues for their courtesy. When the time comes, I will call up my amendment No. 3210. I gather there is a modification of that amendment at the desk. I ask unanimous consent that it be modified, if that is appropriate at this time.

The PRESIDING OFFICER. It is appropriate at this time.

Mr. BINGAMAN. I ask unanimous consent that the amendment be modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so modified. The amendment (No. 3210), as modified, is as follows:

At the appropriate place, insert the following:

**TITLE—BORDER LAW ENFORCEMENT RELIEF ACT**

SEC. 01. SHORT TITLE.

This title may be cited as the "Border Law Enforcement Relief Act of 2006"
SEC. 02. FINDINGS.

Congress finds the following:

(1) It is the obligation of the Federal Government of the United States to adequately secure our international borders and prevent the flow of undocumented persons and illegal drugs into the United States.

(2) Despite the fact that the United States Border Patrol apprehends over 1,000,000 people each year trying to illegally enter the United States, according to the Congressional Research Service, the net growth in the number of unauthorized aliens has increased by approximately 500,000 each year. The Southwest border accounts for approximately 94 percent of all migrant apprehensions each year. Currently, there are approximately 11,000,000 unauthorized aliens in the United States.

(3) The border region is also a major corridor for the shipment of drugs. According to the El Paso Intelligence Center, 65 percent of the narcotics that are sold in the markets of the United States enter the country through the Southwest Border.

(4) Border communities continue to incur significant costs due to the lack of adequate border security. A 2001 study by the United States Department of Homeland Security found that law enforcement and criminal justice expenses associated with illegal immigration exceed $59,000,000 annually for the Southern Border communities.

(5) In August 2005, the States of New Mexico and Arizona declared states of emergency in order to provide local law enforcement immediate assistance in addressing criminal activity along the Southwest border.

(6) While the Federal Government provides States and localities assistance in covering costs associated to the detention of certain criminal aliens and the prosecution of Federal drug cases, local law enforcement along the border are provided no assistance in covering such expenses and must use their limited resources to combat drug trafficking, human smuggling, kidnappings, the destruction of private property, and other border-related crimes.

(7) The United States shares 5,525 miles of border with Canada and 1,989 miles with Mexico. Many of the local law enforcement agencies located along the border are small, rural departments charged with patrolling large areas of land. Counties along the Southern-Mexico border are some of the poorest in the country and lack the financial resources to cover the additional costs associated with illegal immigration, drug trafficking, and other border-related crimes.

(8) Federal assistance is required to help local law enforcement operating along the border address the unique challenges that arise as a result of their proximity to an international border and the lack of overall border security in the region.

SEC. 03. BORDER RELIEF GRANT PROGRAM.

(a) ELIGIBLE LAW ENFORCEMENT AGENCY.—(1) IN GENERAL.—The Secretary is authorized to award grants to local law enforcement agencies in any county designated as a High Impact Area under subsection (b) for the purposes provided under this title.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may only be used to provide additional resources for an eligible law enforcement agency to address criminal activity occurring along any such border, including—

(1) to obtain equipment;

(2) to hire additional personnel;

(3) to upgrade and maintain law enforcement technology;

(4) to cover operational costs, including overtime and transportation costs; and

(5) such other resources as are available to assist that agency.

(c) APPLICATION.—(1) IN GENERAL.—Each eligible law enforcement agency seeking a grant under this section shall submit an application to the Secretary at such time, in such form, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENT.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Secretary determines to be essential to ensure compliance with the requirements of this section.

(d) DEFINITIONS.—For the purposes of this section:

(1) ELIGIBLE LAW ENFORCEMENT AGENCY.—The term ‘‘eligible law enforcement agency’’ means a tribal, State, or local law enforcement agency—

(A) located in a county no more than 100 miles from a United States border with—

(i) Canada; or

(ii) Mexico; or

(B) located in a county more than 100 miles from any such border, but where such county has been certified by the Secretary as a High Impact Area.

(2) HIGH IMPACT AREA.—The term ‘‘High Impact Area’’ means any county designated by the Secretary as such, taking into consideration—

(A) whether local law enforcement agencies in that county have the resources to protect the lives, property, safety, or welfare of the residents; and

(B) the relationship between any lack of security along the United States border and the rise, if any, of criminal activity in that county; and

(C) any other unique challenges that local law enforcement face due to a lack of security along the United States border.

(3) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of the Department of Homeland Security.

SEC. 04. ENFORCEMENT OF FEDERAL IMMIGRATION LAW.

Nothing in this title shall be construed to authorize State or local law enforcement agencies or their officers to exercise Federal immigration law enforcement authority.

Mr. BINGAMAN. Mr. President, this amendment establishes a competitive grant program in the Department of Homeland Security to help local law enforcement that is situated along our borders.

We see the situation in my State of New Mexico all the time—and have for many years—where local law enforcement agencies are required to address criminal activity that is occurring on our international borders. This is a responsibility that should not be dumped on local law enforcement.

The amendment I am offering, along with Senator Specter, would provide for a $50-million-a-year grant program to local law enforcement to assist them with this very substantial burden they have and that should be the responsibility of the Federal Government.

I will speak. I gather, for another 60 seconds on this amendment once we get to it, but at this point I see the time for voting is about upon us. Therefore, I yield the floor.

Mr. SPECKER. Mr. President, we are scheduled to vote in 3 minutes. We have a good many amendments which have been filed so far. We are going to be looking to start the debate early tomorrow morning. I urge my colleagues who have amendments and who would like to debate them early—a good time to find time to debate is on Tuesday morning, which is a lot better than Thursday afternoon. I urge our colleagues to come forward and state their willingness to debate.

As I stated earlier, we are going to be holding the votes to 15 minutes plus the 5-minute grace period. We are going to be cutting them off at 20 minutes. We are going to establish that pattern on this bill, with the majority leader’s authorization. We know the practice on some occasions has been to have the votes run 30 minutes or 35 minutes, a long time, which eats into the floor time. We have a big job ahead of us on this bill this week. I urge my colleagues to come within the 20-minute timeframe.

I ask unanimous consent that the second vote be a 10-minute vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that Senator Allen be added as a cosponsor to amendment No. 3206.

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

The PRESIDING OFFICER. All time has expired.
AMENDMENT NO. 3210, AS MODIFIED

The pending amendment is the Bingaman amendment. Two minutes is equally divided.

Mr. BINGAMAN. Mr. President, I gather my amendment has been modified.

I call up amendment No. 3210, as modified.

The PRESIDING OFFICER. The amendment is pending.

Mr. BINGAMAN. Mr. President, this amendment, as I stated a few minutes ago, is an amendment to provide additional resources to local law enforcement agencies along our borders, both with Mexico and with Canada. The truth is, because of the increased activity there, because of the inability, the failure of the Federal Government to properly enforce our border and secure our borders, local law enforcement agencies, sheriffs, and city police agencies have a very substantial additional responsibility with criminal activity. This amendment tries to help them with that by setting up a grant program. It is $50 million a year, which is probably not adequate, but it is a substantial improvement over what we currently have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this is a good amendment. I urge agreement of this amendment.

Mr. LEAHY. Mr. President, I commend the Senator from New Mexico on his amendment. It improves the bill being considered by the Senate. The Bingaman amendment enhances our efforts to be tough and smart in immigration reform by providing State and local law enforcement agencies with additional assistance.

The Judiciary Committee sent a bill approved by a bipartisan vote of 12-6 to the Senate. It is a bill that is strong on enforcement. It is stronger than the bill introduced by the senior Senator from Tennessee, who started from the same place as the committee bill but did not include some of the enforcement measures added by amendment during Committee consideration and neglected some of the bipartisan improvements that we made. For example, the Pritikin bill does not include a provision added by the Committee at the urging of Senator Feinstein to make the Bill of Rights under our borders a federal crime. The committee bill adds new criminal penalties for evading immigration officers and the committee bill includes a Feinstein amendment to add 12,000 new border patrol agents, at

The amendment recognizes the failures of the Federal Government over the last few years and its failure to provide adequate security along our borders. As the Senator from New Mexico has said, when such failures impose costs on local communities, the Federal Government should help.

The peaceful demonstrations around the country over the last few weeks call on Congress to recognize the human dignity of all and to do the right thing, in keeping with long-standing American values. We need a comprehensive solution to a national problem. We need a fair, realistic and workable system that includes both tough enforcement and immigration reform provisions. All Senators should be able to agree with these principles.

I was glad to hear that President Bush was speaking recently about the need for a path to citizenship and the need for a comprehensive bill. Of course, as we proceed through their sixth year in office, the Bush-Cheney administration has still not sent a legislative proposal that focuses on these matters. Instead of waiting, we have done the hard work and are writing a tough, smart, comprehensive bill.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from New Mexico.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent. The Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. ROCKEFELLER), and the Senator from Ohio (Mr. VONNOHICH).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Florida (Mr. NELSON), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) and the Senator from Colorado (Mr. SALAZAR) would each vote “yea.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 6, as follows:

[Roll Call Vote No. 84 Leg.]

YEAS—84

Akaka
Alexander
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Braunback
Burns
Boxer
Baucus
Allen
Alexander
Specter
Byrd
Burr
Brownback
Baucus
Bennett
Baucus
Lieberman
Chafee
Chambliss
Corzine
Crapo
Coburn
Collinck
Cochran
Coleman
Conrad
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Durbin
Dole
Domenici
Duncan
Durbin
Risign
Ruiz
Fengold
Feinstein
Frist
Brownback
Burns
Baucus
Bush
Byrd
Canwell
Carper
Chafee
Chambliss
Cochran
Coleman
Conrad
Corzine
Craig
Crapo
Dayton
DeMint
DeWine

NAYS—6

Running
Colburn
Gregg
Inhofe

Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Milburn
Markowski
Murray
Neelson
Obama
Pryor
Reed
Reid
Roberts
Schumer
Sessions
Shelby
Sarbanes
Shubert
Smith
Snure
Specter
Stabenow
Stevens
Summum
Talent
Talent
Thomas
Vitter

-46
The amendment (No. 3210), as modified, was agreed to.

Mr. SPECTER. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3193, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there is 2 minutes evenly divided on the Alexander amendment.

The Senator from Pennsylvania.

Mr. ALEXANDER. Mr. President, it is important that the vote not be delayed. I am concerned that the last vote was more than 36 minutes. This is the first vote of the week. I say again, we are going to hold the votes to 15 and 5. We are now prepared to move ahead to Senator ALEXANDER’s amendment.

The PRESIDING OFFICER. The Senator is correct.

The Senator from Tennessee is recognized for 1 minute on his amendment.

Mr. ALEXANDER. Mr. President, this is important because the Senate is considering the amendment to the Immigration and Nationality Act of 1986, which provides a pathway to citizenship that will allow millions of Americans to become American citizens, and allows for the support of our borders.

The amendment reflects the work of a number of Senators, including Senator SCHUMER and I have worked on the oath, Senator BYRD, Senator Reid, Senator BURNS, and I have worked on American history, Senators CORNYN and COCHRAN and others have cosponsored the Strengthening American Citizenship Act.

Mr. President, I ask unanimous consent that Senator INHOFE be added as a cosponsor of the amendment, along with Senators FRIST, MCCONNELL ISAKSON, COCHRAN, SANTORUM, and MCCAIN.

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

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this is a good amendment, and I urge my colleagues to support it.

Before yielding back the remainder of my 2 minutes, may I say that the majority leader has stated that we will go into session tomorrow morning at 9:45. We will be on the bill immediately. Whoever has an amendment, I suggest he contact me or my staff. We have a large staff in the Chamber ready to talk about amendments, to accept them where possible, and to set time limits to debate them where we cannot accept them.

I yield back the remainder of the 2 minutes.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3193, as amended.

The yeas and nays have been ordered.

The assistant legislative clerk called the roll.

Mr. MCDONNELL. The following Senators were necessarily absent. The Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Ohio (Mr. VOINOVICH).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. NELSON), the Senator from Iowa (Mr. ROCKEFELLER), the Senator from Colorado (Mr. SALAZAR), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. SALAZAR) would vote “yea.”

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 1, as follows:

(Roll Call Vote No. 85 Leg.)

YEAS—91

Akaka  Dodd  Lincoln  Thomas
Alexander  Dole  Lott  Thomas
Allard  Dorlan  Martinez
Allen  Durbin  McConnell
Baucus  Ensign  Enz
Bayh  Feingold  Feingold
Bennett  Frist  Frist
Bingaman  Bond  Bond
Boxer  Graham  Graham
Brownback  Grassley  Grassley
Burns  Greg  Greg
Burr  Hagel  Hagel
Byrd  Harkin  Harkin
Cantwell  Hatch  Hatch
Carper  Roth  Roth
Chafee  Rutledge  Rutledge
Chambliss  Saxby  Saxby
Clinton  Schieffer  Schieffer
Coburn  Smith  Smith
Cochran  Jepson  Jepson
Collins  Johnson  Johnson
Collins  Kennedy  Kennedy
Conrad  Kerry  Kerry
Curnyn  Kohl  Kohl
Craig  Kyi  Kyi
Crapo  Landrieu  Landrieu
Dayton  Laugaret  Laugaret
DeMint  Levin  Levin
DeWine  Lieberman  Lieberman
NOT VOTING—10

Biden  McCain
Nelson (FL)  Voinovich
Rockefeller  Wyden
Santorum

Mr. LEVIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the quorum call be rescinded.

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

Mr. BIDEN. Mr. President, I come to the floor today to enter the debate on comprehensive immigration reform. It is a debate that will touch on the basic questions of morality, the law, and what it means to be an American.

I know that this debate evokes strong passions on all sides. The recent peace marches and protests we saw all across the country—500,000 in Los Angeles and 100,000 in my hometown of Chicago—are a testament to this fact, as are the concerns of millions of Americans about the security of our borders.

But I believe we can work together to pass immigration reform in a way that unites the people in this country, not in a way that divides us by playing on our worst instincts and fears.

Like millions of Americans, the immigrant story is also my story. My father came here from Kenya, and I represent a State where vibrant immigrant communities ranging from Mexican to Irish enrich our cities and neighborhoods. So I understand the allure of freedom and opportunity that fuels the dream of a life in the United States. But I also understand the need to fix a broken system.

When Congress last addressed this issue comprehensively in 1986, there were approximately 4 million illegal immigrants living in the United States. That number had grown substantially when Congress again addressed the issue in 1996. Today, it is estimated that there are more than 11 million undocumented aliens living in our country.

The American people are a welcoming and generous people. But those who enter our country illegally, and those who employ them, disrespect the rule of law. And because we live in an age where terrorists are challenging our borders, we simply cannot allow people to pour into the United States undetected, undocumented, and unchecked. Americans are right to demand better border security and better enforcement of the immigration laws.

The bill the Judiciary Committee has passed would clearly strengthen enforcement. I will repeat that, because those arguing against the Judiciary Committee bill contrast that bill with a weak enforcement bill.

The bill the Judiciary Committee passed clearly strengthens enforcement. To begin with, the agencies charged with border enforcement...
security would receive new technology, new facilities, and more people to stop, process, and deport illegal immigrants.

But while security might start at our borders, it doesn’t end there. Millions of undocumented immigrants live and work here without our knowing their identity or their background. We need to strike a workable bargain with them. They have to acknowledge that breaking our immigration laws was wrong. They must pay a penalty, and abide by all of our laws going forward. They must earn the right to stay over a 6-year period, and then they must wait another 5 years as legal permanent residents before they become citizens.

But in exchange for accepting those penalties, we must allow undocumented immigrants to come out of the shadows and step on a path toward full participation in our society. In fact, I will not support any bill that does not provide this earned path to citizenship for the today’s undocumented just for humanitarian reasons; not just because these people, having broken the law, did so for the best of motives, to try and provide a better life for their children and their grandchildren; but also because the only practical way we can get a handle on the population that is within our borders right now.

To keep from having to go through this difficult process again in the future, we must also replace the flow of undocumented immigrants coming to work here with a new flow of guestworkers. Illegal immigration is bad for illegal immigrants and bad for the workers against whom they compete.

Replacing the flood of illegals with a regulated stream of legal immigrants who enter the United States after background checks and who are provided labor rights would enhance our security and improve working conditions for all Americans.

But I fully appreciate that we cannot create a new guestworker program without making it as close to impossible as we can for illegal workers to find employment. We do not need new guestworkers plus future undocumented immigrants. We need guestworkers instead of undocumented immigrants.

Toward that end, American employers must take responsibility. Too often illegal immigrants are lured here with a promise of a job, only to receive unconscionably low wages. In the interest of cheap labor, unscrupulous employers look the other way when employees provide fraudulent U.S. citizenship documents. Some actually call and place orders for undocumented workers because they don’t want to pay minimum wages to American workers in surrounding communities. These acts hurt both American workers and the undocumented workers who are working to work hard and get ahead. That is why we need a simple, foolproof, and mandatory mechanism for all employers to check the legal status of new hires. Such a mechanism is in the Judiciary Committee bill.

And before any guestworker is hired, the job must be made available to Americans at a decent wage with benefits. We also know that there are no Americans to take these jobs. I am not willing to take it on faith that there are jobs that Americans will not take. There has to be a showing that these workers programs cannot start succeed, it must be properly calibrated to make certain that these are jobs that cannot be filled by Americans, or that the guestworkers provide particular skills we can’t find in this country.

I know that dealing with the undocumented population is difficult, for practical and political reasons. But we simply cannot claim to have dealt with the problems of illegal immigration if we simply deport undocumented immigrants without new paths for them. Without a new path for them, they will leave voluntarily. Some of the proposed ideas in Congress provide a temporary legal status and call for deportation, but fail to answer how the government would deport them. I don’t know how it would be done. I don’t know how we would line up all the buses and trains and airplanes and send 11 million people back to their countries of origin. I don’t know why it is that we think they would voluntarily leave after having taken the risk of coming to this country without proper documentation.

I don’t know many police officers across the country who would go along with the bill that came out of the House, a bill that would, if enacted, charge undocumented immigrants with felonies, and arrest priests who are providing meals to hungry immigrants, or people who are running shelters for women who have been subject to domestic abuse. I cannot imagine that we would be serious about making illegal immigrants into felons, and going after those who would aid such persons. That approach, that is symbolism, that is demagoguery. It is important that if we are going to deal with this problem, we deal with it in a practical, commonsense way. If temporary legal status is granted but the policy says these immigrants are never good enough to become Americans, then the policy that makes little sense.

I believe successful comprehensive immigration reform can be achieved by building on the work of the Judiciary Committee. The Judiciary Committee bill combines some of the strongest elements of Senator HAGEL’s border security proposals with the realistic workplace and earned-citizenship programs proposed by Senators MCCAIN and KENNEDY.

Mr. President, I will come to the floor over the next week to offer some amendments of my own, and to support amendments my colleagues will offer. I will also come to the floor to argue against amendments that contradict our tradition as a nation of immigrants and as a nation of laws.

As FDR reminded the Nation at the 50th anniversary of the dedication of the Statue of Liberty, those who landed at Ellis Island “were the men and women who had the supreme courage to strike out for themselves, to abandon their old country and relatives, to start at the bottom without influence, without money, and without knowledge of life in a very young civilization.”

It behooves us to remember that not every single immigrant who came into the United States through Ellis Island had proper documentation. Not every one of our grandparents or great-grandparents would have necessarily qualified for legal immigration. But they came here in search of a dream, in search of hope. Americans understand that, and they are willing to give an opportunity to those who are already here, as long as we get serious about making sure that our borders actually mean something.

Today’s immigrants seek to follow in the same tradition of immigration that has built this country. We do ourselves and them a disservice if we do not recognize the contributions of these individuals. And we fail to protect our Nation if we do not protect our immigration system immediately.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The Assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be suspended.

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

Mr. SESSIONS. Mr. President, we have been talking about the immigration challenge that is facing this country. It is one that needs to be faced and dealt with, and I believe it is possible for us to achieve comprehensive reform. Unfortunately, the legislation before us today will not do the job. It will not do the job. I have heard from my Alabama voters or with what we have been telling our voters all over the country that we would do in immigration legislation.

Let me make a couple of points about this issue.

There are two aspects, I guess one can say. One aspect is what to do about those people who are here illegally and how should they be treated, which ones should be allowed to stay and which ones should not be allowed to stay and under what conditions. Those are all very important matters for us to discuss in some depth and, frankly, we have not done that, not in any effective way. We passed that portion of the immigration bill last Monday after about 3 hours of debate, at 6 o’clock, and the bill was on the floor the next day or Wednesday, and what we actually passed out of committee was printed Wednesday night. So there was not much serious discussion about the bill.

It is a tremendous problem. We are dealing with 11.1 million people entering
the country illegally being arrested each year by our Border Patrol agency—1.1 million. This is huge. We have a system, I heard the Democratic leader say earlier today, that is lawless and it is chaos. If we are going to deal comprehensively with the immigration problem that we are facing, ought we not also deal with the challenges of the legal system and try to make our borders a lawful place instead of chaos?

First, I want to say, we can do this. It is not that difficult. We simply have to take down the “come on in” sign that is there, that “come on in illegally and sooner or later we are going to make you legal” sign. We need to create enforcement on the border and create good enforcement at the workplace, and then we can reach that tipping point where people find that it is better to get that biometric card and come to the right border crossing and go there and present it and go right in. And you can go right back home when you want to. It would work. It can be made to work.

Let me tell you the challenges that are in existence and why I think we haven’t met those challenges. We have 1.1 million arrests. I think it is possible that we can get serious and sound that clear message to the world that you have to come lawfully, we might see a lot fewer people attempt to come illegally. As a matter of fact, I am confident of that.

Another problem we have is those who are “other than Mexicans.” It has been referred to now consistently as the catch-and-release policy. This is the deal: If you apprehend someone who is a Mexican, they can easily be taken back across the border, maybe that day or within a day or two. But what if someone is caught coming across the border from Brazil or the islands or China or someplace like that? It is a much more difficult problem. We have the job of criminal law enforcement, taking them back, and what has happened is, those people have been arrested at the border and many times they just turn themselves in to the agents. They take them 100 or so miles further inside the border, and they are released on bail and they are asked to come back to this hearing to explain why they are here illegally. Well, they don’t come back. In fact, in one district, in one area, 95 percent of the people released after being caught didn’t show up for their hearing.

Does that not make a mockery of the law? And they are not even putting their names into the National Crime Information Center—they haven’t been. They say they are, but still only a small number are getting in the system so that if they are apprehended somewhere else in the country, they will be picked up. If you skip on a DUI charge, they put your name in the NCIC, and if you are stopped in Maryland, Nebraska, or California, you will get a hit that you are wanted for a DUI somewhere. We are not doing that. That indicates a lack of interest in seeing that the law works. So that has to be fixed. They say they are going to fix it, but it hasn’t been fixed.

In the appellate process—we had a hearing this morning—and Senator Specter said that there will be a hearing on the bill that is before us today that would take a good step toward fixing the problem with appeals. It is the committee, however, somebody offered an amendment to take it out, and it was taken out. This is the problem: In 4 years, there has been a 600-percent increase in the number of appeals in immigration cases. As a result, we have created a large backlog. This backlog has resulted in the unbelievable situation by which it takes 27 months now to get a decision. So we have a 600-percent increase and 27 months before you get an appeal decision out of the courts. Some of that is getting the transcript ready; some of that has been delays in the court system. So we had a proposal to fix it if it. It obviously has to be fixed if we are going to transition from a chaotic system to a lawful system. Wouldn’t everybody agree with that? But that was taken out.

We are going to have to have jails and we are going to have to have increased Border Patrol agents and we are going to have to have increased barriers. This is so simple as to be without dispute, it seems to me. Good fences make good neighbors. Good neighbors will get along, they say.

When you have large numbers of people, in the millions, coming across—a fence can make a huge difference. It made a huge difference in San Diego. I don’t think anybody has breached that fence. Both sides of the fence now are growing and prospering terrifically. The property values have gone up, crime and violence and smuggling have all gone down, and it is so much better for the neighborhood. Nobody would want to take that fence down.

So I don’t understand this idea in opposition to the fencing or any barriers whatsoever. It is something you can’t talk about. The reason that is so is because people want to make those who believe fencing and barriers are legitimate are against any immigration. They want you to say that there shouldn’t be any immigration. But the amendment I have offered that would allow people to come and work, what the House of Representatives passed by a large vote would increase substantially the number of legal entry points. I am not trying to keep people from coming lawfully or to put up a barrier that says: America doesn’t allow immigration anymore. That is not what we are doing. We are trying to tilt it from an unlawful to a lawful system.

Another thing that is very important is our local and State law enforcement officers. We have 600,000—750,000 State and local law enforcement officers in America. They have basically been told they should not contribute to the effort to deal with those who are here illegally. If they capture someone who is speeding or DUI or committing some other minor offense and they find out they are here illegally, nobody wants to come and get them and won’t authorize the officers or encourage them even to report it. And I believe we should mandate State and local officers to do anything they don’t desire to do. They have plenty of choices to make in how they apply their resources. But if an officer is out doing his duty and he apprehends someone who is in this country illegally, why shouldn’t the Federal Government come and get them? Why shouldn’t they be thanked for it?

The opposition to that indicates to me—and the nature of it and the kind of resistance and pushback we are getting for that—indicates to me that there are a large number of people who say they want law enforcement in America but really don’t. They don’t want to see law enforced in general. There are some who don’t, but most of them obey the law. What they have been told is they can’t ask for people’s identification today, they can’t ask to find out whether they are legal or illegal, or they will be sued for some sort of civil rights violation, and they quit doing it. In fact, they are not required to do it, apparently, because they have never been punished for that.

In 2004, we had only four companies that were assessed a fine for hiring illegal workers in this country. Only four. Isn’t that amazing? It indicates that there has been zero enforcement, zero will to make sure there is a lawful process occurring at the workplace. How can we have language in our legislation and a clear commitment by this administration and the Department of Justice to take the law that we pass that clarifies all of this confusion that is out there and make sure there is a clear message to our businesses and, if they violate the law, to prosecute them or fine them. That can be done, and as soon as it starts being done, other businesses will clean up their act. They will not do it. You can’t prosecute every company that is today hiring illegal workers because as soon as they know that it is not acceptable, that they will be prosecuted for it and fined for it, they will quit. That matter can be ended.

T.J. Bonner, the head of the Border Patrol employees group, says you need two things to make this system work, and he believes it absolutely can work. One is increased enforcement at the border, and two is to eliminate what he calls the “magnet of the job.” It is the job magnet that draws people across the border. Both of those can be eliminated very easily.
So what do we have in our bill, the bill that is on the floor today? We have legislation that will place each one of the 11 million people here, virtually every one of them, on a direct path to citizenship. They say: Well, it is not automatic. It is not automatic to earn their way. They are supposed to work. How many hours? Well, 150 days. How much work do you have to do each day? Well, 1 hour. So you work 150 hours a year, and that qualifies you as a working person. But, either way, that is what people come here for, to work. So what kind of earning is that? That is the benefit. That is why people come. That is the magnet.

So they say that because they work, they earned the right to gain their complete citizenship by violating the American law, by coming here illegally, and then they are rewarded with every benefit this Nation can give them. They are rewarded with every social benefit, every welfare benefit, every medical benefit, every educational benefit—even citizenship—rewarding them for coming in ahead of the line, ahead of those who stayed and waited their turn.

So my point about that is this: Let’s keep focusing on that. Let’s figure out what the right thing to do is for these people. I am just saying that those who come illegally should not get every single benefit that those who come legally do.

It is a myth that somehow a person here who is not a citizen is somehow mistreated and not appropriately treated. I had the great honor—and I have the great honor—to know Professor Harald Rohlig at the college I attended. He is in his eighties. He came here from Germany right after World War II. He is a great organ master. He has performed and recorded the entire work of Bach. He is one of the most delightful people I have ever had the pleasure of knowing and a dear friend. His wife died, and before that, she had decided she didn’t want to become a citizen. But he decided—he always wanted to be a citizen. He wanted to be a citizen. He was in his eighties. Now, here he was, the head of the music department, recorded the entire works of Bach, and had done so many other wonderful things and was loved throughout the whole area, but he wasn’t a citizen. He came in legally and was qualified and he, in his eighties, decided to become a citizen. The point of that story is you can be a great participant in America and have many wonderful things available to you, even if you are not a citizen.

My next point is this: We are moving toward one of the most historic and generous proimmigration pieces of legislation this Nation has ever had. As we study the numbers, assuming that those who qualify are only 11 million to 12 million, we are looking at the number that come in legally on top of that—on top of the ones who come now, we are going to have 400,000 per year. And they are supposedly guest workers. So we are told there are 400,000 guest workers, but they come in for 3 years with the automatic ability to apply for another 3 years. It is my understanding that if an employer desires an alien to get a green card, the employee must be the alien for at least as soon as the alien begins work. And for the first time we have made it so that the guest workers, after 4 years, can apply for a green card themselves.

So within 4 years, anybody who comes in under this 400,000 per year, they will be allowed to get a green card, and a green card, of course, is an automatic step toward citizenship. It is just a matter of time after that—additionally, being able to speak English and not having been convicted of a felony or a serious crime—a felony.

We need to make sure. When we go through this tremendous move to regularize, it is what we calculate to be 30 million people in the next 10 years. Counting the ones who are not here now, counting the ones who are coming in, plus the 10 or 12 million who are here, we are talking about 30 million people. Are we going to allow everyone to come on this floor to explain and say with confidence: ‘Jef, after we do all that, don’t worry about illegal immigration, we have the border system under control now; we are not going to have anyone’? I don’t think they can. I don’t think they will. Because it is not secure under the legislation that is before us.

Second, many of the things in the legislation that are good, that call for increased border control or increased detention space, are not funded. We have not appropriated the money. When this legislation passes, which gives legal status to millions, we have no guarantee that any Congress will ever fund and security adequately. They have not yet. We have had that opportunity since 1986—20 years—and we haven’t done it. I believe the American people have a right to be concerned about the border and switch. It is like Lyle, holding the football for Charlie Brown: Fool me once, shame on you; fool me twice, shame on me.

In 1986, I think that is basically what happened. We didn’t do the amnesty. We didn’t mind calling it amnesty then. We acknowledged it was amnesty. This bill does exactly the same thing we did in 1986 in all significant and important respects, but they didn’t get the enforcement at the border. Now, instead of 3 million people as we had in 1986, here illegally, we have 11 million.

By the way, I would note that in 1986, they estimated this would be 1 million to 1.5 million people claiming amnesty. We knew they could let people qualify, 3 million qualified, twice the number that was expected.

Some think we have 20 million people in our country illegally, and we could see quite a large number there move up.

I would say to my colleagues, we do not need to move forward with this legislation. A few tinkering amendments is not going to do the trick. What we need to do is decide what we are going to do about the people who are here, how we are going to handle them in a fair and just way that is consistent with our law.

The PRESIDING OFFICER. Without objection, the legislative clerk will call the roll. The legislative clerk then proceeded to call the roll.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, today at 4 p.m. the jury in the Zacarias Moussaoui trial rendered their verdict that Mr. Moussaoui is eligible for the death penalty. It is reported that after the judge and jurors left the courtroom, Moussaoui shouted his defiance and raised his bullying enmity toward this country.

Although none of us gets any satisfaction from the Moussaoui ordeal, I...
believe the jury delivered the just and appropriate verdict and I thank them for their service to their country.

In April of last year, Moussaoui pleaded guilty to conspiring with al-Qaeda to commit acts of terrorism using weapons of mass destruction and other crimes. For responsibility for the most heinous act of terrorism against America: Three thousand innocent Americans were murdered. Their loss is still a gaping wound in our hearts.

Nothing will ever bring these innocent Americans back, but today Zacarias Moussaoui received what he would deny all of us. Today justice was served.

TENNESSEE STORMS

Mr. FRIST. Mr. President, I end tonight saying a few words about the devastating storms that occurred last night in the state of Tennessee. First and foremost, I offer my deepest condolences to the families who lost loved ones last night. My heart goes out to those families who are reeling in the aftermath of this sudden and totally unexpected tragedy. The people of Tennessee grieve with you and our prayers are with you through this painful ordeal.

I let my fellow Tennesseans know I requested that the President have a quick review and approval of the State’s request for Federal assistance. I have also taken the opportunity to talk directly with acting FEMA Director David Paulison to expect my clear support for the State’s request. Director Paulison is looking into the matter; of course, we had a good exchange. I appreciate FEMA’s strong support.

Senator ALEXANDER and I stand ready to assist the State and local officials in any way possible to ensure our communities have the resources they need. We will pull together as Tennesseans and neighbors and together we will get through this awful crisis. Our thoughts and our hearts and prayers go out to others who have been affected by the storms in other States.

When I talked to Director Paulison today, he was describing that those storms were northwest of Tennessee, as well.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, last night, severe tornadoes and strong storms swept through west Tennessee. Dyer and Gibson Counties were the hardest hit. According to the Tennessee Emergency Management Agency, at least 23 individuals lost their lives in just those two counties. One of those killed was Jane King of Newbern, TN. She was a relative of Congressman John Tanner, and our thoughts are with John and Betty Ann Tanner and all of Jane King’s family.

At least 70 people have been injured as a result of the storms. TEMA expects that number to rise. There is damage to at least 11 other counties in west Tennessee. Thousands of Tennesseans have lost their homes and their livelihoods. TEMA reports that 1,200 buildings were damaged or destroyed in the town of Bradford alone.

Tennessee Emergency Management Agency officials are on the ground in the counties affected. They are helping to survey damage. They are offering assistance. A state of emergency is in effect. The biggest need thus far is to get the roads clear. GEN Gus Hargrett has assigned 30 members of the 230th Engineer Battalion of the Tennessee National Guard to help with debris removal. The Dyersburg Armory is being used as a Red Cross processing site.

This afternoon, Senator FRIST and I sent a letter to President Bush asking for speedy review and approval of the State’s request for Federal disaster assistance. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:


THE PRESIDENT, The White House, Washington, DC.

DEAR MR. PRESIDENT: Last night devastating tornadoes swept through several West Tennessee communities. In Dyer and Gibson counties at least 23 individuals lost their lives. Many others lost their homes and livelihoods. State and local officials currently are assessing the damage. Many of the affected communities are in rural areas and it could take some time before the full extent of the damage is realized.

In anticipation of Tennessee Governor Phil Bredesen’s request for Federal disaster assistance, we respectfully urge you to act as expeditiously as possible and approve Tennessee’s request for federal assistance. It is our understanding that there is significant damage in many areas of West Tennessee, and local emergency responders and the Tennessee Emergency Management Agency, TEMA, are working to provide assistance to survivors. They will soon begin the process of assessing the damage to affected communities.

Thank you for your consideration of our request on behalf of Tennesseans suffering from these devastating and unforeseen events. Please let us know if you have any questions or need additional information.

Sincerely,

WILLIAM H. FRIST, M.D.,
Majority Leader, U.S. Senate.

LANE LAMAR ALEXANDER,
U.S. Senate.

Mr. ALEXANDER. Mr. President, tomorrow Governor Bredesen and Congresswoman TANNER will be on the site. We will continue to be in touch with Governor Bredesen and provide whatever assistance we can. We will work closely with State and local officials.

My prayers are with the families who have suffered tremendous loss as a result of these storms, and I know we will see shining examples of the Tennessee volunteer spirit and neighbor helping neighbor as West Tennesseans rebuild their homes, their businesses, and their lives.

WESTERN HEMISPHERE TRAVEL INITIATIVE

Mr. STEVENS. Mr. President, I come to the floor to speak about this important amendment on the Western Hemisphere travel initiative.

The Western Hemisphere travel initiative was authorized in the Intelligence Reform and Terrorism Prevention Act of 2004 based on the recommendation of the 9/11 Commission.

It mandates that the Department of Homeland Security, DHS, implement a new documentation program validating citizenship by January 1, 2008. Once executed, all U.S. citizens crossing the Canadian or Mexican Border into the United States will be required to carry a passport or other accepted documentation, such as a passcard, in order to verify their citizenship.

The DHS and the State Department are in the process of promulgating rules to implement this initiative and are considering executing the air and sea portion of this initiative by next January.

While the need to tighten security at our borders is an important undertaking, I am concerned that in their haste to accomplish this mission pursuant to a congressionally mandated timeline, DHS and the State Department may be overlooking serious concerns about the implementation of this initiative raised by border States and Canada.

We are evaluating two options in order to identify citizenship. The first would require a person entering the United States to present a passport. However, passports are expensive and require weeks to acquire. The second alternative is the issuance of a passport, which would be slightly cheaper but would still require a background check and could only be used for travel between Canada, the United States, and Mexico.

One of these options assumes that DHS and the State Department are able to process the flood of requests for passports and passcards. There is no reasonable way they could get all of these requests processed by the deadline, thereby adversely affecting travel and business for millions.

Take for example a military family reassigned from the lower 48 to Eielson Air Force Base, Alaska, who has to drive from the lower 48 through Canada with all of their belongings. This family may not have the opportunity or funds to acquire passport before traveling.

Alaska is the only State in the Nation that you have to pass through a foreign country to get to by land. I have a lot of concerns about how this initiative will affect travel.

Each year, a large number of people travel to Alaska from the lower 48 on the Alaska-Canada Highway, also known as the Al-Can. Each summer, we witness a large number of RV’s on the road with license plates from New York, Pennsylvania, Florida, California, everywhere. They are now going
to need this card or a passport to get to another State. I worry about how that will affect our tourism, as well as the opportunity for Americans to visit one of the most beautiful places in this country.

There are just some of the situations which need to be considered before implementing this plan. I believe that DHS and the State Department are operating under an unrealistic time frame imposed by the act. We need to ensure that they have enough time to properly test and implement the system, which includes biometrics and new equipment for the borders, to ensure its effectiveness.

We share a special relationship with our friends in Canada, and I would hate to see a hastily imposed initiative negatively affect movement in and out of Canada, or negatively affect our relationship with our neighbors.

The deadline Congress gave DHS is fast approaching, and with little progress made so far. I think we need to pass this amendment to give DHS more time.

There is just too much at stake to rush this, and I urge my colleagues to support this amendment.

ADDITIONAL STATEMENTS

RECOGNIZING THE RETAIL MERCHANTS ASSOCIATION OF GREATER RICHMOND

Mr. ALLEN. Mr. President, I am pleased today to recognize the Retail Merchants Association of Greater Richmond, Incorporated, which has served the business community of Richmond for 100 years. What began as a small advocacy group founded by 12 merchants in 1906 has grown into a thriving organization that serves 4 cities and 10 counties in central Virginia.

The Retail Merchants Association of Greater Richmond has worked tirelessly to ensure that its companies grow and prosper. It has also demonstrated a commitment to serving the larger community of Greater Richmond by investing in institutions and programs that promote innovation, encourage fellowship and ensure the safety of its residents.

The Retail Merchants Association of Greater Richmond, recognizing the importance of leadership, cooperation, integrity and foresight, has truly been a positive force in making central Virginia a wonderful place to do business. I am confident that it will continue to serve the people of the Commonwealth of Virginia for many years to come.

TRIBUTE TO PROFESSOR KEON CHI

Mr. BUNNING. Mr. President, today I pay tribute to Dr. Keon Chi on his retirement from the political science department at Georgetown College in Georgetown, KY.

Since 1970, Dr. Chi has helped to enrich and prepare the students of Georgetown College. His keen insight into American and global political systems did much to give his students an idea of how people are governed.

Dr. Chi is a gifted academic. Some of his best work has been on the subject of privatization of state government functions. Because of this expertise, he was selected to serve on advisory panels and commissions on privatization for both the Commonwealth of Kentucky and the Federal Government.

I ask my colleagues to join me in congratulating Dr. Chi for his dedication and commitment to teaching and academics. In order for our society to continue to advance in the right direction, we must have professors like Keon Chi in our institutions of higher learning, in our communities, and in our lives. He is Kentucky at its finest.

CENTRAL HIGH SCHOOL, NORWOOD YOUNG AMERICA, MINNESOTA

Mr. DAYTON. Mr. President, I rise today to honor Central High School in Norwood Young America, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Century Elementary School is truly a model of educational success. The school, which enrolls a large percentage of children from low-income families, has achieved significant academic success.

Test scores in 2005 qualified the school for four stars in reading and five stars in mathematics from the Minnesota Department of Education. In addition to receiving three stars in both reading and mathematics for having made adequate yearly progress, the school received an additional star in reading and math for outstanding performance compared to schools with similar percentages of low-income pupils. It received another star in math for having more than 30 percent of its students scoring at Level 5 on their Minnesota Comprehensive Assessments, the highest possible level on these statewide tests.

The year 2005 was the second successive year in which Century School received four or five stars. Last year, the school received five-star status in reading and four-star status in mathematics.

The Park Rapids School District has also recognized the advantages of a full-day kindergarten program, and although the State funds a half-day program, the local school board has allocated sufficient funds to make possible the full-day program.

Century Elementary’s success is even more remarkable considering the limited amount of funding available for the school district. The district has attempted to pass an operating levy referendum four times to make up for lack of adequate funding from the State of Minnesota, but these referenda failed to be approved. The district has been forced to lay off 42 teachers over the past 4 years accounting for a 30-percent reduction in total teachers.

Much of the credit for Century Elementary School’s success belongs to its principal, Ron Brand, and all the dedicated teachers. The students and staff at Central High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop their knowledge, skills and attitudes for success throughout life. All of the faculty, staff, and students at Central High School should be very proud of their accomplishments.

I congratulate Central High School in Norwood Young America for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.

TRIBUTE TO PROFESSOR KEON CHI

Mr. BUNNING. Mr. President, today I pay tribute to Dr. Keon Chi on his retirement from the political science department at Georgetown College in Georgetown, KY.

Since 1970, Dr. Chi has helped to enrich and prepare the students of
principal, Mitch Peterson, and the dedicated teachers. The students and staff at Century Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Century Elementary School should be very proud of their accomplishments.

I congratulate Century Elementary School in Park Rapids for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.

WATERTOWN-MAYER HIGH SCHOOL, WATERTOWN, MINNESOTA

Mr. DAYTON. Mr. President, I rise today to honor Watertown-Mayer High School in Watertown, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Watertown-Mayer High School is truly a model of educational success. The school offers a comprehensive curriculum in a four-period block schedule. College in the Schools, an honors program sponsored by the University of Minnesota, is offered in writing, fiction, American government, U.S. history, psychology, and general science courses include advanced placement calculus I and II, advanced placement physics, chemistry, and advanced biology, ecology, and meteorology. Excellent vocational programs include industrial technical education, family and consumer science, business education, work experience, and agiculture/horticulture education.

As part of their academic program, highly motivated seniors can enroll in a comprehensive professional mentorship program, which offers real-life experiences, including mentorships with surgeons, physicians, nurses, business professionals, theater professionals, undercover law enforcement personnel, and teachers. These opportunities have helped many students explore their professional goals.

This year, carpentry students from Watertown-Mayer are building a model house, intended for sale at a public auction. A portion of the proceeds from the sale will be used to buy tools and supplies to help continue these opportunities for future students.

The academic successes of Watertown-Mayer are reflected in students’ test scores. Last year, Watertown-Mayer High School received five star ratings in both math and reading. Fewer than 7 percent of all Minnesota schools have rated so well in both math and reading.

Watertown-Mayer High School’s goal is to “invest in the life of each and every student and to make a difference one child at a time.” It is not the curriculum that resonates for graduates of Watertown-Mayer but, rather, their personal experiences with the dedicated people who guided their learning and who truly make the school one of Minnesota’s finest.

Much of the credit for Watertown-Mayer High School’s success belongs to its principal, Scott Gengler, and the dedicated teachers. The students and staff at Watertown-Mayer High School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Watertown-Mayer High School should be very proud of their accomplishments.

I congratulate Watertown-Mayer High School in Watertown for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.

GRAND RAPIDS HIGH SCHOOL, GRAND RAPIDS, MINNESOTA

Mr. DAYTON. Mr. President, I rise today to honor Grand Rapids High School in Grand Rapids, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Grand Rapids High School is truly a model of educational success. With 1,240 students, the school is one of only 13 Minnesota high schools to offer the International Baccalaureate Program, which is distinguished in the field of international education and helps students to be active learners, well-rounded people, and engaged world citizens. The founding organization works with 1,742 schools in 122 countries to develop and offer three challenging programs to over 200,000 young people ages 3 to 19. Grand Rapids High School participates in the Diploma Program.

Grand Rapids High School offers a comprehensive curriculum that focuses on meeting students’ wide range of needs. The school has embraced the national education reform effort known as Breaking Ranks II, which outlines the need for high schools to engage in the process of change that will ensure success for every high school student. Breaking Ranks II includes tools and recommendations in the areas of leadership for change, development of professional learning communities, the need to provide every student with meaningful adult relationships, and the development of personalized learning, to show students the meaning and relevance of learning.

The Grand Rapids High School focuses on literacy and personalization of environment. The literacy team has coordinated the training of all staff to offer common reading strategies throughout the curriculum. Within 1 year, test scores in all areas have reflected students’ progress.

The personalization of environment is designed to ensure that every student feels welcome, safe, and cared for. The school’s BRAVE Team, Building Respect and Valuing Everyone, of students and staff take action to create an atmosphere of respect with the purpose of helping reduce stress caused by differences in levels of achievement. Grand Rapids High School’s success belongs to its principal, Jim Smokrovich, and the dedicated teachers. The students and staff at Grand Rapids High School understand that in order to be successful, a school must go beyond academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Grand Rapids High School should be very proud of their accomplishments.

I congratulate Grand Rapids High School in Grand Rapids for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.

CHURCHILL ELEMENTARY SCHOOL, CLOQUET, MINNESOTA

Mr. DAYTON. Mr. President, I rise today to honor Churchill Elementary School in Cloquet, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Churchill Elementary School is truly a model of educational success. The school has recognized the vital need to nurture children’s love for reading. At the same time, the school has taken the initiative to find new, creative ways to improve children’s reading academically. For “I Love To Read Month” in February, every classroom at Churchill Elementary established a goal for the amount of reading the students would collectively complete during the month. The children met every goal.

At Churchill Elementary, many planned activities help motivate pupils to read. On Valentine’s Day, the school hosted a “Books for Breakfast.” Families came to school to share a breakfast and reading time together. Earlier in the month, Churchill hosted a family reading night, for which families congregated in the media center to read books together.

These and other activities emphasize the importance of reading for each child’s life. This year, during one week of the month, different mystery readers, including the police chief, the superintendent, and the Cloquet mayor, were invited to read a story over the school intercom. All events culminated with a celebration on March 2nd, Dr. Seuss’ birthday.

The success of these initiatives is reflected in the reading test scores at Churchill Elementary. Last year, Churchill Elementary received four out of five possible stars from the Minnesota Department of Education for both reading and mathematics. Fewer
than 20 percent of all schools in the State have rated so well in reading and math.

Much of the credit for Churchill Elementary School's success belongs to its principal, David Wangen, and the dedicated students, parents, and staff. Students work hard at Churchill Elementary School and understand that in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes needed throughout their lives. All of the faculty, staff, and students at Churchill Elementary School should be very proud of their accomplishments.

I congratulate Churchill Elementary School in Cloquet for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together accompanying papers, reports, and documents, as follows:

EC-6232. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report of a rule entitled “Consolidation of Contract Requirements” (DFARS Case 2008-D109) received on March 28, 2006; to the Committee on Armed Services.

EC-6240. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Contractor Performance of Acquisition Functions Closely Associated with Inherently governmental Functions” (DFARS Case 2004-D201) received on March 28, 2006; to the Committee on Armed Services.

EC-6241. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Yeast Manufacturing” (DFARS Case 2002-D204) received on March 28, 2006; to the Committee on Armed Services.

EC-6246. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Acquisition of Ball and Roller Bearings” (DFARS Case 2003-D071) received on March 28, 2006; to the Committee on Armed Services.

EC-6233. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report relative to the status of female members of the Armed Forces for Fiscal Year 2005; to the Committee on Armed Services.

EC-6234. A communication from the Under Secretary of Defense (Personnel and Readiness), Defense Procurement and Readiness, pursuant to law, a report on the approved retirement of Lieutenant General Daniel James King, Deputy to the Secretary of Defense, United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6236. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, authorization of 16 officers to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6238. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Daniel James King, Deputy to the Secretary of Defense, United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-6247. A communication from the Assistant Secretary, Legislative Affairs, Department of the Army, transmitting, pursuant to law, the report of a rule entitled “Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act Amend- ed” (RIN11400-AC06) received on March 28, 2006; to the Committee on Foreign Relations.

EC-6253. A communication from the Acting Deputy Associate Administrator, Office of Financial Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Geological and Geophysical (G&G) Explorations of the OCS—Proprietary Terms and Data Disclosure” (RIN1010-AC81) received on March 28, 2006; to the Committee on Energy and Natural Resources.

EC-6254. A communication from the Acting Secretary, Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Fringe Benefits Aircraft Valuation Formula” (Rev. Jul. 2006–2007) received on March 28, 2006; to the Committee on Finance.

EC-6255. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled “Known and Potential Environmental Effects of Oil and Gas Drilling Activity in the Great Lakes” to the Committee on Environment and Public Works.

EC-6256. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Trifloxystrobin; Pesticide Tolerance” (FRL No. 7759–9) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6235. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Pentamethyldiethylenetriamine; Pesticide Tolerance” (FRL No. 7769) received on March 28, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6237. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, proposed legislation relating to the statute of limitations for espionage offenses; to the Committee on the Judiciary.

EC-6248. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Department’s Office of Inspector General Semiannual Report covering the 6-month period that ended September 30, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-6239. A communication from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled “Approval and Promotion of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC Emissions from Yeast Manufacturing” (FRL No. 8061–7) received on March 28, 2006; to the Committee on Environment and Public Works.

EC-6249. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Aircraft Valuation Formula” (FRL No. 7769) received on March 28, 2006; to the Committee on Environment and Public Works.

EC-6250. A communication from the Assistant Secretary, Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Supplier Credit Guarantee Program (SCGP); Commodity Credit Corporation (CCC) Export Credit Guarantee Program, including the Supplier Credit Guarantee Program (SCGP); to the Committee on Agriculture, Nutrition, and Forestry.

EC-6251. A communication from the Assistant Secretary, Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act Amend- ed” (RIN11400-AC06) received on March 28, 2006; to the Committee on Foreign Relations.

EC-6252. A communication from the Acting Deputy Associate Administrator, Office of Financial Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Geological and Geophysical (G&G) Explorations of the OCS—Proprietary Terms and Data Disclosure” (RIN1010-AC81) received on March 28, 2006; to the Committee on Energy and Natural Resources.

EC-6253. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Approval and Promotion of Air Quality Implementation Plans; Maryland; Amendments to the Control of VOC Emissions from Yeast Manufacturing” (FRL No. 8061–7) received on March 28, 2006; to the Committee on Environment and Public Works.

EC-6254. A communication from the Acting Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the URL address of a document entitled “Environmenal Protection Agency’s First” received on March 28, 2006; to the Committee on Environment and Public Works.

EC-6255. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled “Known and Potential Environmental Effects of Oil and Gas Drilling Activity in the Great Lakes”; to the Committee on Environment and Public Works.

EC-6256. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final Regulations Concerning Disclosure of Relative Values of Looted Cultural Objects” (RIN1545– BD97/(TD 9256)) received on March 28, 2006; to the Committee on Finance.

EC-6257. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Fringe Benefits Aircraft Valuation Formula” (Rev. Jul. 2006–2007) received on March 28, 2006; to the Committee on Finance.

EC-6258. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promotion of Air Quality Implementation Plans; State of Maryland; Revised Definition of Volatile Organic Compounds” (FRL No. 8061–6) received on March 28, 2006; to the Committee on Environment and Public Works.

EC-6259. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled...
“Approval and Promulgation of Implementation Plans; Iowa; Prevention of Significant Deterioration (PSD)” (FRL No. 8040-5) received on March 28, 2006, to the Committee on Environment and Public Works.

EC-6260. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Iowa” (FRL No. 8059-2) received on March 28, 2006, to the Committee on Environment and Public Works.

EC-6261. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Regulation of Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Methods” (FRL No. 8052-1) received on March 28, 2006, to the Committee on Environment and Public Works.

EC-6262. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Guidelines for the Award of Monitoring Initiative Grants to States, Interstate Agencies, and Tribes” (FRL No. 8051-3) received on March 28, 2006, to the Committee on Environment and Public Works.

EC-6263. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Notice 20 for Significant New Alternatives Policy Program” (FRL No. 8050-9) received on March 28, 2006, to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment; Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Iowa” (FRL No. 8040-5) received on March 28, 2006, to the Committee on Environment and Public Works.

S. 2489. An original bill to implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, signed by the United States on June 12, 1996; from the Committee on Foreign Relations; placed on the calendar.

By Mr. COLEMAN:

S. 2492. A bill to amend title 5, United States Code, to provide for a real estate stock index investment option under the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORNYN:

S. 2491. A bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 2492. A bill to revise the boundaries of John H. Chavis Reservoir on the System Jekyll Island Unit GA-061F; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 2493. A bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2494. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. BYRD, Mr. CHAFEE, Mr. ORRIN G. HENRY, Mr. DRAJD, and Mrs. DOLE):

S. 2495. A bill to authorize the National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor the persons that fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. KENNEDY):

S. 2496. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. KENNEDY, and Mr. DURBIN):

S. 2497. A bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were introduced, read the first time and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. LAUTENBERG):

S. Res. 420. A resolution expressing the sense of the Senate that effective treatment and access to care for individuals with psoriasis and psoriatic arthritis should be improved; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

At the request of Mr. INHOFE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

At the request of Mr. LOTT, the name of the Senator from North Carolina (Mr. LEAF) was added as a cosponsor of S. 370, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

At the request of Mr. BOND, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 421, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 527, a bill to protect the Nation’s law enforcement officers by banning the Five-seveN Pistol and 5.7 x 28mm SS190 and SS192 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians.

At the request of Mr. CONRAD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 621, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for the depreciation of certain leasehold improvements.

At the request of Mr. JOHNSON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 611, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.
At the request of Mr. BOND, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1263, a bill to amend the Small Business Act to establish eligibility requirements for business concerns to receive awards under the Small Business Innovation Research Program.

S. 1091
At the request of Mr. CRAIG, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1681, a bill to amend selected statutes to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1719
At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1719, a bill to clarify existing Federal law as to the treatment of students privately educated at home under State law.

S. 1746
At the request of Mr. SMITH, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1746, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 2045
At the request of Mr. OBAMA, the name of the Senator from New York (Mrs. CLIBBEN) was added as a cosponsor of S. 2045, a bill to provide incentives to the auto industry to accelerate efforts to develop more energy-efficient vehicles to lessen dependence on oil.

S. 2048
At the request of Mr. OBAMA, the name of the Senator from Michigan (Ms. MIKULSKI) was added as a cosponsor of S. 2048, a bill to direct the Consumer Product Safety Commission to classify certain children’s products containing lead to be banned hazardous substances.

S. 2083
At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2140
At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2201
At the request of Mr. OBAMA, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2201, a bill to amend title 49, United States Code, to modify the mediation and implementation requirements of section 40122 regarding changes in the Federal Aviation Administration personnel management system, and for other purposes.

S. 2270
At the request of Mr. MCCONNELL, the names of the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CRAIG), the Senator from Wisconsin (Mr. FeINGOLD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2270, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

S. 2318
At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2318, a bill to preserve local radio broadcast emergency and other services and to require the Federal Communications Commission to conduct a rulemaking for that purpose.

S. 2381
At the request of Mr. CONRAD, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2381, a bill to provide disaster assistance to agricultural producers for crop and livestock losses, and for other purposes.

S. 2464
At the request of Mr. OBAMA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2464, a bill to amend the Internal Revenue Code of 1986 to prohibit the disclosure of tax return information by tax return preparers to third parties.

S. CON. RES. 84
At the request of Mr. KYL, the name of the Senator from Mississippi (Mr. LOTT) was withdrawn as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free-trade agreement between the United States and Taiwan.

S. RES. 180
At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 405
At the request of Mr. HAGEL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as “National Airborne Day.”

S. RES. 409
At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 409, a resolution supporting democracy, development, and stabilization in Haiti.

S. RES. 419
At the request of Mr. FRIST, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 419, a resolution expressing the sense of the Senate that the new United Nations Human Rights Council fails to adequately reform the United Nations Commission on Human Rights, thus preventing that body from becoming an effective champion of human rights throughout the world.

AMENDMENT NO. 3193
At the request of Mr. ALEXANDER, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 3193 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3204
At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3204 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3205
At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 3205 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3206
At the request of Mr. KYL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of amendment No. 3206 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3210
At the request of Mr. BINGAMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 3210 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3213
At the request of Mr. ALLARD, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Missouri (Mr. TALENT) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 3213 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.
AMENDMENT NO. 3217

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 3217 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

At the request of Ms. MIKULSKI, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from Virginia (Mr. ALLEN), the Senator from New Mexico (Ms. SUNDUZE), the Senator from Wyoming (Mr. THOMAS), the Senator from Alaska (Mr. STEVENS), the Senator from Rhode Island (Mr. REED), the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Ms. SOWEDE), the Senator from Vermont (Mr. JEFFORDS), the Senator from South Dakota (Mr. THUNE), the Senator from Maine (Ms. COLLINS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEARY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 3217 proposed to S. 2454, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COLEMAN:

S. 2490. A bill to amend title 5, United States Code, to provide for a real estate stock index investment option under the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2490

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

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the “Real Estate Investment Thrift Savings Act of 2006”.

SEC. 2. REAL ESTATE STOCK INDEX INVESTMENT FUND.

(a) DEFINITION.—Section 8438(a) of title 5, United States Code, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”;

(b) FUND REQUIREMENTS.—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

“(5)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which is a reasonably complete representation of the United States real estate equity markets.”

“(b) The Real Estate Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index selected under subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Real Estate Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.”

For purposes of Section 8439(d) of title 5, United States Code, is amended—

(1) by striking “or the Small Capitalization Stock Index Investment Fund,” and inserting “the Small Capitalization Stock Index Investment Fund, or the Real Estate Stock Index Investment Fund,”; and

(2) by striking “(10), and (11),” and inserting “(10), and (11),”;

By Mr. BURNS:

S. 2494. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health contributions to health savings accounts, and for other purposes; to the Committee on Finance.

Mr. BURNS. Mr. President, I rise today to introduce legislation to help millions of Americans begin addressing the rapidly rising cost of health care. In order to help millions of Americans more affordably purchase health insurance, my legislation would allow employers who wish to help their employees purchase health insurance to set up health savings accounts to be used as an alternative to employer-sponsored insurance.

As we are well aware, the Federal tax code’s treatment of medical care has shaped the development of the private third-party system of financing health care in the United States. The tax code treats the tax-exempt employer-sponsored health insurance provided to workers at companies that do not offer health insurance, most of which are small businesses, less generously than it treats workers at companies that do offer health insurance. Employer-sponsored insurance receives a tax subsidy that individually-purchased insurance does not, and as a result, two-thirds of non-elderly Americans receive health insurance through their own or a family member’s employer.

Of equal concern, the percent of employer-sponsored insurance has dropped from 69 percent in 2000 to 60 percent in 2005 due mainly to the rapid rise in health insurance premiums, which have increased more than 60 percent in real terms over the past 5 years alone. The percent of the non-elderly population with employer-sponsored insurance has correspondingly dropped, from 68 percent in 2000 to 63 percent in 2004. Consequently, more Americans must determine how to best purchase health insurance in the non-group market. To help rectify this disparity, the legislation I am introducing today would permit premiums for high-deductible plans purchased in conjunction with a qualifying health savings accounts (HAS) on the individual market to be deductible from income taxes. In addition, an income tax credit would offset payroll taxes paid on these plans. As such, those who purchase their health benefits in the individual market would receive the same tax treatment as those who receive employer-sponsored insurance.

Perhaps one of the most widespread criticisms of HSA plans is that they cover only individuals who are young, healthy, and wealthy. However, a recent survey conducted by America’s Health Insurance Plans reveals this not to be the case. In that survey, it was shown that 50 percent of all people covered by HSA plans in the individual market are 40 years of age or older. Moreover, 31 percent of new enrollees in HSA plans were previously uninsured.

My legislation would provide substantial savings to middle and low income families. For example, a family in the 15 percent income tax bracket, and 15.3 percent payroll tax bracket, would receive a tax subsidy of over $1,500 towards the purchase of a $5,000 family insurance HSA-qualified policy.

Moreover, the income tax credit to offset payroll taxes is designed to help lower income workers. These hard-working Americans are more likely to work for firms that do not offer health insurance, and may have low enough incomes that they are paying no income taxes, but still must pay payroll taxes. My bill helps to give them the affordable and quality health benefits they deserve.

Since being enacted in the Medicare Modernization Act, health savings accounts have helped to provide millions of Americans with an additional option in meeting their health care needs. It is simply not fair that the law does not provide these plans with the same tax treatment provided to employer-sponsored insurance. If we are to seriously begin addressing the rapidly rising cost of health care, it is imperative that we take steps now to ensure that available health care plans are as affordable as possible.

I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2494

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

SECTION 1. DEDUCTION OF PREMIUMS FOR HIGH DEDUCTIBLE PLANS.

(a) IN GENERAL.—Part VII of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 225 the following new section:
SEC. 224. PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS.

(a) Deduction Allowed.—In the case of an individual, there shall be allowed as a deduction for the taxable year the aggregate amount paid by such individual as premiums under a high deductible health plan with respect to any period during such year for which such individual is an eligible individual with respect to such health plan.

(b) Definitions.—For purposes of this section—

(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ has the meaning given such term in section 223(c)(1).

(2) HIGH DEDUCTIBLE HEALTH PLAN.—The term ‘high deductible health plan’ has the meaning given such term by section 223(c)(2).

(c) Coordination With Section 35 Health Insurance Costs Credit.—Section 35(g)(2) of such Code is amended by striking ‘or 213’ and inserting ‘, 213, or 224’.

(d) Effect of Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 2. CREDITS FOR CERTAIN EMPLOYMENT TAXES PAID IN RESPECT TO PREMIUMS FOR HIGH DEDUCTIBLE HEALTH PLANS AND CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.

(a) Allowance of Credit.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 225 as an item relating to section 225 and by inserting before such item the following new item:

‘‘SEC. 224. Premiums for high deductible health plans.’’

(b) Employment Compensation.—For purposes of this subsection, ‘employment compensation’ means, with respect to any individual for any taxable year, the sum of—

(A) the wages (as defined in section 3121(a) and compensation (as defined in section 3221(e)) received by such individual during the calendar year in which such taxable year begins, and

(B) the self-employment income (as defined in section 1402(b)) of such individual for such taxable year.

(c) Increase in Additional Tax on Distributions Not Used for Qualified Medical Expenses.—Paragraph (4) of section 225(b) of such Code is amended by striking the term ‘‘employment compensation’’ means, with respect to any individual for any taxable year, the sum of—

(A) the wages (as defined in section 3121(a)) and (B) the aggregate amount paid to an individual for any taxable year, the

(d) Effect of Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. KOHL (for himself and Mr. KENNEDY:—

S. 2496. A bill to expand the definition of immediate relative for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator KENNEDY to introduce the Family Reunification Act, a
measure designed to remedy a regrettable injustice in our immigration laws. A minor oversight in the law has led to an unfortunate, and likely unintended, consequence. Parents of U.S. citizens are currently able to enter the country using parent visas, but our laws do not permit their minor children to join them. Simply put, the Family Reunification Act will close this loophole by including the minor siblings of U.S. citizens in the legal definition of “immediate relatives.” This legislation will ensure that our immigration laws can better accomplish one of the most important policy goals behind them—the goal of strengthening the family unit.

Congress took an important first step in promoting family reunification when it enacted the Immigration and Nationality Act. By qualifying as “immediate relatives,” this law currently offers parents, spouses and children of U.S. citizens the ability to obtain immigrant visas to enter the country legally.

We can all agree that this is good immigration policy. Unfortunately, a “glitch” in this law has undermined the effectiveness of the important principle it was enacted to accomplish. Each year, a number of families—in Wisconsin and across the country—are finding that they cannot take full advantage of this family reunification provision.

Today, U.S. citizens often petition for their parents to be admitted to the United States as “immediate relatives.” As I have said, that is clearly allowed under current law. It is not always quite that simple, though. In a small number of cases, a problem arises because minor siblings of U.S. citizens do not qualify as an “immediate relative” under current law. So, a young man or woman can bring his parents into the country, but not his or her 5-year-old sister. Because parents are unable to leave a young child behind, the child is not the only family member who does not come to the United States. The parents—forced to choose between their children—are effectively prevented from coming as well. The result, then, is that we are unnecessarily keeping families apart by excluding minor siblings from the definition of immediate relative.

For example, one family in my home State of Wisconsin is truly a textbook example of what is wrong with this law. Effiong and Ekon Okon, both U.S. citizens by birth, requested that their parents, who were living in Nigeria, be admitted as “immediate relatives.” The law clearly allows for this. Their father, Leo, had already joined them in Wisconsin, and their mother, Grace, was in possession of a visa, ready to join the rest of her family. However, Grace was unable to join her husband and sons in the United States because their young daughter, Dorella, did not qualify as an “immediate relative.” Because it would be unthinkable for her to abandon her small child, Grace was forced to stay behind in Nigeria, separated from the rest of her family. That is not what this law was intended to accomplish.

It is difficult to determine the exact scope of this problem. Because minor siblings do not qualify as “immediate relatives,” the Department of Homeland Security, DHS, does not keep track of how many families have been adversely affected. What we do know, however, is that the cases in my home State are not unique. Though the number is admittedly not large, it is significant that they have all run into this problem regularly, with the number reaching into the hundreds each year.

If only one family suffers because of this loophole, I would suggest that changes should be made. The fact that there have been numerous cases, probably in the hundreds, demands that we address this issue now, so we can avoid tearing even more families apart.

Many parts of our immigration laws are outdated and in need of repair. The definition of “immediate relative” is no different. Congress’s intent when it granted “immediate relatives” the right to obtain immigrant visas was to promote family reunification, but the unfortunate oversight which Senator Kennedy and I have highlighted has interfered with many families’ opportunity to do just that. The legislation introduced today would expand the definition of “immediate relatives” to include the minor siblings of U.S. citizens. By doing so, we can truly provide our fellow citizens with the ability to reunite with their family members.

This is a simple and modest solution to an unthinkable problem that too many families have already had to face, so I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2996

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

SECTION 1. DEFINITION OF IMMEDIATE RELATIVE.

Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by inserting “For purposes of this subsection, a child of a parent of a citizen of the United States shall be considered an immediate relative if the child is accompanying or following to join the parent, after at least 21 years of age.”

By Mr. KOHL (for himself, Mr. DURBEN, and Mr. DURBEN):

S. 2997. A bill to authorize the Attorney General to award grants to State courts to develop and implement State court interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator Kennedy and Senator DURBEN, to introduce the State Court Interpreter Grant Program Act of 2006. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective State court interpreter programs, helping to ensure fair trials for individuals with limited English proficiency. States are legally bound under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Currently, however, court interpreter services are legally required only by States. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding State court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and certified in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the language and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency—and therefore the demand for court interpreter services—continues to grow. According to the most recent Census data, 18 percent of the population over age five speaks a language other than English at home. In 2000, the number of people in this country who spoke English less than “very well” was 24 million, approaching twice what the number was 10 years earlier. Illinois had more than 1 million. Texas had nearly 2.7 million. California had more than 6.2 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a Committee established by the Supreme Court called the State’s interpreter program “backward” and said the lack of qualified interpreters “undermines the ability of the . . . court system to determine facts accurately and to dispense justice fairly.” When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation. And, because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court.
This legislation addresses this problem by authorizing $15 million per year, for the next five years, for a State Court Interpreter Grant Program. Those States that apply would be eligible for a $100,000 base grant allotment. In addition, $5 million would be set aside for States that demonstrate extraordinary need. The remainder of the money would be distributed on a formula basis, determined by the percentage of persons in that State over the age of five who speak a language other than English at home.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a testament to that. When Wisconsin’s program got off the ground in 2004, using State money along with a $250,000 Federal grant, certified interpreters were scarce. Now, just two years later, it has 43 certified interpreters. Most of those are Spanish, where the greatest need exists. However, the high demand for interpreters certified in sign language and Russian. The list of provisional interpreters—who have received training and passed written tests—is much longer, including individuals trained in Arabic, Hmong, Korean, and other languages. All of this progress in only two years, and with only $250,000 of Federal assistance.

This legislation has the strong support of State court administrators and State supreme court justices around the country.

Our States face this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them are failing. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier.

I ask unanimous consent that the text of the legislation be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2497

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 “State Court Interpreter Grant Program Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 19 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;

(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 31, 2000, are expected to result in the hiring of additional court interpreters to assist individuals with limited English proficiency;

(7) 34 States have developed, or are developing, court interpreting programs;

(8) robust, effective court interpreter programs—

(A) actively recruit skilled individuals to be court interpreters;

(B) train those individuals in the interpretation of court proceedings;

(C) develop and use a thorough, systematic certification process for court interpreters;

(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and

(9) Federation of State Court Administrators to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the “Administrator”) shall make grants to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party;

(2) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—

(1) assess regional language demands;

(2) develop a court interpreter program for the State courts;

(3) develop, institute, and administer language certification examinations;

(4) recruit, train, and certify qualified court interpreters;

(5) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed under paragraph (2); and

(6) engage in other related activities, as prescribed by the Attorney General.

(b) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) STATE COURTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) an identification of each State court in that State which would receive funds from the grant;

(B) the amount of funds each State court identified under subparagraph (A) would receive from the grant; and

(C) the procedures the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (A).

(d) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate $100,000 to each of the highest State court of each State, which has an application approved under section 3.

(2) DISCRETIONARY ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 4, the Administrator shall allocate a total of $5,000,000 to the highest State court of States that have extraordinary needs that must be addressed in order to develop, implement, or expand a State court interpreter program.

(3) ADDITIONAL ALLOTMENT.—In addition to the allocations made under paragraphs (1) and (2), the Administrator shall allocate to each State, which has an application approved under section 3, an amount equal to the product reached by multiplying—

(A) the unallocated balance of the amount appropriated for each fiscal year pursuant to section 4; and

(B) the ratio between the number of people over 5 years of age who speak a language other than English at home in the State and the number of people over 5 years of age who speak a language other than English at home in all the States that receive an allocation under paragraph (1), as those numbers are determined by the Bureau of the Census.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $15,000,000 for each of the fiscal years 2007 through 2010 to carry out this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 420—EXPRESSING THE SENSE OF THE SENATE THAT EFFECTIVE TREATMENT AND ACCESS TO CARE FOR INDIVIDUALS WITH PSORIASIS AND PSORIATIC ARTHRITIS SHOULD BE IMPROVED

Mr. SMITH (for himself and Mr. LANTZENBERG) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 420

Whereas psoriasis and psoriatic arthritis are chronic, inflammatory, disfiguring, and life-altering diseases that require sophisticated medical intervention and care;

Whereas, according to the National Institutes of Health, between 5,800,000 citizens and 7,600,000 citizens of the United States are affected by psoriasis;

Whereas psoriasis and psoriatic arthritis are—

(1) painful and disabling diseases with no cure; and

(2) diseases that have a significant and adverse impact on the quality of life of individuals diagnosed with them;

Whereas studies have indicated that psoriasis may cause as much physical and mental disability as other major diseases, including—

(continued on next page)
Psoriasis is a non-contagious, immune-mediated, lifelong skin disorder that has been diagnosed in more than 5 million men, women, and children in the United States. The source of psoriasis is believed to have a genetic component which triggers a faster growth cycle of skin cells that result in build-up; however, the exact cause is unknown. Psoriatic arthritis is a condition associated with psoriasis. This disease is a chronic inflammatory disease of the joints and connective tissue, which causes stiffness, pain, swelling, and tenderness of the joints and the tissue around them. Without treatment, psoriatic arthritis can be potentially disabling and crippling. Approximately 10 to 30 percent of people with psoriasis develop psoriatic arthritis.

The National Institutes of Health, NIH, estimates that 5.8–7.5 million people are living with psoriasis. Each year, the United States spends $4.0 billion to treat psoriasis and psoriatic arthritis. Furthermore, about 56 million hours of work are lost each year by people who suffer from psoriasis. The National Institute of Mental Health has found that psoriasis can cause as much physical and mental disability as other major diseases. Researchers are still searching for a cure for psoriasis. In the meantime, we must continue to raise awareness, to support research efforts to cure this disease, and to treat those living with it.

I thank my colleagues for supporting this effort.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3229. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra, which was ordered to lie on the table.

SA 3230. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3231. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

Resolved, That the Senate—

(1) recognizes—

(A) the need for enhanced public awareness of people who have been diagnosed with the disease;
(B) the adverse impact that psoriasis can have on people living with the disease; and
(C) the importance of an early diagnosis and proper treatment of psoriasis;

(2) supports the continuing leadership provided by the Director of the National Institutes of Health and the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases for identifying a cure and developing safer, more effective treatments for psoriasis and psoriatic arthritis; and

(3) encourages—

(A) researchers to examine the negative psychological and physical effects of psoriasis to better understand its impact on those who have been diagnosed with the disease; and
(B) efforts to increase access to treatments and care that individuals living with psoriasis and psoriatic arthritis need and deserve.

Mr. LAUTENBERG. Mr. President, I am pleased to join the junior Senator from Oregon in submitting this resolution to raise public awareness about and encourage medical research on psoriasis and psoriatic arthritis. This resolution also promotes greater access to care for those suffering from these disorders. It is my hope that Congress will continue to aid efforts in the medical community to diagnose, treat, and eventually cure this disease.

Psoriasis is a non-contagious, immune-mediated, lifelong skin disorder that has been diagnosed in more than 5 million men, women, and children in the United States. The source of psoriasis is believed to have a genetic component which triggers a faster growth cycle of skin cells that result in build-up; however, the exact cause is unknown. Psoriatic arthritis is a condition associated with psoriasis. This disease is a chronic inflammatory disease of the joints and connective tissue, which...
Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3294. Mr. STEVENS (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3295. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3296. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3297. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3298. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3299. Mr. LEIBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3300. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3301. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3302. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3303. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3304. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

SA 3305. Mr. LIEBERMAN submitted an amendment proposed to be proposed by him to the bill S. 2454, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3220. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. 103. SURVEILLANCE TECHNOLOGIES PROVISIONS.

(a) AERIAL SURVEILLANCE PROGRAM.—

(A) Program established.—There shall be an aerial surveillance program to be known as the LANCE PROGRAM.

(B) Program components.—The Secretary shall develop and implement a program to fully integrate and utilize aerial surveillance technologies, including unmanned aerial vehicles, to enhance the security of the international border between the United States and Canada and the international border between the United States and Mexico. The program shall include the capability to ensure continuous monitoring of each mile of each such border.

(C) Assessment and consultation requirements.—The Secretary shall—

(i) consider current and proposed aerial surveillance technologies; and

(ii) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary determines best suited to address respective threats.

(D) Report to Congress.—Not later than 180 days after implementing the program under this subsection, the Secretary shall—

(i) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary determines best suited to address respective threats;

(ii) consult with the Secretary of Homeland Security; and

(iii) submit to Congress a report containing a description of the program together with any recommendations that the Secretary finds appropriate for enhancing the program.

(b) INTEGRATED AND AUTOMATED SURVEILLANCE PROGRAM.—

(1) Program established.—There is authorized to be appropriated such sums as may be necessary for the development and implementation of the program to provide a single comprehensive system for border security, in order to evaluate, for a period of at least 12 years, the cost and effectiveness of various technologies for border security, including surveillance systems, sensors, satellites, radar coverage, and other necessary technologies necessary to achieve operational control of the international borders of the United States and to establish a security perimeter known as a "virtual fence" along such international borders to provide a barrier to illegal immigration.

(2) Program components.—The Secretary shall—

(A) consider current and future remote surveillance technology infrastructure; and

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies and equipment best suited to address respective threats.

(c) Report to Congress.—Not later than 180 days after implementing the program under this subsection, the Secretary shall—

(1) submit to Congress a report containing a description of the program together with any recommendations that the Secretary finds appropriate for enhancing the program.

(2) EVALUATION OF CONTRACTORS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services related to the program; and

(3) REQUIREMENT FOR STANDARDS.—The Secretary shall develop appropriate standards to evaluate the performance of any contractor providing goods or services related to the program.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the development and implementation of the program.
Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 233 and insert the following:

SEC. 233. DETENTION OF ILLEGAL ALIENS.

(a) DEFENSE BASE CLOSURE AND REALIGNMENT ACT.—

(1) INCREASED DETENTION BED SPACE.—Section 520(a) of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3736) is amended by striking “8,000” and inserting “20,000.”

(2) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(A) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate future detention beds required by section 520(c) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by paragraph (1).

(B) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all available detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(C) REQUIREMENTS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriated property from military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Pub. Law 101–166; 10 U.S.C. 2897 note) for use in accordance with paragraph (1).

(b) DETENTION STANDARDS FOR NUCLEAR FAMILY UNITS AND CERTAIN NON-CRIMINAL ALIENS.—

(1) APPLICABILITY.—All facilities used by the Secretary to hold detainees for more than 72 hours shall—

(A) provide for sight and sound separation of alien detainees from criminal convicts, including non-criminal applicants for asylum, withholding of removal, or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in civilian facilities cognizant of their special needs.

(B) provide for legal orientation to ensure effective removal process.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SA 3222. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 18, strike “500” and insert “1,500.”

On page 7, line 2, strike “1000” and insert “2000.”

On page 7, line 10, strike “200” and insert “400.”

On page 8, strike lines 9 through 15 and insert the following:

On page 8, line 3, strike “100” and insert “150.”

On page 8, line 4, strike “100” and insert “50.”

On page 8, line 5, strike “100” and insert “50.”

On page 8, line 6, strike “100” and insert “50.”

On page 8, line 7, strike “100” and insert “50.”

On page 8, line 8, strike “100” and insert “50.”

(a) IN GENERAL.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(b) DEFENSE ATTORNEYS.—

(1) IN GENERAL.—During each of fiscal years 2007 through 2011, the Director of the Administrative Office of the United States Courts shall, subject to the availability of appropriations, add at least 200 attorneys in the Federal Defenders Program for the fiscal year.

(2) PRO BONO REPRESENTATION.—The Attorney General shall also take all necessary and appropriate steps to expand the number of attorneys to provide representation to all eligible detainees who receive a pro bono representation in immigration matters.
SEC. 234. DETENTION POLICY.

(a) DETENTION POLICY. —The Secretary shall, in consultation with the Director of Policy of the Directorate of Policy, add at least 3 additional positions at the Director of Policy that —

(1) shall be a position at GS-15 of the General Schedule;

(2) are solely responsible for formulating and executing the policy and regulations pertaining to the detention of unaccompanied alien children including unaccompanied alien children, victims of torture, trafficking or other serious harms, notably the mentally disabled, and the infant; and

(3) require background and expertise working directly with such vulnerable populations.

(b) ENHANCED PROTECTIONS FOR VULNERABLE UNACCOMPANIED ALIEN CHILDREN. —

(1) ELIGIBILITY. —The Secretary shall mandate the training of all personnel who come into contact with unaccompanied alien children in all relevant legal authorities, procedures, laws pertaining to this vulnerable population in consultation with the head of the Office of Refugee Resettlement of the Department of Health and Human Services and independent child welfare experts.

(2) DELEGATION TO THE OFFICE OF REFUGEE RESSETLEMENT. —Notwithstanding any other provision of law, the Secretary shall delegate the authority and responsibility granted to the Secretary by the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2353) for transporting unaccompanied alien children who will undergo removal proceedings from Department custody to the custody and care of the Office of Refugee Resettlement and provide sufficient reimbursement to the head of such Office to undertake this critical function. The Secretary shall immediately notify such Office of an unaccompanied alien child in the custody of the Department and ensure that the child is transferred to the custody of the Office of Refugee Resettlement as soon as practicable, but not later than 72 hours after the child is taken into the custody of the Department.

(c) OTHER POLICIES AND PROCEDURES. —The Secretary shall adopt any important policies and procedures —

(A) for reliable age-determinations of children which exclude the use of unreliable forensic testing of children’s bones and require consultation with medical and child welfare experts;

(B) to ensure the privacy and confidentiality of unaccompanied alien children’s records, including psychological and medical reports, so that the information is not used adversely against the child in removal proceedings or for any other immigration action; and

(C) in close consultation with the Secretary of State and the head of the Office of Refugee Resettlement, to ensure the safe and secure repatriation of unaccompanied alien children — from countries including through arranging placements of children with their families or other sponsoring agencies and to utilize all legal authorities to defer the child’s removal if the child faces clear risk of life-threatening harm upon return.

On page 220, line 22, strike “3,000” and insert “4,000”.

On page 221, line 5, strike “1,000” and insert “3,500”.

SA 3223. Mr. DORGAN (for himself, Ms. SNOWE, Mr. SCHUMER, Mr. BURNS, and Mr. JEFFORDS) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 1. TRAVEL TO CANADA.

(a) SHORT TITLE. —This section may be cited as the “Common Sense Cross-Border Travel and Security Act of 2006”.

(b) TREATY TRAVEL WITHOUT PASSPORT. —Section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is amended —

(1) in paragraph (1) —

(A) by striking “The Secretary” and inserting the following:

“(A) DETERMINATION. —The Secretary;”;

(B) by striking “This plan” and inserting the following:

“(B) DAY PASSES. —The plan developed under this paragraph shall include a system that would enable United States citizens to travel to Canada for a 24-hour period without a passport by completing an application for a “day pass” through any land border between the United States and Canada, and certifying that there was not sufficient time to obtain a passport before the excursion. The traveler shall not be charged a fee to acquire or use the day pass.

(C) IMPLEMENTATION. —The plan developed under this paragraph shall —

(2) by adding at the end the following:

“(3) MINORS. —United States citizens who are less than 18 years of age, when accompanied by a parent or guardian, shall not be required to present a passport when returning to the United States from Canada at any port of entry along the land border between the United States and Canada.

(D) LIMIT ON FEES FOR TRAVEL DOCUMENTS. —Notwithstanding any other provision of law or cost recovery requirement established by the Office of Management and Budget, the Secretary and the Secretary of State may not charge a fee in an amount greater than $20 for any passport card or similar document other than a passport that is created to satisfy the requirements of the Intelligence Reform and Terrorism Prevention Act of 2004; Public Law 108-458.

(E) ACCEPTANCE OF PASSPORT CARDS AND DAY PASSES BY CANADA. —The Secretary of State, in consultation with the Secretary of Homeland Security, shall negotiate with the Government of Canada to ensure that passport cards and day passes issued under this act are accepted for entry to Canada for the purposes of this act.

SA 3224. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the end, add the following:

TITLE VII—WARTIME TREATMENT STUDY ACT

SEC. 701. SHORT TITLE.

This title may be cited as the “Wartime Treatment Study Act”.

SEC. 702. FINDINGS.

(1) Prior to and during World War II, the United States Government branded as “enemy aliens” more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the twentieth-century’s largest groups of foreign-born in the United States.

(2) During World War II, the United States Government branded as “enemy aliens” more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the twentieth-century’s largest groups of foreign-born in the United States.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully its own actions during World War II. Congress has previously reviewed the United States Government’s wartime treatment of citizens and residents of Japanese descent, but has not reviewed the United States Government’s policies and actions toward the Italian and German American communities.

(5) Pursuant to a policy coordinated by the United States with Latin American countries, millions of European Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(6) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(7) Through its wartime policies, the United States Government were devastating to the Italian American, German American, and Jewish American communities, individuals and their families.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) Wartime policies. The United States Government were devastating to the Italian American, German American, and Jewish American communities, individuals and their families.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees, who were fleeing war and sought safety in the United States. During the 1930’s and 1940’s, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the inordinate danger of loss of relevant documents, the advanced age of potential witnesses and, most importantly, the innumerable facts and actions of the United States Government’s policies. Many who suffered have already passed away and will never know of this effort.

SEC. 703. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term “during World War II” refers to the period between September 1, 1939, through December 31, 1945.

(2) EUROPEAN AMERICANS.—The term “European Americans” refers to United States citizens and permanent resident aliens of European American, and Italian American communities.

(3) WARTIME TREATMENT STUDY ACT.—The term “Wartime Treatment Study Act” refers to United States citizens and permanent resident aliens of European American, and Italian American communities.
ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(b) ITALIAN AMERICANS.—The term “Italian Americans” refers to United States citizens and permanent resident aliens of Italian ancestry.

(c) GERMAN AMERICANS.—The term “German Americans” refers to United States citizens and permanent resident aliens of German ancestry.

(d) EUROPEAN LATIN AMERICANS.—The term “European Latin Americans” refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin section.

CHAPTER 1—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 711. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this chapter as the “European American Commission”).

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President, in consultation with the majority leader of the Senate, in consultation with the minority leader.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the House, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 712. DUTIES OF THE EUROPEAN AMERICAN COMMISSION

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government’s wartime treatment of European Americans and European American Commission operations following World War II.

(b) SCOPE OF REVIEW.—The European American Commission’s review shall include the following:


(2) An assessment of the continuing viability of the Alien Enemies Acts (50 U.S.C. 21–24), and public education programs related to the wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities and in such a number as may be deemed appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 711(e).

SEC. 713. POWERS OF THE EUROPEAN AMERICAN COMMISSION

(a) IN GENERAL.—The European American Commission, or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and place, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission, or any subcommittee or member thereof, may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States attorney to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND CO-OPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent entity, or instrumentalities of the Federal Government, any records, or any information from the executive branch of the Government, available information that the European American Commission considers necessary to the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall, to the extent permitted by law, including any material collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(8)), the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including any material collected as a result of Public Law 96–317 and Public Law 106–451.

SEC. 714. ADMINISTRATIVE PROVISIONS.

(a) APPOINTMENT.—The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, with respect to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption of pay or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent that such amounts as are provided in appropriation Acts and

(6) enter into contracts with Federal or State agencies, private institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent that such amounts as are provided in appropriation Acts and

SEC. 715. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this chapter.

SEC. 716. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

CHAPTER 2—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 721. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this chapter as the “Jewish Refugee Commission”).

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:
(1) Three members shall be appointed by the President. 
(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader. 
(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader. 
(c) Terms of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made. 
(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees and 1 member representing the interests of non-Jewish refugees. 
(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act. 
(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings. 
(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of the Chairman shall be for the life of the Jewish Refugee Commission. 

SEC. 722. DUTIES OF THE JEWISH REFUGEE COMMISSION 

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government’s refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b). 
(b) SCOPE OF REVIEW.—The Jewish Refugee Commission’s review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following: 
(1) any refusal by the United States Government to allow Jewish and other refugees fleeing persecution in Europe entry to the United States, including a review of the reasons for such refusal and whether such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees. 
(a) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States. 
(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate. 
(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 722(e). 

SEC. 723. POWERS OF THE JEWISH REFUGEE COMMISSION. 

(a) IN GENERAL.—The Jewish Refugee Commission, or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production. 
(b) GOVERNMENT INFORMATION AND CO-OPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department or independent agency, or from any other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent agencies, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96-317 and Public Law 106-451. For purposes of the Privacy Act of 1974 (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction. 

SEC. 724. ADMINISTRATIVE PROVISIONS. 

(a) The Jewish Refugee Commission is authorized to— 
(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equal to the rate payable under GS-15 of the General Schedule under section 5332 of such title; 
(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title; 
(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or loss of civil service status or privilege; 
(4) enter into agreements with the Administrator of General Services for procurement of such exempt nonexempt administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator; 
(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and 
(6) enter into contracts with Federal or State agencies, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties with the extent or in such amounts as are provided in appropriation Acts. 

SEC. 725. FUNDING. The funds authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this chapter. 

SEC. 726. SUNSET. 

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress. 

SA. 3225. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which amendment was ordered to lie on the table; as follows: 

At the end of the amendment, add the following: 

TITLE —INTERCOUNTRY ADOPTION REFORM ACT OF 2006 

SEC. 91. SHORT TITLE. 

This title may be cited as the “Intercountry Adoption Reform Act of 2006” or the “ICARE Act.” 

SEC. 92. FINDINGS; PURPOSES. 

(a) FINDINGS.—Congress finds the following: 
(1) That a child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding. 
(2) That intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her country of origin. 
(3) There has been a significant growth in intercountry adoptions. In 1990, Americans adopted 7,093 children from abroad. In 2004, they adopted 23,460 children from abroad. 
(4) Americans increasingly seek to create or enlarge their families through intercountry adoptions. 
(5) There are many children worldwide that are without permanent homes. 
(6) In the interest of children without a permanent family and the United States citizens who are waiting to bring them into their families, reforms are needed in the intercountry adoption process used by United States citizens. 
(7) Before adoption, each child should have the benefit of measures taken to ensure that intercountry adoption is in his or her best interest and that prevents the abduction, selling, or trafficking of children. 
(8) In addition, Congress recognizes that foreign-born adopted children do not make the decision whether to immigrate to the United States. They are being chosen by Americans to become part of their immediate families. 
(9) As such these children should not be denied the opportunity to immigrate to the United States. 
(10) Once fully and finally adopted, they should be treated as children of United States citizens. 
(11) Therefore, foreign-born adopted children of United States citizens should be accorded the same procedural treatment as biological children born abroad to a United States citizen. 
(12) If a United States citizen can confer citizenship to a biological child born abroad, then the same citizen is entitled to confer citizenship to their legally and fully adopted foreign-born child immediately upon final adoption. 
(13) If a United States citizen cannot confer citizenship to a biological child born abroad, then such citizen cannot confer citizenship to their legally and fully adopted foreign-born child, except through the naturalization process. 
(b) PURPOSES.—The purposes of this title are— 
(1) to ensure the any adoption of a foreign-born child by parents in the United States is carried out in the manner that is in the best interest of the child;
(2) to ensure that foreign-born children adopted by United States citizens will be treated identically to a biological child born abroad to the same citizen parent; and
(3) to coordinate the intercountry adoption process to make it more citizen friendly and focused on the protection of the child.

section 95. Definitions. In this subchapter—
(1) ADOPTABLE CHILD.—The term ‘‘adoptive child’’ has the same meaning given such term in section 101(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(c)(3)), as added by section 24(a) of this Act.
(2) AMBASSADOR AT LARGE.—The term ‘‘Ambassador at Large’’ means the Ambassador at Large for Intercountry Adoption appointed to head the Office pursuant to section 11(b).
(3) CENTRAL AUTHORITY.—The term ‘‘central authority’’ means the entity or entities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14101 et seq.).
(4) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President, the Secretary of State, and other relevant Bureaus in matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—
(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;
(ii) the policies to prevent abandonment, to strengthen families, and to advance the placement of children in permanent families; and
(iii) policies that promote the protection and well-being of children.
(5) DUTIES OF THE AMBASSADOR AT LARGE.—The Ambassador at Large shall have the following responsibilities:
(A) IN GENERAL.—The primary responsibilities of the Ambassador at Large shall be to—
(i) ensure that any adoption of a foreign-born child by parents in the United States is carried out in the best interest of the child;
(ii) to assist the Secretary of State in fulfilling the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14101 et seq.).
(B) ADVISORY ROLE.—The Ambassador at Large shall be a principal advisor to the President, the Secretary of State, and other relevant Bureaus in matters affecting intercountry adoption and the general welfare of children abroad and shall make recommendations regarding—
(i) the policies of the United States with respect to the establishment of a system of cooperation among the parties to the Convention;
(ii) the policies to prevent abandonment, to strengthen families, and to advance the placement of children in permanent families; and
(iii) policies that promote the protection and well-being of children.
(C) DIPLOMATIC REPRESENTATION.—Subject to the direction of the President and the Secretary of State, the Ambassador at Large may represent the United States in matters and cases relevant to international adoption in—
(i) the fulfillment of the responsibilities designated to the central authority under title I of the Intercountry Adoption Act of 2000 (42 U.S.C. 14101 et seq.);
(ii) contacts with foreign governments, intergovernmental organizations, and specialized agencies of the United Nations and other international organizations of which the United States is a member; and
(iii) multilateral conferences and meetings relevant to international adoption.
(D) INTERNATIONAL POLICY DEVELOPMENT.—The Ambassador at Large shall advise and support the Secretary of State and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.
(E) REPORTING RESPONSIBILITIES.—The Ambassador at Large shall have the following reporting responsibilities:
(i) IN GENERAL.—The Ambassador at Large shall assist the Secretary of State and other relevant Bureaus in preparing those portions of the Human Rights Reports that relate to the protection of children, including trends toward improvement in the welfare and protection of children and families;
(ii) ANNUAL REPORT ON INTERCOUNTRY ADOPTION.—Not later than September 1 of each year, the Secretary of State shall prepare and submit to Congress an annual report on intercountry adoption. Each annual report shall include—
(1) a description of the status of child protection and adoption in each foreign country, including
(aa) trends toward improvement in the welfare and protection of children and families;
(bb) trends in family reunification, domestic adoption, and intercountry adoption;
(cc) movement toward ratification and implementation of the Convention; and
(dd) census information on the number of children in orphanages, foster homes, and other types of nonpermanent residential care as reported by the foreign country;
(iii) the number of intercountry adoptions by United States citizens engaged in the country from which each child emigrated, the State in which each child resides, and the country in which the adoption was finalized;
(iv) the number of intercountry adoptions involving emigration from the United States by people in the United States, including the country where each child now resides and the State from which each child emigrated;
(v) the number of placements for adoption in the United States, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the placement failure, the causes of the disruption, the agencies that handled the placement for adoption, and the plans for the child; and
(vi) recommendations regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));
(vi) the average time required for completion of an adoption, set forth by the country from which the child emigrated;
(vii) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services; and
(viii) the current list of agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;
(X) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and
(X) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.
(F) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:
(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of a United States citizen to adopt a child born in a foreign country.
(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born in a foreign country to determine whether that child is adoptable.
(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to the identification and tracking of intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.
(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.
(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out the functions of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).
(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improperities relating to intercountry adoption, including abuse and neglect, fraud, consumer fraud.
(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.
(G) SUBTITLE A.—ADMINISTRATION OF INTERCOUNTRY ADOPTIONS

section 11. Office of Intercountry Adoptions.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, there shall be established within the Department of State, an Office of Intercountry Adoptions which shall be headed by the Ambassador at Large for Intercountry Adoptions.
(b) AMBASSADOR AT LARGE.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who have background, experience, and training in intercountry adoptions.
(2) CONFLICTS OF INTEREST.—The individual appointed to be the Ambassador at Large shall be free from any conflict of interest that could impede such individual’s ability to serve as the Ambassador.
(3) AUTHORITY.—The Ambassador at Large shall report to the Secretary of State, in consultation with the Assistant Secretary for Consular Affairs.
(4) REGULATIONS.—The Ambassador at Large may issue rules or regulations unless such rules or regulations have been approved by the Secretary of State.

(3) the number of intercountry adoptions involving emigration from the United States, including the country where each child now resides and the State from which each child emigrated;
(4) the number of placements for adoption in the United States, including the country from which the child emigrated, the age of the child, the date of the placement for adoption, the reasons for the placement failure, the causes of the disruption, the agencies that handled the placement for adoption, and the plans for the child; and
(5) recommendations regarding disruption or dissolution of adoptions of children from other countries received pursuant to section 422(b)(14) of the Social Security Act (42 U.S.C. 622(b)(14));
(6) the average time required for completion of an adoption, set forth by the country from which the child emigrated;
(7) the current list of agencies accredited and persons approved under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.) to provide adoption services; and
(8) the current list of agencies and persons temporarily or permanently debarred under the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and the reasons for the debarment;
(9) the range of fees charged for accreditation of agencies and the approval of persons in the United States engaged in providing adoption services under the Convention; and
(10) recommendations of ways the United States might act to improve the welfare and protection of children and families in each foreign country.
(c) FUNCTIONS OF OFFICE.—The Office shall have the following 7 functions:
(1) APPROVAL OF A FAMILY TO ADOPT.—To approve or disapprove the eligibility of a United States citizen to adopt a child born in a foreign country.
(2) CHILD ADJUDICATION.—To investigate and adjudicate the status of a child born in a foreign country to determine whether that child is adoptable.
(3) FAMILY SERVICES.—To provide assistance to United States citizens engaged in the intercountry adoption process in resolving problems with respect to the identification and tracking of intercountry adoption cases so as to ensure that all such adoptions are processed in a timely manner.
(4) INTERNATIONAL POLICY DEVELOPMENT.—To advise and support the Ambassador at Large and other relevant Bureaus of the Department of State in the development of sound policy regarding child protection and intercountry adoption.
(5) CENTRAL AUTHORITY.—To assist the Secretary of State in carrying out the functions of the central authority as defined in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).
(6) ENFORCEMENT.—To investigate, either directly or in cooperation with other appropriate international, Federal, State, or local entities, improperities relating to intercountry adoption, including abuse and neglect, fraud, consumer fraud.
(7) ADMINISTRATION.—To perform administrative functions related to the functions performed under paragraphs (1) through (6), including legal functions and congressional liaison and public affairs functions.

subsection (b).
 SEC. 12. RECOGNITION OF CONVENTION ADOPTIONS IN THE UNITED STATES.

Section 121 of the Intercountry Adoption Act of 2000 (42 U.S.C. 11051) is amended by adding at the end the following:

"SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

Section 104 of the Intercountry Adoption Act of 2000 (42 U.S.C. 11051) is repealed.

SEC. 14. TRANSFER OF FUNCTIONS.

(a) In general.—Subject to subsection (c), all functions under the immigration laws of the United States with respect to the adoption of a foreign-born child prior to the date of enactment of this Act, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and no such petition shall not be transferred to the Office.

(b) Coordination.—The ambassador at large, with appropriate employees of other agencies and departments of the United States, whenever appropriate, in carrying out the duties of the ambassador at large shall undergo extensive and specialized training in the laws and processes of intercountry adoption as well as understanding the cultural, legal, and social issues surrounding intercountry adoption and adoptive families. The ambassador at large shall, whenever possible, recruit and hire individuals with appropriate background and experience in intercountry adoptions, taking care to ensure that such individuals do not have any conflicts of interest that might inhibit their ability to serve.

(c) Limitation on Transfer of Pending Adoptions.—If an individual has filed a petition with the Immigration and Naturalization Service or the Department of Homeland Security for the adoption of a foreign-born child prior to the date of enactment of this Act, the Secretary of Homeland Security shall have the authority to make the final determination on such petition and no such petition shall not be transferred to the Office.

SEC. 15. TRANSFER OF RESOURCES.

Subject to section 1531 of title 31, United States Code, upon the effective date of this Act, there are transferred to the ambassador at large for appropriate allocation in accordance with law the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Homeland Security in connection with the functions transferred pursuant to this subtitle.

SEC. 16. INCIDENTAL TRANSFERS.

The ambassador at large may make such additional incidental dispositions of personnel, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department of Homeland Security in connection with such functions, as may be necessary to effectuate the purposes of this subtitle.

SEC. 17. SAVINGS PROVISIONS.

(a) Legal Documents.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, including collective bargaining agreements, certificates, licenses, certificates, and orders that apply to any function transferred pursuant to this subtitle; and

(b) Other Provisions.—Nothing in this Act shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

SEC. 18. LIMITATION ON TRANSFER OF PENDING ADOPTIONS.—Nothing in this section shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

SEC. 19. NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with such function transferred pursuant to this section, shall abate by reason of the enactment of this Act.

SEC. 20. CONSTITUTION OF COURT WITH SUBSTITUTION OF PARTIES.—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the Department of State, the Immigration and Naturalization Service, or the Department of Homeland Security, or by or against any individual in the official capacity of such individual as an officer or employee in connection with such function transferred pursuant to this section, such suit shall be continued.

SEC. 21. AUTOMATIC ACQUISITION OF CITIZENSHIP FOR ADOPTED CHILDREN BORN OUTSIDE THE UNITED STATES.

(a) Automatic Citizenship Provisions.—

(1) Amendment of the INA.—Section 309 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended to read as follows:

"SEC. 309. CONDITIONS FOR AUTOMATIC CITIZENSHIP FOR CHILDREN BORN OUTSIDE THE UNITED STATES.

"(a) In General.—A child born outside of the United States automatically becomes a citizen of the United States—

"(1) if the child is not an adopted child—

"(A) if at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present in the United States or its outlying possessions for a period or periods totaling more than 5 years, at least 2 of which were after attaining the age of 14 years; and

"(B) the child is under the age of 18 years; or

"(2) if the child is an adopted child, on the date of the full and final adoption of the child—

"(A) if at least 1 parent of the child is a citizen of the United States, whether by birth or naturalization, who has been physically present in the United States or its outlying possessions for a period or periods totaling more than 5 years, at least 2 of which were after attaining the age of 14 years; and

"(B) the child is an adoptable child;
"(C) the child is the beneficiary of a full and final adoption decree entered by a foreign government or a court in the United States; and

"(D) a child is under the age of 16 years.

"(b) PHYSICAL PRESENCE.—For the purposes of subsection (a)(2)(A), the requirement for physical presence in the United States or its outlying possessions may be satisfied by the following:

"(1) Any periods of honorable service in the Armed Forces of the United States;

"(2) Any period of employment with the United States Government or with an international organization as that term is defined in section 1 of the International Organizations Foreign Operations Appropriations Act (22 U.S.C. 2151c).

"(c) FULL AND FINAL ADOPTION.—In this section, the term ‘full and final adoption’ means an adoption—

"(1) that is completed under the laws of the child’s country of residence or the State law of the parent’s residence;

"(2) in which the person is granted full and legal custody of the adopted child;

"(3) that has the force and effect of severing the child’s legal ties to the child’s biological parent;

"(4) under which the adoptive parents meet the requirements of section 25 of the Intercountry Adoption Reform Act of 2006; and

"(5) under which the child has been adjudicated to be an adoptable child in accordance with section 26 of the Intercountry Adoption Reform Act of 2006.

"(b) CONFORMING AMENDMENT.—The table of contents in the first section of the Immigration and Nationality Act (86 Stat. 183) is amended by striking the item relating to section 320 and inserting the following:

"Sec. 320. Conditions for automatic citizenship for children born outside the United States.

"(c) EFFECTIVE DATE.—This section shall take effect as if enacted on June 27, 1952.

SEC. 22. REVISED PROCEDURES.
Notwithstanding any other provision of law, the following requirements shall apply with respect to the adoption of foreignborn children by United States citizens:

(1) Upon completion of a full and final adoption, the Secretary shall issue a United States passport and a Consular Report of Birth for a child who satisfies the requirements of section 320a(2) of the Immigration and Nationality Act (8 U.S.C. 1153a), as amended by section 21 of this Act, upon application by a United States citizen parent.

(2) An adopted child described in paragraph (1) shall not require the issuance of a visa for travel and admission to the United States but shall be admitted to the United States upon presentation of a valid, unexpired United States passport.

(3) No affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1153a) shall be required in the case of any adoptable child.

(4) The Secretary of State, acting through the Ambassador at Large, shall require that agencies providing prospective adoptive parent training and guidance for the purpose of promoting a successful intercountry adoption before such parents travel to adopt the child or the child is placed with such parents for adoption.

(5) The Secretary of State, acting through the Ambassador at Large, shall require that adoption agencies provide prospective adoptive parents travel to such a foreign country to complete all procedures in such country required to effect the adoption.

(6) The Secretary of State, acting through the Ambassador at Large, shall require that such consent has not been induced by payment or compensation of any kind and has not been given prior to the birth of the child;

(7) The Secretary of State, acting through the Ambassador at Large, shall require all measures necessary to ensure that all documents provided to a country of origin on behalf of a prospective adoptive parent are truthful and accurate.

SEC. 23. NONIMMIGRANT VISAS FOR CHILDREN TRAVELING TO THE UNITED STATES TO COMPLETE AN ADOPTION BY A UNITED STATES CITIZEN.

(a) NONIMMIGRANT CLASSIFICATION.—In general, Section 101(a)(15)(W) of the Immigration and Nationality Act (8 U.S.C. 1115(a)(15)) is amended by adding at the end the following:

"(W) an adoptable child who is coming into the United States for adoption by a United States citizen and a spouse jointly or by an unmarried United States citizen at least 25 years of age, who is adopted, based on-which the child has applied for adoption by the Office of International Adoption of the Department of State.
"

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 101(a)(15) is further amended—

"(A) by striking ‘‘or’’ at the end of subparagraph (U); and

"(B) by striking the period at the end of subparagraph (V) and inserting ‘‘; or’’.

(c) TERMINATION OF PERIOD OF AUTHORIZED ADMISSION.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1114) is amended by adding at the end the following:

"(4) The period of authorized admission terminates on the earlier of—

"(I) the date on which the adoption of the nonimmigrant is completed by the courts of the State where the parents reside; or

"(II) the date that is 4 years after the date of admission of the nonimmigrant into the United States, unless a petitioner is able to show cause as to why the adoption could not be completed prior to such date and the Secretary of State extends such period for the nonimmigrant’s period necessary to complete the adoption.
"

"(d) TEMPORARY TREATMENT AS LEGAL PERMANENT RESIDENT.—Notwithstanding any other law, all benefits and protections that apply to a legal permanent resident shall apply to a nonimmigrant described in section 101(a)(15)(W) of the Immigration and Nationality Act, as added by subsection (a), pending a full and final adoption.

SEC. 24. DEFINITION OF ADOPTABLE CHILD.

(a) IN GENERAL.—Section 101(c)(o) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by adding at the end the following:

"(1) The term ‘adoptive child’ means an unmarriage person under the age of 18

"(A)(i) whose biological parents (or parent, in the case of a child who has one sole or surviving parent) or other persons or institutions that retain legal custody of the child—

"(i) have freely given their written irrevocable consent to the termination of their legal relationship with the child, and to the adoption of the child, and that such consent has not been induced by payment or compensation of any kind and has not been prior to the birth of the child;

"(ii) are unable to provide for the child, as determined by the competent authority of the child’s residence; or

"(III) have voluntarily relinquished the child to the competent authorities pursuant to the law of the child’s residence; or

"(ii) who, as determined by the competent authority of the child’s residence—

"(i) has been abandoned and deserted by their biological parent, parents, or legal guardians; or

"(ii) has been orphaned due to the death or dependence of a biological parent, parent, or legal guardians;

"(B) with respect to whom the Secretary of State is satisfied that the proper care will be furnished the child if admitted to the United States;

"(C) with respect to whom the Secretary of State is satisfied that the purpose of the adoption is to form a bond with the child and the parent-child relationship and that the parent-child relationship of the child and the biological parents has terminated (and in carrying out such obligations under this subparagraph the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to adopt the nonimmigrant based on one or both of the biological parents);

"(D) with respect to whom the Secretary of State is satisfied that there has been no inducement, financial or otherwise, offered to obtain the consent nor was it given before the birth of the child;

"(E) with respect to whom the Secretary of State, in consultation with the Secretary of Homeland Security, is satisfied that the person is not a security risk; and

"(F) whose eligibility for adoption and emigration to the United States has been certified by the competent authority of the country of the child’s place of birth or residence;

"(2) in clause (i), by striking ‘‘18 years’’ and inserting ‘‘18 years’’;

"(3) in clause (i), by striking ‘‘18 years’’ and inserting ‘‘18 years’’;

"(4) in clause (i), by striking ‘‘18 years’’ and inserting ‘‘18 years’’;

"(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

SEC. 25. APPROVAL TO ADOPT.

(a) IN GENERAL.—Prior to the issuance of a visa under this subchapter, the Secretary of State, in consultation with the Secretary of Homeland Security, may consider whether there is a petition pending to adopt the nonimmigrant based on one or both of the biological parents;
a full and final adoption decree, the United States citizen adoptive parent shall have approved by the Office a petition to adopt. Such petition shall be subject to the same terms, conditions, and time limits as are applied to petitions for classification under section 201.3 of title 8 of the Code of Federal Regulations, as in effect on the day before the date of enactment of this Act.

(b) EXPIRATION OF APPROVAL.—Approval to adopt under this Act is valid for 24 months from the date of approval. Nothing in this section shall prevent the Secretary of Homeland Security from periodically updating the fingerprints of an individual who has filed a petition for adoption.

(c) ACCEPTED APPROVED PROCESS OF FAMILIES PREVIOUSLY APPROVED TO ADOPT.—The Secretary of State shall prescribe such regulations as may be necessary to provide for an expedited and streamlined process for families who have been previously approved to adopt and whose approval has expired, so long as not more than 4 years have lapsed since the original application.

(d) DENIAL OF PETITION.—(1) NOTICE OF INTENT.—If the officer adjudicating the petition to adopt finds that it is not reasonably likely that the adoption shall be approved, the officer shall notify the petitioner, in writing, of the officer’s intent to deny the petition. Such notice shall include the specific reasons why the petition is not reasonably likely to be approved.

(2) PETITIONER’S RIGHT TO RESPOND.—Upon receiving a notice of intent to deny, the petitioner has 30 days to respond to such notice.

(3) DECISION.—Within 30 days of receipt of the petitioner’s response the Office must reach a final decision regarding the eligibility of the petitioner to adopt. Notice of a formal decision must be delivered in writing.

(4) RIGHT TO AN APPEAL.—Unfavorable decisions may be appealed to the Department of State and, after the exhaustion of the appropriate process of the Department of State and, after the exhaustion of such process, to a United States district court.

SEC. 27. FUNDS.—The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for—

(1) the hiring of staff for the Office;

(2) investigations conducted by such staff; and

(3) travel and other expenses necessary to carry out this title.

SUBTITLE I—CIVIL PENALTIES AND ENFORCEMENT

SEC. 31. CIVIL PENALTIES AND ENFORCEMENT. (a) CIVIL PENALTIES.—A person shall be subject, as a civil penalty, to a fine or other penalty that may be prescribed by law, to a civil money penalty of not more than $50,000 for a first violation, and not more than $100,000 for each succeeding violation if such person—

(1) violates a provision of this title or an order of the Secretary of State issued under subsection (a);

(2) engages another person as an agent, with respect to a material fact, or offers, gives, solicits, or accepts inducement by way of compensation, intended to influence or affect in the United States to participate in a program under which the alien will receive graduate education or training; or

(b) CIVIL ENFORCEMENT.—(1) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may bring a civil action to enforce subsection (a) against any person in any United States district court.

(2) FACTORS TO BE CONSIDERED IN IMPOSING PENALTIES.—In imposing penalties the court shall consider the gravity of the violation, the degree of culpability of the defendant, and any history of prior violations by the defendant.

SEC. 32. CRIMINAL PENALTIES. Whoever knowingly and willfully commits a violation described in paragraph (1) or (2) of section 214(m) shall be subject to a fine of not more than $250,000, imprisonment for not more than 5 years, or both.

SA 3226. Mr. BOND submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration Nationality Act to provide for comprehensive reform and for other purposes; was ordered to lie on the table; as follows:

On page 316, strike line 2 and all that follows through “(4)” on page 317, line 12, and insert the following:

“(4) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining a master’s or doctoral degree or pursuing post-doctoral studies.”

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) of the Act is amended to read as follows:

“(J) an alien with a residence in a foreign country that the alien has no intention of abandoning who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii)) designated by the Director of the United States Information Agency, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate education or training, meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following the alien; or

(ii) has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the physical sciences, and meets the requirements of section 212(j), and

(d) REQUIREMENTS FOR J-STEM VISA.—Section 214(m) of the Act is amended—

(1) by inserting before paragraph (1) the following:

“(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—”;

(2) by adding at the end the following:

“(5) A visa issued to an alien under subparagraph (P)(v), (J)(ii), (L), or (O) shall be valid—

(A) during the intended period of study in a graduate program described in such section;

(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

(C) for the additional period necessary for the purpose of obtaining a master’s or doctoral degree or employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien’s status to that of an immigrant receiving training and who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, if such application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien’s status to that of an immigrant receiving training and who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, has been filed not later than 1 year after the completion of the graduate program.”;

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) of the Act is amended—

(1) by inserting “(1) before “No person”;

(2) by striking “admission (i)” whose and inserting the following: “admission—

(A) before “who”;

(3) by striking “residence, (ii)” who and inserting the following: “residence;
“(B) who;”
“(4) by striking “engaged, or (iii) who” and inserting the following: “engaged; or
“(C) who;”
“(6) by striking “training, shall” and inserting the following: “training,
“shall;”
“(6) by striking “United States: Provided, That” pursuant and inserting the following: “United States.
“(2) Upon;
“(7) by striking “section 214(a): And provided further, That, except” and inserting the following: “section 214(a).”
“(3) Except;”
“and
“(8) striking at the end the following:
“(4) An alien who qualifies for adjustment of status under section 214(m)(3)(C) shall not be subject to the 2-year foreign residency requirement under this subsection;”
“f
(1) on page 319, line 1, strike “(e)” and insert “(g)”;
“3
On page 320, strike line 3 and all that follows through “(f)” on line 21, and insert the following:
“(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(iii) or (F)(v) of section 101(a)(15) had been enacted before such alien’s graduation;
“(B) the alien has earned a master’s or doctorate degree or completed post-doctoral studies in the sciences, technology, engineering, or mathematics;
“(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a); and
“(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.
“(5) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.”
On page 321, lines 14 and 15, strike “an advanced degree” and insert “a master’s or doctorate degree, or completed post-doctoral studies.”
On page 322, line 18, strike “an advanced degree” and insert “a master’s or doctorate degree, or completed post-doctoral studies.”
SA 3227. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 351, line 11, strike “863 hours or”.
SA 3228. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 362, line 19, strike “$400” and insert “$1000”.
SA 3229. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 354, line 18, strike “$100” and insert “$1000”.
SA 3230. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 350, line 22, strike “11” and insert “9”.
SA 3231. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 360, beginning on line 10, strike all through page 381, line 11.
SA 3232. Mr. CHAMBLISS (for himself, and Mr. ISAkov) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
Beginning on page 405 of the amendment, strike line 1 and all that follows through line 9 on page 407, and insert the following:
“(A) In general.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the applicable State minimum wage.”
SA 3233. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
Beginning on page 355, strike line 15 and all that follows through page 360, line 9, and insert the following:
“(C) Civil Penalties.—(A) In General.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record requests and information required under (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.
(B) Limitation.—The penalty applicable under subparagraph (A) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.
SA 3234. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
On page 353, lines 8 and 9, strike “3 or more misdemeanors” and insert “misdemeanor”.
SA 3235. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
Beginning on page 391, strike line 6 and all that follows through page 392, line 23.
SA 3236. Mr. CHAMBLISS submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:
Beginning on page 390, strike line 10 and all that follows through page 381, line 11, and insert the following:
“(c) Period of Authorized Admission.—
“(1) In General.—An alien may be granted blue card status for a period not to exceed 2 years.
“(2) Return to Country.—At the end of the period described in paragraph (1), the alien shall return to the country of nationality or last residence of the alien.
“(d) Eligibility for Nonimmigrant Visa.—Upon return to the country of nationality or last residence of the alien under paragraph (2), the alien may apply for any nonimmigrant visa.
“(d) Loss of Employment.—
“(1) In General.—The blue card status of an alien shall terminate if the alien is not employed at least 90 days in a year;
“(2) Return to Country.—An alien whose period of authorized admission terminates under paragraph (1) shall return to the country of nationality or last residence of the alien.
“(e) Prohibition of Changing or Adjusting Status.—
“(1) In General.—An alien with blue card status shall not be eligible to change or adjust status in the United States;
“(2) Loss of Eligibility.—An alien with blue card status shall lose the status if the alien—
(A) files a petition to adjust status to legal permanent residence in the United States; or
(B) requests a consular processing for an immigrant or nonimmigrant visa outside the United States.

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SA 3237. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes, which was ordered to lie on the table; as follows:

On page 15, strike lines 5 through 8 and insert the following:

(c) STUDY ON THE USE OF TECHNOLOGY TO PREVENT UNLAWFUL IMMIGRATION.—The Secretary shall conduct a study of available technology, including radar animal detection systems, that could be utilized to

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(d) SUBMISSION TO CONGRESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report, which shall include—

(1) the plan required under subsection (a);

(2) the results of the study carried out under subsection (c); and

(3) the recommendations of the Secretary related to the efficacy of the technologies studied under subsection (c).

SA 3238. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 151. IMMIGRATION ENFORCEMENT TRAINING.—

The Assistant Secretary of Homeland Security for the Bureau of Immigration and Customs Enforcement (ICE) shall maximize the training provided by ICE by using law enforcement-sensitive, secure, encrypted, Web-based e-learning, including the Distributed Learning Program of the Federal Law Enforcement Training Center to provide—

(1) basic immigration enforcement training for State, local, and tribal police officers;

(2) training, mentoring, and updates authorized by section 287(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(g)(2)) through e-learning, to the maximum extent possible; and

(3) access to ICE information, updates, and notices for ICE field agents during field deployments.

SA 3239. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes, which was ordered to lie on the table; as follows:

On page 54, after line 23, add the following:

Subtitle E—Immigration Enforcement Training

SEC. 151. IMMIGRATION ENFORCEMENT TRAINING—DEMONSTRATION PROJECT.

(a) IN GENERAL.—

(1) AUTHORITY.—The Secretary is authorized to provide assistance to the President of Cameron University, located in Lawton, Oklahoma, to establish and implement the demonstration project (referred to in this subtitle as the "Project") described in this subsection.

(2) PURPOSE.—The purposes of the Project shall be to assess the feasibility of establishing a nationwide e-learning training course, covering basic immigration law enforcement issues, to be used by State, local, and tribal law enforcement officers in order to improve the ability of such officers, during their routine course of duties, to assist Federal immigration officers in the enforcement of immigration laws of the United States.

(b) PROJECT DIRECTOR RESPONSIBILITIES.—The Project shall be carried out by the Project Director, who shall—

(1) develop an online, e-learning Web site that—

(A) provides State, local, and tribal law enforcement officers access to the e-learning training course;

(B) enrolls officers in the e-learning training course;

(C) records the performance of officers on the course;

(D) tracks officers' proficiency in learning the course's concepts;

(E) ensures a high level of security; and

(F) encrypts personal and sensitive information;

(2) develop an e-learning training course that—

(A) entails not more than 4 hours of training;

(B) is accessible through the on-line, e-learning Website developed under paragraph (1);

(C) covers the basic principles and practice of immigration law and the policies that relate to the enforcement of immigration laws;

(D) includes instructions about—

(i) employment-based and family-based immigration;

(ii) the various types of nonimmigrant visas;

(iii) the differences between immigrant and nonimmigrant status;

(iv) the differences between lawful and unlawful presence;

(v) the criminal and civil consequences of unlawful presence;

(vi) the various grounds for removal;

(vii) the types of false identification commonly used by illegal and criminal aliens;

(viii) the common methods of alien smuggling and groups that commonly participate in alien smuggling rings;

(ix) the inherent legal authority of local law enforcement officers to enforce federal immigration laws; and

(x) detention and removal procedures, including expedited removal;

(E) is accessible through the secure, encrypted on-line, e-learning Web site not later than 90 days of the date of enactment of this Act; and

(F) incorporates content similar to that covered in the 4-hour training course provided by the employees of the Immigration and Naturalization Service to Alabama State Troopers during 2003, in addition to the training given pursuant to an agreement by the State under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(3) assess the feasibility of expanding to State, local, and tribal law enforcement agencies throughout the Nation the on-line, e-learning Web site, including the e-learning training course, by using on-line technology.

(p) PERIOD OF PROJECT.—The Project Director shall carry out the demonstration project for a 2-year period beginning 90 days after the date of the enactment of this Act.

(q) PARTICIPATION.—The Project Director shall carry out the demonstration project by enrolling in the e-learning training course State, local, and tribal law enforcement officers from—

(1) Alabama;

(2) Colorado;

(3) Florida;

(4) Oklahoma;

(5) Texas; and

(6) at least 1, but not more than 3, other States.

(r) PARTICIPATING OFFICERS.—

(1) NUMBER.—A total of 100,000 officers shall have access to, enroll in, and complete the e-learning training course provided under the Project.

(2) APPOINTMENT.—The number of officers who are selected to participate in the Project shall be apportioned according to the State populations of the participating States.

(s) SELECTION.—Participation in the Project shall—

(A) be equally apportioned between State, county, and municipal law enforcement agency officers;

(B) include, when practicable, a significant subset of tribal law enforcement officers; and

(C) include officers from urban, rural, and highly rural areas.

(t) RECRUITMENT.—Recruitment of participants shall begin immediately, and occur concurrently, with the e-learning training course's establishment and implementation.

(u) LIMITATION ON PARTICIPATION.—Officers shall be ineligible to participate in the demonstration project if they are employed by a State, local, or tribal law enforcement agency that—

(A) has in effect a statute, policy, or practice that prohibits it from employing law enforcement officers who cooperate with Federal immigration enforcement agents; or

(B) is otherwise in contravention of section 622(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

(v) ADDITIONAL REQUIREMENTS.—The law enforcement officers selected to participate in the e-learning training course provided under the Project—

(A) shall undergo standard vetting procedures, pursuant to the Federal Law Enforcement Training Center Distributed Learning Program, to ensure that each individual is a bona fide law enforcement officer; and

(B) shall be granted continuous access, throughout the 2-year period of the Project, to on-line course material and other training and reference resources accessible through the on-line, e-learning Web site.

(vi) REPORT.—

(1) IN GENERAL.—Not later than the end of the 2-year period described in subsection (c), the Project Director shall submit a report on the participation of State, local, and tribal law enforcement officers in the Project's e-learning training course to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(D) the Committee on Homeland Security of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an estimate of the cost savings realized by offering training through the e-learning training course instead of the residential classroom method;

(B) an estimate of the difference between the 100,000 law enforcement officers who received training through the e-learning training course and the number of law enforcement officers who could have received training through the residential classroom method in the same 2-year period; and

(C) the effectiveness of the e-learning training course with respect to student-officer performance;

(D) the convenience afforded student-officers with respect to their ability to access
the e-learning training course at their own convenience and to return to the on-line, e-learning Web site for refresher training and reference; and
(2) the availability of the on-line, e-learning Web site to safeguard the student officers’ private and personal information while providing supervisors with appropriate information about student performance and course completion.

SEC. 152. EXPANSION OF PROGRAM.
(a) In General.—After the completion of the Project and the expansion of the Project under this subsection, the Secretary shall authorize to participate in such e-learning training course;
(1) continue to make available the on-line, e-learning Web site and the e-learning training course developed in the Project;
(2) authorize up to 100 new State, local, and tribal law enforcement officers in such e-learning training course; and
(3) consult with Congress regarding the addition, substitution, or removal of States eligible to participate in such e-learning training course.
(b) LIMITATION ON PARTICIPATION.—An individual is ineligible to participate in the expansion of the Project established under this subsection if the individual is employed by a State, local, or tribal law enforcement agency that—
(1) has in effect a statute, policy, or practice that prohibits its law enforcement officers from being Subparts of Federal immigration enforcement agents; or
(2) is otherwise in contravention of section 642(a) of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1373(a)).

SEC. 153. AUTHORIZATION OF APPROPRIATIONS.
(a) Fiscal Year 2007.—There are authorized to be appropriated $3,000,000 to the Secretary in fiscal year 2007 to carry out this subsection.
(b) Subsequent Fiscal Years.—There are authorized to be appropriated in fiscal year 2008, and each subsequent fiscal year, such sums as may be necessary to continue to operate, promote, and recruit participants for the Project and the expansion of the Project under this subsection.
(c) Availability of Funds.—Funds appropriated pursuant to this section shall remain available until expended.

SA 3240. Mr. INHOFE submitted an amendment to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

“§ 15. Federal records, documents, and writings, generally.
“Any person who—
(1) falsely makes, alters, forges, or counterfeits any Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;
(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowingly, or negligently failing to know, that such record, document, or writing has not been verified, has been concluded, or is false, altered, forged, or counterfeited;
(3) transmits to, or presents at any office, to any person in the United States, any record, document, or writing described in paragraph (1), knowingly, or negligently failing to know, that such record, document, or writing has not been verified, has been conclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;
(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or
(5) that is outside of the United States, engages in any of the acts described in paragraphs (1) through (3), shall be fined under this title, imprisoned for not more than 10 years, or both.”

SA 3241. Mr. LEAHY submitted an amendment to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

“§ 15. Federal records, documents, and writings, generally.
“Any person who—
(1) falsely makes, alters, forges, or counterfeits any Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;
(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowingly, or negligently failing to know, that such record, document, or writing has not been verified, has been conclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;
(3) transmits to, or presents at any office, to any person in the United States, any record, document, or writing described in paragraph (1), knowingly, or negligently failing to know, that such record, document, or writing has not been verified, has been conclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;
(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or
(5) that is outside of the United States, engages in any of the acts described in paragraphs (1) through (3), shall be fined under this title, imprisoned for not more than 10 years, or both.”

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(c) STAYS OF REMOVAL; WORK AUTHORIZATION.—

(1) In General.—The Secretary of Homeland Security shall authorize an alien who has been ordered removed to remain in the United States for a period of not more than 30 days to seek a stay of removal. In filing an application under this subsection, the alien shall provide to the Secretary a description of the compelling reason why the alien should be permitted to remain in the United States. The Secretary shall not order any alien to be removed from the United States if the alien submits an application under this subsection, unless the alien has failed to show evidence sufficient to establish a stay of removal. A stay of removal ordered under this subsection may not be extended.

(2) Procedure.—The Secretary of Homeland Security shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(b) APPEALS.—Any application for a stay of removal, together with any evidence submitted in support of the application, shall be considered by the Secretary.

(c) SEVERANCE.—The Secretary of Homeland Security may, on the basis of a determination by the Secretary, sever the applications of any two or more aliens for a stay of removal, if the applications are based on the same set of facts.

(d) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—(1) IN GENERAL.—The Secretary of Homeland Security may, on the basis of a determination by the Secretary, reopen a final order of removal, if the alien demonstrates that the determination is based on a material error of law or fact. An alien who has been removed or had his removal stayed may file a motion to reopen removal proceedings to apply for a stay of removal. In filing an application under this subsection, the alien shall provide to the Secretary a description of the compelling reason why the alien should be permitted to remain in the United States. The Secretary shall not order any alien to be removed from the United States if the alien submits an application under this subsection, unless the alien has failed to show evidence sufficient to establish a stay of removal. A stay of removal ordered under this subsection may not be extended.

(e) APPEALS.—Any application for a stay of removal, together with any evidence submitted in support of the application, shall be considered by the Secretary.

(f) SEVERANCE.—The Secretary of Homeland Security may, on the basis of a determination by the Secretary, sever the applications of any two or more aliens for a stay of removal, if the applications are based on the same set of facts.
SEC. 644. GRANT PROGRAM TO ASSIST ELIGIBLE APPLICANTS.

(a) Short title.—This section may be cited as the ‘‘Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006’’.

(b) Purpose.—The purpose of this section is to establish a grant program within the Department of Homeland Security, and Citizenship Assistance Grant Program established under the Initial Entry, Adjustment, and Citizenship Assistance Grant Act of 2006.

(c) Definitions.—In this section:

(1) COMMUNITY-BASED ORGANIZATION.—The term ‘‘community-based organization’’ means a nonprofit, tax-exempt organization, including a faith-based organization, whose staff and officers have expertise in meeting the legal, social, educational, cultural educational, or cultural needs of immigrants, refugees, persons granted asylum, or persons applying for asylum, and for such purposes may receive financial assistance from the Secretary.

(2) IEACA GRANT.—The term ‘‘IEACA grant’’ means an Initial Entry, Adjustment, and Citizenship Assistance Grant authorized under subsection (d).

(d) Establishment of Initial Entry, Adjustment, and Citizenship Assistance Grant program.

(1) GRANTS AUTHORIZED.—The Secretary, working through the Director of the Bureau of Citizenship and Immigration Services, may award IEACA grants to community-based organizations.

(2) USE OF FUNDS.—Grants awarded under this section may be used for the design and implementation of programs to provide the following services:

(A) INITIAL APPLICATION.—Assistance and instruction, including legal assistance, to aliens making initial application for treatment under the program established by section 218D of the Immigration and Nationality Act, as added by this Act. Such assistance may include preparing letters to being approved for treatment under section 218D.

(B) SCREENING.—The Secretary shall establish a program to provide for the screening to assess prospective applicants’ potential eligibility or lack of eligibility.

(C) illing out applications;

(D) gathering proof of relationships of eligible family members;

(E) applying for any waivers for which applicants and qualifying family members may be eligible; and

(F) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under section 218D of the Immigration and Nationality Act.

(C) CITIZENSHIP.—Assistance and instruction to applicants for

(1) the rights and responsibilities of United States Citizenship;

(2) English as a second language;

(C) civics; or

(iv) gathering proof of relationships of eligible family members;

(v) applying for any waivers for which applicants and qualifying family members may be eligible; and

(vi) any other assistance that the Secretary or grantee considers useful to aliens who are interested in filing applications for treatment under section 218D of the Immigration and Nationality Act.

(D) DURATION AND RENEWAL.—(A) DURATION.—Each grant awarded under this section shall be awarded for a period of not more than 5 years.

(B) RENEWAL.—The Secretary may renew any grant awarded under this section in 1-year increments.

(E) APPLICATION FOR GRANTS.—Each entity desiring an IEACA grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(F) ELIGIBLE ORGANIZATIONS.—A community-based organization applying for an IEACA grant under this section to provide services described in subparagraph (A), (B), or (C) of paragraph (2) may not receive such a grant unless the Secretary or grantee is

(A) recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(B) otherwise notified by it of such organization.

(5) SELECTION OF GRANTEES.—Grants awarded under this section shall be awarded on a competitive basis.

(6) GEOGRAPHIC DISTRIBUTION OF GRANTS.—The Secretary shall approve applications under this section in a manner that ensures, to greatest extent practicable, that—

(A) not less than 50 percent of the funding for grants under this section are awarded to programs located in the 10 States with the highest percentage of foreign-born residents; and

(B) not less than 20 percent of the funding for grants under this section are awarded to programs located in States that are not described in subparagraph (A) and

(7) ETHNIC DIVERSITY.—The Secretary shall ensure that community-based organizations receiving grants under this section provide services to an ethnically diverse population, to the greatest extent possible.

(E) LIASON BETWEEN USCIS AND GRANT-EES.—The Secretary shall establish a liaison between the Bureau of Citizenship and Immigration Services and the community of providers of services under this section to assure quality control, efficiency, and greater client willingness to come forward.

(2) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and each subsequent July 1, the Secretary shall submit a report to Congress that includes information regarding—

(A) the status of the implementation of this section;

(B) the grants issued pursuant to this section; and

(C) the results of those grants.

(g) SOURCE OF GRANT FUNDS.—

(1) APPLICATION FEES.—The Secretary may use funds made available under sections 242(b)(2)(C) and 218F of the Immigration and Nationality Act, as added by this Act, to carry out this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AMOUNTS AUTHORIZED.—In addition to the amounts made available under paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out this section.

(B) AVAILABILITY.—Any amounts appropriated under this subsection (A) shall remain available until expended.

SA 3246. Mr. KYL (for himself and Mr. CORYN) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 403, insert the following:

(3) LIMITATION ON GRANTING OF VISAS TO H-20 NONIMMIGRANTS.—Notwithstanding any other provision of this Act or the amendments made by this Act, the Secretary may not grant a temporary visa to an alien described in section 101(a)(15)(H)(ii)(c) of the Immigration and Nationality Act, as amended by section 302(a), pursuant to section 218A of the Immigration and Nationality Act, as amended by paragraph (1), until after the date that the Secretary certifies to Congress that—

(A) the Electronic Employment Verification System described in section 274A of the Immigration and Nationality Act, as amended by section 301(a), is fully operational;

(B) the number of full-time employees who investigate the compliance with immigration laws related to the hiring of aliens within the Department is increased by not less than 2,000 more than the number of such employees as of the date of the enactment of this Act and that such employees have received appropriate training;

(C) the number of full-time, active-duty border patrol agents within the Department is increased by not less than 2,500 more than the number of such agents within the Department on the date of the enactment of this Act;

(D) additional detention facilities to detain unlawfully aliens apprehended in United States have been constructed or obtained and personnel to operate such facilities have been hired, trained, and deployed so that the number of detention bed spaces available is increased by not less than 2,000 more than the number of such spaces available on the date of the enactment of this Act.
(2) Priority.—The Secretary of State shall place a priority on establishing labor migration facilitation programs under paragraph (1) with the governments of countries that have a significant number of nationals working as temporary guest workers in the United States under section 218A of such Act. The Secretary shall enter into such agreements not later than 3 months after the date of the enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the United States General Services Administration and the Secretary of Labor, to confer with appropriate officials of the foreign government to—

(i) establish and implement a program to assist temporary guest workers from the foreign country to obtain nonimmigrant status under section 101(a)(15)(H)(ii)(c) of such Act; and

(ii) establish programs to create economic incentives for aliens to return to their country of origin;

(B) the foreign government to—

(i) reciprocate its nationals in the temporary guest worker program, including departure from and return to their country of origin;

(ii) provide long term credit to borrowers; and

(iii) promote travel of such individuals upon their return from the United States;

(C) other matters that the Secretary of State and the appropriate officials of the foreign government consider appropriate to enable nationals of the foreign country who are participating in the temporary work program to maintain strong ties to their country of origin.

(b) BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.—

(1) FINDINGS.—Congress makes the following findings:

(A) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(B) Mexico comprises a prime source of migration to the United States.

(C) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(D) Mexican citizens may be foreclosed from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(E) Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(F) A majority of Mexican businesses are small or micro-sized with limited access to financial capital.

(G) These factors constitute a major impediment to broad-based economic growth in Mexico.

(H) Approximately 20 percent of the population of Mexico works in agriculture, with the majority of this population working on small farms rather than large commercial enterprises.

(I) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and migration has increased.

(J) The Presidents of Mexico and of the United States and the Prime Minister of Canada met at the Clinton Global Initiative on September 23, 2005, established the Security and Prosperity Partnership of North America to promote economic growth, competitiveness, and quality of life throughout North America.

(2) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the President of the United States should accelerate the implementation of the Security and Prosperity Partnership of North America to help generate economic growth, improve the quality of life of citizens in Mexico, which will lead to reduced migration,

by—

(A) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(B) assisting Mexican efforts to formalize its extralegal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(C) facilitating Mexican efforts to establish an effective rural lending system for small and medium-sized farmers that will—

(i) provide long term credit to borrowers; and

(ii) develop a viable network of regional and local intermediary lending institutions; and

(D) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic production in Mexico;

(E) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption, transparency and transparency principles;

(F) enhancing Mexican efforts to strengthen government at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(G) assisting the Government of Mexico in implementing the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention’s formal implementation monitoring mechanism;

(H) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(I) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(3) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico will work together to examine un-compensated and burdensome health care costs incurred by the United States due to illegal and illegal immigration, including—

(A) increasing health care access for poor and under served populations in Mexico;

(B) assisting Mexico in increasing its emergency medical facilities along the border, with emphasis on expanding prenatal care in the region along the international border between the United States and Mexico;

(C) facilitating the return of capable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long term care in their home country; and

(D) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

SA 3248. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 2. DISCRETIONARY AUTHORITY.

Section 212(i) (8 U.S.C. 1182(i)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

'(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States or for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V of the amendment, insert the following:

SEC. 2. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN AND IMMIGRANT FAIRNESS ACT OF 1998.

(a) IN GENERAL. —Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

"'(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

'(A) USE OF APPLICATION FILING DATE. —Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on the date of the enactment of this section.

'(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1), an application under the submissions filed on behalf of a child may be filed on behalf of the parent or guardian of the child if the child is physically present in the United States on such filing date.

'(B) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

'(1) NEW APPLICATIONS.—Notwithstanding section 3(a)(1)(A) of the Haitian and Immigration Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

'(A) 2 years after the date of the enactment of this Act; and

'(B) 1 year after the date on which final regulations implementing this section are promulgated.
TITLE I—STATE COURT INTERPRETER GRANT PROGRAM

SEC. 1. SHORT TITLE.
This title may be cited as the "State Court Interpreter Grant Program Act".

SEC. 2. FINDINGS.
Congress finds that—
(1) the fair administration of justice depends upon the ability of all participants in courtroom proceedings to understand that proceeding, regardless of their English proficiency;
(2) 16 percent of the population of the United States over 5 years of age speaks a language other than English at home;
(3) only qualified court interpreters can ensure that parties have access to an effective limited English proficiency comprehending judicial proceedings in which they are a party;
(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference interpreting;
(5) the Federal Government has demonstrated its commitment to equal administration of justice regardless of English proficiency;
(6) regulations implementing title VI of the Civil Rights Act of 1964, as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, must take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;
(7) 34 States have developed, or are developing, court interpreting programs;
(8) robust, effective court interpreter programs—
(A) actively recruit skilled individuals to be court interpreters;
(B) train those individuals in the interpretation of court proceedings;
(C) develop and use a thorough, systematic certification process for court interpreters; and
(D) have sufficient funding to ensure that a qualified interpreter will be available to the court whenever necessary; and
(9) Federal funding is necessary to—
(A) encourage those that do not have court interpreter programs to develop them;
(B) assist State courts with nascent court interpreter programs to develop them;
(C) assist State courts with limited court interpreter programs to enhance them; and
(D) assist State courts with robust court interpreter programs to make further improvements and share successful programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAMS.
(a) GRANTS AUTHORIZED.—
(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the "Administrator") shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party. 
(2) TECHNICAL ASSISTANCE.—The Administrator shall allocate, for each fiscal year, $500,000 of the amount appropriated pursuant to section 4 to be used to establish a court interpreter technical assistance program to assist State courts receiving grants under this title.
(b) USE OF GRANTS.—Grants awarded under subsection (a) may be used by State courts to—
(1) assess regional language demands;
(2) develop a court interpreter program for the State courts;
(3) develop, institute, and administer language certification examinations for court interpreter programs developed under paragraph (2);
(4) recruit, train, and certify qualified court interpreters;
(5) pay for salaries, transportation, and technical assistance necessary to develop the court interpreter program developed under paragraph (2); and
(6) engage in other related activities, as prescribed by the Attorney General.
(c) APPLICATION.—
(1) IN GENERAL.—The highest State court of each State desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

SA 3250. Mr. KENNEDY submitted an amendment intended to be proposed by him in the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. FAMILY UNITY.
Section 212(a)(9) (8 U.S.C. 1112(a)(9)) is amended—
(1) in subparagraph (C)(ii), by striking “between—
"(i) the alien having been battered or subjected to extreme cruelty; and
"(ii) the alien’s removal, departure from the United States, reentry or reentries into the United States, or attempted reentry into the United States."); and
(2) by adding at the end the following:
"(D) WAIVER.
"(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under section 201 or 203 if such petition was filed not later than the date of the enactment of the Comprehensive Immigration Reform Act of 2006.
"(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2,000 fine.

SA 3251. Mr. KENNEDY submitted an amendment intended to be proposed by him in the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 3. AMENDING THE AFFIDAVIT OF SUPPORT REQUIREMENTS.
Section 213A (8 U.S.C. 1101(a)(15)(A)) is amended—
(1) in subsection (a)(1)(A), by striking “125 percent of”; and
(2) in subsection (f), by striking “125 percent of” each place it occurs.

SA 3252. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(1) assess regional language demands;
(2) develop a court interpreter program for the State courts;
(3) develop, institute, and administer language certification examinations for court interpreter programs developed under paragraph (2);
(4) recruit, train, and certify qualified court interpreters;
(5) pay for salaries, transportation, and technical assistance necessary to develop the court interpreter program developed under paragraph (2); and
(6) engage in other related activities, as prescribed by the Attorney General.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated $15,000,000 for each of the fiscal years 2007 through 2010 to carry out this title.

SA 3253. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(1) assess regional language demands;
(2) develop a court interpreter program for the State courts;
(3) develop, institute, and administer language certification examinations for court interpreter programs developed under paragraph (2);
(4) recruit, train, and certify qualified court interpreters;
(5) pay for salaries, transportation, and technical assistance necessary to develop the court interpreter program developed under paragraph (2); and
(6) engage in other related activities, as prescribed by the Attorney General.
TITLE — INSPECTIONS AND DETENTIONS

SEC. 01. SHORT TITLE. This title may be cited as the “Secure and Safe Detention and Asylum Act of 2005.”

SEC. 02. PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The origin of the United States is that of a land of refuge. Many of our Nation’s founders fled here to escape persecution for their political opinion, their ethnicity, and their religion. Since that time, the United States has history and found values by standing against persecution around the world, offering refuge to those who flee from oppression, and welcoming them as contributors to a democratic society.

(2) The right to seek and enjoy asylum from persecution is a universal human right and fundamental freedom articulated in numerous international instruments ratified by the United States, including the Universal Declaration of Human Rights, as well as the 1951 Convention relating to the Status of Refugees and the Convention Against Torture. United States law also guarantees the right to seek asylum and protection from return to a country one would have a well-founded fear of persecution on account of one’s race, religion, nationality, membership in a particular social group, or political opinion.

(b) THE UNITED STATES HAS LONG RECOGNIZED THAT ASYLUM SEEKERS OFTEN MUST FLEE THEIR PERSECUTORS WITH FALSE DOCUMENTS OR NO DOCUMENTS AT ALL. THE SECOND PERSON IN UNITED STATES HISTORY TO RECEIVE HONORARY CITIZENSHIP BY ACT OF CONGRESS WAS SWEDISH DIPLOMAT RAUL WALLenberg, IN GRATITUDE FOR HIS ISSUANCE OF MORE THAN 20,000 FALSE SWEDISH PASSPORTS TO HUNGARIAN JEWS TO ASSIST THEM TO FLEE THE HOLOCAUST.

(c) IN 1996, CONGRESS AMENDED SECTION 235(b) OF THE IMMIGRATION AND NATIONALITY ACT, TO AUTHORIZE IMMIGRATION OFFICERS TO DETAIN AND EXPEDIENTLY REMOVE ALIENS WITHOUT PROPER DOCUMENTS, IF THAT ALIEN DOES NOT HAVE A CREDIBLE FEAR OF PERSECUTION.

(d) SECTION 665 OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998 SUBSEQUENTLY AUTHORIZED THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM TO APPOINT EXPERTS TO STUDY THE TREATMENT OF ASYLUM SEEKERS SUBJECT TO EXPEDITED REMOVAL.

(e) THE PURPOSES OF THIS ACT ARE THE FOLLOWING:

(1) To ensure that personnel within the Department of Homeland Security follow procedures designed to protect bona fide asylum seekers from being returned to places where they may face persecution.

(2) To ensure that persons who affirmatively apply for asylum or other forms of humanitarian protection are not subject to arbitrary detention.

(3) To ensure that asylum seekers, families with children, noncriminal aliens, and aliens from other vulnerable populations, who are not eligible for release, are detained under appropriate and humane conditions.

SEC. 03. DEFINITIONS.

In this title:

(1) ASYLUM OFFICER.—The term “asylum officer” has the meaning given the term in...
section 235(b)(1)(E) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(E)).

(2) ASYLUM SEEKER.—The term ‘‘asylum seeker’’ means any applicant for asylum under the Immigration and Nationality Act (8 U.S.C. 1158) or any alien who indicates an intention to apply for asylum under that section and does not include any person who has been denied asylum without a final adjudication denying asylum having been entered.

(3) CREDIBLE FEAR OF PERSECUTION.—The term ‘‘credible fear of persecution’’ has the meaning given the term ‘‘credible fear of persecution’’ in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(4) DETAINED ALIEN.—The term ‘‘detained alien’’ means an alien in the Department’s custody held in a detention facility.

(5) DETENTION FACILITY.—The term ‘‘detention facility’’ means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(6) IMMIGRATION JUDGE.—The term ‘‘immigration judge’’ has the meaning given the term ‘‘immigration judge’’ in section 235(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(4)).

(7) STANDARD.—The term ‘‘standard’’ means any policy, procedure, or other requirement.

(8) VULNERABLE POPULATIONS.—The term ‘‘vulnerable populations’’ means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers as described in paragraph (2).

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 240A(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 367 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1252b(3)).

(D) Aliens granted or seeking protection under Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386), including applicants for visas under subparagraph (T) or (U) of section 101(a)(15).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106-386).

(G) Unaccompanied alien children (as defined by 462(g) of the Homeland Security Act (8 U.S.C. 1531)).

SEC. 04. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish procedures to ensure the accuracy and verifiability of signed or sworn statements taken by Department of Homeland Security employees exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A)(i) of the Immigration and Nationality Act shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall include the written statement, or a transcript of the interview, being read back to the alien in a language which the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recordings shall be made in video, audio, or other equally reliable format.

(d) INTERPRETERS.—The Secretary shall ensure professional certified interpreters are used when the interviewing officer does not speak a language understood by the alien.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the alien’s file and may be considered as evidence in any further proceedings involving the alien.

SEC. 05. PROCEDURES GOVERNING DETENTION.

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a), by—

(A) in the matter preceding paragraph (1), by inserting ‘‘the Secretary of Homeland Security’’ before ‘‘the Attorney General’’; and

(B) in paragraph (2), by—

(i) striking ‘‘or’’ at the end of subparagraph (A);

(ii) by striking ‘‘but’’ at the end of subparagraph (B); and

(iii) by inserting after subparagraph (B) the following:

‘‘(C) the alien’s own recognizance; or

(D) a secure alternatives program as provided for in section 640 of this title; but’’;

(B) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(C) by inserting after subsection (a) the following new subsection:

‘‘(b) DECISIONS TO DETAIN.—

(1) IN GENERAL.—In the case of a decision to detain under subsection (a), the following shall apply:

(A) The decision to detain or release shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that detention.

(B) An initial decision as to whether to detain or release shall be served upon the alien in conditions in which the alien’s detention or, in the case of aliens subject to section 235(b)(1)(B)(iii)(IV), within 72 hours of the credible fear determination.

(C) All decisions to detain shall be subject to redetermination by an Immigration Judge within 2 weeks from the time the alien was served with the decision under subparagraph (B), and to the Attorney General in making the release or parole decisions shall include—

(i) the alien does not pose a risk to public safety or an imminent risk of flight;

(ii) the alien has established his identity; and

(iii) the alien has established a likelihood to appear for immigration proceedings.

(2) APPLICATIONS OF SUBSECTIONS (A) AND (B).—This subsection and subsection (a) shall apply to all aliens in the custody of the Department of Homeland Security who are not subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236c, or 236g, or who do not have a final order of removal.’’;

(4) by amending subsection (c), as redesignated, to read as follows:

‘‘(4) REVOCATION OF BOND OR PAROLE.—The Secretary may, at any time, revoke a bond, parole, or decision to release an alien made under subsection (b), rearrest the alien under the original warrant, and detain the alien.’’;

(5) in subsection (d), as redesignated—

(A) by striking ‘‘Attorney General’’ and inserting ‘‘Secretary’’ each place it appears; and

(B) in paragraph (2), by inserting ‘‘or for humanitarian reasons,’’ after ‘‘such an investigation’’;

(6) in subsection (e), as redesignated, by striking ‘‘Attorney General’’ and inserting ‘‘Secretary’’; and

(7) in subsection (f), as redesignated, by striking ‘‘The Attorney General’s discretion—’’ and inserting ‘‘The decisions of the Secretary or the Attorney General’’.

SEC. 06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered by the Department of Justice Executive Office for Immigration Review.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this subsection shall be implemented by the Executive Office for Immigration Review and shall be based on the Legal Orientation Program in existence on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear interview. The pro bono counseling and legal assistance programs developed pursuant to this subsection shall be based on the program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. 07. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to implement and enforce, and that all detention facilities comply with the standards.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear interview. The pro bono counseling and legal assistance programs developed pursuant to this subsection shall be based on the pro bono program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

(d) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to implement and enforce, and that all detention facilities comply with the standards.

(e) LIMITATIONS ON SHACKLING.—Procedures limiting the use of shackling, handcuffing, solitary confinement, and strip searches of detainees to situations necessitated by security interests or other extraordinary circumstances.

(f) INVESTIGATION OF GRIEVANCES.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as verbal or physical abuse or harassment, sexual abuse or harassment, or arbitrary punishment.

SEC. 08. REVIEW OF INVESTIGATION OF GRIEVANCES.

(a) IN GENERAL.—The Secretary shall review each investigation of grievances raised by detainees, including review of grievances by officials of
the Department who do not work at the same detention facility where the detainee filing the grievance is detained.

(4) ACCESS TO TELEPHONES.—Procedures permit detainees sufficient access to telephone and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, or the court through confidential “toll-free” numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, will be free of free or low cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINED.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee’s access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—Prompt and adequate medical care at no cost to the detainee, including dental care, eye care, mental health care, individual and group counseling, medical dietary needs, and other medical, dental, and specialized care. Medical facilities in all detention facilities used by the Department that maintain current accreditation by the National Commission on Correctional Health Care (NCCHC) or other requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) is entitled to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities for all detained asylum seekers.

(10) SPECIAL STANDARDS FOR NONCRIMINAL DETAINES.—The Secretary shall promulgate new standards or modifications to existing standards, that—

(A) recognize the special characteristics of noncriminal, nonviolent detainees, and ensure that the facilities and conditions of detention are appropriate for a noncriminal population; and

(B) ensure that noncriminal detainees are separated from inmates with criminal convictions, pretrial inmates facing criminal prosecution, and those inmates exhibiting violent behavior while in detention.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where they work. The training shall address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to be performed in cooperation with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. 08. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight in this title referred to as the ‘Office’. The obligations of the office shall include:—

(B) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and report to, the Secretary.

(3) EFFECTIVE DATE.—The Office shall be established and the head of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Office shall—

(A) undergo frequent and announced inspections of detention facilities; and

(B) develop a procedure for any detainee or the detainee’s representative to file a written complaint with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement the results of all findings of noncompliance with detention standards.

(2) INVESTIGATIONS.—The Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards; and

(B) report to the Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department of Homeland Security;

(iii) the Civil Rights Office of the Department of Homeland Security; or

(iv) any other relevant office of agency.

(3) REPORT TO CONGRESS.

(A) IN GENERAL.—The Office shall annually submit a report on its findings on detention standards, and its investigations and recommendations to the Secretary, the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives.

(B) CONTENTS OF REPORT.—

(1) ACTIONS TAKEN.—The report described in subparagraph (A) shall also describe the actions to remedy findings of noncompliance or other problems that are taken by the Secretary, the Department of Homeland Security for U.S. Immigration and Customs Enforcement Assistant Secretary of Homeland Security for U.S. Immigration and Customs Enforcement, and each detention facility found to be in noncompliance.

(2) RESULTS OF ACTIONS.—The report shall also include information regarding whether the actions taken were successful and resulted in compliance with detention standards.

(3) REVIEW OF COMPLAINTS BY DETAINES.—The Office shall review complaints by detainees to receive and review complaints of violations of the detention standards promulgated by the Secretary, the procedures shall protect the confidentiality of the detained, the detainee, employees or others, from retaliation.

(4) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Office shall cooperate and coordinate its activities with—

(A) the Office of the Inspector General of the Department of Homeland Security;

(B) the Civil Rights Office of the Department of Homeland Security;

(C) the Privacy Office of the Department of Homeland Security;

(D) the Civil Rights Section of the Department of Justice; and

(E) any other relevant office or agency.

(4) OTHER REMEDIES.—

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program. For purposes of this subsection, the secure alternatives program means a program under which aliens may be released under enhanced supervision to prevent them from absconding, and to ensure that they make required appearances.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a national-wide basis, as a component of existing pilot programs such as the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

(2) UTILIZATION OF ALTERNATIVES.—The Secretary shall utilize a continuum of alternatives based on the alien’s need for supervision, ensuring placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236 of the Act who are released pursuant to section 236(d)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(C) CONTRACTS.—The Department shall enter into contracts with qualified non-governmental entities to implement the secure alternatives program. In designing the program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Department of Justice and the Intensive Supervision Appearance Program (ISAP) developed by the Department of Homeland Security.

SEC. 10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department of Homeland Security detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to movement restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced torture, have ready access to services and treatment addressing their needs;
(D) detainees have ready access to meaningful programmatic and recreational activities;
(E) detainees are permitted contact visits with their representatives, family members, and others;
(F) detainees have access to private toilet and shower facilities;
(G) prison-style uniforms or jump suits are not required; and
(H) special facilities are provided to families with children.
(c) FACILITIES FOR FAMILIES WITH CHILDREN.—In situations where release or secure alternatives programs are not an option, the Secretary shall ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—
(1) procedures and conditions of detention are appropriate for families with minor children; and
(2) living and sleeping quarters for parents and minor children are not physically separated.
(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Priority for placement in less restrictive facilities shall be given to asylum seekers, families with minor children, vulnerable populations, and nonviolent criminal detainees.
(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

SEC. 12. EFFECTIVE DATE.

Except as otherwise provided, this title shall take effect 6 months after the date of the enactment of this Act.

SA 3254. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231.

SA 3255. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 122, between lines 7 and 8, insert the following:

"(b) CERTAIN ACTIONS NOT TREATED AS VIOLATIONS.—A person who, before being apprehended or placed in a removal proceeding, applies for asylum under section 208 of the Immigration and Nationality Act, withholding of removal under section 241(b)(3) of such Act, or relief under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment under title 8, Code of Federal Regulations, or classification or status under section 101(a)(15)(T), 101(a)(15)(U), 101(a)(27)(J), 101(a)(51), 216(c)(3)(C), 240A(b)(2), or 244(a)(3) (as in effect prior to March 31, 1997) of such Act, shall not be considered to have violated section 1542, 1544, 1546 or 1548.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, April 12, 2006 at 1:30 p.m. in the hearing room of the Wyoming Oil & Gas Conservation Commission building located at 2211 King Boulevard in Casper, WY.

The purpose of the hearing is to receive testimony regarding the legislative, economic, and environmental issues associated with the growth and development of the Wyoming coal industry.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact John Peschke or Shannon Ewan.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on “Immigration Litigation Reduction” on Monday, April 3, 2006, at 10 a.m. in room 226 of the Dirksen Senate Office Building.

Panel I: The Honorable Paul R. Michel, Chief Judge United States Court of Appeals for the Federal Circuit, Washington, DC; The Honorable John M. Walker, Jr., Chief Judge, United States Court of Appeals for the Second Circuit New Haven, CT; The Honorable Carlos T. Bea, Circuit Judge, United States Court of Appeals for the Ninth Circuit, San Francisco, CA; The Honorable Jon O. Newman, Senior Judge, United States Court of Appeals for the Second Circuit, Hartford, CT; The Honorable John McCarthy, Chief Judge, United States District Court for the District of Arizona, Tucson, AZ.

Panel II: Jonathan Cohn, Deputy Assistant Attorney General, Civil Division, Department of Justice, Washington, DC, and David Martin, Professor of Law, University of Virginia, Charlottesville, VA.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent at 10 a.m. on Tuesday, the Senate proceed to executive session and an immediate vote on the confirmation of calendar No. 600, Michael Chagares, to be a United States circuit judge for the Third Circuit; provided further that following that vote, the President be immediately notified of the Senate’s action on the Senate resume legislative session.

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

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDERS FOR TUESDAY, APRIL 4, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m., Tuesday, April 4. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to executive session as under the previous order, with the debate divided equally until 10 a.m. I further ask unanimous consent that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, this evening we have continued to work on agreements for the border control bill. We need to make significant progress tomorrow, and Senators should be prepared for late nights throughout the week. At 10 a.m. tomorrow morning we
will vote on a circuit judge who was re-
ported by the Judiciary Committee 
last week. I hope we can follow up that 
vote with agreements to vote on other 
amendments to the border security 
measure. Therefore, votes will occur 
throughout Tuesday’s session of the 
Senate.

ADJOURNMENT UNTIL 9:45 A.M. 
TOMORROW

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

There being no objection, the Senate, at 7:40 p.m., adjourned until Tuesday, April 4, 2006, at 9:45 a.m.
Mr. Speaker, I rise today in recognition of Jessica Seleistine Jenkins. I hope my colleagues will join me in recognizing the impressive accomplishments of this young woman.

Jessica Seleistine Jenkins was born on September 10, 1987 in Brooklyn, NY. She is the daughter of proud parents, Moszeta Ahay and Ronald Jenkins.

Jessica is a role model for her family and young people in her community. In her quiet and studious manner, Jessica was educated in the private and public schools of Brooklyn, NY. She attended Phyls Academy, Parkway Elementary School, Ebenzer Junior High School and Boys and Girls High School.

Jessica has always maintained honor roll status throughout her schooling. She is a 2005 Arista Honor Roll graduate of Boys and Girls High School with an average of 91 percent. Her awards, plaques and recognitions are numerous. Some of her most cherished are the Martin Luther King Essay and Community Service Award, the Elliot Spitzer Triple “C” Award, Student of the Month, Community Service Award and Perfect Attendance Award to name a few. Jessica is a member of Berean Baptist Church where she participates in the Youth Ministry.

Jessica loves to work with and teach children. She has been employed with the Berean Summer Day Camp since 2003. Her favorite scripture is “Train up a child in the way he should go, and when he is old he would not depart from it.” (Proverbs 22:6) Her favorite song is “All of My Help Cometh From the Lord.” Her favorite motto is, “I can do all things through Christ who strengthens me.” Jessica is presently a freshman at New York City College of Technology where she is studying to be a registered nurse. She chose this field because of her desire to help others or life. Jessica’s hobbies include reading, listening to music and dancing.

Jessica’s proud younger siblings, Jani and Jeffery Ahay look up to her as a great sister.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Jessica Seleistine Jenkins.

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Mr. Robert J. Levinsohn, an outstanding New Yorker who has devoted himself in service to others throughout his career. Robert Levinsohn has distinguished himself both as an attorney in private practice and as a driving force behind New York City’s pioneering role in fostering a reform of its judicial culture, rendering it immune of corruption and unwarranted partisan political influence.

A member of our Nation’s greatest generation, Robert J. Levinsohn proudly served his country in the United States Army during World War II. He went on to graduate with a law degree from the New College in 1946 and from the Columbia University School of Law in 1948, where he was named editor of the prestigious Columbia Law Review.

In 1952, Robert J. Levinsohn joined Proskauer Rose LLP, one of the Nation’s oldest, largest and most highly respected law firms, and one of the first in the Nation to develop a specialized practice in tax law, which became Mr. Levinsohn’s area of professional expertise. Named a partner of the firm in 1963, he continues to represent clients in the firm’s New York office to this day. In addition, Mr. Levinsohn’s professional qualifications and impeccable reputation for probity and integrity have led his colleagues to name him to numerous leadership positions in the New York State and City Bar Associations as well as the New York County Lawyers’ Association.

A lifelong activist devoted to the highest ideals of the Democratic Party, Robert J. Levinsohn naturally assumed a series of important positions of leadership in the world of politics and public policy. An active member and longtime Executive Committee member of the Lexington Democratic Club, one of the first political organizations in the Nation devoted to reform of the political and judicial system, Mr. Levinsohn also served as president of the Columbia Law School Democratic Club; president of the New York Young Democratic Club; chief campaign legal aide to the late, much beloved, Manhattan Congressman William Fitts Ryan; cochairman of the Committee for Democratic Voters and of the New Democratic Coalition; cochairman of the New York County Democratic Committee’s Law Committee; vice chairman and member of the New York City Council Districting Commission; and a delegate to New York County Democratic Party judicial conventions for more than 35 years. Throughout his professional and civic obligations, Mr. Levinsohn remains devoted to his beloved wife, Louise Katz.

It is in Robert Levinsohn’s extraordinary success in reforming New York’s judicial and political culture that he will undoubtedly bestow his most enduring legacy on the citizens of our Nation’s greatest metropolis. A leader of Manhattan’s postwar political reform movement from its first origins, Mr. Levinsohn helped spearhead the drive to remove the taint of political influence from New York’s judicial branch. The key to this movement’s ultimate success was the reform of the process selecting nominees for judicial office through the establishment of nonpartisan judicial screening panels. This long-sought goal of civic activists like Mr. Levinsohn was finally realized in 1977 under the leadership of former New York County Democratic Party Chairwoman Miriam Bockman.

The judicial reform package promoted so ably by Robert J. Levinsohn and like-minded advocates of good government succeeded in establishing “doubleblind” independent judicial screening panels that effectively removed partisan political considerations from the judicial nominating process in New York County. Mr. Levinsohn’s efforts to ensure the independence of the judiciary was further ratified after a fellow reform advocate, Congressman Edward I. Koch, was elected mayor of New York City and instituted a merit selection process for mayoral appointees to the bench. The reform advocated by Robert J. Levinsohn have now become a model which is the envy of every other county in the Empire State.

Mr. Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to our civic and political life made by Mr. Robert J. Levinsohn, a true reformer in the finest traditions of our great republic.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

SPEECH OF

HON. ROSA L. DeLAURO
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 30, 2006

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 600) to amend and extend the Higher Education Act of 1965:

Ms. De LAURO. Mr. Chairman, only 2 months after Congress cut $12 billion in student loan assistance, this Republican majority wants the American people to understand how much they appreciate the vital connection between higher education and solving the most pressing problems of our communities and the country.

But let me be clear—they don’t. If this misguided majority believed that a quality college degree was the cornerstone of the American dream, opening the door to job opportunity and professional fulfillment, they would not be freezing the authorized level of the maximum Pell Grant at just $200 above current levels through 2013. As if the cost of college will only rise by $200 in the next 7 years—over the next two decades, the cost of a public university is expected to rise to $50,000 for a public university and more than a quarter million dollars for a private school.

When this historic law was first passed in 1965, President Johnson promised that, “a high school senior anywhere in this great land of ours can apply to any college or any university in any of the 50 states and not be turned..."
away because his family is poor." This legislation turns its back on that commitment," Mr. Chairman.

And so, the American people should see this legislation for what it is—not only a missed opportunity but also an assault on America’s middle class and a grave threat to our global competitiveness. Indeed, one recent international test involving mathematical understanding found that American students finished in 27th place among the nations participating. This as low-wage employers are creating the bulk of our new jobs—in one recent period, Wal-Mart and McDonald’s created 44 percent of all new jobs.

If the Republican majority in this Congress was serious about strengthening our higher education system, this legislation would have adopted some of the recommendations of the National Academy of Sciences report, Rising Above the Gathering Storm—one of the central recommendations of which was to make American universities the most attractive setting in which to study and get a degree.

In contrast to this legislation, the Democratic substitute would cut interest rates in half for the borrowers most in need—effectively lowering the cost of college by $2.4 billion for students and their families. Our substitute would offer the 3.4 percent fixed interest rate to students who take out subsidized loans this year. And it would incentivize service in the fields of nursing, for three teachers in bilingual and low-income communities, librarians, and first responders.

Mr. Chairman, the critical role colleges and universities played in the last century’s economy will pale in comparison to the role they will play in this century’s. And this legislation should recognize that—not turn back the clock on access and affordability.

A TRIBUTE TO SALVATORE J.A. SCLAFANI, M.D.

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Salvatore J.A. Sclafani MD, a distinguished member of the Brooklyn community. It behooves us to pay tribute to this outstanding leader and I hope my colleagues will join me in recognizing his impressive accomplishments.

Dr. Sclafani received his Bachelor of Science from Fordham University in 1968 and undertook his medical education at the Upstate campus of SUNY, graduating in 1972. He completed his residency in Diagnostic Radiology at Downstate/Kings County in 1976. He is a diplomate of the American College of Radiology with a certificate of added qualifications in Interventional Radiology.

Dr. Sclafani is a Fellow of the Society of Interventional Radiology and a member of numerous other medical societies. He is a past president of the American Society of Emergency Radiology.

Dr. Sclafani has published more than 150 papers in scientific journals and authored or co-authored more than 20 textbooks. He is currently the Section editor of Radiology for the Journal of Trauma and has served on the editorial boards of the Journal of Interventional Radiology, and Emergency Radiology. Dr. Sclafani has presented at almost 200 invitational lectures in the U.S. and has lectured extensively on 4 continents. He has taught countless radiologists the techniques of Interventional Radiology during his 9 visits to the Peoples’ Republic of China.

Dr. Sclafani is recognized for his work in the uses of Radiology in traumatized and emergency patients and has either developed techniques or set standards for the use of Interventional Radiology in the control of hemorrhage after trauma. He is most recognized for his development of a method of treating without the use of open surgery patients who have sustained a ruptured spleen. Other collaborations have led to an awareness of the value of physiological monitoring of the injured elderly, a non-operative approach to exsanguinating hemorrhage after pelvic fractures and management schemes for vascular injuries of the head and neck.

In 1989, Dr. Sclafani became an honorary police surgeon of the New York Police Department after a celebrated “save” by Interventional Radiology of a patrolman who had sustained a near fatal gunshot wound of the internal carotid artery. This event brought national public recognition to Kings County Hospital as an innovator in trauma care and the techniques were featured in the New York Times Science Section.

Dr. Sclafani has spent his entire career working among the indigent and was honored by the New York Academy of Medicine for his contributions to urban health.

Participating in the Trauma Service of Kings County since 1976, he is its senior member. He is currently the Chief of Radiology at Kings County Hospital Center and chairman of the Department of Radiology of the Downstate Medical Center where he directs more than thirty radiologists and 29 residents. He is also President of the Medical Board of Kings County Hospital Center.

Dr. Sclafani was born and raised in Brooklyn to which he has dedicated his entire career. He currently resides in Park Slope, Brooklyn with his wife, Georgia Sclafani with whom he raised 2 sons, Paul and Ross. He lived in the pediatric examining room of his father, Anthony Sclafani MD in Bensonhurst during the first 4 years of his life and lived above the waiting room of his father’s office until the age of 13. Thus, he considers the hospital his second home and its patients his family.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplishments of Dr. Sclafani, as he offers his talents and philanthropic services for the betterment of our local and national communities.

Mr. Speaker, Dr. Sclafani’s selfless service has continuously demonstrated a level of altruistic dedication that makes him most worthy of our recognition today.

IN RECOGNITION OF THE AMERICAN SOCIETY TO PREVENT CRUELTY TO ANIMALS ON THE OCCASION OF ITS 140TH ANNIVERSARY

HON. CAROLYN B. MALONEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the American Society for the Prevention of Cruelty to Animals. This august institution is celebrating its 140th anniversary this month, and all Americans should salute its remarkable success as the first organization dedicated to the protection of animals in the Western Hemisphere.

Over the course of the last 140 years, the American Society for the Prevention of Cruelty to Animals, or ASPCA, has helped change the way Americans think about animals. The society came into being on April 10, 1866 when its founder, the diplomat and philanthropist Henry Bergh, succeeded in securing it a charter from the New York State Legislature. Just 9 days later, Mr. Bergh and his colleagues from the ASPCA convinced the legislature to pass a new law preventing acts of cruelty to animals and giving the society the power to enforce it. This burst of activism succeeded in focusing public attention on the plight of animals throughout the United States, and its activities helped spawn similar efforts across the Nation.

Headquartered on Manhattan’s Upper East Side, the American Society for the Prevention of Cruelty to Animals has expanded its services over the decades to encompass a humane education program and a government affairs initiative that lobbies for the enactment of laws to provide better protections to animals. The ASPCA provided the city of New York with animal control services for a century, rescuing countless animals in its ambulances, providing them with medical care in its clinics, and sheltering and placing them in new homes whenever possible. The society’s humane approach to law enforcement established a model that has been adopted by cities, towns, and villages across the United States.

Today, the American Society for the Prevention of Cruelty to Animals is one of the largest humane societies in the world. Its New York City headquarters house an animal hospital, shelter, and adoption center. Law enforcement officers for the American Society for the Prevention of Cruelty to Animals continue to serve as the primary enforcers of anti-cruelty statutes in our Nation’s greatest metropolises.

Mr. Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to the well-being of both animals and humans made by the American Society for the Prevention of Cruelty to Animals.

A TRIBUTE TO ANTONIO D. MARTIN

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Antonio D. Martin and I hope
my colleagues will join me recognizing the accomplishments of this outstanding member of the community.

Tony Martin’s approach to leadership is formulated in his fervent belief in the concept of teamwork, as demonstrated by his track record as executive director.

A 20-year veteran of the New York City Health and Hospitals Corporation, HHC, the largest municipal healthcare system in the United States, Mr. Martin was appointed chief operating officer of Queens Hospital Center, QHC, in July 1999 and executive director in 2002. Under his direction, the hospital successfully completed the construction and opening of a new state-of-the-art facility in January 2002, which has since expanded to a total of 243 beds. In the spring of 2005, QHC volunteered to be one of the first city hospitals to undergo an unannounced Joint Commission on the Accreditation of Healthcare Organizations, JCAHO, survey, successfully completing the rigorous 4-day examination. This acknowledges the hospital’s firm compliance with regulatory JCAHO standards at all times.

His own mission has been to make Queens Hospital Center the hospital of choice in the borough, and to broaden its appeal beyond the traditional populations within its surrounding community. Specific initiatives include a comprehensive disease management initiative that empowers patients to manage their chronic illnesses, as well as an overall redesign of the hospital’s ambulatory care services to better expedite patient visits.

Managing an annual operating budget of $230 million, Mr. Martin currently oversees three Centers of Excellence within the hospital for Cancer Care; Women’s Health; and Diabetology. For the past 3 years, he has aggressively promoted the technological advancement of the Queens Cancer Center of Queens Hospital, his objective being to present it as the premier cancer care facility in the borough. In addition, a new Ambulatory Care Pavilion is scheduled to open its doors in 2006, and a total of four family health centers affiliated with QHC are now offering comprehensive primary care services within the hospital’s neighboring communities.

From April 1998 until July 1999, Mr. Martin served as deputy executive director of Network Behavioral Health for the Brooklyn/Staten Island Network of HHC, including Kings County Hospital Center, East New York Diagnostic and Treatment Center, Sea View Hospital and Nursing Home, Dr. Susan Smith McKinney, and Bedford-Stuyvesant Alcoholism Treatment Center.

Prior to his Network position, Mr. Martin was the executive director of East New York Neighborhood Family Care Center, ENYNFCC, in Brooklyn from 1990 to 1996. Under his leadership, ENYNFCC successfully received its article 28 designation from the New York State Department of Health in 1993, and became the East New York Diagnostic and Treatment Center, ENYDTC. He was the administrator for the Medical Records Department at Kings County Hospital and previously the acting director of Medical Records at Metropolitan Hospital, both of which are HHC facilities.

Mr. Martin recently served, along with other esteemed African-American leaders, as the healthcare executive on a regional panel addressing the current state of the African-American male. He was a delegate for the Health and Human Services, HHS-International Conference on Ethnic Health. He has received numerous awards for community service, most recent among them the Center for the Women of New York’s “Good Guy” Award, 2004, the Metropolitan New York Association of Diabetologists’ “CEO of the Year” Award, 2004, and the National Association of Healthcare Service Executives, an organization of leaders in the healthcare field, 2002. Professional memberships are sustained with the following organizations: the Health Association of New York State, HANYS; the East New York-Brownsville H.I.V. Steering Committee; New York Association of Ambulatory Care; Community Health Care Association of New York State, CHCANY; National Association of Public Hospitals, NAPH; and the American Hospital Association, AHA.

Mr. Martin holds a master’s degree in health service administration and policy from the New School for Social Research in New York City.

Mr. Speaker, I believe that it is incumbent on this body to recognize the accomplish- ments of Antonio D. Martin, as he offers his talents for the betterment of our local and international communities.

IN MEMORIAM OF CESAR E. CHAVEZ
HON. GENE GREEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006
Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor Mr. Cesar Estrada Chavez. Seventy-nine years ago one of the greatest civil rights leaders of our time was born near Yuma, Arizona. A man that embodied the strength to fight for civil rights, Cesar Chavez dedicated his life to the liberty and justice of farm workers across America.

Mr. Chavez dedicated his life to teaching others that persistence, hard work, faith, and willingness to sacrifice one’s self breaks down barriers. He committed himself to achieving justice and equality for all farm workers and paved the way for momentous social change. Mr. Chavez began early in his life dealing with injustice and inequality; his family was forced off their land and subjected to working in fields all over California. He attended 37 schools, never succeeding past the eighth grade. Despite his tribulations, he was able to install his passion for education in the hearts of all that he touched. Mr. Chavez taught that the love for justice is inherent in each and every one of us and that it is the most amazing and true part of being human.

In 1962, Mr. Chavez put his beliefs into action and formed what is known today as the United Farm Workers. His efforts initiated one of the greatest social movements of our time; fighting for safe and fair working conditions, reasonable wages, decent housing and the outlaw of child labor for farm workers everywhere.

Mr. Chavez embraced nonviolent tactics to help focus national attention on the problems that exist for farm workers. The non-violent tactics Mr. Chavez utilized included fasting, marching, rallying, picketing and boycotting. The vast attention that was drawn to the plight of the farm workers educated America of the great pain and exploitation the farm workers endured to produce food for millions of American families.

Mr. Chavez was said to have given his last ounce of strength defending the farm workers before he died in his sleep on April 23, 1993. Cesar E. Chavez is honored throughout America for his tireless work to help those that could not help themselves. In my hometown of Houston, every year we celebrate the life and times of Mr. Cesar E. Chavez by holding a Hispanic Pride parade. An event sponsored by the community and an event to bring us together and celebrate as one.

We honor him today in life and in death for his leadership, his vision, his bravery, and his unselfish commitment to the principles of social justice and respect for human dignity. He will forever live on as an inspiration to those of us who seek to create a better world, and his legacy is one which serves to remind us that “Together all things are possible.” Si se puede!!

IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006
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A TRIBUTE TO KATHIE T. RONES
M.D., M.P.H., FACP
HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006
Mr. TOWNS. Mr. Speaker, I rise today in recognition of a Brooklynite and distinguished physician, Dr. Kathie T. Rones. It is an honor to represent Dr. Rones in the House of Representatives and it behooves us to pay tribute to such an outstanding leader.

Mr. Speaker, Dr. Rones is currently the Medical Director at Kings County Hospital Center a position she has held since 1996. Dr. Rones manages a staff of over a thousand doctors and hundreds of residents. As the busiest trauma in the State of New York, Kings County has a minimum of 120,000 emergency room visits a year.

Ms. Rones is a Senior Clinical Associate Dean and Assistant Professor of Medicine at SUNY Downstate. Prior to her appointment as Medical Director, Dr. Rones served as Chief of Ambulatory Care Services and Director of the Medical Clinic at Kings County and more recently as the Medical Director of Bronx Lebanon Hospital Center-Ambulatory Care Network. Dr. Rones went to Medical School at Brown University and earned her M.D. in 1980.

Mr. Speaker, I believe that it is incumbent on this body to recognize the achievements and selfless service of Dr. Rones as she continues to offer her selfless health services for the betterment of the community.

Mr. Speaker, may our country continue to benefit from the actions of altruistic community leaders such as Dr. Kathie T. Rones.

TRIBUTE TO THE LATE TRUEMAN KIRK PEEK
HON. HOWARD P. “BUCK” McKEON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006
Mr. McKEON. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Trueman Kirk Peek.
Every once in a while, a person comes along who has the capacity to positively influence people, the community, and life in general. Kirk Peek was just such a man. It saddened me to say that, tragically, he perished in a plane crash on January 17, 2006.

Kirk was born on August 14, 1938 in Unionville, Missouri. Very patriotic and dedicated to our country, he joined the Marines in 1956. He was an avid outdoorsman and after his discharge, Kirk settled in Lone Pine, CA. A 41-year resident, he was the community’s beloved barber and his shop was considered the unofficial center of town. People went to Kirk’s barbershop for a friendly chat, to find shelter from inclement weather, shoot pool, or to pick up dry cleaning. Kirk was not always there, but the door was never locked. His shop was also a sort of self-help bank as well because frequently the cash register wasn’t locked either. As Lone Pine’s informal ambassador, Kirk welcomed tourists and his barbershop felt like a second home for many people.

Kirk was involved in several organizations over the years including the Lions Club, Mt. Whitney Golf Club, Little League, the volunteer fire department, Lone Pine Chamber of Commerce, Inyo Associates, and the Lone Pine Booster Club. Appointed to the Inyo County Board of Education in 1998, Kirk felt it was an honor to serve and he continually provided astute insights, wise counsel, and humble leadership.

An accomplished pilot, Kirk flew almost everywhere. He loved to fly and said it gave him a sense of spirituality and a sense of awe. He felt at home in the air and he would always make sure his plane was available for a friend in need.

Although Kirk would be remembered as a generous, honest, and caring man who was generous with his time and talents in order to help others, Kirk’s lasting legacy rests in his family. He was a dedicated husband to his wife, Judy, and a loving father to daughter, Beth, as well as a devoted grandfather to Sara and Daniel Blodgett. Sadly, Kirk’s son, Phillip Shawn Peek, passed away in 1991.

When Oscar Wilde said, “Some people cause happiness wherever they go,” he could have been talking about Truman Kirk Peek. With his contagious sense of fun and enthusiastic love of life, Kirk always brought out the best in people. He had a genuine affection for others and made friends wherever he went. And those friends deeply miss Kirk and mourn his passing.

A TRIBUTE TO PATRICIA DEANS

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Patricia Dean, a daughter, a designer, an economist, a coordinator, an organizer and entrepreneur. I hope my colleagues will join me in recognizing her accomplishments.

Patricia was born in Wilson, NC in 1941 and is the oldest daughter of Samuel and Helen Ruth Reid. Patricia graduated from Charles H. Darden High School in 1959 and moved to New York in 1959. In September 1963, she graduated from Adelphi Business School and began working in the health care profession where she remained for 30 years. She is the mother of three children, Sharon, Walter and Sean, and the proud grandmother of nine grandchildren.

As a community advocate, she is involved with the following organizations: National Association for the Study of African-American Life and History; National Juneteenth Observance Foundation, state coordinator; Solid Waste Advisory Board, SWAB, Brooklyn Borough President’s appointment May, 1996; Glenmore Plaza Tenant’s Association, president; Brownsville Heritage House Inc., first vice president; Faith Hope and Charity Community Services, Inc., secretary; Brooklyn Public Library Friends Group; Stone Avenue and Brownsville Branches; Multi-Cultural Committee for District 23, member; Youthbuild Brownsville, member.

Patricia’s art exhibits have touched both children and senior citizens. Mt. Ararat-Presbyterian Church Community Senior Citizen Center exhibited her art during its Thanksgiving Convocation for resident leaders.

Patricia’s work, which has a multi-cultural focus—Kwanzaa, Dr. Martin Luther King’s Celebration, Hispanic Heritage and Black History Month to name a few—also exhibited at the Brownsville Heritage House. Founded by Mother Rosetta Gaston in March 1981 at the age of 96, Brownsville Heritage House was to be a beacon of hope to the Brownsville Community. Patricia’s commitment is to safeguard and enhance the work started by Mother Gaston. One of Patricia’s greatest objectives is to see Brownsville Heritage House become to Brooklyn what the Schomburg Center is to Harlem. She desires to see children take advantage of the rich heritage contained within its walls. Patricia wants more people to become aware that Brownsville Heritage House, located on the third floor of the Stone Avenue Branch Library, is the first library built for children and therefore should have landmark status.

Patricia’s art graced the Fort Greene Senior Citizen Center and other venues around the city as well as a library dedication at PS/IS 332, which was attended by the former first lady of New York City, Mrs. Joyce Dinkins along with other dignitaries.

Patricia’s strong belief in improving the quality of life in urban and rural environment led her into becoming an entrepreneur in July 1994. She saw the need for community based partnerships to provide opportunities for the elderly, the children and the homeless. By pooling resources, sharing gifts and talents, the end results will provide multiple opportunities and empowerment for this population.

To further this quest, Patricia conducts workshops, consults on arts, education, restoration and environmental community development through the use of intergenerational instruction.

Mr. Speaker, Patricia Dean’s selfless service has continuously demonstrated a level of altruistic dedication that makes her most worthy of our recognition today.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during roll call votes 74, 75, and 76, taken last week. Had I been present, I would have voted “no” on roll call 74, the motion to instruct conferees on H.R. 4297; “yes” on roll call 75, final passage of H.R. Res. 742; and “yes” on roll call 76, the motion to table H. Res. 746.

A TRIBUTE TO MARIE I. HOLNESS-FLEMMING, LCSW

HON. EDOLPHUS TOWNS
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, April 3, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Marie Isabel Holness-Flemming, Senior Associate Director of Social Work Services at North Brooklyn Health Network. I hope my colleagues will join me in recognizing her accomplishments.

Ms. Holness-Flemming is an accomplished professional, dedicated to helping people cope with illness and crisis. As a social work professional for over 20 years she has worked with and developed programs to service a wide variety of populations such as critical ill newborns, the elderly, persons with HIV/AIDS, victims of violence and substance abuse.

Ms. Holness-Flemming was born in Panama City, Republic of Panama to Boswell and Vera Holness. At the age of two, she immigrated with her family to the U.S. where they settled in the Bronx. Education, highly valued in her household, Ms. Holness-Flemming was a New York State Regent Scholarship winner. She went on to attend Union College in Schenectady, New York obtaining a Bachelor of Science degree in Biology and Psychology. After working for several years with preschool children as a day care teacher, she returned to academia and obtained a Master of Social Work degree from Hunter College School of Social Work.

Pursuing her interest in children, she worked for a child-abuse prevention agency focusing on “at risk” families in order to prevent children from entering the foster care system. Understanding that violence in the household was not only directed toward the children, she developed support groups for victims of domestic violence in an effort to empower women to protect themselves as well as their children. In 1987, she then joined the social work staff at Lincoln Medical and Mental Health Center where she served for 14 years in a variety of positions moving from direct practice to populations such as critical administrations. She worked as a Social Work Supervisor, Discharge Planning Coordinator, and Coordinator for HIV AIDS testing counseling programs, Director of Social Work and Associate Director for the Emergency Department.

Ms. Holness-Flemming was honored by the Generations+ Health Network as one of its outstanding women in March 2001. Currently, at the North Brooklyn Health Network, Ms. Holness-Flemming is responsible for
the social work staff at Woodhull Medical Center’s Chemical Dependency Program and Cumberland Diagnostic and Treatment Center’s Mental Health Program. She was instrumental in the implementation of the department’s computer-based discharge planning program and has developed an ongoing education program for staff to ensure they are informed and are providing quality care. She is involved in a number of community outreach projects to promote closer ties to the surrounding community. Ms. Holness-Flemming is a member of the hospital’s Ethics Committee and Acute Care Flow team. She is a member of the National Association of Social Workers, NASW, and the Counsel of Social Work Administrators.

Ms. Holness-Flemming is a member of St. Peter’s Episcopal Church and the Homeowner Association where she has assisted in numerous food and clothing drives. She has volunteered time to assist the elderly in nursing homes and worked with the homeless. Ms. Holness-Flemming counts her family as her primary support system. She still resides in the Bronx with her husband of eight years, Tony Flemming, and her mother. In her free time she enjoys gardening, reading, watching ballet and modern dance and going to museums.

Mr. Speaker, Marie Isabel Holness-Flemming’s selfless service has continuously demonstrated a level of altruistic dedication that makes her worthy of our recognition today.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 4, 2006 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

APRIL 5

9:30 a.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine Department of Defense’s role in combating terrorism in review of the defense authorization request for fiscal year 2007 and the future years defense program; to be followed by a closed session.

SD–221

Environment and Public Works

To hold hearings to examine the nominations of Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration, Department of Transportation, and James B. Guillford, of Missouri, to be Assistant Administrator for Toxic Substances, and William Ludwig Wehrum, Jr., of Tennessee, to be an Assistant Administrator, both of the Environmental Protection Agency.

SD–628

Foreign Relations

To hold hearings to examine the Indian separation plan and the administration’s related legislative proposal, relating to U.S.-India atomic energy cooperation.

SH–216

Indian Affairs

To hold hearings to examine the problem of methamphetamine in Indian country.

SR–485

10 a.m.

Health, Education, Labor, and Pensions

Bioterrorism and Public Health Preparedness Subcommittee

To hold hearings to examine all hazards medical response.

SD–430

Finance

To hold hearings to examine the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine S. 2459, to improve cargo security.

SD–342

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for Sergeant At Arms, U.S. Capitol Police, and Capitol Guide Service.

SD–138

2 p.m.

Appropriations

Commerce, Justice, Science and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Justice.

SD–192

2:30 p.m.

Appropriations

Energy and Water Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for Army Corps of Engineers.

SD–124

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine Islamist extremism in Europe.

SD–419

Homeland Security and Governmental Affairs


To hold hearings to examine various avenues of Federal funding for museums including authorized programs, grantmaking agencies and earmarks.

SD–342

Commerce, Science, and Transportation

Global Climate Change and Impacts Subcommittee

To hold hearings to examine the current and future role of science in the Asia Pacific Partnership.

SD–562

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the 2005 wildfire season and the Federal land management agencies’ preparations for the 2006 wildfire season.

SD–366

Intelligence

Closed business meeting to consider pending calendar business.

SH–219

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine improving contractor incentives in review of the defense authorization request for fiscal year 2007.

SR–222

APRIL 6

9:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for Environmental Protection Agency.

SD–124

Judiciary

Business meeting to consider pending calendar business.

SD–226

Appropriations

Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of the Treasury.

SD–138

10 a.m.

Commerce, Science, and Transportation

National Ocean Policy Study Subcommittee

To hold hearings to examine offshore aquaculture, focusing on current proposals to regulate offshore aquaculture operations, discuss research in this field being conducted off the coasts of New England and Hawaii, and the impacts that expanded aquaculture operations would have on fishermen, seafood processors, and consumers.

SD–562

Aging

To hold hearings to examine employment and community service for low income seniors.

SD–106

10:30 a.m.

Finance

To hold hearings to examine challenges and opportunities relating to health care coverage for small businesses.

SD–215
Appropriations
Homeland Security Subcommittee
To hold hearings to examine the United States Coast Guard’s role in border and maritime security.

1:30 p.m.
Appropriations
District of Columbia Subcommittee
To hold hearings to examine healthcare in the District of Columbia.

2 p.m.
Appropriations
Energy and Water Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the National Nuclear Security Administration.

Foreign Relations
To hold hearings to examine nominations of Mark C. Minton, of Florida, to be Ambassador to Mongolia.

Judiciary
Intellectual Property Subcommittee
To hold hearings to examine proposals for a legislative solution relating to orphan works.

Veterans’ Affairs
To hold hearings to examine the VA’s 5-year capital construction plan.

2:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the effectiveness of the Small Business Administration, focusing on SBA programs and their financial impact on the budget and economy.

Finance
Long-term Growth and Debt Reduction Subcommittee
To hold hearings to examine if America is saving enough to be competitive in the global marketplace relating to saving for the 21st century.

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1510, to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado, S. 1719 and H.R. 1492, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, S. 1897, to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 2034 and H.R. 394, bills to direct the Secretary of the Interior to conduct a study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and assess the suitability and feasibility of including the farm in the National Park System as part of the Minute Man National Historical Park, S. 2282, to designate the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, as the National Museum of Wildlife Art of the United States, and S. 2403, to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision.

Armed Services
SeaPower Subcommittee
To hold hearings to examine Navy Shipbuilding in review of the defense authorization request for fiscal year 2007.

Intelligence
To receive a closed briefing regarding certain intelligence matters.

3:30 p.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine military space programs in review of the defense authorization request for fiscal year 2007.

Finance
Agriculture, Nutrition, and Forestry
To hold hearings to examine the state of the biofuels industry.

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine fostering innovation in math and science education.

2 p.m.
Judiciary
To hold hearings to examine judicial nominations.
HIGHLIGHTS
See Résumé of Congressional Activity.

Senate

Chamber Action
Routine Proceedings, pages S2699–S2757

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 2488–2497 and S. Res. 420.

Measures Reported:
S. 2489, to implement the obligations of the United States under the Protocol Additional to the Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, signed by the United States on June 12, 1998. (S. Rept. No. 109–226)
S.J. Res. 28, approving the location of the commemorative work in the District of Columbia honoring former President Dwight D. Eisenhower. (S. Rept. No. 109–227)
S. Con. Res. 60, designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum, with an amendment and with an amended preamble. (S. Rept. No. 109–228)
Securing America's Borders Act: Senate resumed consideration of S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform, taking action on the following amendments proposed thereto:

Adopted:
By 84 yeas to 6 nays (Vote No. 84), Bingaman Modified Amendment No. 3210 (to Amendment No. 3192), to provide financial aid to local law enforcement officials along the Nation’s borders.

Pending:
Specter/Leahy Amendment No. 3192, in the nature of a substitute.
Kyl/Cornyn Amendment No. 3206 (to Amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.
Cornyn Amendment No. 3207 (to Amendment No. 3206), to establish an enactment date.
Isakson Amendment No. 3215 (to Amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.
Dorgan Amendment No. 3223 (to Amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to $20.
Mikulski/Warner Amendment No. 3217 (to Amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

Senator will continue consideration of the bill on Tuesday, April 4, 2006.

Chagares Nomination Agreement: A unanimous-consent agreement was reached providing that at 9:45 a.m. on Tuesday, April 4, 2006, Senate begin consideration of the nomination of Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit; that the time until 10
a.m. be equally divided, followed by a vote on con-
firmation of the nomination.

Executive Communications:  Pages S2729–30
Additional Cosponsors:  Pages S2730–32

Statements on Introduced Bills/Resolutions:

Additional Statements:
Amendments Submitted:
Notices of Hearings/Meetings:
Authorities for Committees to Meet:

Record Votes: Two record votes were taken today. (Total—85)

Adjournment: Senate convened at 2 p.m., and ad-
journed at 7:40 p.m., until 9:45 a.m., on Tuesday,
April 4, 2006. (For Senate’s program, see the re-
marks of the Majority Leader in today’s Record on
pages S2756–57.)

Committee Meetings
(Committees not listed did not meet)

IMMIGRATION LITIGATION REDUCTION
Committee on the Judiciary: Committee concluded a
hearing to examine immigration litigation reduction
issues, after receiving testimony from Jonathan
Cohn, Deputy Assistant Attorney General, Civil Di-
vision, Department of Justice; Chief Judge Paul R.
Michel, United States Court of Appeals for the Fed-
eral Circuit, Washington, D.C.; Chief Judge John
M. Walker, Jr., United States Court of Appeals for
the Second Circuit, New Haven, Connecticut; Cir-
cuit Judge Carlos T. Bea, United States Court of
Appeals for the Ninth Circuit, San Francisco, Cali-
ifornia; Senior Judge Jon O. Newman, United States
Court of Appeals for the Second Circuit, Hartford,
Connecticut; District Judge John M. Roll, United
States District Court for the District of Arizona,
Tucson; and David A. Martin, University of Vir-
ginia, Charlottesville.

House of Representatives

Chamber Action
Public Bills and Resolutions Introduced: 1 public
bill, was introduced.

Additional Cosponsors:

Report Filed: A report was filed on March 31, 2006
as follows:
  H. Con. Res. 376, establishing the congressional
budget for the United States Government for fiscal
year 2007 and setting forth appropriate budgetary
levels for fiscal years 2008 through 2011 (H. Rept.
109–402).

Speaker: Read a letter from the Speaker wherein he
appointed Representative Kolbe to act as Speaker pro
tempore for today.

Quorum Calls—Votes: There were no Yea-and-Nay
votes, and there were no Recorded votes. There were
no quorum calls.

Adjournment: The House met at 2 p.m. and ad-
journed at 2:01 p.m.

Committee Meetings
No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY,
APRIL 4, 2006
(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark
up H.R. 4939, making emergency supplemental appro-
priations for the fiscal year ending September 30, 2006,
2 p.m., SD–106.

Committee on Armed Services: Subcommittee on Strategic
Forces, to hold hearings to examine missile defense pro-
grams in review of the defense authorization request for
fiscal year 2007, 10 a.m., SR–232A.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine health benefits and programs in review of the defense authorization request for fiscal year 2007, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the posture of the U.S. Transportation Command in review of the defense authorization request for fiscal year 2007 and the future years defense program, 3:30 p.m., SR–353.

Committee on Housing and Transportation, to hold hearings to examine reform of FHA’s Title I Manufactured Housing Loan Programs, 3 p.m., SD–538.
Committee on Commerce, Science, and Transportation: to hold hearings to examine Transportation Security Administration, 10 a.m., SD–562.
Committee on Energy and Natural Resources: to hold hearings to examine how Congress might go about creating a program to control U.S. greenhouse gas emissions, 9:30 a.m., SD–G50.

Full Committee, to continue hearings to examine how Congress might go about creating a program to control U.S. greenhouse gas emissions, 2:30 p.m., SD–G50.
Committee on Finance: to hold hearings to examine the cost of tax preparation, 10 a.m., SD–215.
Committee on Foreign Relations: Subcommittee on International Operations and Terrorism, to receive a closed briefing regarding counterterrorism priorities, 10 a.m., S–407, Capitol.
Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House
Committee on Appropriations, Subcommittee on the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on Supreme Court, 10 a.m., 2358 Rayburn.
Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Secretary of State, Foreign Assistance Programs, 2:30 p.m., 2359 Rayburn.
Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies, on Defense Health Program, 1:30 p.m., H–143 Capitol.
Subcommittee on Science, the Departments of State, Justice, and Commerce, and Related Agencies, on Office of Science, Technology and Policy, 2 p.m., H–309 Capitol.
Committee on Armed Services, hearing on improving interagency coordination for the Global War on Terror and beyond, 4 p.m., 2118 Rayburn.
Subcommittee on Strategic Forces, hearing on future plans for the Department of Energy’s nuclear weapons complex infrastructure, 1 p.m., 2212 Rayburn.
Subcommittee on Oversight and Investigations, to continue hearings entitled “The Silicosis Story: Mass Tort Screening and the Public Health,” 4 p.m., 2322 Rayburn.
Committee on Government Reform, hearing entitled “The Impact of Visa Processing: Delays on the Arts, Education, and American Innovation,” 10 a.m., 2154 Rayburn.
Committee on Homeland Security, hearing on H.R. 4954, SAFE Port Act, 2 p.m., 311 Cannon.
Committee on the Judiciary, Subcommittee on Commercial and Administrative Law and the Subcommittee on Constitution, joint oversight hearing entitled “Personal Information Acquired by the Government From Information Resellers: Is There Need for Improvement?”, 12 p.m., 2141 Rayburn.
Committee on Rules, to consider the following measures: H.R. 513, 527 Reform Act of 2005; and H. Con. Res. 376, Establishing the congressional budget for fiscal year 2007 and setting forth appropriate budgetary levels for fiscal years 2008 through 2011, 3:30 p.m., H–313 Capitol.
Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit and Pipelines, oversight hearing on Reliability of Highway Trust Fund Revenue Estimates, 2 p.m., 2167 Rayburn.
Résumé of Congressional Activity

SECOND SESSION OF THE ONE HUNDRED NINTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

<table>
<thead>
<tr>
<th>DATA ON LEGISLATIVE ACTIVITY</th>
<th>DISPOSITION OF EXECUTIVE NOMINATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>January 3 through March 31, 2006</strong></td>
<td><strong>January 3 through March 31, 2006</strong></td>
</tr>
<tr>
<td><strong>Days in session</strong></td>
<td><strong>Civilian nominations, totaling 262 (including 148 nominations carried over from the First Session), disposed of as follows:</strong></td>
</tr>
<tr>
<td>Senate</td>
<td>House</td>
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<tr>
<td>39</td>
<td>22</td>
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<tr>
<td><strong>Time in session</strong></td>
<td><strong>Other Civilian nominations, totaling 1,346 (including 780 nominations carried over from the First Session), disposed of as follows:</strong></td>
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<tr>
<td>284 hrs., 44′</td>
<td>146 hrs., 24′</td>
</tr>
<tr>
<td><strong>Congressional Record:</strong></td>
<td><strong>Air Force nominations, totaling 3,753 (including 100 nominations carried over from the First Session), disposed of as follows:</strong></td>
</tr>
<tr>
<td>Pages of proceedings</td>
<td><strong>Army nominations, totaling 3,051 (including 608 nominations carried over from the First Session), disposed of as follows:</strong></td>
</tr>
<tr>
<td>Senate</td>
<td>House</td>
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<tr>
<td>2,698</td>
<td>1,391</td>
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<tr>
<td><strong>Measures passed, total</strong></td>
<td><strong>Navy nominations, totaling 56 (including 21 nominations carried over from the First Session), disposed of as follows:</strong></td>
</tr>
<tr>
<td>Senate bills</td>
<td>House bills</td>
</tr>
<tr>
<td>15</td>
<td>13</td>
</tr>
<tr>
<td>House bills</td>
<td>Senate joint resolutions</td>
</tr>
<tr>
<td>33</td>
<td>30</td>
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<tr>
<td>Senate joint resolutions</td>
<td>Senate concurrent resolutions</td>
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<tr>
<td></td>
<td>6</td>
</tr>
<tr>
<td>House joint resolutions</td>
<td>House concurrent resolutions</td>
</tr>
<tr>
<td>1</td>
<td>12</td>
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<tr>
<td>Senate concurrent resolutions</td>
<td>House bills</td>
</tr>
<tr>
<td></td>
<td>46</td>
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<tr>
<td>Simple resolutions</td>
<td>Senate bills</td>
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<td></td>
<td>17</td>
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<td>House bills</td>
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<td>Senate joint resolutions</td>
<td>House concurrent resolutions</td>
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<tr>
<td>Simple resolutions</td>
<td>Marine Corps nominations, totaling 1,276 (including 2 nominations carried over from the First Session), disposed of as follows:</td>
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<tr>
<td>Special reports</td>
<td>Total nominations carried over from the First Session</td>
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<tr>
<td></td>
<td>175</td>
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<tr>
<td>Conference reports</td>
<td>Total nominations received this Session</td>
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<td>Measures pending on calendar</td>
<td>Total confirmed</td>
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<td>175</td>
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<tr>
<td>Measures introduced, total</td>
<td>Total unconfirmed</td>
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<tr>
<td>Bills</td>
<td>Joint resolutions</td>
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<td>397</td>
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<tr>
<td>Bills</td>
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<td>311</td>
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<td>Bills</td>
<td>Simple resolutions</td>
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<td>5</td>
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<tr>
<td>Bills vetoed</td>
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<td>Bills vetoed</td>
<td></td>
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<tr>
<td></td>
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<tr>
<td>Quorum calls</td>
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<tr>
<td>Bills vetoed</td>
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<tr>
<td>Vetoes overridden</td>
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</table>

*These figures include all measures reported, even if there was no accompanying report. A total of 15 reports have been filed in the Senate, a total of 38 reports have been filed in the House.*
Next Meeting of the SENATE
9:45 a.m., Tuesday, April 4

Senate Chamber

Program for Tuesday: Senate will begin consideration of the nomination of Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit, with a vote on confirmation of the nomination to occur at 10 a.m.; following which, Senate will continue consideration of S. 2454, Securing America's Borders Act.
(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, April 4

House Chamber

Program for Tuesday: Consideration of suspensions (1) H.J. Res. 81—Providing for the appointment of Phillip Frost as a citizen regent of the Board of Regents of the Smithsonian Institution; (2) H.J. Res. 82—Providing for the reappointment of Alan G. Spoon as a citizen regent of the Board of Regents of the Smithsonian Institution; (3) H. Con. Res. 355—Recognizing the benefits and importance of school-based music education; (4) H. Res. 703—Recognizing the 20th anniversary of the Chernobyl nuclear disaster and supporting continued efforts to control radiation and mitigate the adverse health consequences related to the Chernobyl nuclear power plant; (5) H. Res. 744—Expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland and support for continued police reform in Northern Ireland as a critical element in the peace process; (96) H. Res. 692—Commending the people of the Republic of the Marshall Islands for the contributions and sacrifices they made to the United States nuclear testing program in the Marshall Islands, solemnly acknowledging the first detonation of a hydrogen bomb by the United States on March 1, 1954, on the Bikini Atoll in the Marshall Islands, and remembering that 60 years ago the United States began its nuclear testing program in the Marshall Islands.

Extensions of Remarks, as inserted in this issue

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